

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
31st Legislative Day
Tuesday, March 24, 1992

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

Prayer by Reverend Francis Tommy, Assistant to the United Methodist Bishop of Sierra Leone, Africa.

The Journal of Monday, March 23, 1992, was read and approved.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
MAINE WASTE MANAGEMENT AGENCY
EXECUTIVE DEPARTMENT
STATE HOUSE STATION 154
AUGUSTA, MAINE 04333

March 19, 1992

Senate President Charles Pray
Speaker of the House John Martin
State House
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

On behalf of the 12 members of the Waste Management Advisory Council, I am submitting this annual report, as required by PL 585.

The Council has continued to meet monthly this past year. The format of our meetings is a brief report from the Agency on current activities, followed by a lengthy discussion of topics relevant to the Agency's policy making responsibility. We have also used this portion of the meeting to discuss topics of concern to members of the Council and the constituencies they represent, such as market conditions, the public-private relationship in the waste management system and concern for the continued funding of Agency incentive programs for public and private investments.

The emphasis in our earlier meetings this year was the Agency's development of new initiatives, as required by law. These included the household hazardous waste initiative, labeling, packaging, measuring recycling progress and an education program.

During the latter part of the year our discussions have focused on cooperative marketing, flow control and other topics relevant to the update of the two year State of Maine Waste Management and Recycling Plan. We have also spent several meetings on the results of the initial efforts at siting a special waste landfill, and where to proceed from here.

The softness of markets for recyclables has been of great concern, and methods of improving the marketability of Maine's recyclables, is a high priority for the Agency and Council at present. Other priorities are the reduction and management of

packaging, education, and assistance for businesses, industries and municipalities to further develop Maine's comprehensive waste management infrastructure.

We view the Council as an important forum for all public and private segments of the waste management system to come together on a regular basis to discuss issues of mutual concern. It is a chance for us to have early input into the policies that will affect us all.

Respectfully submitted,

S/Karen Stram, Chairperson

Was read and ordered placed on file.

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

Resolve, to Extend Certain Meeting and Reporting Deadlines for Study Committees and Commissions (H.P. 1752) (L.D. 2440) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative PINEAU of Jay) (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 committee, the Resolve was read twice, passed to be engrossed and sent up for concurrence.

ORDERS

On motion of Representative KETOVER of Portland, the following Joint Resolution: (H.P. 1746) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot, and Representative RYDELL of Brunswick)

**JOINT RESOLUTION COMMEMORATING YOM HASHOAH,
THE "DAYS OF REMEMBRANCE" OF THOSE WHO
SUFFERED AS VICTIMS OF THE HOLOCAUST**

WHEREAS, 47 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 30, 1992, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 26th to May 3rd as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Was read.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I am a board member of the Holocaust Human Rights Center. It is hard for me to believe today that the Holocaust still lives and until we get rid of or eliminate bigotry, it will not end. The question is, could the Holocaust happen again today? The answer is that it could and it could happen in America.

I am so pleased to see that there are many children here for this is very important for them to understand all about the Holocaust. It was shown to me in many ways, but especially when David Duke, a Klan's member, ran for Governor and the fear of the people of Louisiana and in the country if he won. In difficult times, people increase their hatred, their bigotry, prejudices and the threats of violence. They need someone to hate. Hate, my friends, can only bring unhappiness.

Six million Jews and a total of 16 million people, like the gypsies, the mentally ill, the disabled, the Jehovah's Witnesses and other religious descendants, homosexuals, Polish, Yugoslavians, Russians, Czechoslovakians, Greeks -- all died at the hands of the Nazi's.

Interesting fact -- even in Maine, our history shows that Owen Brewster who was elected Governor of this state was backed by the Klan. The record now shows us that there was, this year alone, 1,879 anti-Semitic incidences in the United States last year. Physical attacks on Jews doubled and one of the 60 assaults resulted in the death of a young scholar in the Crown Heights riot in New York City. The year also saw the greatest number of serious anti-Semitic incidences, 59 percent occurred in the Northeast, three from Maine. Just in Portland in 1991, 26 hate crimes occurred. How many have gone unnoticed? With all of these statistics, you may think that hate crimes are on the rise. Not

necessarily so. Just one would be too many for me but under the law, now a person can be prosecuted for hate/prejudice crimes, thank God.

Forty-seven years ago, it seems long for some of you young people but that was a long time ago, 6 million Jews were murdered in the Nazi Holocaust as a part of a symptomatic program of genocide and millions of other people suffered as victims of Nazism. We must not forget and we must listen to the stories of the survivors because when they die, so do their stories. As you know, many people deny that that even happened. Hard to believe. We must not rest until all racial and religious bigotry are gone. We must not forget for the people and the families who sacrificed their lives for all of us so that we today can live in peace and in freedom.

Subsequently, Joint Resolution (H.P. 1746) was adopted and sent up for concurrence.

On motion of Representative JALBERT of Lisbon, the following Joint Resolution: (H.P. 1750) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator COLLINS of Aroostook, and President PRAY of Penobscot)

JOINT RESOLUTION COMMEMORATING
THE 10TH ANNIVERSARY OF THE
VIETNAM VETERANS MEMORIAL IN WASHINGTON, D.C.

WHEREAS, there will be an event commemorating the 10th anniversary of the Vietnam Veterans Memorial in Washington, D.C. from November 7 to November 11, 1992; and

WHEREAS, this event will present an opportunity for our nation, which was too long divided over the Vietnam War, to join together in remembrance and reflection and to honor those who lost their lives in that conflict; and

WHEREAS, the Legislature and the people of the State of Maine wish to express their support for this commemorative event; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to express our support for the event recognizing the 10th anniversary of the Vietnam Veterans Memorial; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; each Member of the Maine Congressional Delegation; Jan Craig Scruggs, President of the Vietnam Veterans Memorial Fund; and Barbara Bush, Honorary Chair of the Vietnam Veterans Memorial 10th Anniversary Advisory Committee.

Was read.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.
Representative JALBERT: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to say that never in the history of the United States has there been an event such as the Vietnam War that so divided this country. Right now in Washington, there is a beautiful monument and I have been fortunate to see it a few times. It remembers those young men and young ladies who paid the supreme sacrifice to fight in Southeast Asia. A war which no one understood, a war which no one wanted and unfortunately, when those young men and young ladies came back, they were not welcomed like we were in World War II for having done a great job. There are still scars today. Many of those young people are suffering from the effects of that war. If anybody gets a chance to go to Washington, I hope you go down and see that Vietnam memorial. There are many young boys from Maine on that list.

I would say that I am pleased to present this Order and hope that we will never forget those people who died in Vietnam.

Subsequently, Joint Resolution (H.P. 1750) was adopted and sent up for concurrence.

On motion of Representative LAWRENCE of Kittery, the following Joint Resolution: (H.P. 1753) (Cosponsors: Representative OTT of York, Representative HICHENS of Eliot, Representative CARLETON of Wells, Representative FARNUM of South Berwick, Representative MURPHY of Berwick, Representative WENTWORTH of Arundel, Senator ESTES of York, and Senator CARPENTER of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE
CONGRESS OF THE UNITED STATES ON THE FUTURE OF THE
UNITED STATES NAVAL SHIPYARD AT KITTERY, MAINE

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

WHEREAS, the United States Naval Shipyard at Kittery has performed in an exemplary manner throughout its almost 2 centuries of history; and

WHEREAS, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

WHEREAS, the communities located near the Kittery yard in Maine, New Hampshire and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

WHEREAS, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

RESOLVED: That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Was read.

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

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: We have talked of base closures consuming the news recently. Several facts went unnoticed over the past two years. A year ago or a little over a year ago, we had what is called the RIF at the Kittery Naval Shipyard. A RIF is reduction in force whereby 1,400 people were laid off. This April we had another RIF where an additional 600 people were laid off, totaling 2,000 people or approximately the same number of people who will directly lose jobs with the closing of Loring Air Force Base.

The Kittery Shipyard has operated for nearly 200 years as one of the centerpieces of the defense strategy of the Department of the Navy. There is talk now between competition between the yards of potentially closing one yard on the eastern seaboard. The Seacoast Shipyard Association, formerly the Portsmouth/Kittery Armed Services Committee, is banding together to try to present the case to the federal government that the Kittery Shipyard represents one of the finest shipyards in this country and in a post-cold war defense strategy should be utilized to the best of its capacity in providing services for the federal government. That is why this Resolution is so important, to show our Congressional Delegation and the people in Washington that the State of Maine and the people of Maine stand 100 percent behind continued operation, diversification and development of the shipyard in Kittery. I urge your support for this Resolution.

Subsequently, Joint Resolution (H.P. 1753) was adopted and sent up for concurrence.

On motion of Representative HANLEY of Paris, the following Joint Resolution: (H.P. 1754) (Cosponsors: Representative MICHAEL of Auburn, Representative MCHENRY of Madawaska and Representative HEPBURN of Skowhegan)

JOINT RESOLUTION TO PETITION THE UNITED STATES

CONGRESS TO PROPOSE AN AMENDMENT TO THE
UNITED STATES CONSTITUTION TO LIMIT
CONGRESSIONAL TERMS OF OFFICE

WHEREAS, Congress was originally envisioned by the Founding Fathers as a non-partisan, part-time legislative body, a model embraced by this State, whose members would take time from their normal businesses and professions to attend the congressional session for 4 to 5 months annually; and

WHEREAS, the press of the nation's business has forced the Congress to become a highly structured, professional and hierarchical institution rather than the informal, flexible gathering of citizens and legal intellectuals that obtained in the Federalist Era; and

WHEREAS, the power of incumbency has grown over time and, with the institution of electronic media, has increased to the point that the incumbent is nearly unassailable in any normal election; and

WHEREAS, the seniority system in the Congress, though recently reformed, still places disproportionate stress on electoral longevity; and

WHEREAS, innovative ideas and rejuvenated vigor are more likely to come to the Congress through new members fresh from association with the American people; and

WHEREAS, the most common complaint that the public makes about congressional service is that members of Congress spend more of their time running for office than attending to their duties; and

WHEREAS, to avoid the appearance of hypocrisy, the Legislature of this State recognizes the fairness of imposing similar limitations on itself; now, therefore, be it

RESOLVED: That the Congress of the United States is hereby petitioned to propose an amendment to the Constitution of the United States, for submission to the states for ratification, limiting the number of terms a person may serve in the United States House of Representatives to 6 consecutive terms and limiting the number of terms a person may serve in the United States Senate to 2 consecutive terms; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to each member of the Maine Congressional Delegation and to the presiding officer of each house of each state legislature in the United States.

Was read.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.
Representative HANLEY: Mr. Speaker, Men and Women of the House: For those of you who have been around since the 113th, you realize this is an issue that is near and dear to my heart. I would just like to take a few moments this morning to urge you to

pass this Joint Resolution.

This is a non-partisan or bipartisan Joint Resolution. It has the support of members of the Democratic Party and also the Republican Party.

Even though I am getting into hot water once again with my Congresswoman, Olympia Snowe, for introducing this, I feel that it goes beyond party lines. I realize that this puts her in a precarious position due to the upcoming election but I know of individuals having residing in the Second Congressional District who would like to run for Congress as a Republican but have been thwarted so far just because of the power of the incumbency.

A couple of reasons for term limitation. Let me point them out, ABSCAM, the Keating Five, unpaid restaurant bills, bouncing rubber checks, drug trafficking through the Congressional Post Office, and one of the better issues that the people have taken to heart is the midnight pay raises, whereas our congress people are already paid a salary that puts them in the top one percent of all wage earners in our nation, they insisted that a 37 percent pay raise was necessary.

In 1982, a Congressional salary was for House members \$60,662. In 1991, that was up to \$124,424. In less than a decade, House members went from \$5,000 a month to \$10,000 a month. That is a couple of reasons why term limitation has the support that it does.

Let me give you a couple of points to support term limitations. Term limits will break up the lock that special interests have on today's Congress and produce legislators that are truly responsive to the people.

Another point, the powers, perquisites and fund raising advantages of incumbency make elections inherently unfair. The only way to ensure competition is to guarantee open seat elections at least every 12 years.

Another point, compulsory rotation of elected officials will break up, entrench in selfish majorities and empower underrepresented minorities.

Another point, with term limits in place for the President and many Governors, it ought to be applied to the federal and state legislatures.

Another point, terms limits will recreate a new class of citizen legislators who serve the public for a few years and then return to their communities before the possibility of becoming corrupted by power.

Another point, term limits are needed to stop the type of institutional corruption that we have seen, the bouncing checks and unpaid restaurant bills.

Terms limits will infuse legislators with new talent and fresh ideas.

The term limitation movement is bipartisan with support from people associated with a broad range of political and ideological viewpoints. Opponents are the same special interests who are feeding at the trough today.

I would like to read a few paragraphs from an article by George Will. He starts his paragraph by saying, "I have changed my mind." I hope the members in this body will change their minds also if you have voted against this in the past. "Myriad forms of evidence have driven me to the conclusion that my opposition to limitation on the number of terms legislators — local, state and national — can serve is mistaken. The evidence concerns such disparate matters as municipal garbage collection, interest groups in Sacramento, and 8,331 bounced personal

checks on the House side of the U.S. Capitol.

Colorado's enactment of limits last year rebutted the assertion that limits are merely a partisan ploy by Republicans who are unable to beat Democrats in fair fights. Colorado's senators and six members of Congress are evenly divided between the parties and its legislature has Republican majorities in both chambers. Also, in Washington State, liberal Democrats are prominent in the drive to enact limits more stringent than Colorado's — retroactive limits. If constitutional, by 1994 they would retire all of Washington's eight congressmen, including Speaker Tom Foley. Furthermore, 70 percent of Americans favor limits."

Along that point, there was a poll done by the Americans to Limit Congressional Terms in June of 1989. They commissioned the Gallop organization to conduct a nationwide survey on the question of term limitations for a 12 year period. Their response had 57 percent in favor, 34 opposed. There was consistent support across all geographic and demographic groups for term limits. In January of 1990, the National Federation of Independent Businessmen conducted a similar poll. Their response was 70 percent who favored the concept of term limitations. Finally and more locally to Maine, in September of 1991, the Oxford Hills Chamber of Commerce did their own poll with their members and if I could ready you their letter they sent to me — "On September 30th, the Chamber requested of our members an opinion regarding term limitation. The question specifically asked if you favor some type of term limitation for the State of Maine.

As of this date, this office received 166 responses, which represents 66 percent of the total membership, 12 percent of that 66 percent responded no, they did not favor term limitations; the other 88 percent responded yes, that they did favor term limitation."

The question is, why do I have to bring this Joint Resolution to the members of this body? Well, the reason is because I have been stymied in my attempts to do this through citizen initiated petition. In fact, there was a group that was formed this past Fall that consisted of six members, two Democrats, in fact one Democrat that had run for this body unsuccessfully from Scarborough, two Libertarians and two Republicans. They submitted a petition to the Secretary of State's office in order to allow the people of the state to vote on this through citizen initiated petition. If I could read you the letter from the Attorney General's office as far as what the outcome of that citizen initiated petition was, "This is to advise you that this Department has reviewed the proposed initiated legislation concerning limitations on terms of office of State and Federal legislators submitted to your office by Representative Dana C. Hanley, and adheres to its position set forth in Opinion of the Attorney General 91-11, copy attached, that the proposed legislation would be clearly unconstitutional, and therefore not a proper subject for a referendum. Accordingly, we would advise that it is within your authority under 21-A M.R.S.A. subsection 901 to decline to develop a form permitting the person submitting the proposal to you to circulate petitions seeking to have it presented to the Legislature and to the general electorate."

That is why I come before this body this morning. We have not been allowed to do this through

the citizen petition process because, as I outlined this morning, it is a grass roots movement and yet we have denied the people throughout the state the opportunity to pursue this.

How does this impact us nationally? As far as in this time of presidential campaigns, President Bush has spoken in favor of term limits. GOP challenger Pat Buchanan has spoken in favor of term limits. On the Democratic side, former California Governor, Jerry Brown, has also endorsed term limitations and has been very vocal. Arkansas Governor, Bill Clinton, was quoted in the Washington Post as being "personally opposed to limits" but said he might support them in five to six years if the campaign finance reform didn't make campaigns more competitive. Also Paul Tsongas, who is now out of the Presidential campaign, was quoted as saying, "I used to oppose this idea but apparently as many other observers on the political scene say, it is an idea whose time has come." Actually, the present office holders have brought it on themselves.

The final point I would like to make this morning is that some people have raised constitutional concerns that this might not be constitutional and I would like to refute a few of those. On March 9 of this year, 1992, just a few short weeks ago, the U.S. Supreme Court let California limit the terms of its legislators. A quote from their opinion was, "Term limits do not violate the constitutional rights of legislators or voters."

December 19, 1991, the Florida Supreme Court ruled that the term limit proposal in Florida could be placed on the 1992 ballot.

In October of 1991, the California Supreme Court upheld voter approved term limits from the opinion quoting, "Any consideration of unconstitutionality is outweighed by the law's goal of freeing the political process from intense incumbency."

Also citing from that same opinion, "As a general rule, the overall health of the body politic is enhanced by limitations on continuous tenure."

I think it is in the best interest of the entire state that we pass this this morning. If we want people of Maine to take back control of their government and remind the politicians of who is ultimately responsible for the health of a democracy, it is the people themselves.

I urge its passage.

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

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

TABLED AND TODAY ASSIGNED

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

Expression of Legislative Sentiment 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 (HLS 905)

TABLED - March 23, 1992 by Representative SKOGLUND of St. George.

PENDING - Passage.

Subsequently, was read and passed.

By unanimous consent, ordered sent forthwith to the Senate.

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

Expression of Legislative Sentiment recognizing Vance Bunker, Paul Murray and Richard Kohls, of Matinicus Isle, Maine (HLS 906)
TABLED - March 23, 1992 by Representative SKOGLUND of St. George.
PENDING - Passage.

Was read.

The SPEAKER: I am going to ask the Clerk to read the incident, as the people involved are with us.

The CLERK: On the evening of January 16, 1992, the tugboat Harkness was bound from Ogunquit to Northeast Harbor. The tugboat, with three men aboard, started sinking off Matinicus Isle, the outermost inhabited island on our Atlantic Coast, some 26 miles out to sea.

The tug sent distress calls by radio which were picked up by people on Matinicus and on the mainland. Clayton Philbrook picked up the call on Matinicus about 6:00 p.m.. At that time, the temperature was three or four degrees below 0, the wind at perhaps forty miles per hour, and the waves eight feet high.

Philbrook remained at his radio and three men, Vance Bunker, Richard Kohls, and Paul Murray immediately set out in Bunker's boat, the Janellen to try to find the tugboat in distress. At about the same time, a coast guard boat was sent out from the base in Rockland. Aboard were 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.

The last communication from the sinking tug came at 7:02, when the tug captain reported that water had risen to his chest and that he and his two crewmen were going to have to leave the sinking vessel.

The two boats on the way to the rescue had coordinates of where the tug had last sent a radio message. However, ice had coated so thick on the boats' windshield that it was nearly impossible to see. Additionally, sea smoke made visibility near zero. Navigation was by instrument and by experience.

The three men on the sinking tug were unable to free the lifeboat because ice had coated everything, providentially, a wooden ladder floated free when the tug sank. The three men were able to stay afloat by putting their arms through the ladder's rungs. One of the men in the water had been holding a flashlight in his hand when he had gone overboard. The flashlight remained illuminated, frozen to his mitten. His hands were too frozen to grip anything, but that life-saving flashlight, a Christmas gift from his daughter, stuck to his mitten, shining upward.

Aboard the boat from Matinicus, two men peered down into the dark waters in the area from which the last radio signals had been received. Then, for some

unknown reason, Richard Kohls looked up instead of down and saw the flashlight shining up into the sea smoke.

With great skill, Captain Vance Bunker was able to get his boat alongside the ladder and two of the drowning, freezing men were hauled aboard. The wind was blowing 40 miles an hour and the waves were 9 feet high. The ladder with the third man still clinging to it began drifting away. Fortunately, the Coast Guard was right behind the Janellen and the third man was taken aboard the Coast Guard boat.

At the time the men were taken out of the water, the wind chill was estimated to have been 55 degrees below 0. It was necessary to cut the frozen clothes from the men. Two of the men from Matinicus, Richard Kohls and Paul Murray, took their own clothes off and put them on the freezing men. On the Coast Guard vessel, there was covering for the man whom they had rescued.

Once back at Matinicus, a group of perhaps a dozen people had gathered to take the rescued men and the Coast Guardsmen into their homes for the night for it was far too dangerous to attempt a return to Rockland that evening.

Subsequently, the Speaker recognized Vance Bunker and his wife Sherry, Richard Kohls, his wife Susan and son Evan, Paul Murray was represented by his sister Peggy and his son Eric. (Applause, the audience rising)

Members of the U.S. Coast Guard participating in the rescue were also recognized, Ronald Chadwick, John Martin, Thomas Letendre, Eric Jones and Albert Fernandez. (Applause, the audience rising)

The SPEAKER: On behalf of your own Representative, Representative Skoglund from St. George and all the members of the House, we thank you for your efforts and thank you for being here today so we could recognize you. Thank you.

The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: As the Clerk so kindly read to you, these brave men, when the call came, went out on the ocean under the most adverse circumstances imaginable. Without any question, without any hesitation, they went when called. It was more difficult to get them to attend the legislature here this morning, they were very reluctant to come and I had to persuade them. I think I understand their reluctance, for one thing they felt it would be unfair for them to be recognized because others have participated in rescues with little thanks or recognition. They also felt that it would be necessary to leave out the names of others on the shore and others who would have made the attempt to rescue the men. Indeed, we have omitted the names of some who should be commended. They also felt that they shouldn't be recognized for doing something that they know others would do for them if the circumstances demanded it.

I was able to persuade them to come by telling them the Coast Guard would be represented here. As fishermen, they were insistent that the Coast Guard get the recognition due them. So often we take the Coast Guard for granted, they are so dependable, they do their work so effectively with so little fanfare that often we forget that they are on duty protecting our coast.

Again, we want to thank them for the excellent work that they do.

I think this morning, after hearing Representative Ketover speak of the Holocaust, it is good to have a positive note as well. I think the story of what these men have done is an inspiration to us all. It shows us that there are still people who are willing to risk their lives for others. The people on Matinicus have shown us that even though many do pass by on the other side and ignore the needs, the suffering of others, there are still many like those inhabitants of Matinicus who open their homes and open their hearts to the needs of others. These people are an inspiration to us. Thank you again for being here today.

Subsequently, was passed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

(5-1) the descendants in North America of Jean Cote and Anne Martin who came from Northern Perche and settled in Beauport, Quebec in 1634, and in extending best wishes as they celebrate their family reunion in the St. John Valley on July 3rd, 4th and 5th of 1992; (HLS 910) by Representative PARADIS of Frenchville. (Cosponsors: Representative MARTIN of Van Buren, Representative McHENRY of Madawaska, Representative COTE of Auburn, Senator THERIAULT of Aroostook)

On motion of Representative Martin of Van Buren, was removed from the Special Sentiment Calendar.

Was read and passed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 919) (L.D. 2358) Bill "An Act to Amend the Underground Oil Storage Facilities and Ground Water Protection Laws and the Uncontrolled Hazardous Substance Sites Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-665)

There being objection, the Committee Report was read and accepted, the bill read once.

Committee Amendment "A" (S-665) was read by the Clerk.

Representative Jacques of Waterville offered House Amendment "A" (H-1212) to Committee Amendment "A" (S-665) and moved its adoption.

House Amendment "A" (H-1212) to Committee Amendment "A" (S-665) was read by the Clerk and adopted.

Committee Amendment "A" (S-665) as amended by House Amendment "A" (H-1212) 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-665) as amended by House Amendment "A" (H-1212) thereto in non-concurrence and sent up for concurrence.

SECOND READER

As Amended

Later Today Assigned

Bill "An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards" (EMERGENCY) (H.P. 1664) (L.D. 2341) (C. "A" H-1180)

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

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Laws Governing Construction of Utility Lines (H.P. 1726) (L.D. 2417) (S. "A" S-668)

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. 105 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Create the Fort Kent Utilities District (H.P. 1736) (L.D. 2424) (S. "A" S-663)

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.

assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize Construction on a Wharf in Long Lake at Naples (H.P. 1741) (L.D. 2429) (H. "A" H-1165)

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 to Clarify the Boundaries between the Towns of Howland and LaGrange and the Towns of Howland and Edinburg (H.P. 1745) (L.D. 2433)

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. 105 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend Certain Motor Vehicle Laws (H.P. 1477) (L.D. 2089) (S. "A" S-655 to C. "A" H-1163)

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.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Concerning the Structure and Operation of the Seed Potato Board" (H.P. 1712) (L.D. 2397) which was passed to be engrossed as amended by Committee Amendment "A" (H-1150) as amended by House Amendment "A" (H-1159) thereto in the House on March 19, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1150) in non-concurrence.

On motion of Representative Tardy of Palmyra, tabled pending further consideration and later today

ORDERS

On motion of Representative CASHMAN of Old Town, the following Joint Resolution: (H.P. 1757) (Cosponsors: Senator PEARSON of Penobscot and Representative DUPLESSIS of Old Town)

JOINT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO PROSECUTE CERTAIN CASES IN PENOBSCOT COUNTY

WHEREAS, Officer Norman Harrington of the Old Town Police Department has been assigned to desk duty since R. Christopher Almy, the District Attorney for Penobscot County has repeatedly refused to prosecute cases initiated by Officer Harrington; and

WHEREAS, the refusal of the District Attorney stems from the fact that Officer Harrington has sued the District Attorney for violations of his civil rights arising out of sexual abuse charges; and

WHEREAS, Officer Harrington has never been charged with a crime, but nevertheless is unable to perform his function as a patrol officer due to the District Attorney's refusal to prosecute his cases; and

WHEREAS, in order for Officer Harrington to return to patrol duties it is necessary for a prosecuting official to agree to process the cases that he generates, and as the only other practical alternative is for the Department of the Attorney General to handle these matters; now, therefore, be it

RESOLVED: That the Legislature requests that Attorney General Michael Carpenter move this matter to a positive resolution that will allow Officer Harrington to perform all the duties of an Old Town police officer; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Michael Carpenter, Attorney General of the State of Maine.

Was read and adopted and sent up for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Establish the Motor Vehicle Emission Inspection Program" (H.P. 1645) (L.D. 2308) which was passed to be engrossed as amended by Committee Amendment "A" (H-1154) as amended by House Amendment "A" (H-1181) thereto in the House on March 23, 1992.

Came from the Senate passed to be engrossed as

amended by Committee Amendment "A" (H-1154) in non-concurrence.

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

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

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on Human Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-653) on Bill "An Act to Require Insurance Companies to Honor Assignment of Medical Benefits for Clients of the Department of Human Services" (S.P. 889) (L.D. 2282)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-653).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-653) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-653) in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 963)

115TH MAINE LEGISLATURE

March 23, 1992

Senator N. Paul Gauvreau
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Dennise D. Whitley of Farmington for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

Was Read and Referred to the Committee on **Judiciary** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 893) (L.D. 2293) Bill "An Act to Provide for Periodic Review and Modification of Child Support Orders" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-654)

(S.P. 899) (L.D. 2318) Bill "An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-651) (Representative HANLEY of Paris - of the House - abstained)

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

(H.P. 1584) (L.D. 2234) Bill "An Act to Protect Children from Lead Poisoning" (EMERGENCY) Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1218)

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

Subsequently, the Committee Report was read and accepted, the bill read once. Committee Amendment "A" (H-1218) was read by the Clerk.

On motion of Representative Manning of Portland, tabled pending adoption of Committee Amendment "A" (H-1218) and later today assigned.

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

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)
TABLED - March 23, 1992 (Till Later Today) by Representative MITCHELL of Vassalboro.

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. 2238 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-633) as amended by Senate Amendment "A" (S-638) thereto was adopted.

The same Representative offered House Amendment "A" (H-1214) to Committee Amendment "A" (S-633) and moved its adoption.

House Amendment "A" (H-1214) to Committee Amendment "A" (S-633) 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 word of explanation, our committee worked very long and hard to make self-insurance more available to those businesses in Maine who wish to self-insure. We did that through offering a very secure letter of credit but in our crafting of the amendment, we used the wrong word. We referred to "excess" insurance as opposed to reinsurance and this corrects that error.

Subsequently, House Amendment "A" (H-1214) to Committee Amendment "A" (S-633) was adopted.

Committee Amendment "A" (S-633) as amended by Senate Amendment "A" (H-638) and House Amendment "A" (H-1214) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-633) as amended by Senate Amendment "A" (H-638) and House Amendment "A" (H-1214) thereto in non-concurrence and sent up for concurrence.

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

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)
TABLED - March 23, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Anthony of South Portland, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the third 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 23, 1992 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, retabled pending passage to be enacted and later

today assigned.

The Chair laid before the House the fourth 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 23, 1992 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Passage to be Enacted.

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

The Chair laid before the House the fifth 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 23, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Motion of same Representative to Reconsider Passage to be Enacted.

Subsequently, on motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 2133 was passed to be enacted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 2133 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-610) was adopted.

The same Representative offered House Amendment "A" (H-1234) to Committee Amendment "A" (S-610) and moved its adoption.

House Amendment "A" (H-1234) to Committee Amendment "A" (S-610) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Approximately a week ago the Low-level Waste Authority, which is responsible for the siting of the low-level waste storage site within the State of Maine, abolished the Citizens' Advisory Group called CAG - at that time, they were responding in part to their concern about the nature of the CAG meetings being what they were and also a concern raised (and legitimately) by the Joint Standing Committee on Energy and Natural Resources that the expenses of this function had gotten somewhat out of hand. They were expending in the vicinity of \$8,000 a month at that time and there was some concern that the consulting companies that they were currently using to facilitate these CAG meetings, which were an out-of-state company called Endispute, were too high and needed to be reduced and they recommended a reduced figure and encouraged them to look at other ways to find an in-state mediator who could be used for consulting to help facilitate some of these meetings. Through their own efforts,

the Low-level Waste Authority then abolished CAG in addition to pursuing the opportunity to eliminate their relationship with Endispute. That was probably contrary to what I think the majority of the members of the Joint Standing Committee on Energy and Natural Resources had and since that time, I have engaged in several conversations and discussions with members of the committee as well as the Low-level Waste Authority and CAG members as to what is the best way to proceed.

I think at a time when there is so much disillusionment with public institutions that this was precisely the wrong time to be making this type of move and it was a little bit naive at that point to make the move. I understand that the reason the Low-level Waste Authority was concerned was that the meetings had broken down in the last year or so, that they weren't as productive as they could have been, and I think many members of the committee felt that a different facilitator with some more responsibility could keep them on course and make sure those meetings were constructive for the entire purpose and certainly CAG provides a very important function in this state.

With that, I offer this amendment which statutorily puts CAG into the statute for the first time to an amendment that I have discussed at length with members of the committee, CAG, and also the language has been given to the Low-level Radioactive Waste Authority today, which met today and approved this language as being beneficial. It allows for the public participation of the Citizens' Action Group that I think we all want but beyond that, it has some good recommendations by members of the committee and other members as a way to help develop and adopt guidelines that encourage constructive participation in this process and allows the facilitator the ability to organize and operate the meetings to help them keep focused on the responsibility before them. So, I think it is an amendment that we have attempted to deal with with the committee, the CAG, the Authority and they all seem to be supportive of it and hopefully we can all benefit from the input that the CAG has had over the last couple of years prospectively now as they deal with this very important issue of attempting to deal with the final sites that have been selected in fact today.

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

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

Has this amendment been printed and has it been distributed?

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of House Amendment "A" (H-1234) to Committee Amendment "A" (S-610) and later today assigned.

(At Ease)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Divided Report

(6-1) Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1223) on Bill "An Act to Establish a Professional Standards Board for Maine Educators" (H.P. 1316) (L.D. 1902)

Signed:

Senators: ESTES of York
McCORMICK of Kennebec

Representatives: OLIVER of Portland
HANDY of Lewiston
PFEIFFER of Brunswick
O'DEA of Orono
CAHILL of Mattawamkeag
O'GARA of Westbrook

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

Signed:

Senator: BRAUN of Knox

Representatives: CROWLEY of Stockton Springs
AULT of Wayne
NORTON of Winthrop
BARTH of Bethel

Reports were read.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I moved that the House accept the Majority "Ought to Pass" Report and would like to speak against my motion.

L.D. 1902 creates a professional standards board for Maine teachers. This applies to certification of teachers and I dislike intensely going against the majority on the committee but I feel that this is the way I should be voting.

The Board will consist of 7 teachers nominated by a teaching organization, an organization that has more than 50 percent of its members teachers. There will be three administrators, a superintendent, a secondary principal and an elementary principal and they will all be selected by their various organizations. Two representatives for teacher education programs will be nominated by the National Council of Higher Education and one public member, PTA (Parents Teacher Association) making a board of 13 members and all of these will be appointed by the Governor.

This will be financed by the application of the certification fees, \$25 for a renewal of certification, \$50 for initial certification and \$50 for an inactive recertified teacher.

I oppose 1902 — first, I feel that it is another layer of bureaucracy above the State Board of Education, above the Department of Education. I think the timing is not right, we are in a deep recession and the state is in a state of turmoil. A

teacher's starting pay is about \$18,500 — that is less than a 2 year Associate Degree graduate going into welding who starts at about \$21,000 and which they should if they are skilled but new teachers exit from college on the average of some \$5,000 to \$10,000, they don't need more expenses to get into teaching where the economic future offers only satisfaction, not dollars.

Even if this were an Advisory Commission, I think I would oppose it because of the timing. I promise not to speak again to this issue. I will vote no because I believe education has enough sorting out to do without adding a new layer of top/down control.

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

Representative HANDY: Mr. Speaker, Men and Women of the House: What this bill seeks to do is to establish a professional board for teachers in the State of Maine similar to that in 48 other states.

As you may recall in the last session of the legislature, when this bill was introduced in fact, this legislature passed a budget bill that included (among many other things) fees for the licensure of teachers in the State of Maine, much like the way we assess a fee for a plumber, electrician, acupuncturist, or someone in the funeral industry. The missing element is what is included in this bill and that is the professional standards board.

To me, I think it is critically important that if the state is going to be involved in the process of licensure of a profession, then it ought to have a board make up of members of that profession. If we can put faith in lawyers, acupuncturists, arborists and others to patrol their own professions, I think that is the least we can do for the teachers of the State of Maine.

The other great benefit I see for this particular legislation and to the board, should it become law, is the fact that it will provide for greater flexibility of the Teacher Certification process. I am sure many of you have heard from teachers in your respective legislative districts who have had difficulty in complying with the current certification law for any number of reasons, not the least of which is the inflexibility on the part of the State Board of Education and the Department of Education in allowing some alternatives to the rigid set of rules and regulations that the Department of Education currently have. For example, if I were a Master plumber of 25 years and was seeking another career and an opening occurred in one of our regional vocational schools at the secondary level, I would not be able to go in there and teach pipe fitting. I think it is clear in that example that someone who has spent that kind of time in the field has a great wealth of knowledge to share with the young people of the State of Maine. Current certification rules don't provide for that flexibility. You will hear a lot of talk about flexibility being introduced by the Department of Education and the State Board in the way of certification but it just isn't happening. This bill will put professionals on the board who will be sensitive to the needs of local school districts and enable a greater flexibility to the certification of teachers in the State of Maine.

I would hope that you would support the fine motion of the Chair whom I hold in great esteem, quite honestly, Representative Crowley, and accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the

Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think we should give pause here to reflect a bit on the purpose of certification which is to offer the public minimal assurance. I don't happen to like those words but that is what the law has been.

I would propose that we make some changes in certification. I would propose that we make them during the next Regular Session of this Legislature. However, I will stick to this situation right now.

I believe that the licensing process should stay with the state. I have teaching certificates, I didn't collect them but, as I qualified for one job or another, I always made sure I had the correct certification for that job and if I had difficulty, I would rather go to the state because I can reach that state through you people better than I can reach it through the Maine School Management Association or any other professional association. In no way am I demeaning the profession of education but let's take a look at it. You can choose your own doctor, you can choose your lawyer but you do not choose your teacher, that is why we got a public assurance. That's the other side of the coin that protects that public. Far more important than certification will ever be is the screening process that leads to the actual hiring and some day this state may be wise enough to invest in teacher education and endorse those graduates routinely who come from those approved courses of study. We will always need an alternate route and the flexibility that used to be present and could be present through giving a Commissioner of Education the rights to waiving in those cases where someone of unusual qualifications step forth and met certification standards should be in place.

I would have the profession involved by having an advisory committee advisory in all matters to the Commissioner and the Department of Education, not the State Board of Education, advisory in all matters pertaining to certification including those standards that are set up to accommodate people who did not matriculate through approved courses and qualified for entering the profession through transcript analysis. I think that that would keep the public assurance in place, operate with a minimum of bureaucracy, and yes, I would charge a users license and, for the first time in the history of this state, staff the Department of Education issuing the certificates sufficiently to get them out. That has not been true in the last 20 years. I think that that is one of the bottlenecks that has led to the branding of certification as more of a lesser extent than it should be held in, should I say, to be kind. I think certification is a very serious matter but I urge you to vote against establishing a professional standards board at this time and really review legislation which I am sure will be introduced the next session that will provide a better framework in which to license our teachers.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this bill, I do not think that it is needed at this time. We can't afford it.

I would also say that we are spending over a billion dollars a year, every year, on education in this state. To me and to my taxpayers, they want

some accountability and I don't know that this would give it to us.

I move indefinite postponement of this bill and all its accompanying papers.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: This is a good and very important bill. As you know, education, because of the economic crisis in this state, has taken quite a hard hit. You all have teachers in your community, you all have school boards and people you talk to about the educational situation. As you know, the morale of the teachers is low, the school boards are scraping to get rid of obsolete equipment and keep their textbooks up to date. We are trying to keep the core curriculum together, we are trying to keep those activities that are extracurricular in the school systems to keep some of the kids who may drop out of school so we know the schools are having a tough time.

This is a bill that encourages educators that upgrades the profession and costs us nothing. A professional standards board for teachers is part in parcel of the restructuring movement because this board gives teachers voice in decisions which directly affect their work.

In the Education Committee we discussed long and hard last year restructuring. It was quite obvious that there was bipartisan support for the movement to re-look at our schools and re-look at the way we educate our kids. One of the most important factors considered and accepted by all was the increased involvement of educators in their own profession. It is very hard for us here in the State of Maine to call teachers professionals when 47 other professional organizations have these standards boards. We are only one of three states that do not have that. I think it is a great time to give the message, a message when we know teachers are being laid off and threatened with their jobs. We know that school boards are having a hard time in getting the resources. This is the time to send the positive message to education that costs us nothing, that yes you are an honored profession, yes we respect you for teaching our children and we know that the job is tough, especially with all the social problems that the school systems and the teachers must now face. We cannot be afraid of professionals sitting on their own board. Everywhere you've had a standards board, the profession has not only been upgraded, but the standards have been upgraded because who has more at stake than those who work in the profession? Everywhere you have the Department of Education or some side committee without educators making the decisions, they make all the exceptions and the reason they make exceptions is because expediency is easier but you will not have teachers who are professionals making those exceptions. You will see if we accept this concept that the standards of teaching in this state will rise.

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: The current system works, there is no question about that, some places better than others. However, I question whether or not the quality of the recertification that these people go through is all that great. I question the academic quality, a lot of these courses are "feel good"

courses. It is great if you happen to like to handle wet reeds, that's just great, but if you are not a swim coach teaching underwater basket weaving, you ought not to be taking the course. We have some real problems with what counts for academic credit. I certainly don't want my Algebra teacher taking a course in basket weaving because it "feels good."

I would like to read to you what the State Board of Education does, what it is responsible for, certification is the last of these.

No. 1: the board is delegated specific powers to make recommendations to the legislature for the effective conduct of public schools.

No. 2: to approve the formation of school administrative districts.

No. 3: to establish requirements for approval and accreditation of elementary and secondary schools.

No. 4: to adjust subsidies to an administrative unit with the expenditure of education in such units that show evidence of manipulation to gain an unfair advantage or are judged excessive.

No. 5: to grant permission for administrative units to enter into agreement for cooperative education purposes.

No. 6: to act upon articles of agreement for creation of an interstate school district.

No. 7: to develop and adopt a plan for establishment of regional, technical and vocational centers.

No. 8: to approve standards for school construction.

No. 9: to approve projects for secondary schools.

No. 10: to approve the formation of community school districts.

No. 11: to approve isolated secondary schools.

No. 12: to obtain information regarding applications for granting degrees and making recommendations to the legislature.

No. 13: to recommend funds to the Bureau of the budget for equalization of educational opportunity.

No. 14: to establish a student loan insurance program.

No. 15: to service the state agency for administrating federal funds.

No. 16: to serve as an appeal board for unclassified personnel.

I think the State Board of Education has got just about all it can handle doing those items. And, in addition, should we accept this bill, we have moved one step closer to reorganizing the Department of Education. Reorganizing is one of the big items that we will be facing during the next couple of days. Just think, we will have a board, a professional board, run by professional educators making professional decisions and the beauty of it is that it is self-funded, it isn't going to cost anyone a penny. I urge you to vote against the pending motion.

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

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

How much is the cost of this program? Where is the funding coming from? Is it in the Supplemental Budget we are dealing with now?

The SPEAKER: Representative Tracy of Rome 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 Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of

the House: Representative Tracy has asked some good questions. This is a self-funding board. The board cannot exceed any expenditures beyond what they take in for fees. Those fees are \$50 for each certificate that will be issued. It is not included in the Supplemental Budget, it is included in this as this would generate its fees.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I think this type of legislation is long in coming. All of us feel it, but many of us won't say it. There lies an element in the so-called teaching profession that is not that professional and it has been that way for years. Ask the opponents that want to indefinitely postpone this bill.

The quality of teaching that exists and what can be done to improve it — some of my colleagues here in the House that have been in the educational field know how difficult it is to terminate an ineffective professional teacher. This is an attempt to make the professional teacher more accountable by peer standards. The hallmark of a profession is a recognition of the opinion of its members as critical in decisions about the rules for entering. This will attempt to address that.

Also, why aren't we aware of the successes around us? Forty-seven other professions in the State of Maine have boards which license and oversee certification within the profession. We accept that. The electrician meets a standard, a standard set up by other electricians in which he derives the title of master by achieving certain areas. We don't have that in the teaching profession. You have a designation known as a BS in Ed, BS in elementary education or a Master of Arts or a master of history, that is all it says. You have taken X-number of hours. Now, what do you do with those hours? That is the important thing.

For once, I think this is an internal attempt by the profession itself to provide that quality that all of us are looking for. Many of the other states have already incorporated this as a fellow colleague testified.

I ask you not to go along with the indefinite postponement and I ask you to enable the set of standards, a beginning standard now that we can evaluate in depth in the next legislative session. Please support the bill and defeat the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: It it hasn't already been stated — I would just like to briefly mention three of the key responsibilities and have everybody consider whether or not they think this is something that teachers ought not to be involved with. The responsibilities include issuing and supervising licenses, authorizing educators to teach in our schools and to establish criteria for the issuance and renewal of those licenses and to approve professional preparation programs for educators, license pursuant to that chapter.

I sat through all of the hearings. You may or may not know there was opposition from the board, the State Board of Education, the Department of Education. I can assure you that none of the arguments they presented give me any, and I assure you, should not give you any reason for voting for

this motion or against the motion which I understand the House Chair very graciously did submit the Majority Report. Having been a teacher for 23 years and been away from that now for 12 years but still very very concerned about what goes on in education, and I know you have already heard several people tell you about all the other boards that have their own membership serving on those board deciding all those things that we just mentioned here, and to say that teachers are not qualified to serve on a board, to be a board, a part of a board that has the decision making regarding those kinds of things, who teaches, what their qualifications should be — I just don't understand it. I sincerely am up before you asking you to defeat the motion here to indefinitely postpone and to let us go on and support the Majority Report.

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 the motion of Representative Barth of Bethel that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 378

YEA - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Cashman, Chonko, Constantine, Crowley, Donnelly, Duplessis, Dutremble, L.; Farren, Foss, Garland, Gray, Greenlaw, Hale, Hanley, Hastings, Heino, Hichborn, Hichens, Kerr, Ketterer, Kutasi, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Murphy, Nash, Norton, Ott, Paul, Pendexter, Pendleton, Pines, Powers, Reed, G.; Reed, W.; Richards, Ruhlin, Savage, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tracy, Tupper, Vigue, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Cote, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gwadosky, Handy, Heeschen, Hepburn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Lemke, Luther, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rydell, Salisbury, Simonds, Simpson, Stevens, P.; Townsend, Treat, Waterman, Wentworth, The Speaker.

ABSENT - Aikman, Bowers, Gurney, Kontos, Martin, H.; Parent, Saint Onge, Tardy.

Yes, 69; No, 74; Absent, 8; Paired, 0; Excused, 0.

69 having voted in the affirmative and 74 in the negative with 8 absent, the motion to indefinitely postpone did not prevail.

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

Committee Amendment "A" (H-1223) 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-1223) and sent up for concurrence.

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

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Encourage Private Sector Investment in Tourism" (S.P. 911) (L.D. 2331) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Representative MELENDY of Rockland, Representative GRAHAM of Houlton, Representative LORD of Waterboro.

Senator MATTHEWS of Kennebec, Senator CLARK of Cumberland, Senator HOLLOWAY of Lincoln.

Report was read.

On motion of Representative Melendy of Rockland, the Committee of Conference Report was accepted and sent up for concurrence.

SENATE PAPERS

Bill "An Act to Deregulate Workers' Compensation Insurance Voluntary Market Rates and to Establish the Workers' Compensation Employers' Mutual Fund" (S.P. 965) (L.D. 2442)

Came from the Senate, referred to the Committee on Banking and Insurance and Ordered Printed.

Was referred to the Committee on Banking and Insurance in concurrence.

Non-Concurrent Matter

An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act (H.P. 1515) (L.D. 2127) (C. "A" H-1066) which was passed to be enacted in the House on March 17, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1066) as

amended by Senate Amendment "A" (S-646) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 5 were 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 Penobscot County for the Year 1992 (EMERGENCY) (H.P. 1758) (L.D. 2443) 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.

By unanimous consent, ordered sent forthwith to the Senate.

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 York County for the Year 1992 (EMERGENCY) (H.P. 1759) (L.D. 2444) 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.

By unanimous consent, ordered sent forthwith to the Senate.

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 Androscoggin County for the Year 1992 (EMERGENCY) (H.P. 1760) (L.D. 2445) 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.

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPER

Bill "An Act to Amend the Charter of the Rangeley Water District" (EMERGENCY) (S.P. 964) (L.D. 2437)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-678).

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

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

Senate Amendment "A" (S-678) was read by the Clerk and adopted.

Under further suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Senate Amendment "A" (S-678) in concurrence.

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

PASSED TO BE ENGROSSED

An Act to Establish the Petroleum Market Share Act (S.P. 844) (L.D. 2148) (S. "B" S-657 to C. "A" S-640)

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

On motion of Representative Sheltra of Biddeford, under suspension of the rules, the House reconsidered its action whereby L.D. 2148 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-640) was adopted.

The same Representative offered House Amendment "B" (H-1229) to Committee Amendment "A" (S-640) and moved its adoption.

House Amendment "B" (H-1229) to Committee Amendment "A" (S-640) was read by the Clerk and adopted.

Committee Amendment "A" (S-640) as amended by House Amendment "B" (H-1229) and Senate Amendment "B" (S-657) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-640) as amended by House Amendment "B" (H-1229) and Senate Amendment "B" (S-657) thereto in non-concurrence and sent up for concurrence.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1225) on Bill "An Act to Require Out-of-control Children under 15 Years of Age to Receive Needed Substance Abuse and Mental Health and Educational Services Involuntarily" (H.P. 1626) (L.D. 2289)

Signed:

Senators: GAUVREAU of Androscoggin
BERUBE of Androscoggin

Representatives: CATHCART of Orono
PARADIS of Augusta
ANTHONY of South Portland
FARNSWORTH of Hallowell
RICHARDS of Hampden

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

Signed:

Senator: HOLLOWAY of Lincoln

Representatives: HANLEY of Paris
COTE of Auburn
OTT of York
KETTERER of Madison

Reports were read.

Representative Paradis of Augusta moved that the House accept the Majority "Ought to Pass" Report.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I believe a brief explanation is at least in order in regard to this.

This is a bill that I put in. It continues a concern I've had ever since I have been in this legislature about children in need of supervision and treatment, those out-of-control children who are wandering the streets without effective parental support.

This particular bill, in its amended version, would address that problem by bringing services to bear for those who are up through age 14, still not addressing ages 15, 16, and 17. The amended version is Committee Amendment "A" and it provides that those children would be eligible, first of all, to be treated through the child protection laws. You could bring a child protective petition under this proposal for a child who is out of control and in need of services just the same way you could bring one for a child who was in jeopardy on account of parental abuse or neglect. There are many cases where you can't show parental abuse or neglect because they are not either abusing or neglecting but the child still is out of control. There are numerous cases like this and parents have been coming to this legislature ever since I have been here and before.

My first session I sponsored a bill to create the Commission on Children in need of supervision and treatment and they defined that one of the things

that ought to happen is the creation of a system to provide involuntary services. But, nobody had ever developed what exactly that system ought to be. I determined that at least as a last gasp before I leave this body, I would try to define how it ought to work. How it ought to work, I believe, is defined in this proposal. It allows a triggering into services either from children who come into interim care at a police department. A police department can hold a child for up to six hours and then have to return a child home if they will go or otherwise have to release the child. At that point, there could be a movement into DHS bringing a petition for that child who was in need of services because of being totally out of control.

Keep in mind that there is no other handle at present. I am not naive, I am a realist, I recognize and if you look at the Committee Amendment, you will find that it has a fiscal note of a mere \$1.2 million and obviously this is not going to pass all the way through the process. But, I felt an obligation to bring it here and to explain it to you because I think that we need to have as part of our agenda of what we should be addressing these children and these families, these parents who have no way, no place to turn, when their child says, you know where you can go and leaves home. There is no place that that parent can turn presently and we should have a law like proposed here.

I would point out to you that that \$1.2 million fiscal note includes what the Department of Human Services estimates as 48 caseworkers that they estimate they will need, 36 human service caseworker positions, six supervisors and six clerk typists and so on.

I also recognize that is obviously padded because they don't want this bill. But, even if you take half of that, 24 caseworkers or 18 caseworkers and a total of 24 positions, that gives you some idea of the magnitude of this unmet problem in our society. We should be caring about that. I recognize that we can't address it successfully this time but we have to be addressing it and we can't continue sweeping it under the rug. I am tired of that. That is why I put this bill in, that is why I asked my committee to, at least as many as would be willing to, sign out with me an "Ought to Pass" Report. I ask you for your vote for "Ought to Pass." I know it will go to the Appropriations Table and I know it will die there but at least it is a way of saying this is part of the agenda of what this legislature ought to be addressing.

Again, keep in mind we are only talking about those children up through age 14. For a 15, 16 or 17 year old that leaves home, there still will be nothing, nothing in place, no way to bring any services to bear, no way for the parents of those kids to get help. If you think this is a small matter, I would tell you that I decided to put in this bill this time when a parent came to me between sessions and that parent was concerned about liability issues and consulted with me as a lawyer. I got talking to that parent about what the situation was. His daughter had left home and gone out in the streets and was prostituting herself and contracted AIDS. This is a life and death situation for these kids and we can't continue to sweep the problem under the rug. This has to be on the agenda of those things that we address in some fashion through this body because we have kids dying and parents seeking

help and we are just turning our backs at this point. We have got to be addressing this.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I rise because I understand the situation very clearly. I work with children who are out of control and have behavioral problems. We have a very serious problem in this state because we do not have the ability or the finances to take care of these children. When you look at their faces and you deal with them on a one-to-one basis, as I have seen many of them and listened to them talk and tell their unbelievable stories. A lot of these kids — and by the way, the ones we have from Maine are just as serious as they are in Chicago, New York, Boston, California but all those states deal with those kids and they have facilities and they have a place to put them. What Representative Anthony just told you is a real fact. This is a serious issue and I think it needs to be seriously looked at. Our kids are very important. Some of these young children have lived a lifetime with these problems. You can't imagine what they can tell you. You couldn't live a lifetime with the problems they have seen.

One child I saw, her father was put to death by electric chair. Her mother is in jail probably for a long time. Her grandparents wanted to take custody of her, they were killed. Now she is under the guardianship of some friends of her mothers. I could tell you many more stories. I sat there and I listened to them and I said, this can't be real, this is not real, this is really happening to young people in this country and we allow it. What is so sad is Maine does a very poor job of taking care of their kids.

Kids are out of control, they really are and there is no place for them to go, no place. They need our help. I do not want to incarcerate them and I don't think tough love needs to be done. Kids are on drugs — you know the real thing that scares me is the street gangs could come to Maine. All these kids are street gang kids and a lot of them are prostitutes and a lot of them are walking the streets from your neighborhood and mine and we are doing nothing.

I just had a little boy in my district who is 13 years old — I got a call — and he is a sex offender because he was sexually offended. The one thing they have to do, they are going to have to have that little boy arrested. That is not fair. They don't know where to put him. They don't know what to do with him. I called DHS and I get mixed information. I talked with a child protective worker and she said it all depends on the case, we will have to look into it. This child needs help. He was sexually abused by his father. Through no fault of his own, he became a sex offender himself. This happened this week. He was sexually abusing his own sister. These are real stories and Representative Anthony is correct, this bill may not go anywhere because it has a big fiscal note attached to it. I had no intention of speaking on it but when I heard this and I saw the amendment coming forward, I felt compassionate enough to say this once and for all, let's do something for these kids who have behavioral problems. They are out of control and we do nothing in this state, let's do something for a change.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think we all know where we are here tonight. This bill will never go through because of the fiscal note. I do wish that we would vote to pass it here in the House just to send a message that we can no longer let these kids be out there on the streets. They don't go to school. They learn how to be prostitutes. They learn how to sell drugs. They pick up these habits and then they become the adults that we have to put away in our state prisons.

I have thought for a long time that if we could get some of these kids young enough that they certainly could be saved.

Today, in order to have a child get any help at all, we wait until they break the law. We can get no help for the parents who come in and tell us — my child is out of control, I can do nothing about it, they are on the streets, they will not come home. Until that child breaks a law and we can put them through the juvenile court system, we can give them no help. Well, it is too late by the time we get them into the juvenile court system, it is too late for a lot of them.

I would like to see this bill pass tonight. Even though it is killed on the Appropriations Table, at least we are sending a message that in the next few years, we are going to do something about these kids.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I would like to take an opportunity this evening and go on the Record and say that it has been a pleasure to serve with Representative Cushman Anthony of South Portland the last four years on the Judiciary Committee. Although Representative Anthony and myself have not agreed on very many issues over that time, I have never questioned his sincerity or his passion and advocacy for the children out there.

Speaking as just this one minority member, the only reason that I am signed off on the Minority side is not because there hasn't been a demonstrated need for this legislation but that at this point in time with a \$1.2 million fiscal note, I did not feel it was fiscally responsible of me to put the burden on the Appropriations Committee to do the dirty work. Yes, there is a demonstrated need, a need that Representative Anthony has been pushing for the last four years, a need whose time has probably come and if the money was there, I would welcome this type of movement forward with open arms. But, because the money isn't here for whatever reasons that is, it is very difficult to endorse this package knowing that when it gets to Appropriations, the money won't be there.

I do want to go on Record saying I appreciate the effort that Representative Anthony has put in toward this issue and we will miss him on the committee and discussing this issue in the years to come.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

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

I am not trying to nit pick but can somebody indicate to me how you would define an out-of-control child and who is going to make that determination and on the basis of what criteria?

The SPEAKER: Representative Mahany of Easton has

posed a question through the Chair to any member who may respond if they so desire.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: In response to the question, need of supervision and treatment is defined in Committee Amendment "A" which is H-1125 if you are looking for it, as a child who is under 15 years of age and is without or beyond the control of any person responsible for that child as evidence by serious harm or threat of serious harm to the child or others. Serious harm or threat of serious harm is defined further in the child protective laws themselves. Serious harm means serious injury or serious mental or emotional injury or impairment which now or in the future is likely to be evidenced by serious mental, behavioral or personality disorder including severe anxiety, depression or withdrawal, untoward aggressive behavior, seriously delayed development or similar serious dysfunctional behavior. That definition is in existing law, the serious harm definition. So, what this does is tie right into the existing law that is on the books in the child protective laws and provides some framework for judges. It would be a judge that would be brought in a child protective proceeding. Like all child protective proceedings, they would be decided by district court judges.

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

Committee Amendment "A" (H-1225) 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-1225) and sent up for concurrence.

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

The Chair laid before the House the following matter: An Act Creating the Victims' Compensation Fund (H.P. 1265) (L.D. 1834) (H. "C" H-1074 to C. "A" H-965) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1834 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-965) as amended by House Amendment "C" (H-1074) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "C" (H-1074) to Committee Amendment "A" (H-965) was adopted.

On motion of the same Representative House Amendment "C" (H-1074) to Committee Amendment "A" (H-965) was indefinitely postponed.

The same Representative offered House Amendment "D" (H-1233) to Committee Amendment "A" (H-965) and moved its adoption.

House Amendment "D" (H-1233) to Committee Amendment "A" (H-965) was read by the Clerk and

adopted.

Committee Amendment "A" (H-965) as amended by House Amendment "D" (H-1233) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-965) as amended by House Amendment "D" (H-1233) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Pertaining to the Assessment of Fees on Nuclear Power Plants (S.P. 829) (L.D. 2133) (C. "A" S-610) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-1234) to Committee Amendment "A" (S-610).

Subsequently, House Amendment "A" (H-1234) to Committee Amendment "A" (S-610) was adopted.

Committee Amendment "A" (S-610) as amended by House Amendment "A" (H-1234) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-610) as amended by House Amendment "A" (H-1234) thereto in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 966)

ORDERED, the House concurring, that Bill, "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine citizens," H.P. 1707, L.D. 2388, and all its accompanying papers, be recalled from the legislative files to the Senate.

Came from the Senate, read and passed.

Was read.

A two-thirds vote of the members present and voting being necessary, a vote of the House was taken. 60 having voted in the affirmative and 27 in the negative, the Joint Order was passed in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 921) (L.D. 2360) Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children under 6 Years of Age" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-679)

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

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

ENACTOR

(Reconsidered)

An Act to Facilitate Cooperative Agreements among Maine Hospitals (S.P. 882) (L.D. 2254) (C. "A" S-648)

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

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 2254 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-648) was adopted.

The same Representative offered House Amendment "A" (H-1235) to Committee Amendment "A" (S-648) and moved its adoption.

House Amendment "A" (H-1235) to Committee Amendment "A" (S-648) was read by the Clerk and adopted.

Committee Amendment "A" (S-648) as amended by House Amendment "A" (H-1235) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-648) as amended by House Amendment "A" (H-1235) thereto in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

Subsequently, L.D. 2169 was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: (H.P. 1584) (L.D. 2234) Bill "An Act to Protect Children from Lead Poisoning" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1218) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1218)

Representative Manning of Portland offered House Amendment "A" (H-1244) to Committee Amendment "A" (H-1218) and moved its adoption.

House Amendment "A" (H-1244) to Committee Amendment "A" (H-1218) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: Just to let you know a little about this amendment, the concerns that we heard in committee after this unanimous committee report came out were two things, first of all, it might affect the mortgages. We heard today from Freddie Mack and Fannie May (you would think the Federal Government would come up with better language than that) but anyway, we heard from them that their concerns were addressed. If you made the language consistent with Massachusetts, they had no problem with it. We made it consistent with Massachusetts, that is what D is and we took out the provision that said that "tenants had the right to request an inspection" and that is what the landlords had a problem with. Those are the only two groups we have heard from since this bill has been out. We hope this addresses everything.

Subsequently, House Amendment "A" (H-1244) to Committee Amendment "A" (H-1218) was adopted.

Committee Amendment "A" (H-1218) as amended by House Amendment "A" (H-1244) thereto was adopted.

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

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I had an opportunity to speak with some members of the community that dealt with this bill. I have a great deal of difficulty with the concept of a childrens home under this bill. I understand that it is clear that the children's home is not kind of like the home that your children would go to, it is a special kind and even though the phrase is used in the statute, it means only what is described. I would like that stated on the Record so that there is no question but that people who live in ordinary homes are not subject to this law.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: If I could clarify that, you are exactly right. It means a children's home where you would — not in your particular home, not your individual home — it is children's homes as defined in statute.

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

Representative CARLETON: Mr. Speaker, I have a question I would like to address.

In reading the bill, it looks like the owners are put under certain liabilities under this bill and in Section 9 of the bill, it defines as one group of owners the chief executive officers of municipalities, school administrative units or the state agency that controls the use of publicly owned property. A little bit further on in the bill it provides that, if there is a violation by an owner of any provision of this act, the owner is subject to liabilities and in addition is subject to punitive damages, in fact triple punitive damages. I am wondering whether this reads the way I think it reads and could somebody explain what the intent was with

regard to municipalities who may acquire property inadvertently through tax foreclosure?

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

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: To answer your second question about triple damages, that is current law, that has been on the books for about 20 years.

I am not quite sure what you were talking about in Section 9. Are you talking Section 9 or Section 8?

Subsequently, L.D. 2234 was passed to be engrossed as amended by Committee Amendment "A" (H-1218) as amended by House Amendment "A" (H-1244) thereto and sent up for concurrence.

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

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby Joint Order: (S.P. 966) Bill, "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine citizens," H.P. 1707, L.D. 2388 was passed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage and specially assigned for Wednesday, March 25, 1992.

(Off Record Remarks)

On motion of Representative Hanley of Paris, Adjourned at 9:07 p.m. to Wednesday, March 25, 1992, at eight-thirty in the morning.