

# 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  
30th Legislative Day  
Monday, March 23, 1992

CONSENT CALENDAR

First Day

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

Prayer by Rabbi Douglas Webber, Temple Shalom Synagogue, Auburn.

National Anthem by Livermore Falls High School Band.

The Journal of Thursday, March 19, 1992, was read and approved.

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

(H.P. 1582) (L.D. 2232) Bill "An Act to Prevent Procurement of Controlled Substances through Fraud" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-1170)

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

SENATE PAPERS

Non-Concurrent Matter

JOINT ORDER relative to the Joint Standing Committee on State and Local Government considering proposing an amendment to the Constitution of Maine to eliminate barriers to democracy (H.P. 1733) which was read and passed in the House on March 18, 1992.

Came from the Senate indefinitely postponed in non-concurrence.

On motion of Representative Mahany of Easton, the House voted to Adhere.

ORDERS

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following students of Scarborough High School: Ben Demicco, Brian Lawrence, Jennifer Pandiscio, Kyle Holman, Bryan Jackson, Kelly Noonan, Tim Libby, Kris Peterson and Jim Connolly and Coaches Ellen K. Ross and Jennifer Hudson, and in extending our congratulations on being the State Champions of the 1992 Maine Academic Decathlon; (HLS 907) by Representative PENDEXTER of Scarborough. (Cosponsors: Representative PENDLETON of Scarborough, Senator SUMMERS of Cumberland)

On motion of Representative Pendexter of Scarborough, the House reconsidered its action whereby HLS (907) was passed.

Was read.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: In the past several weeks, we have with great pride congratulated exceptional students in their athletic accomplishments and rightfully so. This morning Representative Pendleton and I present to you a talented group of kids who have chosen to excel in academics. Scarborough High School has a noteworthy distinction of being academic state decathlon champions for three years in a row. In fact, they have been state champions five times in the past seven years.

Please join me in congratulating these exceptional academic athletes. We want them to know that the State of Maine wishes them luck and success as they go on to compete nationally in Boise, Idaho next month.

Subsequently, was passed and sent up for concurrence.

PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Clarify the Boundaries between the Towns of Howland and LaGrange and the Towns of Howland and Edinburg" (EMERGENCY) (H.P. 1745) (L.D. 2433) (Presented by Representative HICHBORN of Howland) (Cosponsored by Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Create the Maine Transportation Authority As the Successor Agency to the Maine Turnpike Authority" (H.P. 1739) (L.D. 2426) reporting "**Ought Not to Pass**"

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

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Concerning the Freedom of Access Laws as They Relate to Disclosure of Public Employee Personnel Records (S.P. 819) (L.D. 2018) (C. "A" S-635)

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

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Process for Collecting for Costs of Services of the Maine Labor Relations Board, the Panel of Mediators and the State Board of Arbitration and Conciliation (S.P. 930) (L.D. 2385) (C. "A" S-637)

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

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Make Electronic Monitoring and Substance Testing Programs Economically Feasible (H.P. 1451) (L.D. 2063) (C. "A" H-1126)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Allow the Separation of Certain Islands in Casco Bay from the City of Portland (H.P. 1634) (L.D. 2298) (H. "A" H-1135 to C. "A" H-1095)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the

members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Clarify the Definition of Certain Vehicles for Insurance Purposes (H.P. 1644) (L.D. 2307) (H. "A" H-1088, S. "A" S-623 and H. "B" H-1139 to C. "A" H-1070)

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

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**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

An Act to Restore Control and Stability to the Bureau of Alcoholic Beverages (H.P. 1670) (L.D. 2346) (C. "A" H-1120)

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

Representative Lawrence of Kittery requested a roll call vote on enactment.

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.

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

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**PASSED TO BE ENACTED**

An Act Regarding Retail Liquor Sales (S.P. 863) (L.D. 2207) (C. "A" S-625)

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

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**ENACTOR**

**Later Today Assigned**

An Act to Facilitate Self-insurance and Group Self-insurance under the Maine Workers' Compensation Act (S.P. 877) (L.D. 2238) (S. "A" S-638 to C. "A" S-633)

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

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

**PASSED TO BE ENACTED**

An Act Regarding County Contingent Account Limits (S.P. 884) (L.D. 2256) (H. "A" H-1133)

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

**ENACTOR**

**Later Today Assigned**

An Act to Establish a Supervised Community Confinement Program for Certain Prisoners of the Department of Corrections (S.P. 916) (L.D. 2353) (C. "A" S-632)

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

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

**PASSED TO BE ENACTED**

An Act Concerning Indian Territory under the Maine Indian Claims Settlement Laws (H.P. 1218) (L.D. 1776) (C. "A" H-1125)

An Act to Revise the Maine Horticultural Laws (H.P. 1498) (L.D. 2110) (H. "A" H-1092 and H. "B" H-1124 to C. "A" H-986)

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

**ENACTOR**

**Later Today Assigned**

An Act Related to the Planning and Delivery of Mental Health Services (S.P. 721) (L.D. 1911) (C. "A" S-626)

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed.

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

**PASSED TO BE ENACTED**

An Act to Clarify and Make Technical Changes in the Hospital Care Financing System (H.P. 1535) (L.D. 2168) (C. "A" H-1122)

An Act to Clarify Maine's Rent-to-own Laws (H.P. 1594) (L.D. 2248) (H. "A" H-1132 to C. "A" H-1033)

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

**ENACTOR**

**Later Today Assigned**

An Act Concerning the Registration of Truck Campers (H.P. 1598) (L.D. 2260) (C. "A" H-1072)

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**

**Later Today Assigned**

An Act to Broaden and Specify Conduct for Which the Certificate of a Law Enforcement Officer May Be Suspended or Revoked (H.P. 1616) (L.D. 2277) (C. "A" H-1118)

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

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

**PASSED TO BE ENACTED**

An Act to Reestablish the Mining Excise Tax Trust Fund Board of Trustees (H.P. 1714) (L.D. 2399) (C. "A" H-1128)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. Pursuant to Article V, Part I, Section 8 of the Constitution a two-thirds vote of the members present and voting, a total was taken. 101 having voted in the affirmative and none in the negative, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**ENACTOR**

**Later Today Assigned**

An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers (S.P. 169) (L.D. 403) (C. "A" S-624)

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.

The Chair laid before the House the following matter: An Act Related to the Planning and Delivery of Mental Health Services (S.P. 721) (L.D. 1911) (C. "A" S-626) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: An Act Concerning the Registration of Truck Campers (H.P. 1598) (L.D. 2260) (C. "A" H-1072) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all accompanying papers be indefinitely postponed.

I urge you to vote for the pending motion on the floor. This is a new tax on campers. My concern with this particular piece of legislation is that we have so many people that have caps within the State of Maine and it is opening the door to say, if this cap exceeds a certain height and you sleep in the back of your truck, then this too will be taxed. We have many small businesses, our carpenters, electricians, plumbers, etcetera that cap their vehicles. I don't know if they use them for any other purpose but a lot of the people in my area use them to go hunting.

I think this is just one more thing, as they go to register their cars, instead of paying \$20, they will pay \$30 every single year. This is to keep track (I am told) of the purchase of the campers so to be sure that the sales tax stays in the State of Maine.

If there is that much concern with collecting sales tax on campers, then there should be a decal that can be slapped on at the time of purchase for any place in the State of Maine.

I have been asked, if we pass this, if we intend later to tax hubcaps if they are not the original hubcap on a vehicle.

Rather than open a door to more taxation and no money to pay the existing taxes, I ask you to vote for the pending motion on the floor.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: First of all, as far as I know, we already tax hubcaps.

Secondly, this bill was brought into the Taxation Committee by the manufacturers and sellers of these types of truck campers. It aims to solve two problems, the first one is, if you purchase a vehicle in the State of Maine, an automobile or boat or most other types of over-the-road or over-the-water vehicles and you are going to remove it from the state within a certain period of time, (my memory is 60 days but I might be wrong) that vehicle is exempt from taxation, the sales tax. In other words, if you come here from New Hampshire and buy an Oldsmobile here in Augusta and go back to New Hampshire where you live, you don't have to pay a sales tax on it.

These types of campers have never had that type of treatment because they are not easy to follow in terms of the purchase and where they end up. There is no paper trail. So the industry came into the Taxation Committee and said to us, what we are doing currently is because of the fact that we don't enjoy the same status as other vehicles that leaves the state within 60 days is, if somebody from New Hampshire, Canada or Vermont or wherever comes into our business and says we want to buy this camper, we tell them we will deliver it to them across the border in New Hampshire so that you won't have to pay the sales tax. They came in and said, why can't we be treated like every other vehicle? And, in exchange for that, we would pay to register these things just like all these other vehicles are paying to register.

The other thing is that these types of campers are subject to a personal property tax at the local level. Communities came in and joined in this bill and said, we can't trace any of these things down and we can't find them to tax because they are not registered anywhere. So, what the bill does is it requires that they be registered. It doesn't make them subject to the personal property tax, they already are. It does require a ten dollar registration fee. It is a bill that was brought in by the people who manufacture and the people who sell these types of campers. They wanted it, nobody on the Taxation Committee and I would urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, I request a roll call.

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

To the Chair of Taxation, during the course of his speech, he said something about the manufacturer saying, "we" will pay the tax, who is "we?"

The SPEAKER: Representative Hale of Sanford has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I don't recall saying that but the tax is currently paid to the local municipality by the person who owns these types of campers, many of whom are escaping paying the tax that they already owe. This doesn't place another tax on them, it does require a \$10 registration fee, the same registration fee that is required of many other over-the-road

vehicles.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Bailey.  
 Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I am the prime sponsor of L.D. 2260. The good Representative from Old Town has given you a very good summary of what the bill does.

I would just like to add a couple of points here. This was a problem and the problem existed during the 114th but we took a look at it with the dealers and the problem is getting worse because the pickup camper dealers in Maine were losing business to out-of-state dealers. This was information from dealers in Presque Isle, Medway, Skowhegan, Farmington, Augusta and the southern part of the state.

The other point that I would like to make is that this bill will require a decal and it is for self-contained campers. This does not apply to caps, these are self-contained campers and I would urge you not to support the indefinite postponement of this bill.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Hale of Sanford that L.D. 2260 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 367

YEA - Boutilier, Coles, Dutremble, L.; Garland, Gean, Goodridge, Gray, Hale, Handy, Heeschen, Heino, Hussey, Jacques, Ketover, Kilkelly, Kutasi, Macomber, Martin, H.; McHenry, McKeen, Michaud, Paradis, J.; Parent, Paul, Pines, Poulin, Rotondi, Sheltra, Simpson, Skoglund, Swazey, Townsend, Tracy.

NAY - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Bell, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Constantine, Cote, Crowley, DiPietro, Donnelly, Dore, Farnum, Farren, Foss, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hichborn, Hichens, Hوجلund, Holt, Jalbert, Joseph, Kerr, Ketterer, Kontos, Larrivee, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Manning, Marsano, Marsh, Mayo, Melendy, Merrill, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Plourde, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rydell, Saint Onge, Salisbury, Savage, Simonds, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tardy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

ABSENT - Bailey, H.; Barth, Bennett, Bowers, Carleton, Clark, M.; Daggett, Duffy, Duplessis, Erwin, Farnsworth, Gurney, Hanley, Hastings, Hepburn, Lemke, Mahany, Ott, Pfeiffer, Pineau, Ruhlin, Tammaro, The Speaker.

Yes, 33; No, 95; Absent, 23; Paired, 0; Excused, 0.

33 having voted in the affirmative and 95 in the

negative with 23 absent, the motion did not prevail. Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items were taken up out of order by unanimous consent:

ORDERS

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

ORDERED, that Representative Patricia M. Stevens of Bangor be excused March 9 to 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative E. Michael Swazey of Bucksport be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sophia Douglass Pfeiffer of Brunswick be excused March 23 for health reasons.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Boatswain's Mate First Class Ronald L. Chadwick, Machinery Technician Second Class Albert M. Fernandez, Boatswain's Mate Third Class Eric F. Jones and Seaman Apprentices John E. Martin and Thomas R. Letendre who, in cooperation with three Matinicus men, saved the lives of the crew of the tug HARKNESS, which sank on the night of January 16, 1992. Their prompt response and excellent seamanship made possible a successful rescue despite sub-zero temperatures, high winds and poor visibility. They are a credit to the Coast Guard and to the people of the State of Maine; (HLS 905) by Representative SKOGLUND of St. George. (Cosponsors: Senator BRAUN of Knox, Representative MELENDY of Rockland, Representative MAYO of Thomaston)

On motion of Representative Skoglund of St. George, was removed from the Special Sentiment Calendar.

Was read.

On motion of Representative Skoglund of St. George, tabled pending passage and specially assigned for Tuesday, March 24, 1992.

Recognizing:

Vance Bunker, Paul Murray and Richard Kohls, of Matinicus Isle, Maine, who, in cooperation with the United States Coast Guard, saved the lives of the

crew of the tug HARKNESS, which sank on the night of January 16, 1992. Their concern for others, shown by their venturing into high seas, sub-zero temperatures and poor visibility, serves as an example to all Maine citizens and we commend their seamanship and courage; (HLS 906) by Representative SKOGLUND of St. George. (Cosponsors: Senator BRAUN of Knox, Representative MELENDY of Rockland, Representative MAYO of Thomaston)

On motion of Representative Skoglund of St. George, was removed from the Special Sentiment Calendar.

Was read.

On motion of Representative Skoglund of St. George, tabled pending passage and specially assigned for Tuesday, March 24, 1992.

The Chair laid before the House the following matter: An Act to Broaden and Specify Conduct for Which the Certificate of a Law Enforcement Officer May Be Suspended or Revoked (H.P. 1616) (L.D. 2277) (C. "A" H-1118) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

**ORDERS OF THE DAY**  
**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 19, 1992 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

An Act Concerning the Bureau of Intergovernmental Drug Enforcement (EMERGENCY) (H.P. 1629) (L.D. 2292) (C. "A" H-1106)  
TABLED - March 19, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

An Act to Repeal a State Mandate Requiring a National Plumbing Code (EMERGENCY) (H.P. 1681) (L.D. 2361) (C. "A" H-1105)  
TABLED - March 19, 1992 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

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

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

An Act Relating to Gambling (EMERGENCY) (H.P. 1685) (L.D. 2365) (S. "A" S-620 to C. "A" H-1056)  
TABLED - March 19, 1992 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee (EMERGENCY) (H.P. 1723) (L.D. 2412) (S. "A" S-630)  
TABLED - March 19, 1992 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

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

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

An Act to Amend the Election Laws (S.P. 820) (L.D. 2019) (H. "A" H-1104 to C. "A" S-617)  
TABLED - March 19, 1992 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

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

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

An Act Creating the Victims' Compensation Fund (H.P. 1265) (L.D. 1834) (H. "C" H-1074 to C. "A" H-965)  
TABLED - March 19, 1992 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

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



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

An Act Relating to Unredeemed Deposits (H.P. 1519) (L.D. 2131) (H. "A" H-1123 to C. "A" H-1034)  
TABLED - March 19, 1992 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

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

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

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)  
TABLED - March 19, 1992 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

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

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

An Act to Provide Accountability for Certain Purchased Services Related to Substance Abuse (H.P. 1630) (L.D. 2294) (C. "A" H-1041)  
TABLED - March 19, 1992 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

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

The Chair laid before the House the tenth 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 19, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage.

On motion of Representative Gwadosky of Fairfield, tabled Unassigned pending passage.

The Chair laid before the House the eleventh 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 19, 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.

On motion of Representative GWADOSKY of Fairfield, the following was removed from the Tabled and Unassigned matters:

Bill "An Act to Provide Necessary Funding for the Maine Emergency Management Agency" (EMERGENCY) (H.P. 1657) (L.D. 2334)

TABLED - February 13, 1992 by Representative GWADOSKY of Fairfield.  
PENDING - Reference.

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

Representative GWADOSKY: Mr. Speaker, I move that L.D. 2334 be indefinitely postponed.

This was a bill that was submitted by Representative Larrivee dealing with some emergency funds that were needed by MEMA. That funding has been provided in the supplemental budget that has been passed and signed by the Governor so this bill is no longer needed. I discussed this issue with Representative Larrivee and we urge you support to indefinite postponement of this measure at this time.

Subsequently L.D. 2334 was indefinitely postponed and sent up for concurrence.

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

**PASSED TO BE ENACTED**

An Act Regarding the Purchase of Spirits at Agency Liquor Stores (S.P. 890) (L.D. 2283) (H. "A" H-1146 to C. "A" S-636)

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

**PASSED TO BE ENACTED**

An Act Relating to Legislative Confirmation Hearings (S.P. 894) (L.D. 2299) (H. "B" H-1148)

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

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

Representative MARSANO: Mr. Speaker, I request a ruling with respect to Item 10-2. Do the provisions of Article V, Part 1, Section 8 apply to

this bill and therefore require a two-thirds vote?

The SPEAKER: Representative Marsano of Belfast has posed a question to the Chair as to whether or not L.D. 2299 requires confirmation of this body by two-thirds.

The Chair, pursuant to Article V, Part 1, Section 8, the Chair would rule in the negative for the following reasons: "The procedure for confirmation" — I am quoting from the Constitution — "shall be as follows: an appropriate legislative committee composed of members of both Houses of reasonable proportion to their membership as provided by law shall recommend confirmation or denial by majority vote of committee members present and voting. The committee recommendations review by the Senate and upon review shall become final action of confirmation or denial unless the Senate by vote of two-thirds of those members present and voting overrides the committee recommendation. The Senate vote shall be by the yeas and nays.

All statutes relating to carry out the purposes of the second paragraph of this section" which is the paragraph I was just quoting, "shall require the affirmative vote of two-thirds of the members of each House present and voting."

Since the second paragraph deals specifically with the process and this deals only with time, the Chair would have to rule that this provision does not apply.

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

**PASSED TO BE ENACTED**

An Act to Grant Immunity for Directors of Rural Electrification Cooperatives (S.P. 915) (L.D. 2352) (C. "A" S-641)

An Act Concerning the Renewal of Agency Liquor Store Licenses (H.P. 1443) (L.D. 2055) (C. "A" H-1121)

An Act to Make Revisions in Marine Resource Laws (H.P. 1464) (L.D. 2076) (H. "A" H-1158 to C. "A" H-1079)

An Act to Establish a Boundary between the Town of Skowhegan and the Town of Madison (H.P. 1612) (L.D. 2273) (H. "A" H-1160)

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

**ENACTOR**

**Later Today Assigned**

An Act to Require Group Insurance Companies to Notify Covered Employees of Nonpayment of Premiums by Employers (H.P. 1617) (L.D. 2278) (C. "A" H-1155)

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

On motion of Representative Mitchell of

Vassalboro, tabled pending passage to be enacted and later today assigned.

**PASSED TO BE ENACTED**

An Act to Eliminate Mandatory Minimum Sentences (H.P. 1698) (L.D. 2378) (C. "A" H-1144)

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Since I was out of the room when this came up for engrossment and there were some questions about what this did, I thought it would be well to put it on the Record since this is my bill.

The purpose behind this bill was to take away a great number of mandatory minimum sentences. In my view, mandatory minimum sentences don't work and in fact the U.S. Sentencing Commission says that as well, that it takes away the discretion of the courts and replaces it with discretion of the district attorney in charging. Since 1983 to 1990, we had a level crime rate. We had a 48 percent increase in the incarceration rate. It would seem to me that the statistics belie any suggestion that we need mandatory minimum sentences in order to hold down crime. In fact, we have increased greatly the number of sentences, the length of sentences and the crime rate has in fact been level, so I don't believe we need mandatory minimum sentences.

However, it was the view of the Judiciary Committee that the critical areas of mandatory minimum sentences would be best left to a sentencing symposium which is planned for the Fall involving the Judiciary as well as the prosecutors and corrections officials and people interested in all those areas. Thus, the heart of the bill dealing with mandatory minimum sentences for use of firearms, drug paraphernalia and the like were removed from the bill. All this bill does as it is passed is take out mandatory minimum sentences in a series of crimes that are really archaic and the mandatory minimum sentences do not make any sense whatsoever to anybody regardless of their point of view about whether or not there should be mandatory minimum sentences in other critical areas.

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

**PASSED TO BE ENACTED**

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1993 (H.P. 1730) (L.D. 2421) (C. "A" H-1152)

An Act to Distribute General Purpose Aid for Local Schools for Fiscal Year 1992-93 (H.P. 1740) (L.D. 2427)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be

enacted, signed by the Speaker and sent to the Senate.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend Various Provisions of the Laws Governing Solid Waste Disposal Facilities (S.P. 897) (L.D. 2311) (C. "A" S-642)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Regarding Concealed Weapons Permit Fees (H.P. 1601) (L.D. 2263) (H. "A" H-1147 to C. "A" H-1138)

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

Representative Tracy of Rome requested a roll call vote on enactment.

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

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

Before we enact this piece of legislation, I wish somebody from the Committee, the chairman or one of the committee members, would explain to us exactly what this bill does.

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: If I can remember exactly what the bill does, it takes the fee increase that was enacted in last session's budget which increased the initial fee for a license from \$20 to \$60 and for renewal I believe it was from \$10 to \$45 or to \$30. It decreases that — the first time license would be \$30 and the renewal fee would be \$15.

This was discussed with the Sportsman's Alliance of Maine, several other interest groups, everybody reached an agreement on that so it is designed to decrease the fee. It is no loss of revenue to the municipalities.

It also does a couple of other things regarding licenses. It says that if your license runs out and you don't reapply for six months, then after six months you have to pay the new fee but for that six months, you can still renew and get the renewal fee.

It also says that if you apply before your license runs out and the municipality doesn't make a decision on your license until after your license runs out, your license is automatically extended until you get a decision back from the municipality. I believe those are all the amendments in the bill.

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

A vote of the House was taken and less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Extend the Appraisal License Effective Date (H.P. 1734) (L.D. 2422) (S. "A" S-645)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1992 (H.P. 1742) (L.D. 2431)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Require Economic Impact Criteria on State Procurement Procedure" (H.P. 1650) (L.D. 2313) reporting "Ought

**Not to Pass"**

Representative JOSEPH from the Committee on State and Local Government on Resolve, to Reorganize Health, Social and Developmental Services (EMERGENCY) (H.P. 1662) (L.D. 2339) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Concerning Economic Impact Analysis in Agency Rulemaking" (H.P. 1674) (L.D. 2350) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Create an Independent Office of Advocacy for the Purpose of Administrative Efficiency" (H.P. 1709) (L.D. 2390) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 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. 1648) (L.D. 2310) Bill "An Act to Abolish the Second Injury Fund and the Employment Rehabilitation Fund" (EMERGENCY) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1171)

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

(H.P. 1684) (L.D. 2364) Bill "An Act to Clarify the Funding of State Mandates" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1172)

On motion of Representative Martin of Eagle Lake, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-1172) was read and adopted and the bill assigned for second reading later in today's session.

The Chair laid before the House the following matter: An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers (S.P. 169) (L.D. 403) (C. "A" S-624) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative PENDLETON: Mr. Speaker, Men and Women of the House: Before we take action on this measure, I just want to remind you of one thing, we have been told a lot of different things. We have been told that probably the Attorney General will rule that we can keep an in-state mail order business for drugs. I am telling you, I don't know why Maine would be any different than any other state that has had it ruled unconstitutional. I just hope that you remember that this money that would be going to our own pharmacists in this state would be going out of state.

I ask for a roll call.

On motion of Representative Manning of Portland retabled pending passage to be enacted and later today assigned. (Roll Call requested)

The Chair laid before the House the following matter: An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee (EMERGENCY) (H.P. 1723) (L.D. 2412) (S. "A" S-630) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative Macomber of South Portland was granted unanimous consent to address the House:

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak very briefly on the unanimous "Ought Not to Pass" Report from the Committee on Transportation, which is Bill "An Act to Create the Maine Transportation Authority As the Successor Agency to the Maine Turnpike Authority" (H.P. 1739) (L.D. 2426). As a rule, you don't speak on unanimous "Ought Not to Pass" reports but I thought perhaps we should explain this.

One day we got a bill that was 33 pages long, highly technical language that we had to have out for the next day. The subject was the merger of the DOT and the Turnpike Authority. The Committee as a whole felt that it was much too important a bill to deal with it in a 24 hour period and do a good job at it.

The bill does not require any legislation to be passed in this particular session. What we have done, the DOT, the Turnpike Authority, the Natural Resources Council and the Administration have agreed to work on the bill during the summer and bring back a bill that I think will meet the requirements. The committee felt it was much too important a bill to try to go through 33 pages of testimony and that was the decision we made. The unanimous "Ought Not to Pass" is nothing against the bill, it may be a very good bill but it just needs more work.

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Concerning the Bureau of Intergovernmental Drug Enforcement (EMERGENCY) (H.P. 1629) (L.D. 2292) (C. "A" H-1106) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 2292 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1106) was adopted.

The same Representative offered House Amendment "A" (H-1186) to Committee Amendment "A" (H-1106) and moved its adoption.

House Amendment "A" (H-1186) to Committee Amendment "A" (H-1106) was read by the Clerk and adopted.

Committee Amendment "A" (H-1106) as amended by House Amendment "A" (H-1186) thereto was adopted.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I hope you will look at this bill again, look at the amendments and give some reconsideration perhaps to the vote, depending on how you voted.

I still feel that the purpose for which this has been amended several times does not really address the issues of this organization and I hope you realize that the real issue here is legislative confirmation. It is my feeling that the approval is unnecessary. Who better knows what qualifications should be for the director of this operation than those people who are involved in law enforcement and have worked with the drug scene and to the programs which are to help out those who are afflicted with drug problems?

I hope you will change your mind in those respects and vote against this proposal.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today just to fill you in that House Amendment "A" doesn't deal with confirmation at all. It does put in the hands of the Governor the appointment of the members on the board and those members will be nominated by the police

agencies that they represent. Those recommendations will be given to the Governor who will make those appointments to the board. That is all that this does. It also cleans up a little bit of language on how the Attorney General's Office deals with the prosecutorial portions of it.

The legislative confirmation was debated last week very fairly and I think had an overwhelming vote in this House. I would urge all of the members that voted for this bill last week to support this amendment. It is a good bill, this is a good amendment, it is what we need to clean up the drug enforcement agency.

Representative Lipman of Augusta requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed as amended by Committee Amendment "A" H-(1106) as amended by House Amendment "A" (H-1186) thereto in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 368

YEA - Adams, Anderson, Bailey, H.; Bailey, R.; Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hogle, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Libby, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendleton, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Wentworth, The Speaker.

NAY - Aikman, Ault, Barth, Bennett, Butland, Carleton, Donnelly, Farren, Foss, Garland, Hanley, Hepburn, Hichens, Lebowitz, Lipman, Look, Nash, Norton, Ott, Pendexter, Pines, Reed, G.; Richards, Savage, Small, Waterman, Whitcomb.

ABSENT - Aliberti, Anthony, Bowers, Duplessis, Gean, Gurney, Hastings, Holt, Parent, Pfeiffer.

Yes, 114; No, 27; Absent, 10; Paired, 0; Excused, 0.

114 having voted in the affirmative and 27 in the negative with 10 absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1106) as amended by House Amendment "A" (H-1186) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Repeal a State Mandate Requiring a National Plumbing Code (EMERGENCY) (H.P. 1681) (L.D. 2361) (C. "A" H-1105) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Sheltra of Biddeford, under suspension of the rules, the House reconsidered its action whereby L.D. 2361 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-1188) and moved its adoption.

House Amendment "A" (H-1188) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1105) and House Amendment "A" (H-1188) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Relating to Unredeemed Deposits (H.P. 1519) (L.D. 2131) (H. "A" H-1123 to C. "A" H-1034) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Sheltra of Biddeford, under suspension of the rules, the House reconsidered its action whereby L.D. 2131 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1034) as amended by House Amendment "A" (H-1123) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-1123) to Committee Amendment "A" (H-1034) was adopted.

On further motion of the same Representative, House Amendment "A" (H-1123) was indefinitely postponed.

The same Representative offered House Amendment "C" (H-1197) to Committee Amendment "A" (H-1034) and moved its adoption.

House Amendment "C" (H-1197) to Committee Amendment "A" (H-1034) was read by the Clerk.

On motion of Representative Mayo of Thomaston, tabled pending adoption of House Amendment "C" (H-1197) to Committee Amendment "A" (H-1034) and later today assigned.

The Chair laid before the House the following matter: An Act to Amend the Election Laws (S.P. 820) (L.D. 2019) (H. "A" H-1104 to C. "A" S-617) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Lawrence of Kittery, under suspension of the rules, the House reconsidered its action whereby L.D. 2019 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered

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

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-1104) to Committee Amendment "A" (S-617) was adopted.

On motion of the same Representative, House Amendment "A" (H-1104) was indefinitely postponed.

The same Representative offered House Amendment "C" (H-1187) to Committee Amendment "A" (S-617) and moved its adoption.

House Amendment "C" (H-1187) to Committee Amendment "A" (S-617) was read by the Clerk and adopted.

Committee Amendment "A" (S-617) as amended by House Amendment "C" (H-1187) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-617) as amended by House Amendment "C" (H-1187) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Require Group Insurance Companies to Notify Covered Employees of Nonpayment of Premiums by Employers (H.P. 1617) (L.D. 2278) (C. "A" H-1155) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby L.D. 2278 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1155) was adopted.

The same Representative offered House Amendment "A" (H-1185) to Committee Amendment "A" (H-1155) and moved its adoption.

House Amendment "A" (H-1185) to Committee Amendment "A" (H-1155) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: A brief explanation. We inadvertently failed to add the allocation section of insurance funds, \$1,400 allocation of funds, for a rule adoption by the Bureau of Insurance.

Subsequently, House Amendment "A" (H-1185) to Committee Amendment "A" (H-1155) was adopted.

Committee Amendment "A" (H-1155) as amended by House Amendment "A" (H-1185) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1155) as amended by House Amendment "A" (H-1185) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Emergency Measure, An Act to Restore Control and Stability to the Bureau of Alcoholic Beverages (H.P. 1670) (L.D. 2346) (C. "A" H-1120) which was tabled earlier in the day and later today assigned pending passage to be enacted. (Roll Call ordered)

The SPEAKER: A roll call has been ordered. The

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

ROLL CALL NO. 369

YEA - Adams, Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heeschen, Hepburn, Hichborn, Hichens, Hoglund, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Bennett, Carleton, Cathcart, Coles, Donnelly, Duplessis, Foss, Garland, Greenlaw, Hanley, Heino, Lebowitz, Marsano, Morrison, Pendexter, Pendleton, Reed, G.; Small, Whitcomb.

ABSENT - Aliberti, Bowers, Gurney, Hastings, Holt, Jalbert, Parent, Pfeiffer.  
Yes, 124; No, 19; Absent, 8; Paired, 0; Excused, 0.

124 having voted in the affirmative and 19 in the negative with 8 absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

**Later Today Assigned**

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1192)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-1192) was read by the Clerk.

On motion of Representative Chonko of Topsham, tabled pending adoption of Committee Amendment "A" (H-1192) and later today assigned.

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

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

Bill "An Act to Eliminate the Position and Office of the Chancellor of the University of Maine System" (H.P. 1747) (L.D. 2435) (Presented by Representative LEBOWITZ of Bangor) (Cosponsored by Representative BAILEY of Township 27) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

On motion of Representative Handy of Lewiston, L.D. 2435 was indefinitely postponed.

Sent up for concurrence.

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Clarify the Funding of State Mandates" (EMERGENCY) (H.P. 1684) (L.D. 2364) (C. "A" H-1172)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

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

**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1174) on Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State" (H.P. 1669) (L.D. 2345)

Signed:

Senators: BERUBE of Androscoggin  
BUSTIN of Kennebec

Representatives: KERR of Old Orchard Beach  
NASH of Camden  
LARRIVEE of Gorham  
WATERMAN of Buxton

SAVAGE of Union  
 KILKELLY of Wiscasset  
 JOSEPH of Waterville  
 GRAY of Sedgwick  
 HEESCHEN of Wilton

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

Signed:

Senator: EMERSON of Penobscot

Representative: LOOK of Jonesboro

Reports were read.

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

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to this piece of legislation and the Committee Amendment "A" that has come forth from the committee. This piece of legislation needs exceptional scrutiny. It sets standards and procedures for contracting services to the state.

We have been talking about cost of government and you have heard much about the issue of privatization and if this set of standards go forth, there is little chance of any contracts ever measuring up to these standards. Therefore, you may never, ever get a privatization process in the State of Maine. It would require costly notification of intent to contract, it would require close scrutiny of all contracts for personal services (as many as perhaps 2,000 a year) and it would severely limit the Administration's ability to manage by virtually removing the option of contracting for services. It could cost the state a great deal of money in hearing appeals that may be frivolous since "any person" can request a review under the Maine Administrative Procedure Act and appeals require that three people take at least a full day for preparation hearing and final determination.

I ask you to examine this and give it very, very careful consideration. I would hope that you would vote against this and I would ask for a roll call.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that Representative Look has called attention to this bill because I think it is worthy of your serious consideration.

There is nothing more important than the appropriate management of the contracting out of any state service. At this time, services can be contracted out without any particular standard or procedure in place.

What this bill does is to set some standards, some criteria, so that when any service would be contracted out, before that would happen, we would have a chance to look and see what it is that would be contracted out, what the cost would be, what the services would be and there would be an opportunity to scrutinize it both before and after.

I would like to call attention to some comments

from the restructuring committee. The Restructuring Commission recommends building state government from strategic plans that establish expected outcomes and measurable performance objectives setting existing and new program priorities. Without some appropriate and reasonable standards for state services, we can't really be expected to set those priorities.

Representative Look made reference to the appeals process — I would just call your attention to the fact that this bill does not address the current appeals process. There is an appeals process in place and that, of course, would not be affected by this bill.

I hope you will support the Majority "Ought to Pass" Report.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: State governments across this nation are beginning to talk more and more privatization. The State of Massachusetts is talking about privatization. Our law is silent about any criteria or any standards when the state in fact goes out to contract to privatize services that are currently being delivered by state employees.

I urge you to vote for the Majority "Ought to Pass" Report because of our current law, because of the fact that it is silent and because there are no standards to the state.

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

ROLL CALL NO. 370

YEA - Adams, Anthony, Ault, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pineau, Plourde, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.;



Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Aliberti, Bowers, Gurney, Hastings, Holt, Nadeau, Paradis, P.; Parent, Pfeiffer, Poulin, Saint Onge, The Speaker.

Yes, 92; No, 47; Absent, 12; Paired, 0; Excused, 0.

92 having voted in the affirmative and 47 in the negative with 12 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-1174) 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-1174) and sent up for concurrence.

Representative Marsano of Belfast moved that the House reconsider its action whereby Bill "An Act to Eliminate the Position and Office of the Chancellor of the University of Maine System" (H.P. 1747) (L.D. 2435) be indefinitely postponed.

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

Representative LEBOWITZ: Mr. Speaker, Men and Women of the House: In presenting this bill, I am attempting to cut education without cutting education because I feel that we should not cut student aid but this office does not present any student education. It would appear that the 10 member Chancellor's Office with two major branches, Academic Affairs and Administration, each headed by a Vice Chancellor and Associate Vice Chancellor for student policy coordination and personnel searches, a University Council and two Assistants covering governmental relations and public affairs, plus three classified employees is heavily weighted. At the moment, I am not speaking about the Systems Office in detail but 109 employees with an ever-growing budget is a continually burdening drain on the taxpayers.

In 1986, the actual expenditures for the Chancellor System was \$122,460,000,503. Now in federal 1991, it amounts to \$211,832,000,838, which is closing in on double the costs in a span of six years, even though it may show a slight decrease percentage-wise.

For years we have been posturing on educational issues and advancing and advocating additional funding. Educators have continually been swelling the ranks of administrators and avoiding the achieved lack of results in students. Any criticism of uneducated work force is a predictable plea for more money for administration. Therefore, the bill I present is to retrench that position in an attempt to fill the void of educators with hands-on experience and working with students. Somehow, we need to focus on keeping up for the world of people, better informed and better prepared to grapple with everyday living than those of us in the United States. Back to the basics, which has been an intolerable credo for educational administrators or thought to be avoided at all costs. Let's get the priorities straight at this time of financial crisis for our state. When we stretch administrators over students, we lose, we lose big and we know it, but we don't have the fortitude to say it out loud. Let's get our feet placed in the cement of conscience and out of

the sand of spinelessness.

The Office of the Chancellor is a creation of the legislature and, therefore, can be restructured by the legislature. Since we have so far been unable to show as much progress as the Maine taxpayers expect and are asking for, this is an attempt to squeeze educational funds without hurting students. There is not one dollars spent that benefits education of students, which are the end product of the University System.

Mr. Speaker, I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill reminds me of trying to operate a bus without a driver or like doing away with the Governor and the Administration in the State of Maine for more efficiency.

I think the Chancellor's Office, especially under the present Chancellor, has done an excellent job of bringing autonomy to the various campuses and letting the Presidents operate each individual campus, something which we don't do in the public schools where we operate from the top, down. I think we are very fortunate in having the system that we have and I think it is the reason why we now have over 30,000 students attending the University of Maine. I also think it is the reason why we have one of the best engineering colleges in the country. I think it is one of the reasons we are spreading our engineering to the University of Southern Maine. This system won't work without an engineer at the top without a driver or without a Governor.

I hope you will reject this and not indefinitely postpone.

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 Belfast, Representative Marsano, that the House reconsider its action whereby L.D. 2435 and all its accompanying papers were indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 371

YEA - Adams, Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Butland, Carleton, Carróll, J.; Chonko, Duplessis, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Hanley, Heino, Hepburn, Hichens, Kerr, Kilkelly, Kutasi, Lebowitz, Lemke, Libby, Look, Lord, Luther, MacBride, Marsano, Marsh, Martin, H.; McHenry, Merrill, Murphy, Nash, Nutting, Ott, Pendexter, Pendleton, Pineau, Pines, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Townsend, Tracy, Treat, Tupper, Vigue, Whitcomb.

NAY - Boutillier, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Constantine,

Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Gean, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heesch, Hichborn, Hoglund, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kontos, Larrivee, Lawrence, Lipman, Macomber, Mahany, Manning, Mayo, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Plourde, Poulin, Pouliot, Powers, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Waterman, Wentworth.

ABSENT - Aliberti, Bowers, Cashman, Gurney, Hastings, Holt, Nadeau, Paradis, P.; Parent, Pfeiffer, Simpson, The Speaker.

Yes, 69; No, 70; Absent, 12; Paired, 0; Excused, 0.

69 having voted in the affirmative and 70 in the negative with 12 being absent, the motion to reconsider indefinite postponement did not prevail.

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

**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative LORD from the Committee on Energy and Natural Resources on Bill "An Act to Ensure the Safe Collection and Management of Certain Household Hazardous Wastes" (H.P. 1632) (L.D. 2296) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1176)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-1176) 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-1176) and sent up for concurrence.

**Ought to Pass as Amended**

Representative LORD from the Committee on Energy and Natural Resources on Bill "An Act Concerning Site Protection at Former Mining Operations" (H.P. 1715) (L.D. 2400) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1177)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-1177) 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-1177) 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. 1701) (L.D. 2381) Bill "An Act to Establish the Nontraditional Occupation Act for Women" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1178)

(H.P. 1543) (L.D. 2176) Bill "An Act Concerning the Early Establishment of Counseling for Children in Foster Care" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1179)

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

(H.P. 1664) (L.D. 2341) Bill "An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1180)

On motion of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-1180) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 24, 1992.

(H.P. 1716) (L.D. 2401) Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1184)

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

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

**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative HEESCHEN from the Committee on State and Local Government on Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (EMERGENCY) (H.P. 1503) (L.D. 2116) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1194)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-1194) 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-1194) and sent up for concurrence.

**Ought to Pass as Amended**

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Make Supplemental Allocations of Funds from the Highway Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 1677) (L.D. 2354) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1195)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-1195) was read by the Clerk and adopted.

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

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: This bill before you is a unanimous report out of the Transportation Committee and I realize it is difficult to oppose a unanimous report out of that committee and it is also difficult to oppose such an appealing and popular program as bridge construction. I would like to bring your attention to Section F which begins on Page 7 of the bill and share with you some major concerns with the borrowing proposal that is included in this Transportation Budget.

Over the next five and a half years the Department of Transportation is planning to receive a \$187 million from the federal government to construct four major bridge projects in installments over those years. To move those projects along, this bill proposes to establish a line of credit of \$40 million with the Maine Municipal Bond Bank and to begin spending that \$40 million now; in essence, putting \$40 million on Maine's credit card.

The Constitution clearly states that the state cannot borrow above \$2 million without voter approval but the AG, I understand, has ruled that this type of borrowing in this bill is acceptable because it is not against state tax revenues that is against anticipated future federal revenues. But, I would like you to take a moment and think of the potential of this kind of borrowing, first, the Department of Labor, which we know is running low in its Unemployment Fund, could ask for a line of credit for \$225 million at some point without voter approval to replenish that fund with the expectation that eventually Maine employers will pay the fund back.

The University could ask for a line of credit to borrow \$11 million against future tuition revenues or private fund raising efforts to offset its cuts this year. Or, the Department of Human Services could ask to borrow tens of millions of dollars, again, without voter approval against anticipated federal Medicaid dollars. Without much effort you can see that we could have \$200 or \$300 million on Maine's credit card.

This is Congressional mentality. Members of Congress do not have to balance their budget at the end of each year and they can also print money when they over extend their credit. What if Congress in the future fails to deliver on a promise of funding these bridge demonstration projects? Would the State

of Maine be obliged to pay the contractor who has already built half of the Carleton Bridge or half the Million Dollar Bridge? Of course, the state would pay that contractor. It is easy, as written in this bill, to write the words that the full faith and credit of the state are not pledged behind this line of credit but in truth that is probably not realistic and we all know that the citizens of this state would end up paying that bill.

This proposal before you turns the state's fiscal policy from a "pay as you go" to "buy now, pay later" mentality, just the sort of thinking that has created a deficit spending problems in Washington and we are doing it without asking Maine voters for their permission. This proposal may be technically legal according to the Attorney General but it certainly seems to violate the spirit of the Maine Constitution that requires voter approval of major borrowing initiatives and the potential for copycat borrowing is enormous. This bill creates a precedent which this state cannot afford, a credit card mentality that will change the fiscal landscape forever.

This is much more than "oh, shucks" what is a few dollars among friends? This is a line of credit of \$40 million, a very serious departure from our normal fiscal practices. I can't tell my constituents that I voted to take out a platinum credit card for \$40 million with their names on it and without their approval through the borrowing referendum. In my opinion, the DOT is blazing a new trail here toward fiscal disaster and I am sure other agencies may be quick to follow. It is a very dangerous precedent and we all should remember how upset the public was when we issued certificates of participation, better known as COP's for the motor vehicle building and for McKown Point without voter approval, they were irate. I believe they will be even more upset when we issue a line of credit for \$40 million without their approval.

I request a roll call.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the opinion of the good lady from Yarmouth, my opinion is altogether different, I think it is a very innovative way to create jobs in this state.

To take you back a little bit, I will take you back to when Congress passed this particular bill in Washington. It was endorsed by the President of the United States, it was endorsed by all members of Congress with the exception of a very, very small number who didn't have any demonstration projects to start with.

I think the only item in this budget that will be discussed is this particular item, Item F. I think if you stop and look at the intent of what Congress did, what they were trying to do was jump-start the economy on the federal level. What we are trying to do is jump-start the economy on the state level. We have four demonstration projects, the Million Dollar Bridge, the Carter Bridge, the Carleton Bridge and the Topsham/Brunswick bypass. These are demonstration projects that have been set aside in Washington. It just doesn't say there's a \$187 million over the next six years for the State of Maine, it itemizes these four items in writing, in Washington. It can't be used for any other purpose whatsoever.

In the first year, we would get \$15 million and the next five years, we would get \$34 million a year. What we are saying to you is in order to jump-start this economy, to get something going in the State of Maine, we would like to be able to borrow against the money that we have in Washington that has been designated to us. What we would like to do is borrow \$40 million to start with, establish a line of credit with the Maine Bond Bank. I see nothing wrong with that.

The good lady from Yarmouth continually has beat on the impression that we are opening a door. We are not opening any door because, before anybody else could use it, education, the University, Human Services, it has to go through the procedure. Before this can become a law, just exactly the way we did it in Transportation, it has to go to the Committee of Jurisdiction, whatever that may be. That committee has to approve it, then it has to come to this Legislature, you have to approve it. Then it goes to the Governor and he has to approve it. As far as I am concerned, that doesn't open the door to anybody, it just makes a process that we can all live by. I think it is so important to get these projects started. We have the four projects that I told you about, if this particular section of the bill is eliminated, those four projects stop. There is no if's, and's or but's, those projects are dead in the water. I don't know how many jobs that is, I know there are a lot of jobs on those four major projects.

\$187 million we have on line in Washington and what we are asking you to do is to let us draw down on that \$187 million and proceed with these particular projects. I think that just about covers it.

I know the committee worked on this long and hard. It is a bipartisan committee and I think the fact that we worked so hard and we came up with this and we agreed that it was the way to go. We checked with the Attorney General, the State Treasurer, the Maine Bond Bank, all of those say it is legitimate, they all think it will work. I hope you will not go along with opinion of the lady from Yarmouth. I hope you go with the bill.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I want to just add a few comments and try to do it without any rhetoric. We don't need any rhetoric this last week of the legislature. I heard words like "credit card mentality", "platinum plated credit card" and things like that. We are not talking about the General Fund in the State of Maine, we are talking about the Federal Highway Trust Fund and the state gas tax revenues, which are dedicated revenues, dedicated specifically for uses on our roads, bridges and highways around this state. To suggest that we are mortgaging people's future, I really think that goes beyond what the Committee on Transportation has done. I really hope that we can get away from demagoguery the last week of the session, it is unfortunate.

I think that the Committee on Transportation and the Transportation Department of this state have worked hard to bring us a program that they think is appropriate and meshes perfectly with what was done in Washington with those dollars that, as I said, are dedicated to those purposes. The people of this country like that type of dedication, people of this

state like that type of dedication, they like to see the gas tax money go into improving the roads and bridges of this state. That is what this report does and I would urge you to adopt what is the unanimous committee report from the Committee on Transportation.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: This debate is not about the value of the projects or the bridges or the federal dollars or what Washington does, this is about the Maine voters approving the borrowing proposal. We are borrowing \$40 million without their approval. There could be a line on the referendum that says, "Do you approve a line of credit to the Department of Transportation for \$40 million to accelerate these projects?" My objection to this bill is that we are doing this without the approval of the voters and we are extending this into the future.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I hope tonight you have listened to the Chairman of the Transportation Committee and what he has told you. You know, with 13 members on that committee and a bipartisan approach, when we come out with a bill like this unanimously, we must have spent some time looking at the program that was presented to us. I think the man or the person, whoever, that drafted this amendment put in some time to really think this out of what it could do to get us started on these four projects.

What I see here is not a real great risk. When we put this bill together to borrow \$40 million to get these projects on line, what we are looking at between now and October of 1993, the best that I could get out of it is that we will be receiving back \$49 million. But, we won't get that unless we get these projects started. In order to get the eight percent this first year, we have got to get these projects started in order to get the 18 percent the second year. If we don't do this, we are going to put off a year. I don't think there is a better time than right now to start these projects with the economy the way it is and the chance to create some jobs and also the opportunity to be able to see bidders out there that want to put in prices that are probably better today than they were two or three years ago. If the economy should turn around, which I hope it will, a year or year and half from now, we are going to be faced with higher prices on doing these projects. That is why I supported it and I think this bill is probably one of the best crafted bills we have had this session and some people just can't accept it.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: Every committee in this House has unique focus and mission and expertise. I have great respect for that process and all the committees, not the least for sure, the distinguished Chairman of the Transportation Committee and the members. The Transportation Committee has, in my opinion, effectively and efficiently thought out and implemented transportation policy for the State of Maine for a number of years. My opposition to this measure is in no way intended to convey any disapproval of that nor to impugn the integrity or intentions of that committee.

As a member of the Appropriations Committee, however, I think that it is my responsibility to do the very best job that I can to assess and implement and comment on the state's fiscal policy. It is from that perspective that I would like to speak. It seems to me that frequently as we discuss among ourselves pending legislation or legislation that has been enacted we say, "What was the legislative intent?" "What did the Legislature intend?" When the Attorney General reviews a bill, they frequently say, "What was the legislative intent?"

I think we ought to look at our constitution in a number of areas, Article IX, Section 14 has been mentioned, Article IX, Section 15 speaks to the regulation of borrowing of municipal corporations, Article V, Section 5 in the Treasurer's duties speaks of borrowing — what was the legislative of those first legislators who prepared that document? It seems to me that the intent was that they were saying about borrowing, be careful, go slow with this and don't do it unless you ask the permission of those debtors whom you seek to burden, the people of the State of Maine. So, that is the objection that I have. I think the intent is clear in many areas of the constitution about borrowing, be careful, go slow, and ask the people that are going to pay the bill.

A few weeks ago, we heard a lot in the press about the Michelangelo virus and it had to do with computer software. I am afraid that what we have here is another virus, a sort of insidious little fellow that will sneak in and won't seem to do much harm right away, but sometime in the future, we will be very sorry that we didn't cleanse it.

I think we ought to be very careful. I hope you will think about it really carefully and when you get ready to vote, visualize if you will, one of those little yellow signs that says "caution, new fiscal policy under construction, proceed at your own risk."

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote for the pending motion on the floor. Do not be concerned about the sneaky little virus because your antidote, the Transportation Committee, is going to be right there to stop it. This is an anticipation loan, it is no different than any municipality borrowing money "in anticipation of." There is no municipality that can be assured that the money is coming in but the greatest assurance is this Transportation bill out of Washington. These are projects that are scheduled to go. The money can be used for nothing else. We were very concerned about borrowing this money, to have a loan in anticipation of this money coming in, but we knew that in order to have these projects ready to go and to qualify for all of the funding that we must act. We did not do it lightly. We knew we had public hearings, people were there, they were given ample opportunity to voice any objections. This is not the first time that innovative ways of financing have been used in this state. This is the most secure innovative way that the Transportation has ever applied for a loan.

I urge you to support it, not just for the area where the work is going to be done, but for the whole state.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the

members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL NO. 372

YEA - Adams, Anderson, Anthony, Bailey, H.; Bailey, R.; Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hichens, Hognlund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paul, Pendleton, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Ault, Barth, Bennett, Butland, Carroll, J.; Clark, M.; Donnelly, Duplessis, Farren, Foss, Garland, Gray, Hanley, Hepburn, Lipman, Look, MacBride, Marsano, Nash, Pendexter, Pines, Reed, G.; Richards, Salisbury, Savage, Stevens, A..

ABSENT - Aliberti, Boutilier, Bowers, Carleton, Dutremble, L.; Gurney, Hastings, Holt, Nadeau, Paradis, P.; Parent, Pfeiffer.

Yes, 112; No, 27; Absent, 12; Paired, 0; Excused, 0.

112 having voted in the affirmative and 27 in the negative with 12 absent, L.D. 2354 was passed to be engrossed as amended by Committee Amendment "A" (H-1195) and sent up for concurrence.

Ought to Pass as Amended

Representative LORD from the Energy and Natural Resources on Bill "An Act to Establish the Environmental Appeals Board and to Amend Licensing and Permitting Procedures within the Department of Environmental Protection" (H.P. 950) (L.D. 1372) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1190)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-1190) 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 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. 1502) (L.D. 2114) Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection's Bureau of Hazardous Materials and Solid Waste Control" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1191)

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

(H.P. 1486) (L.D. 2098) Bill "An Act to Reform Unemployment Compensation Guidelines in Maine" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1189)

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

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

Committee Amendment "A" (H-1189) was read by the Clerk.

Representative Rand of portland offered House Amendment "A" (H-1199) to Committee Amendment "A" (H-1189) and moved its adoption.

House Amendment "A" (H-1199) to Committee Amendment "A" (H-1189) was read by the Clerk.

On motion of Representative Mayo of Thomaston, tabled pending adoption of House Amendment "A" (H-1199) to Committee Amendment "A" (H-1189) and later today assigned.

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

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

**Reported Pursuant to Statutes**

Representative ERWIN for the Joint Standing Committee on Audit and Program Review, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs" (H.P. 1749) (L.D. 2438) be referred to the Joint Standing Committee on Audit and Program Review for public hearing and printed pursuant to Joint Rule 18.

(The Committee on Reference of Bills had suggested reference to the Committee on Audit and Program Review.)

The Report was read and accepted.

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

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

**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 Washington County for the Year 1992 (EMERGENCY) (H.P. 1751) (L.D. 2439) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1507)

Report was read and accepted, the Resolve read once.

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

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

**SENATE PAPER**

**Ought to Pass as Amended**

Report of the Committee on Human Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-648) on Bill "An Act to Facilitate Cooperative Agreements among Maine Hospitals" (S.P. 882) (L.D. 2254)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-648).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-648) 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 in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 1477) (L.D. 2089) which was passed to be engrossed as amended by Committee Amendment "A" (H-1163) in the House on March 19, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1163) as amended by Senate Amendment "A" (S-655) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Create the Fort Kent Utilities District" (EMERGENCY) (H.P. 1736) (L.D. 2424) 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-663) in non-concurrence.

The House voted to recede and concur.

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

**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 23, 1992

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its previous action whereby it Indefinitely Postponed, Joint Order - regarding the Joint Standing Committee on State and Local Government considering proposing an amendment to the Constitution of Maine to eliminate barriers to democracy. (H.P. 1733).

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 23, 1992

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its previous action whereby it Indefinitely Postponed 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).

Sincerely,

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

Was read and ordered placed on file.

**Unanimous Ought Not To Pass**

Report of the Committee on Housing and Economic Development reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide for Job Retention and Job Creation" (S.P. 948) (L.D. 2414)

Report of the Committee on Housing and Economic Development reporting "Ought Not to Pass" on Bill "An Act to Adopt the Recommendations of the Maine Jobs Commission" (EMERGENCY) (S.P. 949) (L.D. 2415)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Resolve, to Establish a Mechanism for Assessing the Potential for Privatization of State Services (EMERGENCY) (S.P. 909) (L.D. 2329)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Resolve, to Establish Regional Boundaries for Health and Social Services (EMERGENCY) (S.P. 904) (L.D. 2324)

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

The Chair laid before the House the following matter: (H.P. 1486) (L.D. 2098) Bill "An Act to Reform Unemployment Compensation Guidelines in Maine" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1189) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-1199) to Committee Amendment "A" (H-1189).

Subsequently, House Amendment "A" (H-1199) to Committee Amendment "A" (H-1189) was adopted.

Committee Amendment "A" (H-1189) as amended by House Amendment "A" (H-1199) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-1189) as amended by House Amendment "A" (H-1199) thereto and sent up for concurrence.

The Chair laid before the House the following matter: An Act Relating to Unredeemed Deposits (H.P. 1519) (L.D. 2131) (H. "A" H-1123 to C. "A" H-1034) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "C" (H-1197) to Committee Amendment "A" (H-1034).

Subsequently, House Amendment "C" (H-1197) to Committee Amendment "A" (H-1034) was adopted.

Committee Amendment "A" (H-1034) as amended by

House Amendment "C" (H-1197) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1034) as amended by House Amendment "C" (H-1197) thereto in non-concurrence and sent up for concurrence.

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

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

**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on **Marine Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1193) on Bill "An Act to Assist the State's Shellfish Industry" (EMERGENCY) (H.P. 1719) (L.D. 2404)

Signed:

Senators: VOSE of Washington  
GOULD of Waldo  
ESTES of York

Representatives: HOLT of Bath  
SKOGLUND of St. George  
MITCHELL of Freeport  
COLES of Harpswell  
SWAZEY of Bucksport  
HEINO of Boothbay

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

Signed:

Representatives: LOOK of Jonesboro  
FARREN of Cherryfield  
TOWNSEND of Eastport  
CONSTANTINE of Bar Harbor

Reports were read.

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

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I will try to be brief. I just want to explain the position of we "down-easters." The clam wars started in down east Maine and undoubtedly they will continue to be in down east Maine. But, we as Representatives are here to represent those people that sent us up here and, therefore, we are in the position of disagreeing with the "Ought to Pass" Report.

In case you don't know what depuration is, it is going into those areas of the flats that have been closed because of pollution and digging them and putting them through a depuration plant whereby they

are soaked (shall we say) for a number of hours under an ultraviolet light in sea water (I presume) and then they are taken out and sold. The process of the depuration digging is done by crews specifically assigned to this purpose. The depuration plants handle — the gentleman that came to our committee said his plant could handle 40 bushel a day, that was the maximum, others handle higher than that for clams and oysters and things of that sort.

Now, down east Maine has some of these flats that are closed to pollution. Whether you want to eat them or not is your choice, but the clambers in my area feel that this area of flats that are closed they have a purpose whereby they are excreting the spat or the seed which floats on the ocean for awhile and floats around and then settles on the flats and reseeds the areas. We have no control of sending it anywhere but what Mother Nature wants it to go. It is an area that is producing spat naturally to other areas of the flats.

The clambers down there object vehemently that outside diggers will come in and dig and prior to this amendment, the depuration clambers were the only ones that would dig there, no local diggers would dig.

However, with this amendment, it will say that equal number of local diggers shall be hired to do this digging along with the crew that comes in. On top of that, this amendment allows or provides that the depuration person or the person in charge will pay the towns 50 cents per bushel for each bushel that they harvest.

When I run this by my people down east they said, no way, they object vehemently to it and, therefore, that is why I am coming to you with their message to tell you that they feel that this is just one more encroachment on the rights of the local conservation people to control their flats in their areas. It is their livelihood and that is what they depend on. I hope you will see the position that we have down east and remember that we are just fighting for our livelihood.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I will be very brief. It would be very difficult for me to add anymore than the good Representative from Jonesboro has said, she has hit the nail on the head.

One other concern that folks from two towns in my district have, Lubec and Eastport, over the last couple of years and as I speak now, they are spending thousands of dollars of local shares to put in septic systems and clean up the sewage finally. This is something that we have been needing to do for years. One of the benefits of cleaning up the sewer of course is getting some of these flats off the pollution list and they are very much afraid that before they even have an opportunity to do that they are going to spend the money and people are going to come in and take those clams away.

I will just remind you that there was a Governor in the past (who will remain unnamed) who when was concerned about the economic development for Washington County said, "Give them clam hoes and let them clam." Well, leave that for us, please.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: To understand depuration clam digging, the first thing you have to understand is



the clams are filter feeders and they feed on microorganisms in the water. They take water, stick their necks out through the mud, take water in at high tide and this water filters through a filter inside of the clam and the microorganisms are the nourishment of the clam and that is how clams feed. If clams are living in mildly polluted water, it has been found that they can be taken out of that water and put in a new environment where they are fed for 36 hours. They are submerged in extremely clean water — this water is cleaned by having it pass under ultraviolet lights. While those clams are in that environment, they purge themselves of all of the previously existing microorganisms and they become clean. It is an opportunity to take clam flats that are very mildly polluted, take the clams out of those flats and put them on the market. Clams that have been through depuration are wonderful clams, they are extremely clean and often they are of very good quality.

The bill you have before you today represents the conflict between the depuration clam diggers and the municipal shellfish programs. I think what the committee was trying to do was they were trying to strike a compromise so that both of these businesses could remain and remain competitive in the state. There are a lot of clam flats that are closed and when they are closed, they do no one any good at all. They just sit there sometimes for year after year after year. A lot of clam diggers tell me that it is good to go in there and turn those flats over every now and then because when you do that, you encourage the growth of new clams. If clams set in the mud too much, they just die.

I was at a Freeport Shellfish Conservation meeting last Thursday night and one of the diggers told me that they had to dig a trench through the mud to lay a sewer pipe. They laid the sewer pipe, covered it up and he went in there three years later and dug that mud up and only in the place where they dug the trench to lay the pipe, it was filled with clams. He thought the reason it was filled with clams was it had been dug up and turned over and had given the young clams an opportunity to grow.

So, we have these flats, they are just mildly polluted, there are two depuration clam digging operations in Maine and they are very, very highly regulated by the Food and Drug Administration. All the clams are tested before they come out of there. It is very good for the state's economy. Both of these operations hire people to work, they get a fairly good wage and I don't see anything wrong with that especially in this recession.

The bill we have before us is an attempt to compromise. We said the municipalities could get 50 cents out of every bushel that comes out of their municipality for their local shellfish program. We said in the bill that local diggers should be hired by the depuration plants. That has always been a bone of contention between the depuration diggers and the local Shellfish Commission and finally we exempted the depuration plants from getting a municipal license because every municipal license is so expensive that it seemed to me and many of the committee members that it would just be unreasonably expensive for them to go about the coast.

It is not a big program. In fact, there are only five flats in the state now that are being dug by depuration digging so it is not an earth-shattering matter. It is a small issue and, if we pass this, I

think it can improve the economy a little bit because it will give a few people a few extra days of work in these hard economic times.

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

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this bill. The good Representative from Freeport, Representative Mitchell, talks about a conflict between the depuration people and the regular clam diggers. Well, I happen to be in one of those spots. The depuration plant that we are talking about is from one of my constituent towns. Also, I have a town — all of my towns have just instituted new ordinances within the last year and also some regular clam diggers are concerned about the depuration people coming in so through this bill, we are looking at a compromise.

I think there are some key issues in this bill that did strike a compromise between all parties. I think one of the big items is that we are stating in there that in order to allow depuration digging, even now, you have to get permission and a certificate from the Commissioner of Marine Resources. That commissioner has to consult with the local shellfish committee before a depuration area can be open. Therefore, the local people do have some say before an area is open.

The other concern of local towns people is that they didn't have to purchase a non-resident license. This bill, instead of buying a license, the depuration crew would in turn return 50 cents a bushel back to the town. That was in there because in case you only went in and dug a couple of areas and were only there a couple of days, it was hard on the depuration diggers to go in and pay \$100 or \$150 for a license for only one or two days. We felt it was fair to have it at 50 cents per bushel and maybe time will tell, maybe that isn't enough but at least that is something to get started with and we can see how it works from there.

The other area of concern was about a depuration crew coming in and taking things from the local diggers and this bill allows a one for one, up to that many. If he brings in five people with his crew to depurate digging clams, then five local people have the right to dig along with them. So, those are the key points. It will put a lot of people back to work.

The other thing is that it is a known fact that these clam flats are better — instead of sitting there for one, two or three years and not being turned over while the area is polluted, if we can keep turning them over and taking out the larger clams, then I think everybody benefits in the long-run.

Hopefully, this bill is a compromise and I urge the Majority "Ought to Pass" Report.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple more very brief points. I could swallow this a lot better if, when they come into the area, they hired all local clam diggers, take the clams back to the depuration plant and keep the folks in the plant working.

I feel, compared to what the local towns in my district have spent on getting their sewer cleaned up, I think 50 cents a bushel is a heck of a buy.

The SPEAKER: The Chair recognizes the

Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I have always felt that confession is good for the soul. I put this clam bill in, I confess to it. Just as confession is good for the soul, this bill is good for the entire clamming industry. I put it in at the request of the depuration plant owners. They are in actual danger of going under. If these plants don't continue to operate, no one digs those clams that could be dug in those areas. There are only two plants, we have to keep them open.

Essentially this is a bill about putting people to work in hard times and it will do that. In times past, the depuration crews would go down east and dig clams. The local diggers sometimes were excluded from digging in their own town flats. I can understand and you can that they resented outsiders coming in to take what they felt were their clams. This bill has corrected that. Now the depuration manager will have to hire one for one. For every one of his regular crew he brings in, he will have to hire or offer to hire one of the local people. But, there is still that resentment in some towns. They remember that at one time outsiders came in and dug their clams. I can understand their resentment. I think when they saw a bill coming in having to do with depuration digging, they sent their word to the good representatives that they opposed it and the good representatives have carried the message to you. I think the reason for their opposition is something that has happened in the past and something that we hope to correct in this bill.

I hope that you will vote for the Majority "Ought to Pass" Report. I believe it is good for the entire clamming industry and I am sure it is good for the people in the state who need work at this time.

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

A vote of the House was taken.

48 having voted in the affirmative and 37 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-1193) 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-1193) and sent up for concurrence.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

**Reported Pursuant to the Statutes**

Representative ERWIN for the Joint Standing Committee on Audit and Program Review, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act Related to Periodic Justification of Departments and Agencies of State

Government under the Maine Sunset Act" (EMERGENCY) (H.P. 1748) (L.D. 2436) be referred to the Joint Standing Committee on Audit and Program Review for public hearing and printed pursuant to Joint Rule 18.

(The Committee on Reference of Bills had suggested reference to the Committee on Audit and Program Review)

The Report was read and accepted.

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

**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 19, 1992 by Representative JOSEPH of Waterville.  
PENDING - Acceptance of Either Report.

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

The Chair laid before the House the second 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 19, 1992 by Representative ADAMS of Portland.  
PENDING - Motion of Representative MURPHY of Berwick to Indefinitely Postpone Bill and All Accompanying Papers. (ROLL CALL ORDERED)

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I know the hour is late but I hope we can perhaps come to a reasonable settlement on this.

I am sorry that I missed the debate last week. I guess I am sorry, I hear that we got to new heights of wit and laughter. I am not sure that we looked at this in the serious vein that we should look at it. I hope that the House tonight will recognize the seriousness of this issue and will take responsible action on it.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of

Representative Murphy of Berwick that L.D. 2308 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 373

YEA - Aikman, Ault, Bailey, H.; Bailey, R.; Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, DiPietro, Duplessis, Farnum, Farren, Foss, Garland, Gean, Graham, Greenlaw, Hale, Hanley, Heino, Hichens, Hussey, Jalbert, Ketterer, Kilkelly, Kutasi, Lebowitz, Libby, Look, MacBride, Marsano, McHenry, Melendy, Merrill, Mitchell, J.; Morrison, Murphy, Nadeau, Nash, O'Dea, Ott, Paul, Pendexter, Pendleton, Pines, Plourde, Powers, Reed, G.; Reed, W.; Ricker, Rotondi, Savage, Sheltra, Skoglund, Small, Strout, Townsend, Waterman.

NAY - Adams, Anderson, Anthony, Barth, Bell, Bennett, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Coles, Cote, Crowley, Daggett, Donnelly, Dore, Duffy, Erwin, Farnsworth, Goodridge, Gould, R. A.; Gray, Gwadosky, Heeschen, Hichborn, Hoglund, Jacques, Joseph, Kerr, Ketover, Kontos, Larrivee, Lawrence, Lemke, Lipman, Lord, Luther, Macomber, Manning, Marsh, Martin, H.; Mayo, McKeen, Michael, Michaud, Mitchell, E.; Norton, Nutting, O'Gara, Oliver, Pineau, Poulin, Pouliot, Richards, Richardson, Ruhlin, Rydell, Saint Onge, Salisbury, Simonds, Simpson, Spear, Stevens, A.; Stevens, P.; Stevenson, Swazey, Tamaro, Tardy, Tracy, Treat, Tupper, Vigue, Wentworth, The Speaker.

ABSENT - Aliberti, Boutilier, Bowers, Dutremble, L.; Gurney, Handy, Hastings, Hepburn, Holt, Mahany, Paradis, J.; Paradis, P.; Parent, Pfeiffer, Rand, Whitcomb.

Yes, 59; No, 76; Absent, 16; Paired, 0; Excused, 0.

59 having voted in the affirmative and 76 in the negative with 16 absent, the motion did not prevail.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I don't want to prolong this evening but I thought before we vote on accepting the Majority Report, I would like to lay out a few of the problems with this particular legislation.

This is the bill that sets the auto emissions testing program in law and divides the state into two sections, the attainment area for ozone and a non-attainment area for ozone. If you happen to live in the southern part of the state which is the non-attainment area, you will be required by this bill to go into an auto exhaust test station every other year and have your car inspected to see if it has a problem.

One of the problems with this bill is that the non-attainment area in southern Maine is largely affected by ozone that drifts in from south and west of the state, it is really not a problem that we create. It was brought to my attention this afternoon in some of the stuff that has come across our desks that the Maine standard for ozone is .08, the federal standard is .12. So, Maine has a much tougher standard than the federal government. The .12 standard applies in Massachusetts, so Massachusetts which causes the problem that we are going to be asked to pay for and clean up, is not going to be held to as high a standard as Maine.

The fee is a really interesting part of this

bill. The DEP has proposed that the fee be set at between \$17 and \$24. I was looking at this sheet, it is a summary of the state emission testing programs that was distributed in our committee by the Department of Environmental Protection and I noticed that only two states charge a higher fee than Maine will charge and that is the state of Alaska and California. To just give you an example of what other states charge from the bottom of the list, Wyoming has no program, Wisconsin has a free program, West Virginia doesn't have one, Washington D.C. charges \$5, the State of Washington charges \$9, \$12.50 in Virginia and no program in Vermont, \$9 in Utah, \$2.75 in the State of Texas but in Maine, we are going to have a program that is going to cost between \$16.50 and \$25 which the Energy and Natural Resources Committee decided to cap at \$30. The program is going to be sent out to private industry. I think if I was one of the people bidding on one of these things, I would try to charge as much as I possibly could charge.

Another problem with this bill is that it will give the DEP the authority to order you to clean up your vehicle and to perform \$450 worth of repairs on it. If the repairs cost more than \$450, the department would waive that but make you get a tune-up but they don't know how much that tune-up is going to cost and there are no limits to it.

Another problem is the exemptions on the bill, diesels are exempted, large trucks are exempted. The bill doesn't deal with the poor. I want to tell you that there are a lot of poor people in this state and this is a time of great recession and \$450 is a lot of money to have to pay if you are looking for a job just to go out and drive around. Furthermore, a lot of the poor don't go very far, so they are not going to cause much of the problem.

There was a lot of good debate on this bill the other day. I enjoyed it and I don't disagree with anything that any of the proponents of the bill said except for what Representative Jacques said when he said it was irresponsible not to pass this bill. Frankly, I think it is irresponsible to pass a bill onto the people of Maine when you have absolutely no idea what it costs. It costs \$2.50 in Texas, it may cost \$30 in Maine. The EPA says it is going to cost \$16.50, the DEP wants somewhere between \$17 and \$24. We can't balance the budget, we can't do any of that stuff where we know where every penny there is, but here we are just saying it will be up to \$30.

The argument has been made that it is the cheapest way to get things out of the air. A thing came across my desk today saying it is going to cost \$500 a ton and cost \$2.8 million to take care of this. I just sat here at my desk, I am no mathematician but, if there are 600,000 cars in the southern part of the state which they say and it is \$18 a car, that is \$7,800,000 in a year. So, for two years, that will be \$3,900,000. If it is \$30 which we will probably end up paying, it is going to be \$9 million a year so it is not a \$2.8 million program, I will tell you that. That is \$9 million and doesn't even include the \$450 that you would have to pay.

As I said, I don't disagree with the intent of this bill but it is not ready to be passed yet. I think the best thing we could do is kill this motion, accept the "Ought Not to Pass" and ask the DEP to go back and come back with a better bill at a better time and to do their homework. It just isn't ready.

Frankly, I have been on that committee longer

than I care to think about and this is by far the worst bill I have ever seen. We have spent 30 work sessions going over a solid waste bill and then spent the whole next winter sort of revising the rules. Here we spent two work sessions and we turned the whole thing over to rulemaking and they say they are going to do a great job and clean up the air.

I think this is a poor bill, it is the wrong time for it, it hasn't been thought out. The committee didn't do enough work on it, the department certainly hasn't done enough work on it, there are a lot of problems and the best thing we can do is to kill it now and forget it.

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

Representative POWERS: Mr. Speaker, Fellow Members of the House: I do not intend to stand here and be accused of being arrogant and insensitive to this issue. I realize how serious an issue this is, believe me.

This bill, as I said before, is the most terrible thing that I have seen since I have been in the legislature. This is the biggest high tech scam to come along since the savings and loan scandal. I said that before and I will say it again, it will make the savings and loan scandal look like a Sunday school picnic. I can't believe that we are going to bring something down on people that was so poorly put together. It has no rhyme or reason to it whatsoever that I can see.

If we are going to let the federal government bring down upon us something in this manner and not put more time and effort into it to make it fair, look at the fairness issue, is it fair that the people in the seven counties to the south have to pay for all of the emissions in the whole state? If it can't be done statewide, I can never accept it.

I have serious doubts that you people in the seven counties, if you vote for this or if any people here vote for this, you will certainly regret it when the time comes that your camper that you keep for maybe two or three uses out of the summer will be put off from the road, you won't be able to use it because you won't be able to get a safety inspection and you won't be able to register it.

I seriously think that we will make a mistake if we vote this "Ought to Pass" Report. I urge you to think about this, think about your neighbors to the south and vote to take the Minority "Ought Not to Pass" Report.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the figures that the good Representative from Freeport was quoting about costs, it is less expensive to do this in states now — the reason that it is less expensive is the tests that they are using are not the tests that will have to be done to bring the states in compliance with this law. The State of New Hampshire does it now and has done it for a number of years. Most people who have their cars inspected over there don't even realize they are having it done.

The other figure that he made reference to was the figures in the State of Maine as to the standard which we require. True, the State of Maine standard is higher than the federal standard but in this statute we are talking about compliance with the

federal standard and not the state standard.

I think that we have got to get the emotions out of this and get it back to reality. This bill deals with the most basic of human needs, the air that we breathe, one thing that all of us are doing all of the time in unison together. This bill is not a product of the Maine DEP, it is not a product of my own original thought, this bill is a product of a Mainer who is presently President of the Senate, George Mitchell. This bill comes out of the Federal Clean Air Act that was updated in 1990. The bill that I presented, the bill that we are debating tonight, is an attempt to get the State of Maine in compliance with the federal law.

Now, I am the first to admit that it is not perfect. I am the first to admit that it probably is going to take a lot of tinkering to make it work. But, the federal statutes, as they stand, give Maine two choices, we have to be in compliance or have a plan to be in compliance by 1994. We can do it by mobile sources which will have a societal cost of \$500 a ton or we can do it by stationary sources and put it on industry at a cost of \$5,000 a ton.

I believe that Representative Jacques is in possession of a letter from the EPA that he will share with you later in this debate that goes further into what our requirements are to get into compliance.

Why did I sponsor this L.D.? I knew that it would probably be quite contentious and I knew that a lot of people who had been here a lot longer than I have been here had chosen to walk on it and wouldn't sign it. The reason I sponsored it is that I have lived in the State of Maine all my life and I am pretty proud of what is here and what we have done. I was somewhat taken back and personally offended last summer on the TV news when repeatedly I saw warnings that said that my mother shouldn't go outside the next day. The next day was a beautiful 80 degree day, a few days that we get in the State of Maine, and my mother, because of her age and her health if she listened to the prognosticators on the TV, shouldn't have gone outside because the air outside wasn't fit for her to breathe. I find that offensive and whatever time I am in the legislature, I will work to make these things better. Not only does it affect the older of our citizenry but it has negative effects on our youth.

I made inquiry into it to get some idea and I found out that in the last ten years the State of Maine, while we enjoyed an economy better than ever was enjoyed ever in the history of the State of Maine, the incidence of child asthma increased a hundred percent. There was a hundred percent increase in the incidence of child asthma, 22,000 children in our population today who suffer from asthma. I found that out that between 1980 and 1987 that the incidence of asthma in adult females increased 56 percent and in males it increased 44 percent. I found out that between 1979 and 1988 that there was a 56 percent increase in deaths in Maine as a result of asthma.

After I signed the bill and I did the research, I made the decision that I would not testify in the public hearing. I felt that I would probably be bombarded with opposition and I chose to be in a position where I could ask questions. Ladies and gentlemen, after the public hearing was over, I was some surprised to find out that not one person appeared in opposition. I was very surprised to find industry in support, the automobile people in support

and to find the Maine Chamber in support. The last thing that was disseminated in the House here tonight is, again, something from the Maine Chamber telling you where they stand.

As I said in the beginning, this process is not perfect. Of course, it is not. Will it have to be fine-tuned? Of course it will not have to be fine-tuned. Is it needed? Of course it is needed.

Last summer, the summer of 1991, 100,000 people was subjected to health risks to breathe the air in southern Maine. The only thing responsible for us to do is to pass some legislation to get us into compliance, knowing full-well that this legislation may not be perfect and knowing full-well that this legislature will have to do what it has done many times before, revisit it and revisit it until we get it right.

The bill, as written, is written minimally to get us into compliance with the federal law, that portion of the state that has to be in compliance in that sector of the automobiles where we can get the biggest bang from the buck. I have seen amendments that call for going statewide and I have seen amendments that call for all motor vehicles, I have heard testimony that you won't be able to use your camper — I don't know where this is coming from, that certainly isn't in the bill as it is currently written. I have heard testimony about it being rammed down the throats of Maine people and I have heard the DEP be bashed as long as I have been in the legislature and, in some instances, they should be bashed but in other instances, they try to do a good responsible job with a very hard charge, and in this instance, I feel that they have done a responsible job. In the bill, they have provided for a legislative oversight committee and their intent is to, as they have the public hearing process, include the legislature all the steps of the way so that the legislature can have input to a final product that we all can live with. If it makes Maine a healthier place to live, if it makes the air better to breathe for my mother or anyone of my constituents, then I am going to push for its passage and I urge everyone else to do so.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I would like to read you a couple of paragraphs from a letter sent out by the U.S. Environmental Protection Agency, Region 1 Office in Boston, Massachusetts. It was sent to the Department of Environmental Protection and was signed by Linda M. Murphy, Director of Air, Pesticides and Toxics Management Division.

The letter is as follows: "The Clean Air Act of 1990 requires Maine to implement an enhanced I/M program (which is Inspection and Maintenance) by November 15, 1992. The issuance of EPA's required guidance for the program will change the required implementation date. The implementation date which is in the proposed regulations now being reviewed by OMB is July 1, 1994. Between now and that date, the state must adopt legislation, develop and adopt regulations, develop and issue a request for proposal, evaluate the proposals, issue a contract, develop a data system, develop an enforcement system, establish a mechanic training program, and hire and train state personnel. The contractor must acquire necessary permits, purchase land, construct inspection stations, install equipment and train

inspectors. This is a tremendous amount of work and usually takes two to two and one half years to accomplish, based on programs in operation today. It is essential that Maine have the necessary legal authority this year to begin the development of this program now. This is a very valuable program in terms of both emissions reductions and cost effectiveness. If this program is not implemented in Maine, federal highway funds will be in jeopardy, air program support funds could be stopped, and major new and modified sources will be required to provide two to one emission offsets prior to construction. EPA is also required to promulgate a federal program if the state fails to adopt its own." That's what we are facing.

Yesterday I spent about an hour with a garage owner and I caught heck for an hour. Finally I said, "What would you propose?" This is what he suggested, he said, "Instead of starting the age to 1968, why not go to 1980, the year that the catalytic converter came out?" He said, "Prior to that time, most of your cars had nothing but a air pump to circulate the exhaust fumes around to go through the carburetor and out the exhaust pipe?" So I went ahead today and talked to the folks over to the Department of Transportation and I find that there is 149,458 cars in this category. If the regular inspection stations could take these cars up to 1980, they would have to look at the exhaust system at a regular inspection and if they included the air pump along with it, it would seem to me that that class of cars could probably be eliminated if possible. I don't know whether it is or not. Then from there on, from 1980 on, go to this new process.

I was also told over there we have 995,567 cars and trucks registered in the State of Maine. If you take out motorcycles and big trucks, it comes down to 859,477. I don't want to do this anymore than anyone else does but what are we going to do if we don't do anything? Are we going to sit back on our haunches and let the federal EPA come in and establish a program for us? Is this what you want? I think by your vote tonight, it is going to show whether you should or you shouldn't. It is up to you folks.

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

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

Does anybody here have information on what other states that have this implemented and in process only have seven counties in that state and the rest of the state is not covered, not tested? Is it because that perhaps north to these cities, we have thousands and thousands of skidders in the woods cutting wood and thousands and thousands of trailer trucks hauling pulpwood and logs to the mills — would it be possible that they be the reason that the northern part of the state is not going to be tested?

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

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: Yes, there are many states where there are different statutes, different requirements, as to emissions in different parts of

the state. If the Representative wishes I can provide that for him.

As to his second question, for the sake of saving time, I would ask him to go Page 4 of the blue sheet that was passed out, No. 15 deals with his pulp and skidder question — the emissions from this type of vehicle are somewhat different than the emissions we are working here with, that have to be taken out of the air.

Also while I am on my feet, I would just like to thank the cosponsor, Representative Adams, for cosponsoring this and helping me out last week when I couldn't be here.

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

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for the introduction Representative Marsh but I do rise to speak in favor of the proposition set forward by the good Representative from West Gardiner, Representative Marsh, and urge you all to accept the "Ought to Pass" as amended Report so we may have the bill in a posture where we may start to attach amendments to it and perhaps improve it.

I agreed to cosponsor the bill and remained a cosponsor of the bill even after others bailed out because a simple inspection of the federal law would indicate we are heading on a collision course toward federal law, like a Buick without brakes. We either decide the drive the car or just take the impact when it comes.

Maine is one of only two states in all New England (Vermont is the other) that has no law or a similar law already on the books to answer the requirements of the federal Clean Air Act of 1990. Those requirements state very clearly with no exceptions that by the Fall of 1992, states must have authorization on the books to undertake some sort of similar program or at least address the problem. By 1994, they must have a plan in place and by 1996, you have got to have the deed done and that is, the reduction of the given percent of a certain kind of emissions.

Representative Lord has read to you a letter from the EPA specifying those kinds of emissions. Being in the legislature, I know that gives us somewhat of an inherent understanding of gaseous exchange but I will point out to you that in particular what we are speaking about is ozone. Ozone is the same stuff that forms the famous ozone layer but we are speaking of the ozone down here at earth level, the very same properties that makes it desirable to have up there, make it deadly to have down here and that is the ability to absorb light, heat and combined with other gases to do things to the people and animals that breathe it, simply put.

The worst ozone problem in all the United States occurs in Los Angeles, the second worst ozone problem in all the United States occurs in New England. For several weeks in 1988, the worst problem of ozone in all New England occurred in Cape Elizabeth and in Bar Harbor, Acadia Park, Maine. Now, both the EPA and our own state DEP knows that 80 percent of all that kind of ozone pollution comes from just 20 percent of our cars. What I find attractive about this bill is that part of the answer is to focus the question — on this case, to find those sources particularly and that is why the bill attempts to identify those vehicles, that 20 percent.

The bill, as posed, would exempt from the testing

Mopeds, motorcycles and trucks over a certain weight. That is because diesel fuel does not evaporate the same way other fuels do, it does not put out the same type of emissions. Any cars less than two years old would be exempted from the testing. Those cars older than 1968 would be exempted from the testing. We know from our own Secretary of State's office that about 30,000 of those upon the road here in Maine. The inspection stations from our newer cars would be higher, more strict; for the older cars, lower, less stringent. Focusing on the source, then you focus upon the locations. Southern Maine is where the most serious problem is, that is why the bill is posed the way it is.

All along the coast from Kittery up toward Washington County, that is where the winds of the world, such as the Bermuda high, carries the ozone pollution from the states south of us. We do add our little bit to it and that is why we must do our bit to answer it. That is the federal law.

Last week it was said that it was simply unfair to address the question in that way and Representative Hastings, my friend who comes from the town next to my native town in Oxford County, pointed out that this is not the same problem there. I would disagree, the maps we had presented to us from color coding showed that all that region bordering right next to us in Oxford, Farmington, up in the region of Skowhegan, up around Penobscot County are all what is known as transitional areas. We are well familiar with mountains haze there but it is more than just humidity, it is pollution and these will be full transport regions in time unless something is done.

The law before you is based upon the example of Wisconsin and the test program there, another cold weather state where it has been put into operation in a small part of the state and proven to work. With some refinements, we can attach to it that specifies us.

As Representative Marsh has talked about, I was also attracted to the fact that those who are experienced in doing this will have a chance to bid upon the contract to do it, with all the restrictions that we and the state, through rulemaking, may see fit to put into place. Testing is done by one outfit, the repairs are all done by somebody else entirely with all, we hope, for concomitant jobs and new taxes that would locally follow. It would look like for that seven county region, we would need maybe ten or twelve of these centers to do that. Likewise, there is an advisory oversight committee to be established to make sure that the rules are written right and that this is done correctly. I urge everybody in this chamber who has some doubts, some feeling and some strong conviction about this, to become part of that committee, an opportunity to make the thing work for us in our own unique way.

I would like to close with just one comment about social responsibility. We live in a sea of air that we just cannot get away from. We must share it with all living things that live and breathe. The difference is that "we" are the only ones in it that drive cars; therefore, I think we should do our little bit now and take it in short steps now, learning our way as we go or we can choose to do nothing now. In a very short time, we will pay real big bucks, real soon, up against real federal deadlines, which we have no real chance of changing, which are just around the corner — a simple set of

choices. Therefore, I urge that we adopt the Majority "Ought to Pass" Report and then proceed to amend the bill, perhaps to make it better.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: Isn't it ironic that when you buy life insurance today you are told that people are living much longer than they used to live and that conditions aren't that bad? I think the problem lies — if you are going to do something about emissions, I think the problem lies with the manufacturers and with these petroleum outfits that should be made to correct these measures and not start bit by bit, state by state, trying to enact legislation as we have before us today.

I certainly will vote against this measure.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I clearly don't vote to pass on the cost of this and it is a big amount, I understand it is \$17 to \$24, onto my constituents lightheartedly. I, too, got some flack when I got home this weekend but I didn't run to the legislature to be somebody else's monkey. I ran for the legislature to listen to the facts presented and to provide some leadership to the people of the State of Maine and basically to my district.

I think Representative Marsh and Representative Adams have done a very good job explaining the do's and don't's. There are a couple of things that I would like to point out to members of the House. We passed a Clean Water Act not too long ago and in my district we get our drinking water from China Lake. There were attempts made by people who saw pass the end of their nose to do something when the water quality of China Lake started going downhill. Yes, it would have cost somebody \$300 or \$150 or \$500 and they said, "No, no, no, we don't want to pay." When the new Clean Water Act came in, the new amended version, we now are faced with building a filtration system in that water district that will cost those very same people (and some of the people who don't even drink out of there because they live on the lake but they don't drink the water) somewhere between \$12 million to \$40 million dollars. When the trustees of the water district saw those estimates, they became very concerned and said they would like to talk to Senator Mitchell about it. So I invited Senator Mitchell to a trustees meeting, which I attended, and they said, "Under the law, you can have a waiver. We would like to apply for the waiver." Senator Mitchell told the trustees, "You can't get a waiver. We have checked into it, your water quality in that lake does not even meet the minimum federal standards." They did once. As a matter of fact, at one time it was one of the cleanest lakes in this area but we didn't want to spend the money, we didn't want to spend \$100, \$200, \$300 or \$400. That's fine, but those very same people, my constituents are going to pay the bill now and they have absolutely nothing to say about it unless they want to drill a well. If you think drilling a well in the city of Waterville is an easy thing to do, you should try it. There are more sewer lines than there are water lines in that city.

The second point I would like to make is that we have talked about the cost to both the young people

and the elderly — now we are not talking about California, Washington, D.C. or Boston, Massachusetts, we are talking about the State of Maine, the way life should be, come up and enjoy yourselves, spend your money, our air is clean, our water is clean, it is a good environment. The simple fact of the matter is we are losing it. There are children and elderly that cannot even go outdoors and play in their own state where they were born and brought up. We have the opportunity, should we decide to, to do something about it.

Representative Mitchell said that basically our committee didn't look into the matter, we didn't do the work we should have done, it took months to deal with other issues and we didn't spend that time here — that is not the case. We could have spent six months on this bill. It came down to two choices, either you take the first step to start a process or you don't. Understanding that this program is not perfect because we have never done it before but there will be opportunities to perfect it as we go along, as has already been pointed out.

The final point I want to make is that these 100,000 or so people who are affected by this, they across the whole spectrum of economic population in this state. Children who come from low-income families, elderly on fixed incomes — when they get sick and they go to a hospital, who do you think pays for that? Now you are talking above the cost of fixing a car up to \$450 you get a waiver, \$25 for the permit — I went to the hospital for three days for a kidney stone and the bill was \$4,000. Never mind the fact that you are going in there with serious lung problems, whether you are elderly or low-income, we are still going to pay that bill. If they stay in there for ten days or three weeks as some children have to, some elderly have to, you add that up and it doesn't take too many people to affect it adversely before it is costing somebody some money, never mind the effect it is having on those people, never mind the effect it has on the elderly where it sets them back so far, they never get back on their feet. They lose so much ground that they become dependent on their family or society only because they went out and took a breath of air at the wrong time.

It really baffles me. As I said in committee the other day, we have to decide what direction we are going to go, we can't be environmentalists when it suits us and not environmentalists when it doesn't. We cannot demand accountability for our environment when somebody else is paying the bill and we are not.

My constituent told me, "I don't want to pay that, I have no trouble breathing, I don't want it to cost me an extra dime, go get it out of Scott Paper, they are the ones causing the problem." The fact of the matter is they are not, they cause less than half the problem. If you listened to EPA's letter it says basically that if we don't address the mobile issues, then they are going to have to go after the stationary ones and that is the industries in your towns. When they start having to put new modified scrubbers on their smokestacks and it costs them \$50 to \$60 million dollars, and they talk about laying your people off or pulling out, don't come crying to me. That is going to happen.

We passed a bill the other day dealing with odor, color and foam because the financial situation in this state has changed from 1988 until 1992. We are talking about companies spending \$8 to \$10 million dollars, they don't have the money to do it. They

will be forced to make a decision, do we keep people working or do we make the changes that are required by this law? I've got to tell you that air emissions can be 20 times more expensive than the ones that we are dealing with (water) because we have just started down that road. The improvements are so great, they have to be made to meet those standards. If we don't all take part of the blame and part of the share of solving them, they are going to have to go after our industries. Then your people won't have to worry about paying \$15 or \$20 for these inspections, they are not going to have a job. Nobody is going to want to come here to create new business because the air isn't even going to be fit to breathe.

If somebody had told me that in my lifetime, never mind my tenure in this body, that we would be dealing with this issue in the State of Maine, I would have found it unbelievable. If someone had told me that at one time in this state that one of the worst highest ozone levels was Acadia National Park on Cadillac Mountain, I would have found that even more unbelievable. I am not going to wait until it gets to Baxter State Park before we do something about it, although I spend most of my free time up there.

A lot has been said about this bill, I appreciate the level of debate today because it is a very serious matter. I will respect the wishes of this House but I would hope that you would think about everything that has been said and take your eyes off the book today and look down the road to the future as Chief Justice McKusick talked about a couple of weeks ago and see if, indeed, we want to be part of the solution or we want to be part of the continuation of the problem. I know one thing, the people of the State of Maine don't like it when the feds do something for you and if we force them into doing something for you, you won't have anything to say about how it is done, it is going to be done.

The majority of the committee felt that at least this way, this legislature and everyone of you concerned, could be involved every step of the way. If something goes wrong, if problems come up, this legislature can fix them next time around. This legislature can deal with it, it is not a pie in the sky, it is not a panacea, it is that first step and we must start taking that first step.

I will respect your wishes but I sincerely hope that we at least start this process down the road, go along with the Majority Report and let's work together to find the solution to the problem instead of working to find reasons why we can't do something.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, I would like to pose a question through the Chair to any member of the committee or anyone else who may be able to answer.

A number of speakers have indicated that there was a finite upper limit on repair costs of \$450. I am unable to find that in the bill and I would appreciate it if someone would direct my attention to that language, please.

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

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: That is a good question,

Representative Reed. It is our understanding that the \$450 has come down to the Air Bureau of DEP as a guideline that will be established by EPA in their rules. It is not fixed, we have just been told that that is about where they are going to be, it may be less than that, but Mr. Keschl in DEP felt that EPA's direction of \$450 would be the maximum of that guideline. It is not in law, it is my understanding that that is in the proposal that they will be putting forth through their rulemaking.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: This is my issue, air quality, it is why I came down here and I am very rarely on the side of the Maine Chamber of Commerce. I am rarely on their side on any issues so I was really surprised to get this on my desk. As I read through it, I see why I have got it on my desk because if people in their cars don't pay it, then the industries will have to pay it. The Maine Chamber of Commerce, true to who they are, certainly always move to protect big industry but today they are right. I will tell you why they are right because big industry has already done their share.

Boise Cascade had a boiler #5, it burned heavy crude oil that produced a black emission, I gave them all the trouble I could give them about it and made them stop burning the heavy black oil and then made them put on the scrubbers. They said that the scrubbers would cost anywhere from \$3 to \$6 million dollars. I said, "Too bad, spend it." I said, "The license to make paper is not a license to pollute, make whatever you spend on pollution control a part of your cost." I still believe that but we just can't do this for the industries and say no, not us. If we are really going to clean the air, then it has to be all of us. If not all of us are going to do it, then we should all stop picking on the industries.

This is a good bill and we should pass it.

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

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

Does this apply strictly to residents who have registered a car in Maine?

This is a two part question — what happens to many of our senior citizens who live in Maine during the warm climate and go to the sunshine territory during the cold climate and register their cars in Florida, for example?

The SPEAKER: Representative Jalbert of Lisbon 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: In answer to the question, if you look on the map that I have here, you will find that every state on the Atlantic seaboard except for Delaware, who is in the process the same as we are, and South Carolina which has done nothing, are all under the program. If you want to go west and southwest, the only state that isn't in the program is West Virginia and as far west as Iowa. Wisconsin, Minnesota, Michigan, Illinois, Missouri, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, North Carolina, Virginia are all in the program. As I understand it from what Dennis Keschl told me today, a lot of these people who are in this program now will have to



upgrade their standards when this Clean Air Act goes into effect in 1994. They are not up to full standard, they are doing a partial inspection now but their inspection will be just as rigid when this goes into effect in 1994 as to what we are going to be doing in the State of Maine.

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

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

My question is, what is the difference in pollution from lawn mowers, snow blowers, snow sleds, tractors, weed whackers, gas generators, outboard motors, jet skis, airplanes, do they pollute any different than an automobile and, if they do, can you tell me why?

The SPEAKER: Representative Hussey of Milo has posed a series of questions 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 answer is that over half of the hydrocarbons and nitrous oxides emitted in Maine come from motor vehicles as opposed to all other sources combined and that is because of the number of vehicles and the number of miles they are driven compared to the use of other sources.

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

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

Representative Jacques and another member of the House said that the worst incidence of ozone pollution in the United States was in Bar Harbor, Maine. If that is the case, why isn't Hancock County in which Bar Harbor is located, included in this program, why are they exempt?

The SPEAKER: Representative Mitchell of Freeport 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: As the Representative from Freeport knows, they are not included because in fact the ozone in Bar Harbor comes from elsewhere in Maine.

The program is intended to include the six counties in which population density makes this an economically feasible program, a program that can be run at an inexpensive price for the motorist. Any expansion elsewhere in the state is going to significantly increase the cost per car of operating this program.

Representative Martin of Eagle Lake 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 acceptance of the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, I request permission to pair my vote with Representative Holt of Bath. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is acceptance of the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 374

YEA - Adams, Anderson, Anthony, Ault, Bailey, R.; Bennett, Butland, Cahill, M.; Carleton, Carroll, J.; Cashman, Coles, Constantine, Cote, Crowley, Daggett, Donnelly, Duffy, Erwin, Goodridge, Gould, R. A.; Graham, Gwadosky, Heeschen, Hepburn, Hichborn, Hognlund, Jacques, Joseph, Kerr, Ketover, Kontos, Larrivee, Lawrence, Lemke, Lipman, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McKeen, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Morrison, Nadeau, Norton, Nutting, O'Gara, Oliver, Paradis, J.; Pineau, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Richardson, Ruhlin, Rydell, Salisbury, Simonds, Simpson, Stevens, A.; Stevens, P.; Swazey, Tardy, Tracy, Treat, Tupper, Vigue, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Bailey, H.; Barth, Bell, Carroll, D.; Cathcart, Clark, M.; DiPietro, Dore, Duplessis, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Gray, Greenlaw, Hale, Hanley, Heino, Hussey, Jalbert, Ketterer, Kilkelly, Kutasi, Lebowitz, Libby, Look, MacBride, Marsano, McHenry, Mitchell, J.; Murphy, Nash, O'Dea, Ott, Paul, Pendexter, Pendleton, Pines, Plourde, Powers, Ricker, Rotondi, Saint Onge, Savage, Sheltra, Skoglund, Small, Spear, Stevenson, Strout, Tamaro, Townsend, Waterman.

ABSENT - Aliberti, Boutilier, Bowers, Chonko, Dutremble, L.; Gurney, Handy, Hastings, Hichens, Paradis, P.; Parent, Pfeiffer, Rand.

PAIRED - Clark, H.; Holt.  
Yes, 80; No, 56; Absent, 13; Paired, 2; Excused, 0.

80 having voted in the affirmative and 56 in the negative with 13 absent and 2 having paired, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-1154) was read by the Clerk.

Representative Anthony of South Portland offered House Amendment "A" (H-1181) to Committee Amendment "A" (H-1154) and moved its adoption.

House Amendment "A" (H-1181) to Committee Amendment "A" (H-1154) was read by the Clerk.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I am presenting this amendment which makes the program statewide. I do this for two very simple reasons. First of all, I think it is bad public policy to be adopting laws that affect citizens in one portion of the state differently from citizens in another portion of the state. There is too much talk about two Maine's in this House and in this state and it seems to me passing a bill like this only promotes that and extends that.

The second reason is, I have been listening both the other day and today and have become convinced this is a good idea. I have supported this bill on the various votes that have been taken thus far. I

feel that if this is good for the citizens of Maine, it is good for all the citizens of Maine. Yes, it may be that in some of the less populated counties there aren't as many cars and thus the concentration of ozone is not as great but the ozone is still there and the vehicles which pollute to a great extent, are located everywhere. It seems to me if we are going to try to get this problem under control, we ought to get this problem under control everywhere for the benefit of everybody who lives throughout the state. Thus, I urge support of House Amendment "A."

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

Representative COLES: Mr. Speaker, Men and Women of the House: If you wish you can adopt this of course, but just remember and recognize that doing so is going to significantly increase the cost to every single car involved. If you adopt this amendment to impose a program on a statewide basis, you will significantly increase the cost to every motorist involved.

If the department tries to adjust the situation so it is a different program for the ten counties not now included in order to keep the cost in the six prime counties down, you will increase even further the cost in the ten other counties and you will increase the inconvenience as well. They may have to go to a portable system which means you can't just drive in whenever you are free to, you have to show up on a given day or you miss it. If that is what you wish to do, vote for the amendment. If you wish to keep the cost reasonable, vote against the amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-1181) to Committee Amendment "A" (H-1154). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 56 in the negative, House Amendment "A" (H-1181) to Committee Amendment "A" (H-1154) was adopted.

Committee Amendment "A" (H-1154) as amended by House Amendment "A" (H-1181) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-1154) as amended by House Amendment "A" (H-1181) thereto and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers (S.P. 169) (L.D. 403) (C. "A" S-624) which was tabled earlier in the day and later today assigned pending passage to be enacted. (Roll Call requested)

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 Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in the day, the Representative from Scarborough had indicated she had grave misgivings about this and whether it would pass constitutional muster. I had indicated in my previous debate that we had checked with the AG and the AG said he thought it was all right. Later this afternoon I received this message, it is an official AG written opinion and I would like to read it.

"Senator Conley, Representative Manning, Joint Standing Committee on Human Resources. Dear Senator Conley and Representative Manning: I am writing to confirm the advice rendered by this Department to Senator Donald E. Esty, Jr. last week concerning the constitutionality of the proposed amendment to Legislative Document 403, "AN ACT to Enhance Medical and Social Services for Maine's Long-term Care Consumers." The proposal contained in Committee Amendment "A" to L.D. 403, No. S-624, would limit persons eligible to participate in a mail-order portion of a newly established elderly low-cost drug program to "in-state bidders" as defined. The question raised was whether this restriction violates the Commerce Clause of the United States Constitution, Article I, Section 8, Clause 3. For the reasons which follow, it is the Opinion of this Department that its proposal does not violate the Commerce Clause.

Although the Commerce Clause has long been interpreted by the United States Supreme Court to operate as a restriction on the ability of states to erect barriers to interstate commerce, the Supreme Court has also recognized several exceptions to this rule. One of these is the so-called "state market participant" exception, under which the Supreme Court has sustained the ability of the state governments to discriminate against interstate commerce when those governments are directly participating themselves in a market for goods and services, whether as a buyer, Hughes v. Alexandria Scrap Corp., 426 U.S. 794 (1976), or as a seller, Reeves, Inc. v. Stake, 447 U.S. 429 (1980). The proposal about which you have inquired involves the State purchasing mail-order services for its elderly drug program. That being the case, under the Alexandria Scrap decision, it is not prohibited by the Commerce Clause from directing that only in-state vendors be eligible to participate in the program.

I hope the foregoing answers your question. Please feel free to reinquire if further clarification is necessary. Sincerely, Cab Howard, Deputy Attorney General, Chief, Opinions Division."

I hope that this clears things up. That is exactly what our staff had looked at this summer and came up with the same conclusion and that is why the majority of the committee felt that we could go in-state with this.

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

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

In your explanation Representative Manning, you spoke of the U.S. Constitution. Does our Attorney General's opinion supersede what the U.S. Constitution would state?

Also, how does one go about getting exemptions? Is it a long process?

The SPEAKER: Representative Pendleton of Scarborough has posed a question through the Chair to

Representative Manning who may respond if he so desires.

The Chair recognizes that Representative.

Representative MANNING: Mr. Speaker, Men and Women of the House: I am not an attorney, I really couldn't answer that question. I would assume that if anybody did challenge this particular procedure that this particular case would be brought up in front of the Federal Courts or the State Courts and it would be shown that we certainly could be doing this in-state bidding.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Duplessis.

Representative DUPLESSIS: Mr. Speaker, Men and Women of the House: The issue with this bill, as far as I am concerned, is how it bypasses our pharmacists when we go through mail-order. Our pharmacists are a wealth of knowledge in our health care team. They provide for us a lot of resources when it comes to knowing how medications interact with other medications, how the medications interact with the normal biological functions and how it interacts with the aging process. I believe with mail-order drugs for the elderly, we are causing a detriment to that particular population where pharmacists can really bring forth to them their knowledge.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I do smell a rat in the wood pile. It just continues to puzzle me why there is such a heavy lobby presence here for the entity that supposedly is excluded in this bill. I just don't understand why the MEDCO people who have used the Severin Beliveau lobby would continue to heavily oppose this bill if they are excluded from it. I just don't understand that.

Now we have an opinion from the AG who says that he feels that that is constitutional. Well, we all know that lawyers disagree. I will read to you for the third time a legal opinion from the Severin Beliveau firm that says, "Should out-of-state mail service pharmacies be artificially devalued in the bidding process or perhaps even excluded altogether, we believe that there are serious constitutional problems with such restrictions." So, we have attorneys who are disagreeing. I guess you can figure out and do what you want but I am constantly puzzled by the fact that the entity that is supposedly excluded is continuing to very heavily lobby the passage of this bill.

We tried to pass an amendment that I felt was a fair amendment that assured us that, if the constitutionality really was in question and the in-state process was not held up, then it would be null and void and for whatever reason, people in this body had a hard time believing that. I don't understand it, what have you got to lose? If you want to keep the process to the in-state pharmacies, in-state business, what was wrong with the amendment that we offered? In my opinion, it was just an insurance policy. So, that again continues to confuse me.

If you vote against this bill, you are not voting against the nurse legislators, you are not voting against the Republicans, you are voting against your local pharmacists.

Somebody said to me the other day, the

pharmacists will get our support when they bring their costs down. I remind you that the pharmacists do not have control over the cost of their drugs. The cost of the drugs is directed and dictated by the pharmaceutical companies and that debate belongs in another arena, basically Congress, at another time. The pharmacists really do not have any control over what they charge because they have to buy their product from the pharmaceutical companies, who yes are making a terrible profit. We were just told in our committee 25 percent increase again this year. I agree with you, that is ridiculous, but don't blame it on the local pharmacists, they have no control over that.

The other point I want to make is the people using this program really only pay a co-pay. It doesn't matter if they buy their medication at a local pharmacy, it doesn't matter if they go through mail order, they pay a co-pay of \$1, \$3, or \$5. So, the elderly using this program are really going to pay the same bill or the same cost no matter where they buy their medication. Supposedly the savings is in the General Fund where we have been told over and over and over that that is not how you save money in drug programs. Where you save money is through the rebates that the pharmaceutical companies grant you. All you have to do is look at the State Employee program where the cost of the drug program has gone up and up and up every year. We do use low-cost mail order there and it still hasn't brought down the cost of the program. So, I am not so sure that is the answer.

The last thing that I want to remind you is that if you don't feel guilty about sending a million dollars worth of business down to New Jersey or anywhere else down the pike, that is fine, but I want to remind you that voting to enact this bill is, you are voting against local business, your local pharmacies and you are voting to send business out of this state.

I really encourage you and ask you to seriously consider your vote and vote against enacting this bill.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to repeat for the final time, this bill does not allow an out-of-state pharmacy to compete. It does not allow MEDCO — it is probably going to be shocking to Severin Beliveau that in my 12 years here, Severin can probably count on one hand the number of bills that I have worked with him. I am usually on the other side. I am not working with Severin on this one, I am not working for MEDCO on this one, I am working for the people of the State of Maine, for the elderly of the State of Maine. Some people can laugh at that but a commission that was started in the 114th Legislature came up with this idea. Many members of the committee which had heard from their pharmacists a few years ago when MEDCO took the state's own health program and went out of the state with it, we said perhaps we should try to keep the money in the state. That is why we had the program developed, so that it is an in-state program only, the money will not go out-of-state. I don't know how many times I have to say that. If you can show me where that says it is going out-of-state, please show it to me.

You have heard the Attorney General's opinion.

It is convenient that sometimes we believe the Attorney General when we want to and we don't believe the Attorney General when we don't want to, but that is what Attorney General's opinions are for. Quite frankly, Cab Howard just doesn't give willy-nilly Attorney General opinions. We have all tried to get them, we have all talked to him over our years on different subjects and he feels very comfortable defending that, that it can stay in-state under the certain clauses that were stated.

I want to state also that this is an option, this will not force one individual elderly person on the low-cost drug program to go to mail order. It is an option, plain and simple as that.

I would hope you would go along with the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I guess we all know here that our most respected profession is our local pharmacists. We sometimes tend to overlook the things they contribute to our communities when we look at saving costs. How many people do you know that have grown up and worked for the pharmacists delivering drugs to help pay their way through school or contributed greatly to the community in various scholarships and other ways? To cut out from underneath them their base, their community, their clients to save \$5 or \$10 seems a very difficult choice.

I understand that the elderly people need this, that they are on a very tight budget but it seems like a strange way to go around the cost savings. It seems to fly right in the face of what our local communities are trying to do and that is to keep the money at home to help support our local small businesses. I know most of us have sent out surveys and probably most of us have asked what kind of business would you like in your community? Most people say an environmentally sound business and a small community-based business that will help contribute to the community in a variety of ways. To try to centralize this into one or two businesses in a particular part of the state and take that business away from our local communities seems to, once again, cut away at the very basic thing that we hear from our people at home.

An interesting statistic for you before I sit down is that I heard from the Department of Labor and, if every small business in this state would hire one person, we would cut our unemployment in half. Now to knock the legs out from under some of our small businesses — I know some communities don't have access to as many pharmacies as we do in Presque Isle, but there is access to some — when you cut away from the base, you cut away access and you cut away the employment which so many people currently rely on.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I missed a portion of the debate but I heard most of the debate dealing with this particular issue. I have some interest because we dealt with an issue dealing with prescription drugs in Judiciary that dealt with criminal sanctions for fraud, forgery and misrepresentation/deception.

My first concern is with this in-state,

out-of-state debate. It seems to me to be a bit of a fallacy because if you are out-of-state and you want to capture that market, obviously you are going to go in and incorporate within that state to capture that market. It seems to me what we are doing is decentralizing a service that has somewhat of a personal touch to the constituents that use that particular drug store who provides that personal service. It is sort of a check and balance of other types of prescriptions that you might be using and perhaps a personal touch with the doctor that person is utilizing. But, we are centralizing it now to a company that could very well have the manufacturing base outside of the state and there is no assurance that that money is going to stay in the state. The fact of it is, they will incorporate here, they will sell the drug here and the money will then go outside of the state.

The problem is that you might see an immediate savings but over the long run, once they capture that market, take it away from that decentralized faction of all the pharmacies is that then the price will creep up. Perhaps if there is not enough competition, they will be at the mercy of whatever price is dictated by that particular entity.

The other problem I have is that when we — I am not sure if we ever passed this bill through, I know it came out of committee unanimous "Ought to Pass" as amended, L.D. 2232, dealing with acquiring drugs by misrepresentation, fraud and forgery and at that hearing Representative Joseph's daughter-in-law came who is a pharmacist and testified before our committee and gave a very compelling testimony about the checks and balances that we need in providing drugs. What is going to prevent anybody, it doesn't have to be an elderly person, to float 10 or 20 different prescriptions and misrepresent who they are and acquire that because of a substance abuse problem. It seems to me that that check and balance is lost because you have taken away that decentralized faction and put it into a centralized location. Who is going to assure that the person who is giving that drug to the person who sent it in will call up the doctor to say, is in fact this the person that you prescribed the drug for? Is the check and balance a signature? I am not sure how that is being done. It seems to me that the two arguments against this bill are things we ought to be concerned about is again, the decentralization and the loss of checks and balance.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I think we have got to get back on track here. We seem to be debating a bill that I have never read, discussed in committee or voted upon.

The bill that we are really voting upon here tonight is a bill that does not do the things that people having been saying that it does, it does not send business out-of-state, it does not allow for the elderly to somehow fraudulently obtain lots of drugs which they can sell on the side. It doesn't do any of these things. What does it do? It saves the state money. If this is enacted, the program will go into effect if 10 percent can be saved off the current program through a mail order program. If 10 percent can't be saved, there won't be any program for mail order drugs for the elderly so it saves money.

Secondly, it provides for convenience,

convenience for elderly persons who cannot get drugs through the mail at this time. Yes, there are some pharmacies that do a good job of providing a mail order program but not every pharmacy does. This will help elderly persons who do not have access to mail order drugs at this time. It is an optional program. Only those who want to use it need to use it.

Thirdly, it allows for in-state pharmacies to compete to provide this service. Again, as I have said and other have, it does not provide for out-of-state pharmacies and in-state is defined as the principal place of business is within the State of Maine. I think that speaks for itself.

Vote yes on this bill and I hope we will vote on it soon. It benefits the elderly and your elderly constituents will thank you for it.

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

ROLL CALL NO. 375

YEA - Adams, Anthony, Bell, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Clark, M.; Coles, Constantine, Crowley, Daggett, DiPietro, Erwin, Farnsworth, Gean, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Heeschen, Hichborn, Hوجلund, Jacques, Ketover, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Nadeau, Norton, O'Dea, O'Gara, Oliver, Plourde, Pouliot, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Savage, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carroll, J.; Clark, H.; Cote, Donnelly, Dore, Duffy, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Hussey, Joseph, Kerr, Ketterer, Kilkelly, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Michaud, Morrison, Murphy, Nash, Nutting, Ott, Paradis, J.; Pendexter, Pendleton, Pines, Poulin, Reed, G.; Reed, W.; Richards, Ruhlin, Salisbury, Small, Spear, Stevens, A.; Stevenson, Tardy, Tupper, Vigue.

ABSENT - Aliberti, Boutilier, Bowers, Chonko, Dutremble, L.; Goodridge, Gurney, Handy, Hastings, Hichens, Holt, Jalbert, Mahany, Paradis, P.; Parent, Paul, Pfeiffer, Pineau, Powers, Rand, Whitcomb, The Speaker.

Yes, 68; No, 61; Absent, 22; Paired, 0; Excused, 0.

68 having voted in the affirmative and 61 in the negative with 22 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,500,000 for Water Pollution Control Facilities Construction" (S.P. 962)

(L.D. 2434)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Was referred to the Committee on Appropriations and Financial Affairs 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. 1654) (L.D. 2321) Bill "An Act to Enact Article 4-A of the Uniform Commercial Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1201)

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

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

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 following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

SENATE PAPERS

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-640) on Bill "An Act to Establish the Petroleum Market Share Act" (S.P. 844) (L.D. 2148)

Signed:

Senators:

BALDACCI of Penobscot  
MATTHEWS of Kennebec

Representatives: REED of Dexter  
VIGUE of Winslow  
CONSTANTINE of Bar Harbor  
GURNEY of Portland  
SHELTRA of Biddeford  
LIBBY of Kennebunk  
BAILEY of Township 27

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

Signed:

Representatives: KUTASI of Bridgton  
STEVENS of Sabattus

Senator RICH of Cumberland - of the Senate - abstained.

Representative GRAHAM of Houlton - of the House - abstained.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-640) as amended by Senate Amendment "B" (S-657) thereto.

Reports were read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Sheltra.  
Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought to Pass" Report.

L.D. 2148 is necessary if we want the State of Maine to be in a position to be able to prevent any one company from dominating the retail petroleum market, gasoline and home heating oil.

From the data, the Attorney General will be able to determine what shares of the market are held by which company. Without this data, the Attorney General and in turn the legislature will not be in a position to determine whether the consumers of this state are at risk of having the retail petroleum industry dominated by one firm. Ultimately, if one firm is able to dominate the retail market, each and every consumer in the State of Maine will pay dearly through increased prices. Home heating oil and gasoline are essential products for our citizens and we can ill-afford to permit prices for those products to rise to excessive levels.

I urge you to support L.D. 2148 and to provide the State of Maine with the tools to deal with the potential of monopolization of the retail market for home heating oil and gasoline.

Initially when we took up this bill, actually there was a lot of debate and the bill was rather strict but it has been watered down really to practically nothing. All we are going to have now is just this reporting to the AG's office in order to determine if we can or if something should be done about the problem. I really urge you to go along with this.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative O'Dea.

Representative O'DEA: Mr. Speaker, Men and Women of the House: I would just like to ask you to vote against the pending motion and ask you to support the "Ought Not to Pass" Report when that is appropriate.

There are two reasons why we should consider

voting against this bill today. One has to do with the larger energy policy of this state and the second one has to do with the bill itself and I will speak to the first one now.

There is a major trend going on in the oil industry right now in Europe whereby the people who produce crude and pump it out of the ground are also the people who pump it into your cars. One of the fastest growing retailers of gasoline and oil in Europe is something called Q-8. You see these stations all over Europe from one end to the other. That is owned by the National Oil Company of Kuwait and I am sure you can understand the implications for energy supply if the OPEC producers are controlling every step of the process between the desert where the oil is pumped out and the gas pumps.

In this country, if you look at the major oil companies like Sunoco, which is own in large part by the Venezuelans and the National Oil Company of Venezuela or you look at Texaco, which we think of as being an American company — half of Texaco is owned by the Saudi's, one half. Saudi Arabia controls, through a subsidiary called STAR, everything with a Texaco name on it east of the Mississippi River. That includes refineries, pipelines, storage and retailers.

If you think back to the 1970's when the OPEC producers tried to cut off the supply of oil and drive prices up, you think about the position they were in then and think about the position they are in now and where they are going to be if this trend continues, you can see that there are some very serious implications for supply. The limiting factor in delivering gasoline and oil to a market isn't how much crude you can produce, it is how much refining capability you have and how much capacity you have for refining crude. There are two refiners in the market in Maine, one if Gulf Cumberland Farms, which runs a small fly-by-night refinery up in Atlantic, Canada and the other one is Irving. I believe if we impair the ability of Irving to operate in this state, we are jeopardizing our supply in the future. If you look at what happens when the supply dries up from the refineries who have no real stake in bringing oil into this state, you can see that we could be setting ourselves up for real problems. If you take an oil company in Maine, what we would think of to be a big oil company in Maine, they buy their oil down in New York and Boston and they bring it up on barges and when the supply gets tight, their barges are parked out in the harbors in line with everybody elses. A company like Irving has a real interest in ensuring that they supply Maine with a decent amount of fuel. If we have a situation in the future where the OPEC producers decide to dry things up as they have in the past, Irving's gasoline and oil would be of some considerable value to us.

The second reason why we should consider voting against this bill is the amendment. The amendment meets a couple of the criteria that the Governor established when he spoke to us earlier this winter asking if it created jobs and if we could afford it — we can't afford it because it creates a new position funded by the gasoline wholesalers in the state, the wholesalers will be paying 45 cents for every 10,000 gallons of sales and it does create a new job in the Department of the Attorney General, a research assistant who will be studying the results of these reports that are filed by everybody who sells petroleum products in the state. It also

creates a petroleum advisory committee that makes recommendations to the Department of the Attorney General consisting of people like the President of the Maine Oil Dealers Association, no self-interest there, the Executive Director of the Maine Petroleum Association and five members appointed for one year terms who represent some other interests.

If you flip through to the Statement of Fact and look at Item #1, and this is perhaps the most offensive part of the whole bill, it reads: "A refiner may not secure control of a retail outlet for motor fuel that is within two miles of an existing outlet of that refiner unless the Attorney General concludes that this addition will not decrease competition." Now, with all due respect to the Attorney General, who made him King? I don't understand why in this state where people often talk about excessive government regulations why we would permit such a thing.

This bill, from my perspective as someone who has watched it over the course of the past two or three months, is aimed at one company. It is creating another microbureaucracy within the Department of the Attorney General and it requires people who sell fuel oil, retail, wholesale and refiners, to make reports to the Attorney General that I wonder if this reporting is even responsible. You could certainly make the case that it is none of the state's business, quite frankly, how well your business is doing.

I would urge you to vote against the pending motion so we could do to this bill what we should have done with it a long time ago.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 2148 is An Act to Establish the Petroleum Market Share, it is not an anti-business bill. Many people view it as an Irving Bill but it is not an Irving Bill. It is directed at trying to create an even playing field for the seven or eight remaining wholesalers in the state. If we lose these, what happens is that we could almost be looking at the oil dealers as a utility, it could almost be called a utility, it is not something that we can just turn around and say we don't want it. We have to buy oil and we have to buy gasoline. If we allow it to get restricted more than it is right now, with fewer and fewer players, then what could happen is that we might be looking at this as a possibly utility. Then we really would have to govern it.

The reporting that was referred to will require a reporting by refiners 30 days after this bill is initiated. They will report four times per year. This will give the Attorney General an idea as to what is happening in the industry. It is not to control the industry but just to know what is going on.

There are many stories going around, people are very, very upset because to try to capture some of these markets, the companies will go to all kinds of extremes.

I would urge the members of the House to support the Majority "Ought to Pass" Report and I request a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bar Harbor, Representative Constantine.

Representative CONSTANTINE: Mr. Speaker, Members of the House: This bill is about gasoline and is

about home heating oil and it is about the fact that these are essential products to Maine's citizens. It is also about having enough competition in the market place, the market forces influence prices for these products.

This bill does establish a reporting mechanism to enable the Attorney General to keep track of whether or not any one refiner has a dominate market share for these products. It also prohibits certain unfair and deceptive trade practices in the petroleum industry, such practices as preventing retailers, wholesalers and refiners from misrepresenting the efficiency of oil furnaces to consumers. It also prohibits refiners from fixing the price of gasoline sold by a franchise.

In listening to the debate in committee, and we have some fairly lively presentations in there, it was so lively that I sought relief by going to a lobstermen's meeting, and I can assure you that there is nothing in this bill that is going to change life as we know it. It will, however, shed some air and light on the practices of the petroleum industry and a lot of those practices purge use of air and light at this point. We saw them widespread throughout the industry. That is not to say that everybody would enjoy having that kind of inspection. However, because of the very real possibility that Maine's retail petroleum market could be monopolized very rapidly, the time to provide the State of Maine with the basic tools to collect market share data is now and we strongly urge you to support this motion.

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

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I am on the "Ought Not to Pass" Report but today I am going to urge you to vote for this bill. Let me tell you, this amendment stands against basically everything I stand for, small business, no governmental intervention in business, which this bill does intervene in the petroleum market. One thing though that we all have to consider here is the one guy that loses if we don't pass this bill and that is the small oil dealer. He is the one that is getting pushed out, not by Irving, but by other big wholesalers that don't want small oil dealers to be in their towns. When you have your neighborhood oil dealer with his one or two trucks, they are diminishing. There used to be 500 oil dealers in this state, now those numbers are down to 200 in just five years so your neighborhood oil dealer is diminishing quickly. The wholesalers are for this bill, the small oil dealers are for this bill — they want to find out what is going on in the petroleum market.

As I said, this basically stands against everything that I stand for in business, no government intervention, but there is a problem out there in the petroleum market, we need to have a look at it. This does have a sunset of October, 1994. I hated to see anything put on the oil dealers, they have to pay a tax of 45 cents for 10,000 gallons but they were for it, they want the Attorney General to look into this situation. They want him to find out what is going on in the petroleum market share because we are having problems. This is to look into why small oil dealers are leaving this state, going broke, bankrupt, going out of business or whatever the case is so we can bring back competition into this state because it is leaving.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: Representative Kutasi is absolutely right. The Business Legislation Committee heard some very, very telling testimony from people in my area that are so very much pushed out and feeling that they won't be lasting very long.

One of the constituent concerns that I have heard the most about, and I don't know how many times Attorney General Carpenter had to head up north to assuage people's concerns. We feel very vulnerable being at the end of the line, we don't have any other place to go and so we look forward to this reporting. It is not going to kill anybody.

I would urge you to look at the chart in front of you where the cost of fuel oil — for example, in St. John, there is a refinery for Irving and the cost is so high. We are 200 miles from St. John, can you imagine how much higher it would be for us? We want to keep our small business people and give them an opportunity. This is just a reporting mechanism, it will make my job a lot easier because I won't have to keep responding to consumer complaints so I urge your support of this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative O'Dea.

Representative O'DEA: Mr. Speaker, Ladies and Gentlemen of the House: I can't imagine anybody, especially someone who lives in the county talking about the differences of prices of any product in comparing American prices and Canadian prices, given the oddities of their tax structure.

However, I would ask you to take one more look at the amendment and listen to the words of Representative Kutasi who said that the one guy who loses out here is the small, if this bill is not enacted, oil dealer. If I were a small oil dealer, I would be very excited to see this bill coming down the pike. It effectively restrains what has been a chief competitor in the Maine market over the course of the past ten years. It permits the Attorney General to stop any expansion that he doesn't think increases competition and I would ask you that if one oil company is taking over a large share of the market, how that has come about and I would suggest it has probably come about because they offer a lower price and better value for the consumer.

I would ask you to please vote against this motion.

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

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

I am aware that there is statute called The Unfair Trade Practices Act. My recollection is that that statute is a rather broad statute and I would like to ask anybody on the committee whether or not they have considered the remedies that might be available under the Unfair Trade Practices Act? If they have, why the existing law is not sufficient?

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

The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: The committee questioned

this and the Attorney General said that the mechanism was not there that was necessary to control this problem.

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 PRO TEM: The pending question before the House is the motion of the Representative from Biddeford, Representative Sheltra, that the House accept the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, pursuant to House Rule 19 and Joint Rule 10, I request permission to abstain from voting on this issue.

The SPEAKER PRO TEM: The Chair will grant that request.

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

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Augusta, Representative Paradis. If Representative Paradis were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Biddeford, Representative Sheltra, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 376

YEA - Adams, Aikman, Anthony, Ault, Bailey, H.; Barth, Bell, Butland, Cahill, M.; Carroll, J.; Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Gray, Hale, Hanley, Heino, Hichborn, Hoggund, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Manning, Marsano, Marsh, Martin, H.; McHenry, McKeen, Melendy, Merrill, Michael, Mitchell, E.; Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Ott, Paradis, J.; Pendexter, Pendleton, Pines, Plourde, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Whitcomb.

NAY - Anderson, Bailey, R.; Bennett, Carleton, Cathcart, Crowley, Greenlaw, Gwadosky, Hepburn, Hussey, Mitchell, J.; O'Dea, Oliver, Poulin, Tardy, Wentworth.

ABSENT - Aliberti, Boutilier, Bowers, Carroll, D.; Cashman, Chonko, Dutremble, L.; Gurney, Handy, Hastings, Heeschen, Hichens, Holt, Kontos, Macomber, Mahany, Michaud, Morrison, Parent, Paul, Pfeiffer, Pineau, Rand, The Speaker.

PAIRED - Mayo, Paradis, P..

EXCUSED - Graham.

Yes, 108; No, 16; Absent, 24; Paired, 2;



Excused, 1.

108 having voted in the affirmative and 16 in the negative with 24 absent, 2 paired and 1 excused, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-640) was read by the Clerk and adopted.

Senate Amendment "B" (S-657) to Committee Amendment "A" (S-640) was read by the Clerk and adopted.

Committee Amendment "A" (S-640) as amended by Senate Amendment "B" (S-657) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-640) as amended by Senate Amendment "B" (S-657) thereto in concurrence.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Governing Construction of Utility Lines" (EMERGENCY) (H.P. 1726) (L.D. 2417) which was passed to be engrossed in the House on March 12, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-668) in non-concurrence.

The House voted to recede and concur.

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

**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337)

Signed:

Senator: BUSTIN of Kennebec

Representatives: WATERMAN of Buxton  
GRAY of Sedgwick  
LARRIVEE of Gorham  
JOSEPH of Waterville  
KILKELLY of Wiscasset  
HEESCHEN of Wilton

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1173) on same Resolution.

Signed:

Senators: EMERSON of Penobscot  
BERUBE of Androscoggin

Representatives: NASH of Camden  
SAVAGE of Union  
LOOK of Jonesboro  
KERR of Old Orchard Beach

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

Mr. Speaker, Members of the Maine House of Representatives: If I were representing the City of Waterville only, I could have voted for this piece of legislation. However, I was trying to look at the broader picture and I felt that it was important for me to look at this and my decision was to vote "Ought Not to Pass" for there were more questions than answers. My questions were, why should we be doing this? If this is based on population, what does that mean to the rural areas of the state? Does this save money? Will this require more staff? What about accessibility of individual Representatives? What about the size and the role of Joint Standing Committees? Looking at the facts and the comparison of other states, what does this mean? I believe that Maine people have a bargain in the Maine House of Representatives and I urge you to accept the Majority "Ought Not to Pass" Report.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: The people in the State of Maine want an opportunity to decide how large a House of Representatives they want to have. The cost of the legislature in 1981 was \$4 million. Today it is around \$14 million. The Special Government Commission on Governmental Restructuring met, it was supposedly a nonpartisan or bipartisan commission, they came back and recommended changing the size of the legislature, reducing the size. We have had editorials from the Maine Sunday Telegram and other newspapers recommending that we reduce the size of the legislature. Why are we afraid to give the people the opportunity to decide if they want to reduce the size of the legislature? We are not being asked to reduce the size, we are only asking to give the people the opportunity to vote on it. That is what this bill proposes to do.

I urge you to vote against the Majority "Ought Not to Pass" and vote for the Minority "Ought to Pass" so the people in Maine will have a chance to choose what type and what size legislature they wish to have.

Representative Martin of Eagle Lake 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 Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It is not my intention to extend the hour of the day but only to respond to a comment made by the good Representative from Waterville in regard to her personal concern about the rural areas of the state. As one who represents a very rural district, I think it concerns me and I only want to clarify that we do have the ability to communicate to each other, with each other in the rural areas of the state. The size of the Maine Legislature was established when ox carts were the primary means of communications in rural parts of the state but that has improved significantly. We have every means of mass communications and the ability to represent a larger representative district.

I urge the defeat of the pending motion and then accept the Minority Report.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Living in Augusta, I probably would strongly support this bill but living in the northern most district, 300 miles from here, having to drive many, many miles for many hours from one end of my district to the other, this would be impacting negatively on our rural status. It is not by accident that we have the House size that we have. We are far away, we have large distances and that is why I am opposing this bill.

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

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

I understand that Massachusetts reduced the size of their House from 240 down to 160. By doing this, I would like to know how much expense did they save or did it cost them more?

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

The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I don't know the answer specifically to your question, Representative Lord, but I would add that the Restructuring Commission, when they made the recommendation about looking at reducing the size of the House, added two other suggestions to that and that is first the understanding that there would not be a savings. There would be a need for additional staff people in order to handle the needs and additional money to Representatives to take care of the size of their constituency. So, as a matter of cost savings, the Commission did not recommend this issue as a way to cut down on cost.

I think it is important for us to think about whether the people in the State of Maine want to be represented by an elected official or whether they want that work and that representation done by additional staff.

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

Representative JALBERT: Mr. Speaker, I would like to pose a question. We were given a sheet here with some sizes of the national legislatures — does

anyone have the salaries that go with the states that have smaller numbers, what each member of the legislature gets?

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Members of the House: I don't have a salary scale but I can tell you that in one of the smaller legislatures in the country, the salary in New York State is \$57,500. If you are a Chair of a Joint Standing Committee, then you are paid \$3,500 more. If you are a member of a committee, you are paid \$3,000 more. Also in the State of New York, \$100,000 is paid to their members for staffing allowances. So, in many cases, there are smaller legislatures for larger states but in all cases, the salaries are greater.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Referring to the query posed by Representative Lord of Waterboro, I would point out that having just returned from a conference with several Representatives from the State of Massachusetts, this is how that state's representation breaks down. Each state legislator in Massachusetts, who is the equivalent of our Representative, each State Representative represents 38,000 constituents. Each State Representative receives \$30,000 a year and each State Representative has one personal aide who works only for that Representative who is paid \$28,000 a year. I did not deal with many state Senators because they don't come to conferences from Massachusetts, they represent about 138,000 constituents apiece and receive weekly about \$500 constituent account.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Those people who advocate reducing the number of Representatives in the House of Representatives are the very same people who wish to influence the legislators. The lobbyists would love to see a reduction of the House. They would love to see a real, real reduction where they wouldn't have to lobby so many people. That is why I would be for a unicameral body because then we would give those lobbyists a heck of a hard time earning their money, they would pull their hair out.

Just driving my district at the speed I am supposed to be driving, it takes me a whole day just driving my district. So, ask my people that I represent if they are over-represented. I assure you the answer is no. If anything, we should be adding more representation for our people, not less.

It is like I said, those people who wish to influence this body who are not elected would love to see us be reduced.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: To respond to some of the issues that were raised earlier about communications — as one who represents a semi-rural part of the state, I certainly do believe that our communication systems has gone beyond ox carts but I don't think that the main issue behind this is communication, it

has to do with policy. The concern is that if the rural areas are not represented by a significant number of people, then many of the policy decisions we made with an urban intent, and that may be all well and good, but what we found a lot of times with rural areas is that our problems need to fit into urban solutions and that has been a real problem both for the state as well as rural areas.

I was talking to a friend of mine who serves in the North Dakota House a few days ago and he was saying that North Dakota had recently reduced the size of their House by ten seats. Nine of those seats, as it turned out, ended up being rural seats so there was an absolute condensing of power within the urban areas away from the rural areas.

I have five towns in my district. To increase my district by a third wouldn't be that significant, it might be a couple of towns. I am really concerned about the folks that do have 17 or 18 or more towns in their district and increasing that as the previous speaker said would mean having difficulty in a whole day of getting around the district. I would also be concerned that if someone wants to call their legislator now, they can call us at home or call us here and generally catch up with people. But, to have folks try to call a person in the Maine House of Representatives and to have to first work through a staff person and a secretary and several other folks, I think would be distancing ourselves very much away from our constituents.

I would certainly urge you to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I would just like to make one point. It has been brought up that we ought to let the people of Maine decide about this issue. I would remind you of the remarks of Professor Charlie Colgan at the State/Municipal Summit when he was discussing the need for regional approaches to economic development in the state. He made the observation that Maine consists of about 500 municipalities which is one of the highest ratios of the number of communities to the population in the entire country. I think the fact that the people like it that way in the State of Maine, that they are comfortable with it, that they are not combining all of their small towns into one larger community, has already spoken to this issue. They like small, they like town meetings, they like to have a small number of constituents to their Representatives. I think that is very important to remember.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I, like you, have read all these editorials and other articles urging us to reduce our size. I am particularly struck by the comparison with California. They said if we were to do what California does, if we were to have districts their size, we would have a legislature consisting of two Senators and five Representatives. I really doubt if that is what the people of this state want.

More importantly, a lot of these editorials and other people have said it will make this body more efficient but they have never said how it is going to make it more efficient. I have observed, along with many other veterans, the other body, and I am not casting aspersions on them, but I have noticed they

are remarkably more efficient than this body. I haven't noticed that it takes them any less time to debate an issue than this body. I haven't noticed anything in fact which suggests that efficiency is going to be changed one way or another by the size of this body.

The final point I want to make is the point which none of the editorial writers have made, not one article I have read on the subject has discussed and that is how well does the Maine Legislature serve the people of Maine compared to other small legislatures serving their states. If the people of California are so satisfied with a small legislature serving their state, why are there dozens and dozens and sometimes more than 100 initiatives on the ballot every year in California? Why in fact do they feel compelled to bypass their legislature if it is so efficient and serves them so well? If we want a legislature where we have to spend — incidentally in California it can cost up to \$2 million to run for the legislature — do we really want a state where we have to start raising large amounts of money on behalf of our elected representatives? Do we want a state where our people feel compelled to bypass the legislature dozens of times a year because in fact the legislature is so unresponsive? The key issue is not size, the key issue is not how much it costs per capita, the key issue is how good a job does a legislature do in representing the interests of the people of its state.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I realize the evening is getting late, we have been here a long time and I will be very brief.

If we say the people of the State of Maine don't want it, many of you have excellent arguments and reasons not to decrease the size of the legislature, I say to you if in fact that is true, then the public will vote it down. But, the public indicates whether it is by polling, by editorials whatever means that they wish to reduce the size of the legislature. They are the ones that should be given the opportunity. Our constitution can only be amended by allowing us to give them the opportunity to vote. I ask you to give the public that chance.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I hate to get up at this late hour, I am getting kind of hungry myself, but I must.

First of all, if this ever goes into effect, I am going to be long gone so it isn't going to affect me one way or another. I feel as a Representative of small communities that the smaller communities are going to suffer and suffer very badly.

Another thing, I think the people of the state have a misconception about is that if you reduce the size of the legislature, you are going to save a lot of money. I think it has been proven that is not true. I think nobody knows what we have to contend with until you get elected here. They really don't know the time you put in. For a while, things will go along fine. I didn't have much constituent work but now that things are really bad, I have got a lot of constituent work and I represent the fourth largest district in the state now, I represent pretty close to 11,000 people. But we are willing to do it.

Another thing, they talk about what it cost ten

or twelve years ago and what we are doing now. If you remember ten or twelve years ago, all your lobbyists were writing all your bills, you didn't have your Revisors Office down there, you didn't have the legal aides that we have, this all costs money. It is service to the people. Now, do you want to go back to that system? I don't think anybody wants to go back to that system and I am going to vote for the Majority "Ought Not to Pass" Report.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I think our forefathers when they designed representation for the state, when you consider the size of the state, that way you could have representation from all corners. Aroostook County is bigger than the State of Rhode Island. I know we don't have the population but the way the legislature is now designed, every corner of our state has representation. I think those of you who are now representing an area, you will have to admit that your people contact you from time to time. If you had a larger area, they would have a harder time to get ahold of you compared to what they do now.

What I would like to point out, there has been comparison to the cost of the legislature in 1981 and today — I would ask you to compare the cost of your school budget in 1981 to today, the cost of operating a supermarket and the wages that you pay in 1981 and today and I think you will find that the comparisons in costs are because of the times that we are in. We shouldn't blame that on the legislature.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I believe I will echo the thoughts of Representative McHenry because I firmly believe in a unicameral form of government. If you think back of the hours that we have spent waiting for the other body to act on legislation, where we would be milling around in the hallways waiting for something to happen, plus the printing of all these amendments that go back and forth and back and forth and also the lobbying as Representative McHenry noted, that it is a lot easier to lobby a smaller body like the other body than it is to lobby a larger body like ours is so consequently I think we would be saving millions of dollars by having the one House and sticking to that type of government.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It seems to me that the arguments used against this bill are arguments drawn from a number of quarters. The good Representative from Madawaska talked about the configuration of his district — the configuration of districts is done through the redistricting process. If districts were shaped like pencils, it is done for a reason for one party or another and it does not necessarily have to do with the number of people each district contains.

It is interesting for me to note that it is only the rural areas that are being described as the losers in a reduction in the size of the legislature and yet portions of the state also losing population are the urban centers. There is a shift in the way the Maine people are finding places to live and it is not just out of the rural areas.

A discussion was made about the need to increase staff — that is a decision of any future legislature

to make on its own. The Maine Senate chooses to operate with less staff than the House of Representatives partly because there are fewer people to serve within the confines of its body. A discussion was made of other states but there is very little correlation between the amount of money paid and the size of the legislature. Look at the lists that were conveniently provided by the Representative from Westbrook — New Hampshire with the largest legislature has the lowest cost per legislator. New York, which I believe was described by the Representative from Waterville is one of the largest legislatures and also one of the most expensive. Hard to draw a correlation.

The arguments against and the resistance to change are expected but I think that you need to recognize that many of you are already representing districts that are no larger in population than the one being proposed by many of these various suggestions.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this but the more I heard talk about this, the more I wanted to talk about what I got this afternoon and that was the latest cost of what it takes to lobby the Maine Legislature. I don't believe the figures, I think some of the lobbyists have been kind of fudging on their figures. Last year's figures show that the Maine Lobbyists spent \$2,747,000 to lobby us. I think the Representative from Augusta talked about a \$15 million dollars budget, that is for 186 of us, but the lobbyists spent \$2,747,000 to lobby us. The reason why I asked this is because, earlier in the year a bunch of us were at the Greater Portland Eggs and Issues Program and one of the questions was, why don't you reduce the size of the House? The good Representative from South Portland, who as we all know isn't running again, got up and said, "I will answer that because I am not running." He explained that the lobbyists would actually control the House so the lobbyists who is out there probably right now comes up to me a little later and said, "You know what you really need to do, you need to cut down the size of the staff." That's it, ladies and gentlemen, we will cut down the size of the staff. I am looking at my good friend from Waterville and I will bet you that he would never give up the staff that he has got on the Energy and Natural Resources Committee. I can tell you that the staff, and I have praised that person for the last two years, Paul Saucier in my committee, Julie Jones who backed him up and I would put those people up against any lobbyist in the state. That is what the lobbyists want, they want to run this legislature again.

Earlier a good Representative talked about who really ran the legislature, we all know who ran the legislature, it was the lobbyists. \$2,747,000 and I believe when you get this list, you will say, "Wait a minute, this can't be right because there are some people here who were here for a solid six months and are only putting down for \$5,000. I would like to know what they were doing the other part of the year. I think this is really underinflated and I think if we go along with this, the lobbyists of this state have got just what they want. They are going to cut down the size of the staff, cut down the size of the legislature and the lobbyists — look at it,

\$2,747,000, that's what it costs.

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

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I do apologize for rising but I would like to explain to the House my reason why I am going to vote for this bill.

There is a public perception out there that we all in this House have a self-interest in not letting the public vote on this bill. Whatever the reality is, the public that I have talked with all have this opinion that we are never going to allow the people to vote on this bill because even though we sometimes wonder why we are here or why we want to be here, the public perceives that we want to be here and they have the perception that we are never going to allow the people to vote on whether or not to reduce the size of the legislature. I think for us not to let the people vote is going further increase the cynicism that people have about our legislature. There is nothing wrong with having the people vote on this issue, let the people decide.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: In a couple of months, I will be celebrating my 9th anniversary in this chamber. When I came here almost nine years ago, I came here deciding that I was going to vote my conscience and not vote for expediency, not vote based upon public opinion but to do the right thing. I have tried the best I could over those nine years to do that. Many of you will remember in my early days that I brought several bills to the floor, 12 to 1 reports, I think I gave a few extra gray hairs to my good friend, the Representative from Old Town, Representative Cashman, in bringing those 12 to 1 report. They were important to me and were a matter of principle. I didn't care about the public opinion, either inside or outside of this legislature.

I heard a previous speaker talk about the public opinion that the people don't believe this legislature is serving their interests — ladies and gentlemen of this House, that public opinion has been created, I believe in some ways, systematically by misinformation. I am as deeply concerned about that as I am concerned about anything that we face in this legislature. There isn't a day that doesn't go by that I hear someone say to me, "How many checks did you bounce?" The Maine Legislature doesn't have its own bank so obviously I didn't bounce any checks; here again, created by misinformation.

How many letters to the editor have I read about the Maine House granting itself a pay raise in the middle of the night? How many times have we all seen that? Here again, created by misinformation. The Maine House obviously did not grant itself a pay raise this term, that pay raise bill passed in 1989. Many of you weren't even here to vote for it. I was and I voted for it. I stood for reelection in between. The Constitution of the State of Maine requires that a election intervene in between a raise in our pay.

There is a constant misconception out there about the size of our staff. The Maine Legislature has the 42nd smallest staff of the 50 states in this country. We are 38th in population. I was happy to hear the good Representative from Augusta had corrected his figures because I remember reading an article he had written, a letter to the editor, where

he talked about the cost of the Maine Legislature as \$18 million dollars. It is only about \$14 million dollars this year. The cost has risen steadily over the years, that's correct. It wasn't so long ago, as people have pointed out, that the lobbyists did write every bill that this legislature read and passed. Is that what the people of this state want? I don't think so.

Yes there is a misconception out there in the public but we don't compound that misconception by feeding on it. That is not what we were elected here to do, we were elected here to use our minds and to vote our consciences.

I had a very dear friend who came to this legislature the same year that I did, we both went to school together, he was Representative Jeff Mills, he is leaving this legislature voluntarily after one term in the other body. I helped him campaign the first time he ran. I will never forget that experience because it was a great experience. I had only been in the legislature, elected in May, he was elected in a Special Election in November. His district is huge in area, 19 towns, about the size of Rhode Island. Let's reduce the size of the House, what size is that district going to be? What demands are going to be placed upon the person who occupies that seat?

No, ladies and gentlemen of this House, this bill is not the solution to the woes of this state. It won't solve any problems, it won't even save any money in the long run, as has been pointed out so let's not simply play the public opinion because that is the thing everybody wants to do, let's use our minds and let's do what we were elected to do, represent the people of the state, not follow them.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, 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. 377

YEA - Adams, Bell, Cahill, M.; Clark, H.; Coles, Constantine, Daggett, Dore, Duffy, Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Hale, Hichborn, Hogle, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Larrivee, Lemke, Lord, MacBride, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pines, Pouliot, Powers, Reed, W.; Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Simpson, Skoglund, Strout, Swazey, Tamaro, Tardy, Townsend, Treat, Vigue, The Speaker.

NAY - Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, D.; Carroll, J.; Cathcart, Clark, M.; Cote, DiPietro, Donnelly, Duplessis, Farren, Foss, Garland, Greenlaw, Gwadosky, Hanley, Heino, Hepburn, Kerr, Kontos, Kutasi, Lawrence, Lebowitz, Libby, Lipman, Look, Luther, Marsano, Marsh, Merrill, Michael, Mitchell, E.; Mitchell, J.; Nash, Norton, Ott, Pendexter, Pendleton, Plourde, Poulin, Reed, G.; Richards, Richardson, Salisbury, Savage, Sheltra, Simonds, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Tracy, Tupper, Waterman, Wentworth, Whitcomb.

ABSENT - Aliberti, Boutilier, Bowers, Cashman,

Chonko, Crowley, Dutremble, L.; Gurney, Handy, Hastings, Heeschen, Hichens, Holt, Macomber, Mahany, Parent, Paul, Pfeiffer, Pineau, Rand.

Yes, 66; No, 65; Absent, 20; Paired, 0; Excused, 0.

66 having voted in the affirmative and 65 in the negative with 20 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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On motion of Representative Dore of Auburn,  
Adjourned at 9:53 p.m. until Tuesday, March 24,  
1922, at nine o'clock in the morning.

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