

# 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  
33rd Legislative Day  
Thursday, March 26, 1992

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

Prayer by Reverend John Nieman, Saint Dunstan's Episcopal Church, Ellsworth.

The Journal of Wednesday, March 25, 1992, was read and accepted.

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 25, 1992

The Honorable John L. Martin  
Speaker of the House  
115th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, Eugene L. Churchill of Orland for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

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

Was read and ordered placed on file.

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**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
MAINE WASTE MANAGEMENT AGENCY  
EXECUTIVE DEPARTMENT

March 23, 1992

The Honorable John L. Martin  
Speaker of the House  
State House Station  
Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to submit, in accordance with H.P. 1370, a joint report on behalf of the Maine Waste Management Agency and the Department of Economic and Community Development on the commercial applications of air scrubber technology and by-products.

This report was prepared by the Maine Waste

Management Agency with the assistance of the Department of Economic and Community Development and Passamaquoddy Technology.

Please do not hesitate to contact me directly if you have any questions or comments about this report.

Sincerely,

s/Sherry F. Huber  
Executive Director  
Maine Waste  
Management Agency

s/Lynn Wachtel  
Commissioner  
Department of Economic  
& Community Development

Was read and with accompanying report ordered placed on file.

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

Bill "An Act Regarding Electronic Banking Terminals" (H.P. 1765) (L.D. 2448) (Presented by Representative CARLETON of Wells) (Cosponsored by Senator KANY of Kennebec, Senator BRAUN of Knox and Representative MITCHELL of Vassalboro) (Governor's Bill)

(The Committee on reference of Bills had suggested reference to the Committee on Banking and Insurance.)

Under suspension of the rules, without reference to a committee, the Bill was read twice.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This legislation further clarifies and makes clear to the owners of the National Banking Terminals, the various ones that our banks participate in, that our banks have the right to charge tourists or out-of-state people using their terminals a different fee from their local banking customers.

The bill that we passed which we thought accomplished that, unfortunately the officials in the headquarters out-of-state said they were going to ignore our state law. With this law, it will make it crystal clear they cannot ignore the State of Maine's law.

Subsequently, L.D. 2448 was passed to be engrossed and sent up for concurrence.

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**ORDERS OF THE DAY**

On motion of Representative Mayo of Thomaston, the following was removed from the Tabled and Unassigned matters:

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

TABLED - March 18, 1992 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

On motion of Representative Melendy of Rockland, under suspension of the rules, the House reconsidered its action whereby L.D. 2389 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "C" (S-595) was adopted.

On further motion of the same Representative, Senate Amendment "C" (S-595) was indefinitely postponed.

The same Representative offered House Amendment "C" (H-1280) and moved its adoption.

House Amendment "C" (H-1280) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "C" (H-1280) in non-concurrence and sent up for concurrence.

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

**SENATE PAPER**

**Ought to Pass as Amended**

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-676) on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 849) (L.D. 2162)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-676) as amended by Senate Amendment "A" (S-696) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-676) was read by the Clerk.

Senate Amendment "A" (S-696) to Committee Amendment "A" (S-676) was read by the Clerk and adopted.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (S-676) as amended by Senate Amendment "A" (S-696) thereto and later today assigned.

The Chair laid before the House the following matter: Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-676) on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 849) (L.D. 2162); Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-676) as amended by Senate Amendment "A" (S-696) thereto which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-676) as amended by Senate Amendment "A" (S-696) thereto.

Subsequently, Committee Amendment "A" (S-676) as

amended by Senate Amendment "A" (S-696) 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-676) as amended by Senate Amendment "A" (S-696) thereto in concurrence.

By unanimous consent, sent forthwith to engrossing.

**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 Reform Unemployment Compensation Guidelines in Maine (EMERGENCY) (H.P. 1486) (L.D. 2098) (H. "A" H-1199 to C. "A" H-1189) TABLED - March 25, 1992 (Till Later Today) by Representative MCHENRY of Madawaska. PENDING - Passage to be Enacted.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: We are presently working with the United States Department of Labor to make sure that this bill is in compliance. Therefore, I would request that somebody table this until later in today's session.

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

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

An Act to Clarify the Funding of State Mandates (EMERGENCY) (H.P. 1684) (L.D. 2364) (C. "A" H-1172) TABLED - March 25, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Passage to be Enacted.

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

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

An Act Concerning Technical Changes to the Tax Laws (EMERGENCY) (H.P. 1716) (L.D. 2401) (C. "A" H-1184) TABLED - March 25, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Passage to be Enacted.

On motion of Representative Mayo of Thomaston,

retabled pending passage to be enacted and later today assigned.

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

An Act to Amend the Date for Compliance with the State's River Color Standards (H.P. 1721) (L.D. 2407) (C. "A" H-1162)

TABLED - March 25, 1992 (Till Later Today) by Representative PINEAU of Jay.

PENDING - Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for following the tabling motion yesterday on this bill.

Before this bill goes under the hammer, I think everybody in this body has to know the history of what we are about to affect again. First of all, this bill came before the body without the regular process. This bill had no public hearing, so our legislative process as all laws that we get through here or the majority of them, were violated. We do that on a lot of small bills that affect little things but this is a big bill. It is a bill that took the 114th Legislature two years to run through the process. This bill was a strong piece of legislation, the original odor, color and foam bill. It had the public hearing, it went to the committee workshops where Energy and Natural Resources worked it and worked it and worked it. Both Houses got the bill, it was worked through the Houses only to have a veto sustained from the Governor in the Houses.

Later in the 114th, the bill was reintroduced by the Governor. It was worked on some more by the committee only to be enacted into law. The final bill wasn't signed on the second floor of this capitol building, the final bill was signed on a bridge over a polluted river, reclaiming those waters for the people of Maine. My problem with this piece of legislation in front of us is that reclaiming of the waters. Is there going to be a delay where the end will never be seen?

During the process, the industry threatened jobs. One business even took out full-page ads against the co-chairs of the Energy and Natural Resources Committee claiming them as uncaring and irresponsible. Now, it is this company that has a major concern in this piece of legislation. My hat goes off to the co-chairs of that committee, especially the House Chair because he still sits there. I find it really ironic that he wanted to work the bill, through amendment, to get the bill so that it would meet everyone's standards and benefit the industry to coincide with the federal regulations to save money, after this company tried to embarrass him in front of his people when he was only trying to do the right thing. I find that really ironic. I think that says a lot about his stand on the issues instead of personalities. I wonder how that company would have treated him if the situation were reversed.

The manager in the plant where I work told me that if this bill went through in nine weeks that the new machine that had just been put in was going to be moved and that was probably what was going to happen. I looked him in the eye and told him, in

three years, I was still going to be in Jay, I bet that machine was still going to be in Jay, but I wondered where he was going to be. Ladies and gentlemen of the House, I am still in Jay, that machine is still in Jay, but that manager from away — he's gone. He is in Wisconsin right now telling the people in Wisconsin how much they need to give in to the business community at all costs.

I have seen dealings from this industry, I saw my town be ripped apart and neighboring towns splintered. I have seen fathers and sons not talk because of this caring industry, not all of them in the industry but those with the main offices from away. That is why this bill made me really uncomfortable because I know how these people deal and I know what their caring level is for the people of Maine, the people on the river banks. I wonder how the Chamber of Commerce is, the little Chambers whose shores touch the river's edge, how they look at this bill. Are they going to be able to claim marinas and restaurants, are we going to be putting hotels on these banks or is it still the industry's rivers?

Ladies and gentlemen, the technology to clean our rivers, yes our rivers, not their rivers, has been in existence for over 20 years, yet it took the color, odor and foam bill from the 114th to let the industry be brought to task of accepting their own responsibility.

I understand what they are doing on a unanimous committee report. Someone out in the hall said, "Pineau, what about your credibility on this?" I said, "Well, if one's credibility relies on believing on this particular industry, I think we have got trouble. All I ask is that our natural resources be preserved."

When we leave this earth, we leave but two things, one is ourselves and memories and the other is the affect we had on our environment for those who follow.

I don't mean to muddy the waters on this one, I don't mean to cause a stink, my dander hasn't risen to a froth, but the dark color of our rivers, the odor of these waters, and the foam that skims the surface are the reasons that I voted for the original bill. I fear delay will only lead to inaction unless industry's feet are held to the fire.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I truly appreciate the words of the good Representative from Jay, Representative Pineau, because those of you who were here remember what we went through when we established the odor, color and foam bill. As we all know, times have changed, situations change and truly if you are going to provide the leadership that the State of Maine so needs and wants, you have to make those changes with it. Situations that were so four or five years ago may not be so today.

The amendment that is before you that is now the bill on odor, color and foam is my amendment. That amendment was drafted to make sure that Representative Pineau's concerns would be addressed. It continues to hold the companies who discharge into our waters accountable to the strict set of standards that were established in the 114th. It is unfortunate that someone from the other body was quoted in the paper as saying, "That this bill would

allow lesser standards to apply." That is not true. The companies have agreed that once the Environmental Protection Agency has adopted the standards, if they are indeed less stringent than those in Maine Law, that they would abide to the stronger standards that are in Maine law. What they basically ask is to do this in a coordinated effort so that when the EPA adopts effluent standards in the next year or two that will deal with discharges in water bodies, that those new standards may indeed address color and I believe they will. They may address color in a better way than the standards that were passed by the 114th.

What they simply ask for is to be able to play by one set of standards so they didn't have to spend \$10 million or \$20 million to meet federal standards and then have to spend \$20 million or \$30 million to meet state standards when the fact of the matter is, when the two overlap, they may only have to spend the money once and do a better job than if they had had to do it in two separate pieces. It only makes sense. We have been assured as a committee by the people in the industry that this is not an attempt to delay what they believe to be a sincere attempt by the 114th Legislature to deal with water quality in the State of Maine. They have agreed to that, they have assured us that they will not be back in future legislatures to try to tear down those standards or weaken the criteria for effluent discharges in the State of Maine, they have given their word on that.

I know in today's times that people have problems with trusting each other, believing in each other and looking at each other in an honest and open discussion but, unless we proceed down that road, we will not solve the problems that face the State of Maine and across this country. Yes, they are indeed serious problems, but they cannot be solved in a one-sided manner. They have to be solved with cooperation, discussion, dedication and hard work from both sides. The fact of the matter is the economics of today are different than they were four or five years ago. These companies are under many different pressures to compete, not only on a national scale, but on an international scale. All they ask for and all that we have given them is a chance to work by one set of standards and they will be the stricter of the two set of standards. They have made the commitment to comply with those standards. At the very, very worst, you are talking about a three year delay in compliance with these standards. That would be based on the fact that the EPA had adopted effluent standards that we could work in compliance with our standards. In the best case scenario, as far as the river standards are concerned, if EPA chooses not to adopt standards, the delay is basically one year because under the current law the commissioner could extend that until 1995 based on economic hardship. I doubt if there is any one in this House that would argue that these businesses are not under some serious economic hardships. So, the fact of the matter is, if you go to 1996, you are basically adding a one year extension to what is already in the law.

The Energy and Natural Resources Committee has spent a lot of time on this. The bill was unanimous. I understand the Representative's concerns. The time restraints did not allow us to have a full public hearing, but I believe strongly that if we had had the full public hearing and the citizens of the State of Maine were to understand

clearly what the bill does, not what it doesn't do and not what people claims it does, but what it actually does — and I should know because I wrote it. I wrote it and directed Tim Glidden to draft it with a certain set of conditions and standards. The companies know what those standards and criteria are and they have agreed. This bill in no way, in no way, lessens the criteria in the standards that were established by the 114th Legislature. It just does it in a common sense, comprehensive manner so that everyone can work together to spend the money one time, not two or three times, to do the job. The commitment is still there by all the members of the committee and I firmly believe the commitment is there by the industries in this state. We must embark down a road today that if we want to truly protect our environment, not just talk about it, not fight about it and not continue the argument back and forth, to not accomplish the ends that we strive, open a dialogue between industry, the regulators and the regulated and it is our position to do that. This bill does that. I strongly urge you to support it. It does not lessen the standards. The industries have made the commitment they will not come back to try to lessen those standards. They want to comply, they made that commitment to us and I firmly believe they mean their word. Hopefully, by the grace of God and the citizens of District 97, I will be back here next time around and we will see if we can live up to our word and they will live up to their word. Ultimately, it will be the people of the State of Maine, the water quality of the State of Maine, that will benefit. I ask for your support.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss this morning if I, as the prime sponsor of the bill that the 114th Legislature spent hours and hours on, didn't say just a couple of things.

First, I want to commend the committee for their work, specially the Chairman for his work in light of big businesses taking full page ads out, untrue ads I might add.

I do, on the Record, want to state a couple of quick points for those of you that are new to this body that weren't here when the bill was originally passed. I want to state again, on the Record, that it is the tree glue and tree resins that are discharged after paper making that causes the color, odor and foam. What they also do is use up available oxygen in the river to attempt to decompose these resins. So, the way we propose to regulate it is to regulate the amount of color — what we are really regulating is the amount of tree glue and tree resins. This really is an oxygen level bill.

I think this delay, probably, very reluctantly, I would say is necessary, but I think everybody should be aware this is going to slow down the economic development along the Androscoggin River. It is going to slow down a lot of the plans Lewiston, Auburn and Androscoggin County and other counties had. As Representative Jacques has correctly stated, we have to face reality here.

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

Representative TREAT: Mr. Speaker, Members of the House: I would like to pose some questions through the Chair to anyone who may answer.

These are three related questions. The first is,

when is EPA scheduled to issue its standards on this?

The second is, will these standards go into effect at the same time as when Maine standards were supposed to?

The third is, what is in the bill or amendment before us that would ensure that if EPA standards are not issued in a timely manner, Maine standards will go into effect? I wasn't totally clear on the presentation that was made and I would appreciate a response to that.

The SPEAKER: Representative Treat from Gardiner has posed a series of questions through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: The bill does not depend upon the final promulgation of the EPA standards. The bill is keyed upon EPA proposing draft standards. At that point, the Commissioner of Environmental Protection will make a determination as to whether those draft standards will be weaker than Maine standards or exceed Maine standards. If he determines they will be weaker than Maine standards, industry will have to go ahead and finish its job of meeting Maine standards by 1996. If he determines that the EPA standards will require significant additional investments by the industry beyond what Maine standards will require, he can then extend their deadline to allow them to make those investments in a coordinated fashion.

The requirement that the Maine industry meet the 1998 deadline, if in fact they have to make adjustments for EPA standards, again does not depend upon either the final promulgation of EPA standards or the effective date of the EPA standards. The commitment that industry made is that they will meet Maine standards by 1998 regardless of the date by which they are required to meet the EPA standards. I hope that answers your questions.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: What this bill will do, along with what my neighbor and co-patriot across the Kennebec River, is send a message to the people and businesses in the State of Maine that we are not anti-business, we are pro-jobs, pro-business and we want businesses to stay and come to the State of Maine and help us provide jobs for our people. I would urge you to support this.

Subsequently, L.D. 2407 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**COMMUNICATIONS**

The following Communication:

**ADVISORY COMMISSION ON RADIOACTIVE WASTE  
STATE HOUSE STATION 120  
AUGUSTA, MAINE 04333**

March 16, 1992

Honorable John L. Martin

Speaker of the House  
State House Station 2  
Augusta, Maine 04333

Dear Speaker Martin:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1991. This report is submitted to you in accordance with 38 M.R.S.A. 1453(4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

The Advisory Commission's office is on the third floor of the Maine State Retirement System building at the corner of Sewall and Capitol streets. The office telephone number is 289-3059. If no one answers (the staff is mostly part-time), our toll-free telephone number, 1-800-458-4013, is connected to a 24-hour answering machine. You are cordially invited to call whenever you or your constituents need information about radioactive waste management.

Sincerely,

S/Rep. James Mitchell  
Chair  
Advisory Commission  
on Radioactive Waste

Was read and with accompanying report ordered placed on file.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1729) (L.D. 2420) Bill "An Act to Legalize Marijuana for Medicinal Purposes" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1281)

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

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

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

An Act Concerning the Bureau of Intergovernmental Drug Enforcement (EMERGENCY) (H.P. 1629) (L.D. 2292) (H. "A" H-1186 to C. "A" H-1106)

- In House, Passed to be Enacted on March 25, 1992.  
 - In Senate, Failed of Passage to be Enacted in non-concurrence.  
 TABLED - March 25, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.  
 PENDING - Further consideration.

On motion of Representative Joseph of Waterville, the House voted to recede.  
 The same Representative offered House Amendment "A" (H-1282) and moved its adoption.  
 House Amendment "A" (H-1282) was read by the Clerk and adopted.  
 The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1106) as amended by House Amendment "A" (H-1186) thereto and House Amendment "A" (H-1282) in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease to Gong)

The House was called to order by the Speaker.

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

**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards (H.P. 1664) (L.D. 2341) (H. "A" H-1264 to C. "A" H-1180)

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (H.P. 1677) (L.D. 2354) (C. "A" H-1195)

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

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

Representative FOSS: Mr. Speaker, Men and Women of the House: We debated this bill last week and it

still has a provision in it to allow the Department of Transportation to go out for a line of credit at \$40 million without voter approval. As I said last week, this is a change in the fiscal policy of the state from a pay-as-you-go to a buy-now/pay-later. I object to that.

Mr. Speaker, I ask for a roll call.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: As the good Representative from Yarmouth said, this is a bill that we did debate the other day at some length. It does concern the ability of DOT to go to the Maine Bond Bank and get an advance on money that is in Washington set aside in our name for four particular projects.

A couple of the questions that were raised the other day, one was the question raised by either Representative Foss or Representative Reed as to how safe the money was that we were talking about, this \$187 million that is in Washington in the four accounts. I called Washington yesterday and I got the Office of Congress and I asked them if they would fax me a copy of the roll call on that particular highway fund that we are talking about. The Roll Call was 79 yeas, 8 nays. The eight yeas were four Republicans and four Democrats. The reason they voted against it was because they had no demonstration project ready to go forward so, therefore, they were not eligible for any money.

Another point that I think was made was the question of establishing this line of credit and not going through the voters, I would like to read you a little piece in the Constitution. The Constitution requires voters to vote on bonds issued in their name by the state where their future taxes are pledged against future bond payments. MDOT is not issuing a bond but is requesting authority to borrow money which will be raised through a Maine Municipal Bond. Taxpayers are not responsible for risks taken by or bonds issued by the Maine Bond Bank.

So, I hope you will vote in the same manner that you did the other day. We had a very substantial vote allowing us to go forward with this method of borrowing the money and go ahead with the four major projects we have in the State of Maine. These four projects will provide more jobs in this state than any other project that we have on line today. I hope you will vote the same way you did the other day.

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

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

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a couple of points. I think that we are fortunate to have the Department of Transportation that we have that has the foresight and programs built ready to do our road and bridge work in the State of Maine. It is one of those occasions when everything happens to fall into place at the right time.

The four projects we have been talking about,



demonstration projects, were already in the pipeline to the point where they are even named in the federal grants that were coming to the State of Maine. Very few states in this country were that far along with those projects. I believe that we should take advantage of being in the right place at the right time.

As far as looking at borrowing that money from the Maine Bond Bank and jeopardizing the state's credit and so forth, we have looked into that thoroughly, we have looked into it to a point where those projects were going to be on the road and working before the federal money was available. Now that the federal money is available, we are going to be able to do more road work and this is going to enable those projects to get a year's head start. We talk about the Million Dollar Bridge in Portland, it started out, as I recall, at \$85 million and it is well over \$100 million now. If we continue to wait, we are going to spend more millions that really should go into infrastructure.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I have the greatest difficulty with the paragraph to which the Representative from Yarmouth directed our attention. But, because it seems to me as those the words are so frightening, I thought that they ought to be memorialized on the Record and I will reason for your not voting for this as I shall not. It says, "No temporary loan or loans authorized by this section constitute any indebtedness or liability on behalf of or payable by the state or a loan of the credit of the state."

We are talking about millions and millions of dollars. We are trying to pass a bill which in some way creates a conduit from the federal government to the State of Maine, money which has been earned and set aside by the federal government years ago and is now a little closer to being paid to us. I have seen the way in which government works over the course of the last six years and I think that prudence dictates that we reject this measure simply because Part F is just bad state policy.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 392

YEA - Adams, Aliberti, Anderson, Anthony, Bailey, H.; Bailey, R.; Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hichens, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Parent, Paul, Pendleton, Pfeiffer, Pineau,

Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Ault, Barth, Bennett, Butland, Duplessis, Foss, Garland, Gray, Hanley, Hastings, Kutasi, Lipman, Look, MacBride, Marsano, Merrill, Nash, Pendexter, Reed, G.; Richards, Savage, Stevens, A..

ABSENT - Bowers, Cashman, Hepburn, Michaud, Paradis, P.; Pines, Ruhlin.

Yes, 121; No, 23; Absent, 7; Paired, 0; Excused, 0.

121 having voted in the affirmative and 23 in the negative with 7 absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Liability for Uncontrolled Hazardous Substance Sites (S.P. 919) (L.D. 2358) (H. "A" H-1212 to C. "A" S-665)

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. 131 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Regulatory and Permitting Assistance to Businesses (H.P. 1673) (L.D. 2349) (C. "A" H-1164)

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. 107 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 Allow Municipalities to Appeal the New State Valuation (H.P. 1692) (L.D. 2372) (S "A" S-661 to C. "A" H-1136)

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. 114 voted in favor of the same and 2

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

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (H.P. 1748) (L.D. 2436) (H. "A" H-1255 and H. "B" H-1266)

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. 116 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**FINALLY PASSED**

**Emergency Measure**

Resolve, to Extend Certain Meeting and Reporting Deadlines for Study Committees and Commissions (H.P. 1752) (L.D. 2440)

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. 115 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1992 (H.P. 1758) (L.D. 2443)

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. 117 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1992 (H.P. 1759) (L.D. 2444)

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. 122 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1992 (H.P. 1760) (L.D. 2445)

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. 126 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1992 (H.P. 1761) (L.D. 2447)

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. 111 voted in favor of the same and 5 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

An Act Concerning Anatomical Gifts Under the Motor Vehicle Laws (S.P. 900) (L.D. 2319) (C. "A" S-694)

An Act to Establish the Petroleum Market Share Act (S.P. 844) (L.D. 2148) (S. "B" S-657 and H. "B" H-1229 to C. "A" S-640)

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

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

**PASSED TO BE ENACTED**

**Bond Issue**

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) (H. "E" H-1262)

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

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. Does this bond issue, if approved, require it being put out as two different ballot issues to the public under one, transportation and the other infrastructure capital improvements?

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

The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: The answer is yes.

Representative Mayo of Thomaston requested a roll call vote on enactment.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 393

YEA - Adams, Aliberti, Anthony, Ault, Bailey, H.; Bell, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hogle, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, R.; Barth, Carroll, J.; Duplessis, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Hichens, Hussey, Libby, Lord, Luther, MacBride, Marsano, Nash, Parent, Reed, G.;

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

ABSENT - Bowers, Cashman, Michael, Michaud, Paradis, P.; Pines, Ruhlin.

Yes, 115; No, 29; Absent, 7; Paired, 0; Excused, 0.

115 having voted in the affirmative and 29 in the negative with 7 absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Facilitate Cooperative Agreements among Maine Hospitals (S.P. 882) (L.D. 2254) (H. "A" H-1235 to C. "A" S-648)

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 and H. "A" H-1248)

An Act to Ensure Financial Solvency of Insurers through Accreditation (S.P. 957) (L.D. 2425) (S. "A" S-660 and S. "B" S-670 to C. "A" S-649)

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

PASSED TO BE ENACTED

An Act to Certify Nonprofessionals Working in Chiropractic Offices (S.P. 959) (L.D. 2428) (S. "A" S-699)

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

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

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

If anyone could just inform me as to this particular bill — a couple of questions that people in my area have raised is that the training and certification of the nonprofessionals, what is a nonprofessional? What institutes the training and certification and also I believe it says in the bill that the Chiropractor does not have to be present while these people are doing whatever they do. I would just like clarification on that.

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

The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: Just briefly, the insurance companies are intending not to reimburse for the services provided by the nonprofessionals in chiropractic offices unless there is certification of them and that is what brings the bill to the Business Legislation Committee. The certification comes in simply as a means of saying these people who work in chiropractic offices and if they perform poorly or

incorrectly, we can pull that certification, they will not be able to do any of those things that they normally do which are applying hot and cold packs and doing those sorts of routine things under the direct supervision of the chiropractor. That does not mean the chiropractor has to be physically in the room but it means that, once the chiropractor leaves the premises, they cannot do anything except basically answer the phone. I think that answers the question about when the chiropractor is not present.

If you recall, we have allowed direct access to physical therapists and those sorts of things because they had a great deal of training and a set course of work. What we are talking about here are persons who go to work for a chiropractor and the chiropractor then shows them how to properly apply a hot or cold pack or do simple routine things to allow that chiropractor to be free to look at other patients during the ten or 15 minutes when those things are applied.

It is a very simple bill. I hate to say that but it really is, that is about all there is to it and it is a matter of making sure that this is still covered by insurance companies.

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

Representative VIGUE: Mr. Speaker, Men and Women of the House: To answer the Representative's second portion of the question, the question he had of qualification of the nonprofessional work in the chiropractic office was a fear that was brought up by a number of people. The way it was taken care of was an amendment that I submitted to require the Chiropractic Board to submit to the State Legislature a list of all the schooling that they had to fulfill and this is going to be done by January 1, 1993. This should fulfill the requirements or the needs or fears that we had.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I have looked at this bill and it has concerned me just exactly the way the good Representative has spoken about. There is no criteria, we are authorizing, if you will, somebody else to set the criteria who wants to use the service, i.e., the chiropractors.

I have great regard for many chiropractors and their services. I also have disillusionment of certain chiropractors and their services. We heard many anecdotal situations in Workers' Compensation hearings regarding the billings that are coming in by referrals to people by chiropractors and the commissioners are requiring those to be paid. There seems to be no ground rules out there as to who these assistants may be, as to what types of work they may perform. To me, the bill itself causes great concern for employers, at least in the Workers' Compensation situation. We do mandate that they pay chiropractors and we are now mandating that they pay chiropractor helpers who, in effect, we don't even know what criteria will ever be required, they may not even have a high school education and still do this and still be so-called certified.

I think it is an ill-conceived bill at this stage. I am not saying it can't be well-conceived but it certainly is ill-conceived at this stage.

Mr. Speaker, I request the yeas and nays and I hope at this point you will not adopt this bill.

The SPEAKER: The Chair recognizes the

Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Men and Women of the House: What actually happened here was that the Blue Cross was paying these individuals, paying the claims, without looking into the matter until it was found that these rules didn't appear in the statutes. So, all we were doing essentially was making them conform to what had already been happening all this time. Then when we got together, we decided to have them, the Board of Chiropractors, submit to us by next session (because of the lateness in which this bill came up and which we had little time to really contend with it) the educational requirements for the 116th. So, we decided we would let it go through because this is work that had already been approved by all of the insurance companies.

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

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

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

ROLL CALL NO. 394

YEA - Adams, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Bell, Bennett, Boutilier, Cahill, M.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Garland, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hanley, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Libby, Lipman, Lord, MacBride, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Barth, Butland, Carleton, Carroll, J.; Donnelly, Foss, Greenlaw, Hastings, Lebowitz, Look, Luther, Marsano, Marsh, Merrill, Richards, Stevenson.

ABSENT - Bailey, H.; Bowers, Carroll, D.; Cashman, Gean, Macomber, Michael, Michaud, Nadeau, Paradis, P.; Pines, Richardson, Ruhlin.

Yes, 121; No, 17; Absent, 13; Paired, 0; Excused, 0.

121 having voted in the affirmative and 17 in the negative with 13 absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Requiring the Provision of Information to Victims of Gross Sexual Assault (H.P. 359) (L.D. 513) (S. "A" S-692 to C. "A" H-963)

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill requiring the provision of information, as I would say it, the provision of gross information to victims of sexual assault because it seems to me that the information that is being provided would be at the very best, misleading.

This is the bill that I debated before and don't want to repeat all of that debate. This is a bad idea because I believe that providing this information will allow victims of sexual assault, who get information from the perpetrator that is a negative AIDS test, will allow them to feel assured that they didn't contract AIDS when in fact they may well have because of the way that that testing process works. Or conversely, if they get the results of the testing from the perpetrator of the assault and it shows that the perpetrator does have AIDS after conviction, they might be misled into believing that they did get AIDS from that person because in fact he may not have had AIDS at the time the assault took place or he may have had AIDS but it didn't pass. In fact, as I pointed out earlier, in less than one percent of cases in the typical isolated sexual contact, is AIDS in fact passed through sexual activity.

Mr. Speaker, I would ask for a division on this.

I also would point out to the people in the House who say it is maybe a good idea to at least let that information go. I would ask you, what is going to happen if the victim passes that information on to other members of the incarcerated population where that person is. I see real problems with confidentiality here, real problems with creating difficult situations inside our prisons. I see problems in many different areas.

I would encourage you to join me in voting against this.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: Though I do commend Representative Anthony for his concerns on this, I do feel that they are unfounded. As he stated, we have debated this in the past and you were kind enough to let this go through. Then it was recalled from the Governor's desk and taken back to the committee. On the counseling part of it, I feel that the statement made about it is unfounded fear.

This amendment deletes references to the convicted offenders counsel and specifically provides for the release of the convicted offenders test results to the victim/witness advocate who then discloses the results to the petitioner after the petitioner has received counseling regarding the nature, reliability and significance of the convicted offender's HIV test results. It also requires the availability of counseling when the victim receives the convicted offender's test results. The

counseling must be provided by the Department of Human Services, certified HIV antibody counselor — they are going to tell them all the dangers inherent with this.

If I get raped, I want to know if the rapist has passed anything onto me. Simple as that. I feel I have the right to know. I appreciate your support on the last vote and I would ask you, once again, to support me on this issue.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Two comments. First of all, I can't believe that that counseling is going to in fact avoid people having misplaced reliance on testing. It is my experience that people believe what they want to believe no matter what a counselor tells them. They are going to see the test results and jump to conclusions even with all the counseling in the world that I believe will not be well-founded.

The second thing that I would like to point out is that the good Representative is right that they might want to know whether or not they contracted AIDS through the sexual misconduct — and they can, they can get tested. That is the only reliable way they will ever know, for them, the victims, to get tested. This bill does not provide testing for victims. It only provides testing for perpetrators and all of the uncertainties that go along with that.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: Before a person can have a perpetrator tested, they have to be tested themselves. They have to be tested within six weeks of the assault. If they fail to do that, they cannot have the perpetrator tested.

As far as lack of confidence in those that we pay to counsel folks with HIV, if there is a lack of confidence in those folks, then I suggest that another bill be put in here where we can strengthen those requirements of the person who is counseling. Personally, it is what we have and I am forced to have faith in that. I feel all the ground is covered in this. I feel that there may be another underlying reason to be against this but I look at this as a victims bill. If a person is raped, that perpetrator has committed an horrendous crime against their body and that victim has the right to know whether anything or not was passed on to them.

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

Representative OTT: Mr. Speaker, Men and Women of the House: I just want to add a brief comment that the reason this bill was recalled is because of some technical difficulties that were discovered when the bill, as we passed it, did not provide for counseling for the victim in the same manner it did for the perpetrator.

I just want to remind you, as previously testified to, the Maine Coalition Against Rape was against this, the Maine AIDS Alliance, the Maine Public Health Association, the Maine Women's Lobby testified against it and, on constitutional grounds, the Maine Civil Liberties Union. In my opinion, it does not provide any help for the victims. As a matter of fact, testimony that we received from people who were themselves victims did not feel that any mandatory testing was going to provide any help.

Representative Townsend of Eastport was granted permission to address the House a third time.

Representative TOWNSEND: Mr. Speaker, Members of the House: I apologize for getting up a third time. First, I will say it once again, this is a victims rights bill. I put this legislation in last year and the committee wanted to hold it over so experts in the field could have a chance to look at it. They had it all summer long, I agreed with that because I didn't want to put something through that was going to be more harmful than helpful — all summer long and not a word from them. During the hearing, I specifically asked them to please contact me when they meet on this because I wanted to educate myself on it as well. Not a word. A week or two weeks before this session went into session, they had a very quick meeting to oppose it. I say, they have another reason for opposing this bill, I don't know what it is. I feel if those folks are going to put the title on rape victim advocates, then they should indeed have that as their priority. What their priority is I don't know, but I am not convinced they are sticking up for the victims of rape in this particular case, has been their priority. I am going to stand my ground, I think this is a very good bill. Once again, a person that has had something as horrible as that happen to them has the right to know.

As far as the constitutionality of it, I will be right upfront with you, a person convicted of raping a person and goes to jail, I am not concerned about their constitutional rights, I am concerned about the victim's constitutional rights. If it is bad for the perpetrator, tough!

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: It is rare that I stand up to disagree with my good friend, Representative Anthony. However on this issue, we particularly part company.

All the body has to really ask when they decide how to vote on this issue is whether or not if someone has been raped in the State of Maine, they have any right to find out whether or not their perpetrator has AIDS. Reach that first answer first — does that person have any rights? Right now, our health service is considering having contacts disclosed by name of HIV carriers. What if we put up this very strange scenario — that if you were a contact with a HIV person, then you would be notified unless that HIV person happened to be a rapist. That is bizarre, it makes no sense, does it? We are not asking for a lot, we are not infringing upon anyone's constitutional rights, this is a person that has been convicted of rape. Where do his rights end and the victim's rights begin? When do you have a right to know? That is the question that is before the body.

I urge you to enact this bill as you did previously. The amendments are, as Representative Townsend said, really just technical amendments, there is no substantive difference in this bill than there was before. I urge your support of the bill.

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

A vote of the House was taken.

92 having voted in the affirmative and 13 in the negative, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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PASSED TO BE ENACTED

An Act Concerning the Needs of Out-of-control Children (H.P. 1626) (L.D. 2289) (C. "A" H-1225)

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

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PASSED TO BE ENACTED

An Act Creating the Victims' Compensation Fund (H.P. 1265) (L.D. 1834) (H. "D" H-1233 to C. "A" H-965)

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

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: For the Record, I would like to recognize a tremendous effort that has been put into the passage of this bill, An Act Creating the Victims' Compensation Fund, and to make you all aware that, once this bill is passed into the law, the service will be available.

For more than a year, a coalition of concerned citizens and legislators held many meetings under the leadership of Commissioner John Atwood crafting a bill to assist people who are victims of crime. Forty-nine other states had such legislation on their books and many of us felt that the State of Maine too should be concerned about innocent victims of crimes against them. Too often, the victim is left to fend for himself or herself following an encounter or any action of support comes much too late to help.

The bill was finally ready last year and I was the sponsor. Much to everyone's disappointment, that bill was held over to this year. At the public hearing, victims of crime, parents of murdered children, people who work with victims, appeared to support this bill. They, along with the original coalition, have followed it all the way and have worked very hard for its passage. The bill little resembles the original document as it has been amended along the way by both this body, the other body and the Judiciary Committee which gave a lot of thought to it. As a result, it is now ready for enactment. I think it is a very good bill.

There are a number of people who deserve much credit for promoting this bill and I would like to recognize them. They are the Coalition of Citizens, Commissioner John Atwood, Representative Farnsworth of Hollowell, Senator Holloway from the other body, the Judiciary Committee and you who have voted for it. It will send a strong message to the people of Maine that we no longer will ignore the victims of crime and that we will have support available for them if they should need it.

I urge enactment of this bill so that Maine will become the 50th state to create a victims' compensation fund.

Subsequently, the bill was passed to be enacted,

signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

An Act to Protect Taxpayer Rights by Amending the Taxpayer Bill of Rights and Making More Equitable Tax Penalty and Appeal Provisions (H.P. 1583) (L.D. 2233) (C. "A" H-1260)

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

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**PASSED TO BE ENACTED**

An Act to Establish the Motor Vehicle Emission Inspection Program (H.P. 1645) (L.D. 2308) (H. "C" H-1249 to C. "A" H-1154)

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

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell. Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I was thinking about this bill here at my seat and I sort of thought of an old movie I saw where you are driving through this lonely road in the west, out in the middle of the desert, and you come to this sign and it says "Your last chance for gas and food for 100 miles." Well, this is the last chance you will have to kill this bill and do something good for your constituents.

I won't be long but I would like to point out a few of the remaining problems with this bill. First of all, the bill divides the state into two sections, one in which you will be required to test your automobiles for an unknown sum of money. If it fails the test, the Department of Environmental Protection will order you to have it repaired and you would have to spend up to \$450 to do that repair. That is one of the problems with the bill.

Another problem with this bill is on Page 2 and 3 of the bill. Basically, it sets up a provision in the law where you would automatically be guilty if you moved from northern Maine to southern Maine and didn't get your vehicle inspected in time.

A third problem is that the bill fails to sort of analyze any sort of sticker or identification program for those people who have got their vehicle tested. They don't know whether it is the sticker on the windshield, a stamp on the registration or a certificate you are going to have to carry in the glove compartment and they are uncertain about that. They said they would take care of it.

Another problem with the bill is that large trucks and diesel engines are exempt and you all know that they cause a lot of problems.

Another problem is that no one knows what the fee is going to be now. I have a memo to the DEP from the EPA that said the cost of the Maine program would be \$16.50. However, most of the discussion sort of is focusing on the \$17 to \$24 range. I think it is going to be a little higher than it needs to be.

Another problem is that it is hard for me to envision how the contract is going to be let out.

The DEP is going to negotiate with the private contractors, release a contract to build these facilities that cost \$150,000 a lane. They are going to have to put a lot of capital in them and then they are going to come back at the end of five years and renegotiate a contract. It seems to me if a company puts all that capital in it, they will expect to get the contract again and will certainly be in a strong bargaining position. I don't know that the public's interest would be served by putting them in that position. Maybe the answer is to let the fee be determined by the Public Utilities Commission which is the usual case when we create monopolies in this state.

So, there are still some problems with the bill.

One other thing before I end, I sort of like to address the whole federal mandate issue which has been brought up and I don't think that anyone has answered that question. I realize that this is a mandate from the federal government and that it is part of the Clean Air Act. I didn't participate in writing the Clean Air Act, all I know about it is what I read in the newspaper and heard on the radio. I know that it went on for months and months and months and I know that it was heavily lobbied and heavily lobbied by the automobile industry. They wrote this law in Washington, inside the beltway and they decided that all the people in the country should take care of it.

When I kind of imagined what people called the beltway mentality, I kind of think of the Augusta mentality and the people around here who think that Augusta is the center of the universe and you multiply that attitude by about 10,000 and you have the beltway mentality for the people who sit around Washington and try to think of things to tell other people in the country what to do. I know that they mean well but I don't know that they always are really grounded on what is going on. They are telling us what to do all the time and maybe the time has come not to accept their mandates and to resist a little bit. I know that they want to help us but maybe we don't need all that much help.

Thank you very much, this is your last chance to kill this bill.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I wish the honorable member of the Energy and Natural Resources Committee who has just spoken to you so forcefully would be equally willing to stand up to the federal government when it comes to nuclear waste.

Our love affair with the automobile has led us into a situation where we are going to be hearing more and more ambulance sirens in the summer, carrying people to the hospital because of breathing problems.

We have been dragging our feet too long on taking care of the planet and cleaning up our air. I am sorry for the people who have to spend money fixing up their cars but they are just going to have to. Our love affair has led us down the garden path of destruction of our forests and it is a bleak garden indeed where children are getting asthma. You have heard it all before from me and others when I was talking about the fuel efficiency bill. No more delay. No more delay. I am glad the federal government will take a lead in something to help us with our health and our energy policy. It has done

little enough. So, we will help our friends who can't afford to do this, somehow we will, but it must be done.

Representative Jalbert of Lisbon requested a roll call vote.

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

Representative POWERS: Mr. Speaker, fellow Members of the House: I don't want to take anymore time on this, I think I have harrowed this ground pretty well. I remember many years ago, Gramp went out and plowed up five acres and said, we are going to put in a piece of oats. Well, I kind of took pity on the old man, I decided I would help him when it came time to harrow. He sent me out with a little old Farmall-A and a gang harrow to harrow that piece of ground and I thought I did a pretty good job. Evidently, I came back a little too soon and he said, "I don't think you have got that piece of ground all harrowed." I said, "Oh yea, I did a good job. You don't suppose I could harrow that too much?" He said, "Son, I will tell you, you can never harrow a piece of ground too much." Well, the old man had farmed that piece of ground for 56 years so I thought about that a minute and I said he must know what he is talking about. So, I went back and tackled the job again. So, here I am harrowing this same piece of ground again. But, I am going to tell you it is an important issue here and we are going at it from the wrong end.

I believe that if the federal government was serious about cleaning up our atmosphere, they would have already gone to Detroit instead of going out and telling Detroit that they are going to take away the regulation so that in 1993 and 1994, they can make a few more million dollars and then come back to the little State of Maine and say, you are going to put an emissions testing program in action to penalize the poorest people that you have in the state. This is the poorest piece of legislation that I can think of.

Now, the federal government can tell you that it is going to be mandated, they can blackmail you in any, way, shape or manner but, to me, that's what it is, blackmail.

Since we have been debating this issue on the floor of the House, I know that the word is beginning to leak out to the general public, they are becoming aware that there is something coming down and they are not just exactly sure what and they are a little frustrated that they don't know just what to do. They will do it in November, I can assure you of that, when they find out for certain. The telephone calls have been constantly been coming into the Clerk's office because I have heard them myself and they all say, "No." The people in my district are beginning to call me, there are calls on my answering machine every night. When the general public gets ahold of this, I can tell you, after the fact has happened or not, I am assuring you that somebody is going to suffer with this. So, with that in mind, I will let go of it. I think I have probably harrowed my last furrow.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I assure you people that I am not going to harrow any new ground today but I

hope to, once and for all, again, try to put the record straight. If this is causing upheaval amongst the populus, I guess I am not aware of it. I represent 7,100 people and a lot of them could probably throw a rock and hit the Capitol. They could call here at no cost, I have received well over 100 phone calls in the last three days from my constituents about another matter, but I have yet to have one constituent call me up and tell me this is a bad idea. I have talked about it at two town meetings, I have talked about it in the local stores and I have talked about it in the filling stations. So, my constituents must be different than apparently some others.

It is not, in any way, construed to penalize the people of the State of Maine, the poor people and it isn't blackmail. This is the Clean Air Act in its entirety. It is an act of Congress passed by the Congress of the United States, people whom I have a lot of respect for. I feel they are there to do a difficult job as I am here to do a difficult job. They did their part and I am just trying to do mine in getting this through the House.

I will just touch on a few things that the good Representative from Freeport said. He and I have debated this long and hard. He started out by saying, do something good for your constituents. I agree with him, why don't we do something good for our constituents, for their health and for the industry of the State of Maine? Remember, we can do it with mobile sources and pay \$500 a ton. We can do it by stationary industrial sources and pay \$5,000 a ton.

As to the debate about the contracts, stickers, problems — administrators, legislators, people of the State of Maine have figured out things far more difficult than this. As I said the other day, I know this isn't letter perfect. These are the statutes from the feds but we still don't have all the rules as promulgated by the feds. I know that we are going to have to make changes to get this to work but now is the time to get it started.

In closing, I know this is a bitter pill for a lot of people to swallow. I know that there are those who talk about the need for it to be statewide. I am not a chemist, I don't pretend to be a chemist, and I hope nobody ever sees the ranks I got in chemistry in high school (I did get some pretty good ranks but not in chemistry), so I asked the gentleman who will administer this if it was passed to put it in the most simplistic terms why it is not needed to pass this statewide. This is what he told me in his handwriting this morning. He said, "Ozone by nature is a very reactive, unstable compound. In the presence of hydrocarbons and nitric oxide, the protochemical reaction forms and ozone continues to expand as it would in southern Maine, but as we go north or inland, the level of pollution decreases, less ozone is formed and the remaining ozone depletes or breaks down. If we were to go north with this, we are just upping the cost of it and putting added burden onto that poor population that doesn't need it.

I urge the passage and I hope you will vote with me.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra. Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I compare this to our radon gas — if you have your house inspected in the winter



time when the windows are closed, you are going to see evidence of radon gas. By the same token, if you air it out for about a half a day or even a day, it is gone.

My complaint with this legislation is that the population of York County doubles in the summer months. As a matter of fact, it triples, and at that point in time, if those tests were taken during our summer months when the tourists are here, no wonder the level of ozone might have shown to be higher than expected. Not only that but the tourists aren't going to be punished by this and those are the people who will be causing the higher levels of ozone. So, I say that this is a bad bill and it should actually come from the federal government, it should be nationwide, not picking out one little state like Maine.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: Tuesday I was reading the Wall Street Journal and I came across this article which was most interesting and pertained to exactly what we are thinking about today. "The EPA plans to toughen auto emission testing." In other words, they haven't done it yet. It goes on to say, "Emission testing is now required in most big cities and is likely to spread in the coming years as tighter clean air acts take effect. State testing facilities must meet EPA standards." The standards haven't been set yet. "Under EPA's proposal pending at the White House Budget Office, testing stations would have to be an independent of repair shops. They would have to use new high tech gear costing \$100,000 or \$150,000 that measures emissions while cars are accelerating and decelerating as well as idling. For consumers, the cost would rise to about \$17 a test." I don't get that \$30 people are throwing around here. "Consumers would also face increased repair costs because new tests would catch many more problems." That's the essence of the article.

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

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

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: The issue of whether or not this should be statewide or just confined to the southern or southwestern seven counties, I think has been pretty well responded to, not on this floor until today, but at least to my satisfaction. In fact, ozone breaks down on the lack of other pollutants in a series of just tumbler wind fluctuations, if you will, as it gets out of an area where the ozone is heavily created by pollution. It breaks down into oxygen again.

The tests have shown, and I am not sure where my good friend from South Berwick gets his information, but the tests have shown that Portland (on many days) has a test rate higher levels than on the border down by York indicating that we are not getting this swept into the state by the winds. It doesn't have to be

statewide. I am convinced of that now. I don't know why they would exclude trucks though because, frankly, even though they say that is deminimus, a truck in this same border to me is just as great as an automobile as long as it is gas burning. Diesel fuels, of course, do not create this type of pollution. Although they create other types, but not ones that create ozone problems.

I do think the bill lacks certain refinement in certain areas. It does, however, meet a criteria which we are going to have to live with and, hopefully, it will reduce by 15 percent pollution in that area of the state and, therefore, come within compliance. Once we are in compliance, then at least for the time being, we are satisfying those criteria which experts have said we have to have in this country. I agree that it is a national problem but ozone is not a national problem in the sense that every area, even though seven counties have the problem, but it is concentrated in those seven counties. Frankly, I agree with the bill as I now read it, I know that it is going to cost money, I know how other people — when we choose to drive as we do, most of us to this place all alone in one car, one person/one car, we exacerbate the problem. You and I are going to have to change but, right now, we are going to have to pay the test instead.

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

Representative DIPIETRO: Mr. Speaker, may I ask you a question, please?

The SPEAKER: The Representative may pose his question.

Representative DIPIETRO: Mr. Speaker, is it constitutional to tax half the people of the State of Maine or put a burden on them and not the other half? Is this fair?

The SPEAKER: The Chair would advise the Representative that he has posed two questions, one as to whether or not it was constitutional and the Chair would advise the Representative that he is not the Attorney General of the state. In reference to the second question as to whether or not it is fair, that is a matter of perception.

Representative DIPIETRO: Does that mean depending where you live? Is that what you are referring to?

The SPEAKER: The Chair would answer in the negative.

The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief, I know this issue has been debated before but the fact remains, if you look at the test results on many, many days, the difference — I am just picking two counties — between Androscoggin's county level and Oxford's county level, has been very small. There is a difference but it is not that big a difference.

I find it unbelievable that we think that we are going to make the residents of Androscoggin County take this test and spend this money and then exclude Oxford County — you are putting a burden on them. Because the neighboring southern Maine county is exempt, they are not going to see hardly any benefits from it. That is why I have worked so hard in order to try to get this bill statewide in order to assure its passage.

The SPEAKER: A roll call has been ordered. The

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

ROLL CALL NO. 395

YEA - Adams, Anderson, Anthony, Bailey, R.; Barth, Bennett, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Coles, Constantine, Cote, Crowley, Daggett, Donnelly, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Gray, Gwadosky, Handy, Hastings, Heeschen, Hepburn, Hichborn, Hوجلund, Holt, Jacques, Joseph, Ketover, Kontos, Larrivee, Lawrence, Lemke, Lipman, Lord, Luther, Macomber, Mahany, Marsh, Martin, H.; Mayo, McKeen, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Morrison, Norton, O'Gara, Oliver, Paradis, J.; Pfeiffer, Poulin, Rand, Richards, Richardson, Rydell, Simonds, Simpson, Stevens, A.; Stevens, P.; Swazey, Tamaro, Tracy, Treat, Tupper, Vigue, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Ault, Bailey, H.; Bell, Boutilier, Chonko, Clark, H.; Clark, M.; DiPietro, Dore, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Graham, Greenlaw, Gurney, Hale, Hanley, Heino, Hichens, Hussey, Jalbert, Kerr, Ketterer, Kilkelly, Kutasi, Lebowitz, Libby, Look, MacBride, Manning, Marsano, McHenry, Mitchell, J.; Murphy, Nadeau, Nash, Nutting, O'Dea, Ott, Parent, Paul, Pendexter, Pendleton, Pineau, Plourde, Pouliot, Powers, Reed, G.; Reed, W.; Ricker, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Skوجلund, Small, Spear, Stevenson, Strout, Tardy, Townsend, Waterman, Whitcomb.

ABSENT - Bowers, Cashman, Paradis, P.; Pines, Ruhlin.

Yes, 77; No, 69; Absent, 5; Paired, 0; Excused, 0.

77 having voted in the affirmative and 69 in the negative with 5 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Restructure the Department of Administrative and Financial Services (H.P. 1663) (L.D. 2340) (C. "A" H-1267)

An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State (H.P. 1669) (L.D. 2345) (S. "A" S-688 to C. "A" H-1174)

An Act to Encourage Expansion of Certain Residency Programs Related to Primary Care Physicians (H.P. 1706) (L.D. 2387) (S. "A" S-669 to C. "A" H-1109)

An Act to Repeal the Sunset on Penalties for Violations of Pesticide Laws (H.P. 1712) (L.D. 2397) (H. "B" H-1246 to C. "A" H-1150)

An Act to Authorize the Town of Medway to Sell Certain Land (H.P. 1725) (L.D. 2416) (S. "B" S-631)

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

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

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. 6 were taken up out of order by unanimous consent:

ENACTOR

Later Today Assigned

An Act Regarding Plastic Rings and Other Plastic Holding Devices (S.P. 967) (L.D. 2446)

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

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

ENACTOR

Later Today Assigned

An Act Pertaining to the Assessment of Fees on Nuclear Power Plants (S.P. 829) (L.D. 2133) (H. "A" H-1234 to C. "A" S-610)

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

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

ENACTOR

Later Today Assigned

An Act to Establish a Professional Standards Board for Maine Teachers (H.P. 1316) (L.D. 1902) (C. "A" H-1223)

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

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

PASSED TO BE ENACTED

An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders (H.P. 1652) (L.D. 2315) (C. "A" H-1271)

An Act to Protect Children from Lead Poisoning

(H.P. 1584) (L.D. 2234) (H. "A" H-1244 to C. "A" H-1218)

An Act to Adopt a New Article for the Uniform Commercial Code (S.P. 680) (L.D. 1802) (C. "A" S-695)

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

**ENACTOR**

**Later Today Assigned**

An Act to Facilitate Self-insurance and Group Self-insurance under the Maine Workers' Compensation Act (S.P. 877) (L.D. 2238) (S. "A" S-638 and S. "B" S-701 to C. "A" S-633)

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

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

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

**SENATE PAPERS**

Bill "An Act Concerning the Maine Municipal and Rural Electrification Cooperative Agency" (S.P. 969) (L.D. 2449)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(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 twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

**Unanimous Ought Not To Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the State to Refund Bonds (S.P. 813) (L.D. 2012)

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

The following item appearing on Supplement No. 8

was taken up out of order by unanimous consent:

**BILL RECALLED FROM GOVERNOR**

(Pursuant to Joint Order - House Paper 1767)

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

- In House, Passed to be Enacted on March 23, 1992.

- In Senate, Passed to be Enacted on March 23, 1992.

On motion of Representative Kutasi of Bridgton, under suspension of the rules, the House reconsidered its action where L.D. 2422 was passed to be enacted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 2422 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-645) was adopted.

The same Representative offered House Amendment "A" (H-1284) to Senate Amendment "A" (S-645) and moved its adoption.

House Amendment "A" (H-1284) to Senate Amendment "A" (S-645) was read by the Clerk and adopted.

Senate Amendment "A" (S-645) as amended by House Amendment "A" (H-1284) thereto was adopted.

The bill was passed to be engrossed as amended by Senate Amendment "A" (S-645) as amended by House Amendment "A" (H-1284) thereto in non-concurrence and sent up for concurrence.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337) on which the House insisted on its former action whereby the Resolution was passed to be engrossed as amended by Committee Amendment "A" (H-1173) and House Amendment "B" (H-1175) in the House on March 25, 1992.

Came from the Senate with that Body having insisted on its former action whereby the Resolution was passed to be engrossed as amended by Committee Amendment "A" (H-1173) and Senate Amendment "A" (S-702) and asked for a Committee of Conference in non-concurrence.

On motion of Representative Mayo of Thomaston, the House voted to Insist and join in a Committee of Conference.

**CONSENT CALENDAR**

**First Day**

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

Day:

(S.P. 945) (L.D. 2409) Bill "An Act to Improve Educational Public Broadcasting Statewide" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-666)

On motion of Representative Handy of Lewiston, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (S-666) was read by the Clerk.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (S-666) and later today assigned.

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

**SENATE PAPER**

**Divided Report**

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act to Restore Maine State Retirement Service Credit to Certain Part-time, Seasonal, Intermittent or Legislative Employees" (S.P. 809) (L.D. 2008)

Signed:

Senator: WEBSTER of Franklin

Representatives: JALBERT of Lisbon  
HEINO of Boothbay  
DUTREMBLE of Biddeford  
AULT of Wayne  
MERRILL of Dover-Foxcroft  
STEVENSON of Unity

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-683) on same Bill.

Signed:

Senators: CLARK of Cumberland  
McCORMICK of Kennebec

Representatives: MICHAEL of Auburn  
HANDY of Lewiston  
O'DEA of Orono  
WENTWORTH of Arundel

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-683).

On motion of Representative Jalbert of Lisbon, the Minority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-683) was read by the Clerk.

The SPEAKER: The Chair recognizes the

Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, is Committee Amendment "A" germane?

The SPEAKER: The Chair would rule that Committee Amendment "A" is not germane.

Subsequently, the Bill was assigned for second reading later in today's session.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Correct Errors and Inconsistencies in the Laws of Maine (S.P. 849) (L.D. 2162) (S. "A" S-696 to C. "A" S-676)

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. 115 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.

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

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

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

The Chair laid before the House the following matter: An Act Regarding Plastic Rings and Other Plastic Holding Devices (S.P. 967) (L.D. 2446) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This is the issue that was discussed at great length last Spring, the whole issue of six-pack yokes, which are the plastic devices that hold cans of beer or soda together that you all have probably bought in the market. If you remember the debate we had last year, it went on for quite some time and this legislature passed an extension of a ban which was enacted by the legislature originally in 1969. In 1969, the legislature outlawed these particular devices and on June 30, 1991 and then in the legislative session in 1991 there was a bill submitted, it was hotly debated and it would extend that ban for another year. The

extension of that ban occurred in this particular bill which was signed by the Governor on June 20, 1991, L.D. 842.

The bill extends the ban for one year and instructs the industry to go out and do research and report back to the Committee on Energy and Natural Resources by March 15th. The report should include a description of action taken by the persons to educate the public on the proper use and disposal of the plastic holding devices, a discussion of the feasibility of a deposit on plastic ring devices and a description of ongoing progress in further efforts in developing a plastic holding device that breaks simultaneously with the removal of the container. Then the bill goes on to authorize the Energy and Natural Resources Committee to report out a bill.

We had a report a couple of weeks ago in our committee from the people who made this report, some bottlers that these six-pack rings are made by, a company by the name of the Illinois Tool Works. They came in and showed us the same six-pack yoke that they showed us last year initially. They gave a very nice presentation, it lasted a couple of hours, we saw a lot of these things and they reported to us their educational effort in the Bangor area and it seemed like a nice educational effort. They brought some six-pack yokes in and they were basically the easy-o opener that we had last year with a little tab on the side of each loop. Despite the year's research, that particular product was no better than it was last year. The committee felt that both sides should have an opportunity to present their side of the case. The following week Representative Adams came in and made a very eloquent presentation to the committee basically laying out all the problems with these six-pack yokes.

Finally on Monday of this week, there was a third meeting of the Energy and Natural Resources Committee where the Illinois Tool Work's came back to the committee again and this time they had a prototype of six-pack yoke. This particular device was a plastic ring device and the plastic rings were sort of set down about a third of the way on the can and when you pulled the can away, they did indeed break, so I guess they accomplished that. Then they asked the committee to give them an extension for another year so that they could put these on the market. I asked the gentleman from the Illinois Tool Works about this new project and where it was in that particular production line. He said that they had only gone through the first phase of the development of this particular product, the research and development stage, and that there were five phases before it could be put on the market. They had to test whether it would withstand the pressure of the distribution system, the pressure of the retail distribution system and so on and so forth. Then I asked him when the earliest possible date that this particular device could be on the market in Maine and he said it would be in a year if all of the other things that had to be tested worked.

The majority of the members of the Energy and Natural Resources Committee felt that with that promise it was enough to extend the ban for another year. I don't think that they did what they were going to do. They were at the committee three different times, the first time and the second time with Representative Adams, and finally last Monday (and it was only last Monday) they came in with the yoke that broke. It seems to me that, if this is

such a great idea, they would have brought it to the first meeting of the committee and shown it to us then. That is the issue, they want to go for another year and they are promising to do better.

There is one other thing that I would like to discuss while I am on my feet and that is the whole issue of process. This is the second bill today that came out of the Energy and Natural Resources Committee that hasn't had a public hearing. The first bill was the Color, Odor and Foam Bill. It had no hearing and, like the Color, Odor, Foam Bill, a decision was made in the last two weeks of the session and there wasn't any public input. The only people who were in the committee were the representatives of a couple of environmental organizations and the representatives of the industry affected. The people of the State of Maine had no opportunity to tell us how they felt about the issue and I don't think that that is a good public policy. We have been under a lot of pressure and we have had an awfully lot of bills in that particular committee and I understand why it is necessary but it is still not right to do it. I think the people have a lot at stake and when we pass an environmental law, they expect us to go through with it and not have some lobbyists come in without the public being there and knowing about it and changing our minds. If there isn't enough time to do the job right, you probably ought not to even begin it and just let it pass in my opinion. I don't think it is a good thing for the committee to be passing out these bills like this.

This is the yoke issue, it is up for enactment now and I hope you will vote no. If you vote yes, we will be back here dealing with it again next year. Nothing has changed in the past year and I frankly doubt that anything will change in the next year.

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

Representative POWERS: Mr. Speaker, Fellow Members of the House: If you want to start the music, I will try and give you my rendition of plastic yokes.

I came along as a "Johnny come lately" and probably sorrowfully but I remember it this way — back in the first session when all the school children and the teachers came to the committee pleading with us to hold the ban on plastic yokes. They showed us pictures of birds and animals that had died a horrible death entangled in these things.

The industry said to us, "Well, we think we have got a biodegradable and a much better yoke and we need some time to perfect it." So, over a lot of debate and a lot of haggling, we finally decided to give them the extension of time. They came back with a tear tab that didn't work, the same thing. Now they are back again with another breakable tab — this time the tab does break when you take out the can — but I remember specifically in asking one of the industry's executives about the biodegradability, how long it takes to degrade in the sunlight and to what does it degrade and I got no satisfaction as to what it degrades to, whether it degrades into small particles or just what it looks like afterwards hey haven't had them long enough so that they really know. It is true that they do need a lot more time to test them but it is plastic nonetheless and the fish and birds think it might be something edible and it clogs their digestive tract and they do in fact die. The children brought us in a lot of pictures,

actual photographs of these animals and birds who are dying from these plastic yokes. I think it is an atrocity to still allow them more time to bring more plastic and more foolishness. It looks foolish to me to give them more time to try and perfect something that I think can't be perfected.

We do have paper in this state and we do have cardboard and there has been a lot of debate on that issue as to the disposal of the cardboard and the paper. I think that is something that will be taken care of very soon. There is a way of getting rid of cardboard and recycling cardboard and paper. I know and everyone here knows that paper, when it is wet, does disintegrate and very soon is tread into the ground or is buried with the leaves and it is gone. These plastic rings, I am telling you, will stay around for a long, long time. In my area, I can find some that have been laying on the ground or in the brush for a long time and I carry some with me to show people to verify what my findings were.

There is a disturbing element that the industry has repeatedly been in our committee room but the children and teachers have not had the opportunity to come in and show us, again, the atrocity of animals and birds dying from these plastic yokes. Most people who go out fishing will heave these things into the water so it is also affecting the fish and the turtles and I believe this sincerely.

I tried repeatedly to get the industry to agree to put a five cent deposit on these so that they would come back to the recycling plant. I still really believe that that is the only way that we are ever going to get these things off of our landscapes.

I hope that there will be someone who will follow with some better advice.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: Here we go all over again. This is the yoke and I want to correct something that Representative Powers said, it does not break when you pull the can out, it stays intact when you pull the can out. But, if you are a good sort, you can take the little tab and you can break it yourself after the can is out. However, that doesn't do a thing about all this stuff in the middle which is very solid, you could easily get entrapped in and that is not going to break.

The point is that they had the time that we gave them, almost a year, they promised they would come back with something that worked and they did not. From last year's debate, I have what I said — "I truly believe they will have the gall to come back after 10 months and ask for a further extension of the deadline" and I truly believe that is what they are doing here today.

This is a tribute to good lobbying. I am a duly elected member of this body and I could not get a bill on this floor this way, the last week of the session without a public hearing and we are going to do this. The rest of us have to go through a process, the process is supposed to be holy. I think what the process tells us is that we know now whether or not you are one of the rank-and-file and rank-and-file may have a very specific definition but I think it is that either party that you belong to, you know you are not one of the harem favorites if you don't get any special treatment. This is here for special treatment, a special lobbying group, who I will not name because I was told the last time that

that was not a nice thing to do, who can come in here at the last minute the last of every session and get these bills through the House and through the other body. It is privileged, it is a pain in the neck, these things do not work and I do ask that you vote against this bill.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to lose my temper. I have heard so much horse hockey thrown around here, it really amazes me.

The reason this bill is here is because in the last bill, the legislature and the people who voted against it on the committee the last time are still against it, required a reporting period by March 15th. The legislature also said that the committee could, if they chose, report out a bill dealing with this subject matter. There is no conspiracy here, there is no hidden plot here, it was in the law and all this did was follow the law. There was no requirement for a public hearing, it would have been nice if we had had time to have one, but under this idiotic schedule we are under, under the cutbacks that we have made to the legislature, the simple fact of the matter is we didn't have time. No lobbyists controlled this, it was under the control of the committee. There is no attempt to circumvent anything, it is following the law that was passed. That's all and I don't want anybody to think it is any more or less than that.

Now, the six-pack yoke that was just displayed in the House is not the yoke we are talking about. The two editorials that appeared that were passed out to you are not the yokes that we are talking about. It has been alluded that they knew they had the right yoke all along and they didn't bring it out until they thought they had to. The fact of the matter is, while the representative from the company was here discussing the issue, back in the company in their R&D Division, which is Research and Development, they indeed developed the very yoke that Senator Titcomb had suggested that they work on almost a year ago. More than that, they had machines tool their machinery to put it on, they had run it through their machine and applied it successfully to six-packs of refreshments. That part worked. The man that was here was surprised, he did not think that it had gone to that point. He brought that six-pack yoke back with sodas and said, "This is the one you asked us for, this is the one that Senator Titcomb suggested we should try to develop, which we have." No conspiracy, no attempt to fool anybody. Believe it or not, it was an honest attempt by the industry to come forward and answer the majority of the committee's concerns.

The simple fact of the matter is that this ban wouldn't even be in place if it hadn't been for me because there was a bill to do this ban a couple of times and it failed, a unanimous "Ought Not to Pass." When we had the solid waste bill and we were ready to kick it out, we had worked about 28 days straight on it, I said to the rest of the committee, "I will not sign on this bill unanimously unless you put this ban on six-pack yokes into the bill." One by one by one, the committee went along and even Senator Erwin, who had some real concerns about what we were doing by banning this without finding out the whole story, went along and it was added to the Solid

Waste Bill by me.

What we have now is a plastic six-pack yoke that deals with the wildlife entanglement issue, which is the only issue that was of concern when this bill originally came forward. It breaks when you open it, they even made the finger holes (where you grab the six-pack) smaller (as was the committee's suggestion) so even a little, tiny animal like a mouse or a mole couldn't get caught in that six-pack yoke and get strangled. The simple fact of the matter is that they have responded to that concern. The problem is they don't know how it is going to go when you handle it in the store, when you distribute it from your distributors, when you bring it home to your kitchen, when the stock boy stocks the shelves, to see if those things would hold the six cans together during that whole process. They haven't had a chance to do that yet. They asked us if we would not give them a chance to do that. No conspiracy, no attempt to circumvent the law, just an actual honest attempt to try to deal with a solution.

No one in the State of Maine wants an ash landfill in their area — no one. Not in my yard, no ash landfill. The alternative to plastic six-pack yokes, and you can close your ears and you can try to disregard it, is cardboard wrap around containers. The fact of the matter is that those cannot be recycled because they have to be treated so they don't fall apart in the moisture and humidity of a cooler so there are two things you can do with them, you can bury them or you can burn them. If you burn them, you burn them with the rest of the things and it produces about 20 to 40 times as much ash as the same type of carrier made out of the PCP plastic derivative. To me, that was an issue that we should look at.

The whole issue of plastic six-pack yokes was wildlife entanglement and the fact of the matter is monofilament fishing lines kill far more wildlife species than plastic six-pack yokes ever has or ever will. Plastic bags, right in the state office building which have recycled bins and in everyone of those bins is a green plastic trash bag — I think it is a little ironic but the green plastic trash bag is what you put your paper in to be recycled — what about the plastic bag?

I have heard it more than once that the lobbyists are the ones that controlled this, the lobbyists told us what to do — men and women of the House, if you believe that, if you believe that any lobbyist from whatever firm can tell the members of the Energy and Natural Resources Committee what to do, you are living in a dream world. They are probably the most diverse, stubborn, strong-willed, dedicated group of legislators I've served with. The fact that any lobbyists could make them do something they didn't want to do is pure hogwash. No question about it. I think those of you who have served in this body have seen the level of the debate, the level of discussion on issues, know that to be the case.

What I saw, and I can't speak for the rest of the committee, is that the State of Maine, this little old state way up in the northeastern part of the country, put in a ban that in effect can change the way we do business, not only in the United States of America, but in the rest of the world because now you have a plastic six-pack yoke that, once it is perfected, will no longer be a threat to the wildlife species, not just in the State of Maine but the rest of the country. Remember, we are the only state that

has a ban or a potential ban. The fact of the matter is that our actions could, indeed, help develop something that is not only environmentally better than the alternative, which is cardboard and paper, but will deal with the issue of wildlife entrapment. I have got to believe that, once they perfect that, it would be to their advantage, marketing or otherwise, to have it distributed all across the country. Remember now, Maine is the only one talking about a ban but our actions can lead all the other states in going into the direction of saying, yes, we want those new six-pack yokes that break when you pull your soda out. That's what this little state can do. That's what I perceive the accomplishment to be.

As I said this morning, times are changing and we must be at least willing to consider those changes. Just so you will know why I did what I did on plastic six-pack yokes — after we banned it last time, I visited a local beer distributor in my town. Once in awhile, I deliver beer to a little store up in the north end of Moosehead Lake because they are too far away to have it delivered by the regular route, so I will get a check from them and they order the beer and I go and pick it up. When I went to the distributor they said, would you come in here for a minute, we want to show you something, Representative Jacques. I went in and went down a line of pallets and they said, this product will no longer be available in the state, this one, this one, this one, right down the line. I said, "Come on guys, you've got to be kidding me." They said, "Absolutely not, our manufacturer will not change their packaging for one state. We have been told that these items will not be available." I said, "Probably somebody will have to change the type of product they drink." They said, "Well that's fine, but so you will know, two night warehouse people are being laid off and two delivery people will be laid off because that is about 20 to 25 percent of our market, we won't need those people anymore, we are going to be getting rid of them." My question then was, "You don't think they can come up with a cardboard alternative to this thing?" They said, "Yes, I am sure they can. The problem is, what do we do with it when we have it? We have a fellow named Fred's Vending in Waterville and he said his men started delivering without six-pack yokes, they had one truck go out with the product and one truck had to follow along to pick up the cardboard wrappers as they got done with them." Where do those wrappers go? To the dump, landfill or incinerator. Where do we go with the ash? We don't know because nobody wants an ash landfill. As a matter of fact, the Board of Environmental Protection just voted yesterday not to allow an expansion of C.W.S. in Norridgewock. That means we basically have one place left and that is Sawyer's in Hampden and if his expansion isn't allowed, we have no place to go. Maybe the Canadians will be nice to us and take our trash. Maybe the people in New Hampshire will be nice to us and take our trash.

How you vote on this issue is up to you but I just could not sit here anymore and listen about how someone sneaked this in, perpetrated this devious deed on the people of the State of Maine because that is just not the way it happened. We just followed the law the way it was written. The reason we waited until the end of the session is because our committee had 80 bills and when the people said they were ready to give a report and could they give it now, I said

to them, we have some bills that have to be out by this Friday, more bills have to be out by next Friday, would you please let us deal with those bills and get those out? This is an issue that we have all the way to the end of the session and as soon as the committee has free time, you make your report and the committee will carry on their deliberations. No conspiracy, no tricks, I don't operate that way, neither does my committee.

We asked the industry to do something, as a matter of fact, we directed the industry to do something. They did what we requested and I want to inform everybody that a one year deadline was not their figure. They told us from the very beginning that it would probably take two years to change. You cannot change the way you do things overnight, we put the one year figure in there at the suggestion of Senator Baldacci because he was concerned about getting a report from the committee that everyone could support. As it turned out, no matter what we did, there was still going to be a Divided Report. The people who were against it before are still against it now and I dare say, with all due respect to them because I love them all very much, that no matter what the company had done, they would have rejected the new method.

The yoke that you saw today before this House is not the yoke that we are talking about. The yoke that was written about in the editorials is not the yoke that we are talking about, there's no more tabs, there's no more pulling on the tabs, it breaks when you remove the can. I think speaking of the issue as it is should be the way it is done, not talking about things in the past. It is unfortunate that some people didn't stay in the room the whole time the presentation was made because that was pointed out very clearly and carefully by the people involved.

I thank you for your patience.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: The truth of the matter is that we do not have a law banning six-pack plastic yokes. We haven't had one for 10 months. If this bill goes through, we will not have one for the next 15 months. I believe the carrying cases I showed you is the case that will be in the stores for the next 16 months, although it may not be the case that is being worked on right now.

The company must have known last January that these did not work. If they chose not to bring this in until the very end of the session, that is their problem, it should not have been our problem. They should have brought this in and we should have had a public hearing on it.

Finally, I want to say that losing one's temper is a human trait, we all lose our tempers, I occasionally lose mine but nobody seems to be afraid of me when I lose my temper and I have chosen not to be afraid of anyone else if they lose theirs.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I haven't lost my temper — see? I have a big smiling face here, I tried not to even raise my voice, but just a few corrections. The fact of the matter is that there is a ban on six-pack yokes in the State of Maine and has been since we passed it. The only exception was for what they

called "the easy-o" which is the one that had the tab that you had to pull to break. All other yokes have been banned since the time of the enactment and still are today. This law will not change that. That is the fact.

The other fact is that the company did not know that this would not work in January because we did not pass this in an emergency manner. We had a ban in effect and, for three months, we had no ban on the "easy-o's" and then we went back into effect of having the ban on the "easy-o's" again. By 3 months we delayed the fact that they could use the "easy-o" ban so that delayed all their marketing, all their research work, all the attempts they made to get people's reactions to things. It was not their fault, it was not our fault, we just couldn't get a 101 votes. That is the simple fact of the matter. They couldn't do anything until the law went into effect 90 days after the legislature adjourned. If you remember correctly, which was very late in July, and if you add July with three months, you get August, September, October so something they had hoped to have started in July to meet with the 4th of July tourist season, the two months of summer, they had to put off. They could only start in the Fall when everybody was gone, when fruit and beverage sales were way down. That didn't give them the market response they had hoped to have. That was not their fault, that was our fault.

I still haven't lost my temper, I am still smiling and I will be smiling at the end of this day.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Men and Women of the House: I don't often get up on the floor and speak but I guess I have to on this one.

I agree with our House Chairman and he said most everything that needed to be said about this bill. We have argued it before and we have had public hearings, we have had work sessions, many, many, many on this issue. It has been around and around and the same people are arguing the same things today but I still have to say that it is easy to criticize this company for what they have been trying to do. One thing that our Chairman did not say was that this high cone loop has to be put on at high speed — now, when you reduce the strength of it to the point we want it to break when you take out the cans, it is hard to make it work under the high speed process. They have got this new one that we are talking about, which we have only seen last week, to work under the high speed process as far as putting them together. They have not put it out on the market, they have not had the participation of people buying it and what will happen when they get into the stores, that's yet to come, but it looks the most hopeful of anything I have seen since we have been involved in it. We were all very impressed on the committee.

I would just like to say that on some of the issues that we have talked about, if we want to talk about the environmental part of plastic rings compared to paper, and I often wondered and I have said on this House floor before about which would take the most energy to make, a plastic ring or a paper container. It takes from 40 to 45 percent less energy to manufacture plastic rings than it does paper. So, as far as saving petroleum products, we are not saving petroleum products by manufacturing paper containers. In the manufacturing process of plastic, there is less atmospheric pollutants than



the manufacturing of paper. There is less water-borne pollutants in the manufacturing of the high cone ring over the paper container. When you come to the point of doing away with them, there is about 80 percent less fill in the landfill than there is with paper carriers.

I don't know what else can be said about this issue except that I hope you will vote to give the extension that we have seen because this is not something that can be done in five minutes and they have shown very good progress I think.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: You know, we have heard a lot in the public debate this year about the foreign nations fast gaining ground on the United States in the realm of economic power and competitiveness — well, it baffles me that our mighty engine of industry in this country cannot solve the problem of the plastic yokes. Is this the nation of Henry Ford, the Wright Brothers and Neil Armstrong? It seems that our current industry simply throws up their hands in frustration when confronted with six-pack yokes. Just how far have we come, friends and colleagues? Remember the prophetic words of Pogo, "We have met the enemy and he is us." Please join me in voting against this enactment.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: The last time we voted on this issue, I was for the banning of the ring. I was asked to go along with it for a year so it would give them an opportunity to perfect it. Well, the year as gone by, we are back here in another controversy again and I think I may have the solution to the controversy — rather than have these periods of time and fighting this thing out on the floor, I think the solution would be to ban the plastic rings and when these companies perfect the rings that they tell us they are going to have, come back, we will gladly vote for it.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: Just to let you know where I stand on this, first off, I was very much for the ban of plastic rings, I do feel it is something that as a society we can live without. Last year, however, lobbyists approached me and explained what they were trying to do. I try to be reasonable most of the time, sometimes I lose it, but anyway I sat down and talked with them and I am a firm believer that, if our environmental problems are going to be solved in this country, then industry needs to be given a chance to come up with better ideas. Therefore, I voted to allow them the extension for the year. Basically, I am not satisfied with the results. I know that people have different opinions on that. But, being from the coast, when I went back home last year, there were a lot of people that were angry that I would allow the extension. I sat down with them and had a number of meetings with them. Believe it or not, I believe I even convinced a couple of them that maybe it was reasonable to give them the opportunity. However, I feel that we have done that and this time I am going to vote against the enactment.

Like the previous speaker said, if they come up

with something that is going to work, then bring it back to us and being a reasonable person, I will consider it.

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

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: As the previous Representative said that he gave them the extension, so did I last year because I was concerned about the small business, the Mom and Pop stores, grocery stores in the towns who, once the ban took effect, they had to strip all their cans, take all the yokes off, adjust their shelves — well, ladies and gentlemen of the House, they have already adjusted their shelves. When I walk into my local grocery stores, they have got all the soda cans without the plastic rings on them. They've got them all wrapped in 12-packs or whatever containers, they have already done it, let's go with the ban, they don't have to make anymore adjustments and I would like everybody to vote against the pending motion of enactment.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I guess the first issue that bothers me the most is that it has been said three or four times here by the proponents of this issue that the only issue we are talking about is wildlife entanglement. Nothing could be further from the truth. To me, the real issue here is plastic being thrown in the ocean and thrown by the side of the road, thrown in my and everybody else's fields and backyards and staying there for almost ever. To me, that is the issue. None of the proponents want to talk about it.

I submit, and I don't like people doing this, that a certain number of people are going to throw either their paper holders or their plastic holders out the window, out the side of the boat or whatever. The paper is going to disintegrate, the plastic stays there almost forever. To me, that is the issue.

I also find it ironic that none of the proponents (yet) have talked about the effect on the environment when you burn these plastic yokes. Frankly, that is how a large percentage of them are disposed of. We also heard from the proponents this afternoon that the manufacturers had threatened to not bring in certain types of soft drinks and refreshments anymore if we held firm — well, as I relayed to everybody last year, my first day lobbying here ever in my life was on the bottle bill. The manufacturers were making those same threats back then and that's all they are is threats. I guess I want to say that it is very obvious to me that in Maine we have potential to regrow trees and make paper six-pack holders that are much better for the environment than plastic and I don't believe in Maine we are producing oil, we are buying oil and that is what the plastic wrappers are made out of, oil, largely from the Mideast.

I guess the thing that upsets me the most is that this morning, on a different issue, color, odor and foam, some of us legislators read statements into the Record about that issue. When I reviewed last year's Record on this issue, I find it very clear that statements were made that, if they did not have a six-pack ring that was in general use and that broke, that they were history and that is a quote. Here again they have presented to the committee in the 11th hour one six-pack with a plastic yoke on it that

breaks that they manually put on by hand. They have not met with the intent of last year's Legislative Record at all.

I guess the other thing that concerns me, and I have read this proposed L.D. several times, and I guess I have to agree with the Representative from Mexico that there is nothing in here that says from day one they have to use these new rings. They have to supposedly work towards it, what they were supposed to have started doing 10 months ago. So for these reasons, Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

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

Representative TUPPER: Mr. Speaker, Men and Women of the House: Last year, I also was reluctant to vote on this legislation but I did, much to the consternation of my garden club. As you know, I am a member of the Federated Garden Club of Maine which is really very concerned about the environment and one of the things is the plastic rings. I voted for it because I thought perhaps we had better a little too harsh in dealing with businesses in trying to preserve our environment here in the State of Maine. I also believed what they said — never again.

I urge you to vote against enactment of this legislation.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I am the lowest rung of the ladder in the Energy and Natural Resources Committee. I am the newest member of the Minority Party so last year when this matter came up, I listened to all of the debate and said that I was going to follow the lead of those that were older and wiser and had been there before and I went along with the extension. Last summer I tested these rings or these yokes and I found that they do break down, that they don't last long in the environment, that they break down a lot faster than the pasteboard that is used or corrugated or whatever it is.

We own a store and in the summertime we sell all of these and I had a chance to test one against the other and there is no doubt that these yokes break down faster than anything else that we deal with. I had more or less made up my mind that I was going to go with the extension but I went to the presentation and after it was all over, I was kind of offended. A lobbyist ran up and said, "What do you think?" I said, "They are too glib." They brought in a nice notebook and a lot of fancy papers and I kind of agreed after hearing that that maybe I would go along the way of Representative Nutting and Representative Luther and others who have testified here today. I didn't give it much more thought. I went down to the meeting room the day that we were going to make the final decision and I was surprised to see the man there again who always flies in from away and always had to get on a plane and he's only got 20 minutes to be with us and that kind of offends me. So, the Chairman of the Committee started to move the business of the day and when he put out the matter of these rings, I put up my hand and I was recognized first and I said I would like to ask a question. He allowed me to ask the question. I said, "We've got a lot to do, we've got a lot of important things to look at, we've got to look at color, odor and foam,

we've got to look at hydro projects, we've got to look at things far more important than these rings in the whole scheme of things so I would like to ask one question to the manufacturer." I asked, "Is it really possible if we give you an extension that you can bring any improvement?" I had one of the yokes that he had brought us the week before and I kind of held that up. I said, "This is what you said is an improvement but as far as I am concerned it is no improvement over what you had here last year." That is when he stood up and stepped to the podium and he brought up this six-pack with this new yoke. He passed it to Representative Lord and I said, "Yep, he made a mistake then" because I saw Representative Lord take six of those out of one of those yokes a year ago and he never did any harm to it. Well, just as soon as Representative Lord touched the first can, it broke apart. That certainly got my attention and by the time the demonstration was done, I had egg on my face. Maybe it was the 11th hour, maybe it was a contrived plot, I don't know whether it was or not, but they certainly came to that committee room last week with a yoke which works. That, and given the testimony of Representative Jacques, I think he said something that passed over people's heads, that we are the world leader in this right now, we are the only place in the world that cares about these things, has any legislation to deal with it. If we give up and say that's it, you can't have them, other places are going to continue to use them, there is not going to be any impetus for industry to go on and try to improve them and probably that is going to be the end of the story. If we keep industry's feet to the fire, if you will, then I feel that they will come back here and will have a product that will work and will be adopted in other states and probably across the world. For that reason, I encourage that we give them a second chance or a third chance or whatever it is and let them come back with a better mouse trap.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I must agree with Representative Jacques that in fact we have brought this upon ourselves. We did vote last year that we would revisit this issue. I personally regret that we did that because I regret that we have to have this discussion again. My concern is that we, in voting this down today or voting to indefinitely postpone this bill, will, hopefully, keep this discussion from entangling the next legislature.

I think one of the things that we could do today is to have the same debate. What we are hearing now is that maybe there is a product but that is really what we heard last year also. I think it is really important that we hang onto the stand that we have taken because I believe that voting to indefinitely postpone this bill is a win/win. It is a win because it puts us in a position as a world leader of saying, this is important to us, we are going to maintain this ban, it is something that we believe in. It is also a win because by doing that, we in fact have forced the company to make a different decision in how they market their products and we have set an example.

One of the things that I think is important for us to also be saying is, once those break, once the breakable ones are on the market and have gone

through the various phases of testing, have been established that they can stand up to the kind of transportation that is necessary to get them around the country and stand up to the kind of rough housing that it takes for all the high school kids to throw them on the shelf, once it is at that point, they can be here. That's fine. But until it gets to that point, why do we need to allow that to happen. We are the only state with a ban. The experiments can go on in 49 other states, dozens of territories and hundreds of countries. Experiments can happen anywhere. We are the ones that are saying, we are setting an example. Other states, other countries will be looking to us to say, what's happened to them because they set this example? What has happened is that we have gotten a lot of attention and we are making some progress and that is all very positive.

One of the things that hasn't been mentioned about the cardboard — we keep hearing that the cardboard is a problem because the cardboard creates ash or creates filling in our landfills, that's true, but something that hasn't been mentioned is that much of the cardboard that is used to create the cardboard wrap is actually recycled materials, post consumer recycled materials. So, by going totally away from cardboard carriers for six-packs, we may in fact be stopping some of the market for some of the cardboard that is already out there doing other things. It really doesn't have to be looked at as to just what happens to that carrier afterwards, we also need to look at where did the materials come from that created that carrier in the first place.

I think that we do have a real opportunity here and one of the things that concerns me is that probably the only thing that lasts longer than plastic six-pack yokes is possibly this debate and having to do this debate over and over again. So, I would urge you, in maybe a kind thought for the next legislature, that we indefinitely postpone this bill so they, too, will not have to be entangled in this issue and that we can go on and wait until the product is ready to go on the shelves and then allow it back into this state and really take a strong stand.

Mr. Speaker, I request a roll call.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: Last year I voted with the majority to extend the ban for one year to see if the manufacturers could in fact develop a plastic connector which would significantly reduce the threat to wildlife. They came in on March 15th or whatever day it was, as Representative Marsh said, to give their presentation. They had no books, no pictures, they had advertising, they obviously made a fair effort in doing a lot of things. They focused on recycling and they stressed their efforts to develop a better connector. It is true that the connector they showed us that day was the same connector they showed us last year. It had the same characteristics and those characteristics were not satisfactory, despite all those efforts they made. In spite of the fact that there is no doubt that from a solid waste point of view, plastic connectors is a better package to deal with than a paperboard wrap, whether you look at it from a source reduction, from energy efficiency and transportation or cost of disposal. Despite all that, as of last Friday, I was prepared to vote against any further extension of the ban because it

does not do what I said last year would be my measure. They did not come up with a superior plastic connector from the one they had last year nor did they present it with any evidence that they were even going to be able to do so. In fact, they had testified that they had trouble with everything they had tried so far in making it work when they ran it through an application cycle, that is, when they applied it to six-packs.

As of last Friday, the editorial that you read on the page that said nothing has changed would have been right. As kids say these days, the new word is "naught." On Monday, they showed us something that wasn't one six-pack, it wasn't hand cut, it was several six-packs and, out of a run of 2500, they had applied this new design of connectors and they said it was the first time that they had had a successful application run. This connector, when Representative Lord first handled it, snapped off almost as soon as he touched it. I sat next to Representative Lord and I grabbed them before he pulled them all apart. I did exactly the same thing, I just hardly touched them and they snapped apart. That connector did everything that we asked them to do last year. It is true that that connector is not yet ready for the market. They still have to run it through tests to assure themselves that it will be satisfactory as it moves through the wholesale distribution system, the retail distribution system and into the home. It was so impressive that I changed my mind because I thought that these people do have a product which looks like it is going to do the job. The only reason they have done this is because of the pressure that this state has put on them, in my view.

Therefore, I said we should keep the pressure up, we shouldn't shut them out and say, no thanks, we should allow them to continue those efforts and keep the pressure on. Next year, if this is not on the market, then they are going to be out of luck again as far as I am concerned, but they have made a significant improvement over last year and I believe it is worth giving them a chance to see that improvement through.

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

Representative TREAT: Mr. Speaker, Members of this House: I hope that you will support the pending motion which is to indefinitely postpone this bill and all accompanying papers.

First, I would just like to make a couple of points that I don't think have been made so far this evening. To begin with, in response to the statement by Representative Coles of Harpswell that this carrier is something that really makes sense and works so well, I guess I have some real concerns that something that breaks so easily is going to make it to the home. It has had a whole distribution system to go through and it obviously needs a great deal of experimentation and practice and use out in the market place to see if it goes any place.

One of the points that was made here earlier this evening is that it is really the fault of this Maine Legislature that this company wasn't able to go through that experimentation and come up with a plastic yoke that can make it through that whole line of distribution because we actually passed a ban for three months — I just don't buy this argument. I don't buy it because plastic yokes have been a concern in this state and across the country for about 20 years. Despite what has been implied on

this House floor that this is the only state that is approaching this, there are actually 24 states that have passed some kind of legislation dealing with plastic yokes, that they at least be photodegradable. Maine was the second state in the nation to pass a ban on non-photodegradable yokes. Other states followed our lead. Here we are showing that we are leaders once again, those photodegradable yokes did not work, we recognized that in 1989 when we put it into our solid waste legislation but did not make the effective date for a couple of years.

This company has the opportunity to go to any of the other 49 states that are out there that do not have a ban on yokes but that do even have legislation dealing with photodegradability and test out their models. They could have started doing that long before we passed legislation last year. What we did last year has nothing to do with it. If they are so interested in experimenting with this, I would think that they could go anywhere else and do it and then come back to the State of Maine.

The other point I would like to make and it is a point that follows up on the comments of the Representative from Leeds, Representative Nutting, that concerns what, to me, is really a very basic problem with this whole legislation. This legislation is actually aiming toward yokes that will break into small bits of plastic — now that may address one problem, which is the problem of wildlife such as birds getting their necks entangled in the rings, but it does not address the problem though of wildlife, particularly marine wildlife swallowing bits of plastic which they mistake for food. This is the same point I made a year ago and I, too, suspected that we would be here a year later arguing this all over again. I am going to read from a government report that I read from last year. I think it is a point that needs to be made because, even if these yokes work perfectly, they don't solve this problem, the yokes are still going to kill wildlife. According to this U.S. Government report, it says, "Basically, the floating items actually resemble authentic food items. For seabirds, small plastic pellets and fragments may resemble platonic organisms, fish eggs, eyes of squid or of fish. Basically, the plastic mimics food. Fish and other wildlife eat it. They ingest it and it causes them to not be able to feed probably and to die." So, this is an issue that just doesn't involve the rings breaking apart. We have given this industry many years to deal with this. The first notice of a ban was in 1989 when the solid waste legislation was enacted. It is now 1992 and I think they have had plenty of time. Come back when they have really done something.

Please vote for the pending motion.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this item because I think you are all bored to death with it but I just want to let you know that it is nice that everybody here is concerned about the yokes but I work with them everyday and I can tell you this, they are a pain. After people break the cans away from them, you have got to pick them up and throw them out. It is much better having those yokes than it is having those cartons that they wrapped around where everybody would take one or two cans out

(and I may be selfish talking about my own business) and leave the rest of them there. Then I have to go back and put them back in. What happens with those wrap around packages that they had last summer or the summer before? You would have to burn them, there is no market for them, nobody is interested in trying to recycle them. There is no market, you can't give cardboard away. You ask people to come and pick up your cardboard at your store, they want to charge you for it.

I understand what we are trying to do is trying to save the birds, trying to save the wildlife and I am all for that but my point is, you people only see it on occasion, I see it every day. I think what we should do is give these people who are really trying to make an effort and trying to put a product together that we can all live with — give them that opportunity.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address two points that I haven't addressed yet. One is, as my colleagues on the Energy Committee can tell you, I put a lot of effort into bills to be sure that I understand what a bill says, to be sure I understand its implications, and I put a lot of effort in to make sure that my reasoning is sound. I am guided by reason as much as I can possibly make it so.

With that said, if the issue is plastic that wildlife will ingest, the evidence shows that there is a wide variety of plastics that cause those problems, plastic bags, monofilament fishing lines, styrofoam plastics and plastic jugs. In fact, evidence given to us by the Maine Coastal Cleanup, and there are nine instances of wildlife entanglements and I will read them to you, "Sea gull entangled in wire," "Skates" (that is a kind of fish for those of you who don't know it) "entangled in Fishing Lines." "Dead bird with head caught inside plastic milk jugs," "Sea gulls ingested fish on hook, fishing rod line and hook attached to dead seagulls," "Sea gull skeleton with wad of string in throat and protruded out the beak," "Dead leatherback sea turtle ingested plastic garbage bag," "Herring gull caught in wire lobster trap mesh" and the final two "Sea gull with plastic ring around the neck" — the only instance in fact out of nine. "Sea gull with fish hook in its beak, could not catch the sea gull." The same thing has listed the most prevalent forms of debris in various locations and many of those locations have things like plastic pieces, small foam plastic pieces, plastic bags, etcetera. If you look at the piece of material on your desks, it appears at a superficial glance to deal only with six-pack yokes but if you read it, it talks about how all these animals become strangled or clogged up by ingesting plastic trash of all sorts. If our intent is to protect wildlife from ingesting plastics, it is not reasonable to say that we should ban only one product. If that is our intent, we should be saying that we should be banning all plastic products that end up in the ocean or in lakes. It is not reasonable to say that only one is responsible for all the problems.

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

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: Though Mr. DiPietro, the good Representative from South Portland, is a dear

friend of mine, I must tell you that I am not the least at all bored by discussing the Jobs Bond of 1992. This has been the best Jobs Bond we could have ever put forward to the public. It has employed more of those loose lobbyists, lawyers and the odd widget maker or two than anything that we could have possibly done as a legislature.

I am very pleased for the widget makers, I am very happy for them, but I work for the people of Maine and not for the yoke folk. Therefore, rather than revisit all the ground that I had hoped, and I am sure you had hoped, that we had put behind us when we went over this at exhaustive lengths a year ago, I would simply point out that Representative Jacques, in many respects, is right, idiotic schedules means that we frequently pass idiotic laws. I tend to think that this one, jammed up against the schedule that none of us desired, is a perfect example of one of the most idiotic laws that should be in no respect so difficult to make up our minds about.

I would point out to you that the prototypes presented to the Energy and Natural Resources Committee at a meeting I did not know about, there being no public hearing and no schedule for this, but I was reliably told of, not meant as an offensive comment to the Energy and Natural Resource Committee, but a statement of honest facts under honest pressure for all us, that what they witnessed was a handful of examples which in fact do not exist on the open market, have not yet conquered the problems of transportation, distribution and store storage without falling apart. None of us have seen them, none of us have handled them, none of the rest of us can even pick up any of the pieces because the yoke makers carefully grabbed them all and took them home. None of us in fact can even read much about it in the paper because their pinstripe suit lobbyists chased the reporters down the hall and begged them not to print anything about it, nor any kind of description of what they had just shown to the committee, in the papers. Hence, we are being asked to act upon invisible faith.

Men and women of the House, a year ago I gave you the genealogy of the plastic six-pack yoke, from the prehistoric yokesauris lumbering out of the tar pits in Illinois all the way down to its present moment in Maine law at that time. They were created 25 years ago. This is the 25th anniversary, the silver anniversary of the six-pack yoke. After 25 years, they still have made no design that works right and is on the market anywhere in this world. For 15 years, off and on, the Maine Legislature has debated plastic six-pack yokes. In fact, they have done it every single year that I have been here. The legislature has acted to ban them, the people of the State of Maine voted to ban them and in every respect they have proved to have more plastic life than Lazarus and they are still in fact a matter of debate here today.

Under the terms of the bill before you, they will be back again next year as I am sure you well know, and if you in fact read the debates of a year ago, it was exactly what we were told should not be happening at this point in time. Given the parameters of the law we then passed, I would point out to you, by one vote each time in this House up until the point of final enactment and as defined by the strictures of the debate from all parties in the House, one year's experiment and then we have heard quite enough about it.

I am reminded of the good book itself — in the Old Testament in the Book of Job he finally cries out to the heavens, "Oh good Lord, good Lord, this deep and no deeper." A year ago, we were told that "the Cadillac" of yokes at that time was going to immediately make its appearance and in fact was available down in our own snackbar across the way in the State Office Building where we often eat our lunch in the cafeteria. I, myself, being constantly amazed and humble in the face of all the things I do not know in this world, once again went downstairs to our own snackbar and said that I would like to do an experiment again starting in January of this year to see if these new "Cadillac" of yokes worked any better than they did a year ago.

Recall please, on July 1st of last year, they went off the market. In October of last year after a period of three months being banned, they came back on the market and, lo and behold, they were told to be absolutely brand new. It was in every piece of literature, I read about it in every news story that was printed about it. They looked suspiciously like the old ones. I must tell you that they acted suspiciously like the old ones too. Since January, I have collected and counted (with the use of students back home in Portland) everyone of the plastic six-pack yokes that were left behind in the snackbar down underneath the stairs in the Maine Capitol Building. Of those I have personally inspected, sorted, tallied and set aside, there were 793. Many more were gathered last night, they just haven't been presented to me yet, I haven't counted them and, therefore, I will not tally them now. 793, we can round it down to 790 if you would like, each of them with six loops, that means there were 4,740 yanks on 790 yokes by 186 short-tempered and very tired legislators who had many better things to talk about than plastic six-pack yokes and many better things to do than listen to lobbyists. Out of that entire sum, I must admit the new "Cadillac" of yokes was significantly improved above the percentages of last year. I found three broken loops, not three broken yokes, three broken loops out of 4,740 chances. In fact, my favorite, although we are not allowed to present visuals in the House, is one of the yokes that now sits upon my desk entirely solid. I watched two lobbyists pull the cans out of it last night and I went over and picked it up immediately so that I might have it.

Under the terms of the debate and the bill passed one year ago, and I am sure you remember the blood and mud on the floor when it was done, that yoke should no longer be allowed to continue on the market, if that is the best they can do.

If we are going to speak about widgets, we should know about the parent of widgets, which is the Illinois Tool Works, which is seeking today an exemption and an extension upon the extension upon the extension that we passed, an extension from 1989 to 1991 because we wanted to give them good time to be able to figure out their answers having made the things for 25 years, from 1992 to 1992 the second extension because they came back and lobbied us to the wall on it and now is seeking the third extension, an extension upon the extension upon the extension. This is not based upon the success and progress but upon the fact they failed. I would feel better somewhat, if having been lobbied like that and having been put in crunches like this, that we had been treated fairly. Yet, I pick up the newspaper

for not more than five days after that blood and mud voted the one year extension for a "test period" and find their chief lobbyist saying, "Well, our real intention is to come back in a year's time and ask for the ban to be lifted entirely." Some test! Did you feel used? I did.

I quote to you precisely the words of the late Mr. Michael Hudson, Vice-President of the Illinois Tool Works who said a year ago to the Energy and Natural Resources Committee, "We know that this is our one last chance, it is our last chance to prove ourselves, do or die." This is echoed in all the testimony that you may read given to this legislature by representatives of and those people who sat on the Energy and Natural Resources Committee. You may look it up, we have it, I would be glad to read those quotes back into the Record if you choose.

Do you feel then that perhaps we are being used by one large out-of-state company all over again? I somewhat do. The Illinois Tool Works, according to Standard and Poor's New York Stock Exchange Index is a \$2.6 billion corporation. They make industrial fasteners, they make electronic switches, they make coding systems and they make widgets. They have 115 plants in the United States. In 35 foreign countries they have an office or a plant, according to Moody's Industrial Millionaire Manual of 1991. According to that, they have offices or plants in such far away places as Malaysia, Japan, Australia, etcetera. According to the Beverage Industry Magazine in November of 1991, they make 8 to 9 billion of plastic six-pack yokes every year. Now at even a penny a piece, you can see what is at stake, that is why they are here again.

Men and women of the House, what on earth are we spending our time doing for one out-of-state firm that employs in the State of Maine only lobbyists? What does their product do to us? You remember those plastic eggs that panty hose comes in? Well, you are not going to see them much anymore — those plastic eggs that panty hose comes in are going off the market. For many years, that company has made this small thing that has become such a famous trademark has decided that in fact it is no longer the way to be going. They can no longer, as environmentally good citizens, consider that making plastic, useless widgets is the best way to market their product. They are going to, and you may go to the store tonight and look at it, replace them with cardboard containers that are somewhat the same size. I called them up and I asked their Vice-President who worked in the marketing department, "Why on earth would you move to a cardboard container and abandon such a familiar product that you have done so much to understand and make to be a familiar product identified or recognizable only with you? Why don't you just set up recycling programs all across the United States for it?" He answered, "Well, we considered that, we just said it wouldn't work on the face of it. We want to be good environmental citizens. We just couldn't justify that. Sure, dropping a piece of famous packaging was valuable to us but our good name is worth much more."

Now having dealt with eggs, let's get back to yokes. I called the Maine Island Trail Association, which keeps island peepers out on 70 of the different islands up and down the coast on which there are campsites that make the Maine island trails. What do they pick up there every summer? Plastic six-pack yokes. Last summer I went out with a squad of boy

scouts to clean up Fort Gorges, a Civil War Fort on an inaccessible island in the middle of Casco Bay built deliberately to be inaccessible and in fact accessible by boat only twice a day for limited periods of time. The object we picked up the most of was plastic six-pack yokes that washed up on the shore.

I called the College of the Atlantic, which runs the whale watching and scientific station on Mount Desert Rock, 25 miles out to sea from the nearest landfall. Schoodic Point, they stay there from June to late September when the weather and the isolation finally drives them off. They have done this for 18 years, they catalog all debris they find, both on the shore and floating in the water and what did they find? The first item they listed for me, as one of the things most recognizable, was plastic fishing net. The second was plastic six-pack yokes. What are we doing to ourselves and for who and why do we do this?

At the beginning of this year, Illinois Tool Works, the \$2.6 billion dollar company, who if anybody is going to make a widget and make it right probably could do it for that sum of money, approached our own Maine State Division of Inland Fisheries and Wildlife and offered them a percentage of money from the proceeds of recycling plastic six-pack yokes. The proposal went to the Commissioner's Non-game Advisory Council who works with the famous Chickadee checkoff. According to Gary Donovan of the Department, the council heard their offer of money and quickly rejected it saying that this was something they did not want to touch with a ten foot pole because "it mixed a policy and a political issue that we wanted nothing to do with. These are environmental hazards we preferred not to be associated with, it is not the dollars in question, it was the implied endorsement in question." Part of the report presented by the Illinois Tool Works had to do with recycling programs that they were going to set up around the state fetching these yokes and find a home for them back at the Illinois Tool Works to go further.

One of the places that they listed very proudly in their rather over-inflated report was the regional waste system, which is the burning incinerator down at the town where I live in Portland. Thirty-one municipalities belong to regional waste systems. I spoke to their general manager who was not in the least bit pleased to find that the name of regional waste systems was in any respect being used to push one particular market or one particular widget. He wrote to me, "Recycling these materials appears to be a diversion of the issue. The people who leave these materials in our wildlife and our fishing habitats are not going to change their habits just because the material is recyclable." That's an absurd assumption. "Quite honestly, I would really rather have the legislature debate and resolve issues of ash reutilization, composting, other solid waste issues that have a large impact on solid waste management than to deal with this one item that is a speck in the solid waste systems. If this is the case and these cannot be made to destruct upon use, plastic six-pack yokes ought to be banned. Charles F. Bushey, General Manager of the Regional Waste Systems." They recycle a 179,000 tons of trash a year from those 31 municipalities where the much wanted plastic yoke recycling program is, in his own words, "absolutely minimal."

Men and women of the House, it is hard to know what you are going to get down in the papers for and be noted for in history. I regret to say that my name will be forever entrenched and linked with plastic six-pack yokes. It is not what my mother sent me to the legislature to do, but it is what has happened to her little boy. In the past few days, I have heard from people who are members of Ducks Unlimited, members of Trout Unlimited, the Maine Association of Federated Women's Garden Clubs, from the friends of Casco Bay, from the Casco Bay Island Development Association, from the Island Trails Association, all of these people and many more are saying, what the heck are you spending your time debating plastic six-pack yokes for when we thought you had shot a hole through that issue a year ago? Men and women of the House, I have got to say that they are right. Haven't you heard enough about this? Did you enjoy the lobbying a year ago? Did you enjoy it now? Do you think this is just as important as Workers' Comp, the state budget, health insurance, the Jobs Bond? Do you think that this should be debated upon that basis at this hour in the last 48 hours of the entire 115th Maine Legislature? My answer is the same as yours, I suspect. I think the social value of a plastic six-pack yoke is just like their shape, one big zero.

If you pass the bill that is before you now, we will be hearing about it all over again in the exact same terms 15 months from now when we act upon the extension upon the extension upon the extension of the deadline that they have lobbied for. If you read the bill carefully, it again calls for no public hearing, it still determines that these are objects that need to be "designed" to break apart but they don't necessarily have to under the terms of the exceptions listed in the law.

Ladies and gentlemen of the House, it leaves us exactly where we stand right now. If we pass it, we will be standing here again, one year from now doing the same thing. I do not enjoy having to go through this debate again. I do not enjoy lobbyists cursing me out. I do not enjoy it when lobbyists from any firm follow me into the House Chamber just to swear at me because my position may be a little bit different from theirs. I have given them a great deal of difficulty on one minor issue. Perhaps it is because things like that happen around places like this that people like me, who have an entire other life to live outside of here, and who having done my small part in this legislature will move on to bigger and more important things, begin my ideals on some small things like this. We can work with only one small piece of the world at a time, this is the one I have grabbed ahold of and this is the one I feel deeply about and I have seen nothing that I can accept on imaginary faith for another promise, for another extension upon an extension upon an extension that makes me feel any less fervent about it.

Ladies and gentlemen of the House, widget makers have had 50 states and 25 years to make a widget that works. Since 1989, they have had 50 states and two more years to make a widget that works. In 1991, we told them, you've got 50 states and one more year to make a widget that works. It is 1992, folks, we haven't passed a budget yet, health insurance is beyond the reach of most of the citizens in my district, I have a stack of things on my desk to deal with about late child support payments and we are being pushed to the wall to debate widgets. I say,

tell them tonight you have had 49 states and forever to find out that you can make one that works but Maine is not going to be one of those states.

I urge you, please, to vote to indefinitely postpone this item for the sake of those of us who will be sitting in these seats in the 116th Legislature and for the 17th year, otherwise have to debate plastic six-pack yokes. Please vote to indefinitely postpone this bill and all its accompanying papers.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I know you would all be disappointed if I didn't get up and say something so I am going to say something. First of all, I want you to say that probably I am the first person in the State of Maine, possibly the United States and possibly the world, that has found a real breakaway widget, if that is what you want to call it. I will call it a six-pack yoke. Why did this happen? It was because we the people in this legislature, last year, gave those people a year to do something. Now, when they appeared before us with their report, I was disappointed as well as the rest was. They did not come back with a widget or a six-pack yoke that would break but they did come back with something I thought was well worthwhile and that was a recycling program in the state. Although I think some of the testimony here today was a little far off in regard to who did what or how it was taken, all that was was a report of what was going on. There was no endorsement from anybody but it was a report. When they reported to me that about 39 percent of the stuff was being recycled, I thought that was a good amount.

My town belongs to the regional waste system in Portland and we have a container down in Waterboro and periodically I bring my milk jugs and other plastic stuff and you will find the widgets in there so they are being recycled. As far as the stuff that has been around here, they have been in trash barrels, they are not on the coast or on the roads or in the fields. As a matter of fact, a few years ago, I used to mow bushes in the town of Waterboro with a small tractor and I found more cardboard and five cent cans (I wished I had had an arm to pick them up because I could have made a lot more money) but I didn't see too many widgets or plastic yokes.

They didn't come in as they said they would, I won't say that they did, but they did come in with something that works and they need the time to develop it. I think we have done a service, not only to ourselves here in Maine, but a service to the other people of this country and possibly the world because they have come up with something and I hope you will vote against this motion.

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

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

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

Representative MARSH: Mr. Speaker, Men and Women of the House: I just want to speak briefly to

something that the Representative from Gardiner, Representative Treat, said. She talked about how these new holders or yokes work in the distribution market — well, I am here to tell you that the one we had left down there after Representative Lord had showed that it worked, we passed to the other side of the table and it withstood the Marsh shake test. I had to shake it severely, far more than a lady would who was carrying it through a supermarket in a carriage or far more than it would be handled in a truck. It withstood the test and I don't think there will be any problem in distribution.

The other thing I want to speak to is that I hear a lot in the Energy and Natural Resources Committee about Maine being the anti-business state. Somewhere I read in this deluge of paper that has gone through here this week, and I wish I had kept it, something about how we had been judged by some national organization as how anti-business we are. I feel perhaps that this is a chance for Maine not to be anti-business. Instead of passing a law that says that we are not going to use this yoke that everybody else in the free world uses, why don't we go back to the idea that I spoke of before that Representative Jacques alluded to in his presentation. Let's keep the industry to the fire, let's work with industry, give them another extension and perhaps a year from now, the Representative from Portland who I respect a lot, I only wish I could speak as well as he does, I think he missed his calling, perhaps he should have been a preacher rather than a politician, could be here and speak in favor of it. I am sure as I am standing here, given the chance, if we work with industry rather than stonewalling them, that they do have a better mouse trap and Maine will have contributed making it better worldwide.

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

Representative POWERS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be brief because I think everything has been said that needs to be said but I have two or three concerns. I wrote them down so I could be very brief. One thing that I asked the distributors of these widgets is about the recyclability — yes, they are very recyclable. If I am not mistaken, they said that you could get \$90 a ton for this high grade plastic but when I asked them about how to get it back to the recycling plant, there wasn't any answer. I suggested a five cent deposit and they would not answer.

About the degradability issue, you all know that plastic does not degrade well — under water, probably never or forever so if the sunlight can't get to it, it could be there forever. But, they still refused to even talk to me about a five cent deposit. If they were worth anything at all, then people would probably stuff them back in their picnic baskets, throw them in their pickup trucks and they would take them to the recycling places but the distributors don't want to talk about this because they have to put another nickel price on their six-packs. Perhaps it would be better for us to try and ban beer and soda altogether and then we would get rid of both of them.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I would like to give you all a lesson in brevity, please support the indefinite

postponement motion.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Again, it is a question of credibility with limitations. I think last year my comments were, give them a commitment and see if they can keep to that commitment. It hasn't been a year yet, you talk about a year, it hasn't been a year yet since we decided to defeat the amendment for the two-thirds majority and then passed it on a majority. It has not been a year but what has happened in that short time is a pretty strong commitment made by the industry and the people that are using these yokes (or call them what you want).

Two years ago, I attended a conference, and I don't mind bragging about going to these conferences because I feel accountable in what I could bring back at my own expense, in which they had a biotech seminar and for the first time, I saw an item that was passed out, you take that item and put it in a glass of water and it would completely disintegrate, made out of cornstarch. Last year, I attended this same conference and they came in 12 months later with a complete new product that now is substituting — those little plastic pellets you put in those packages where you have a special kind of glass or an appliance in a cardboard box — now it is no longer plastic, it is cornstarch. Take it and it is biodegradable just by putting it in water. I say, let's continue this and given them an additional chance to make this item more sophisticated, more to the commitment that we have asked them to come in with.

I feel very comfortable in that they have been credible up to this point.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of the Representative from Leeds, Representative Nutting, that L.D. 2446 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 396

YEA - Adams, Anthony, Bell, Bennett, Cathcart, Chonko, Clark, M.; Constantine, Crowley, Daggett, Dutremble, L.; Farnsworth, Foss, Garland, Gean, Gray, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Holt, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Libby, Lipman, Luther, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Merrill, Mitchell, E.; Mitchell, J.; Nash, Nutting, O'Dea, Oliver, Paradis, J.; Pendexter, Pendleton, Pfeiffer, Powers, Rand, Richardson, Rydell, Saint Onge, Salisbury, Simonds, Simpson, Skoglund, Small, Stevens, P.; Townsend, Tracy, Treat, Tupper, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Cashman, Clark, H.; Coles, Cote, DiPietro, Donnelly, Dore, Duffy, Erwin, Farnum, Farren, Goodridge, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hoglund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Lebowitz, Look, Lord, MacBride, Marsano, Marsh, Melendy, Michael, Michaud, Morrison, Murphy, Nadeau, Norton, O'Gara, Ott, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Savage, Sheltra, Spear, Stevens, A.; Stevenson, Strout, Swazey,



Tammaro, Tardy, Vigue, Waterman, Whitcomb.

ABSENT - Bowers, Carroll, J.; Duplessis, Gurney, Macomber, Paradis, P.; Parent, Paul, Pineau, The Speaker.

Yes, 68; No, 73; Absent, 10; Paired, 0; Excused, 0.

68 having voted in the affirmative and 73 in the negative with 10 being absent, the motion to indefinitely postpone did not prevail.

Representative Mitchell of Freeport requested a roll call vote on enactment.

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

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

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

ROLL CALL NO. 397

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Cashman, Clark, H.; Coles, Cote, DiPietro, Donnelly, Dore, Duffy, Duplessis, Erwin, Farnum, Farren, Goodridge, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hوجلund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Lebowitz, Look, Lord, MacBride, Marsano, Martin, H.; Melendy, Michael, Michaud, Morrison, Murphy, Nadeau, Norton, Ott, Paradis, J.; Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Savage, Sheltra, Spear, Stevens, A.; Swazey, Tammaro, Tardy, Vigue, Waterman, Whitcomb.

NAY - Adams, Anthony, Bell, Bennett, Cathcart, Chonko, Clark, M.; Constantine, Crowley, Daggett, Dutremble, L.; Farnsworth, Foss, Garland, Gean, Gray, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Holt, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Libby, Lipman, Luther, Mahany, Manning, Mayo, McHenry, McKeen, Merrill, Mitchell, E.; Mitchell, J.; Nash, Nutting, O'Dea, O'Gara, Oliver, Pendexter, Pendleton, Pfeiffer, Powers, Rand, Richardson, Rydell, Saint Onge, Salisbury, Simonds, Simpson, Skoglund, Small, Stevens, P.; Stevenson, Townsend, Tracy, Treat, Tupper, Wentworth.

ABSENT - Bowers, Carroll, J.; Gurney, Macomber, Marsh, Paradis, P.; Parent, Paul, Pineau, Strout, The Speaker.

Yes, 72; No, 68; Absent, 11; Paired, 0; Excused, 0.

72 having voted in the affirmative and 68 in the negative with 11 being absent, the bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

(At Ease)

The House was called to order by the Speaker.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

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

REPORTS OF COMMITTEES

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

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Revise the Salaries of Certain County Officers" (EMERGENCY) (H.P. 1768) (L.D. 2451) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1507)

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

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

REPORTS OF COMMITTEES

Refer to the Committee on State and Local Government

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy" (EMERGENCY) (H.P. 1299) (L.D. 1879) reporting that it be referred to the Committee on State and Local Government.

Report was read and accepted and the bill referred to the Committee on State and Local Government and sent up for concurrence.

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

SENATE PAPER

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66) which was passed to be engrossed as amended by Committee Amendment "B" (S-527) as amended by House Amendment "D" (H-1237) thereto in the House on March 25, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (S-527) as amended by House Amendment "D" (H-1237) thereto and Senate Amendment "B" (S-555) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

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

Bill "An Act to Amend the East Pittston Water District Charter" (EMERGENCY) (H.P. 1769) (L.D. 2452) (Presented by Representative FARNSWORTH of Hallowell) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

The following items appearing on Supplement No. 21 were taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 26, 1992

The Honorable John L. Martin  
Speaker of the House  
115th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Aging, Retirement and Veterans, Eunice Cotton of Augusta for appointment to the Maine State Retirement Board of Trustees. Eunice Cotton is replacing William Deering.

Sincerely,

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

Was read and ordered placed on file.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 922) (L.D. 2369) Bill "An Act to Further Enhance and Protect Maine's Great Ponds" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-719)

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

The following items appearing on Supplement No. 22 were taken up out of order by unanimous consent:

**SENATE PAPERS**

Resolve, to Establish the Maine Youth Apprenticeship Program (EMERGENCY) (S.P. 970) (L.D. 2450)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

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

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

**Non-Concurrent Matter**

An Act Relating to Legislative Confirmation Hearings (S.P. 894) (L.D. 2299) (H. "B" H-1148) which was passed to be enacted in the House on March 23, 1992.

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-1148) and Senate Amendment "B" (S-718) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Strengthen the Campaign Finance Reporting Laws" (H.P. 1679) (L.D. 2356) which was passed to be engrossed as amended by Committee Amendment "A" (H-1131) as amended by House Amendment "B" (H-1140) thereto and House Amendment "A" (H-1141) in the House on March 18, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1131) as amended by Senate Amendment "E" (S-717) thereto in non-concurrence.

On motion of Representative Mayo of Thomaston, the House voted to recede.

Senate Amendment "A" (S-717) to Committee Amendment "A" (H-1131) was read by the Clerk and adopted.

Committee Amendment "A" (H-1131) as amended by Senate Amendment "E" (S-717) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1131) as amended by Senate Amendment "E" (S-717) and House Amendment "B" (H-1140) thereto and House Amendment "A" (H-1141) in non-concurrence and sent up for concurrence.

On motion of Representative Mayo of Thomaston, the House reconsidered its action whereby Bill "An Act to Strengthen the Campaign Finance Reporting Laws" (H.P. 1679) (L.D. 2356) was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-1131) as amended by Senate Amendment "E" (S-717) thereto was adopted.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "B" (H-1141) to Committee Amendment "A" (H-1131) thereto was adopted.

On motion of the same Representative, House Amendment "B" (H-1140) to Committee Amendment "A" (H-1131) was indefinitely postponed.

Committee Amendment "A" (H-1131) as amended by Senate Amendment "E" (S-717) thereto was adopted.

Subsequently, the bill was passed to be engrossed as amended by Committee Amendment "A" (H-1131) as amended by Senate Amendment "E" (S-717) and House Amendment "A" (H-1141) thereto in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

**ORDERS**

**Ought to be Adopted**

n Motion of Representative MELENDY of Rockland for the Joint Standing Committee on **Housing and Economic Development** pursuant to Joint Order H.P. 1766 the following Joint Resolution: (H.P. 1771)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO URGE THE RETENTION OF SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS**

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 President and the Congress of the United States, as follows:

WHEREAS, current federal law provides for the elimination of the tax-exempt status for small issue

industrial development bonds sold by states to provide capital at reduced interest rates for establishment and expansion of manufacturing enterprises; and

WHEREAS, the availability of small issue industrial development bonds is critical to the economic development of Maine, providing expansion, diversification of the manufacturing sector and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity and quality critical to the long-term stability of the State's manufacturing base; and

WHEREAS, in the past 7 years, small issue industrial development bonds resulted in investments of approximately \$500,000,000 in Maine and the retention or creation of over 35,000 jobs in the State and enhanced the tax base of municipalities throughout the State; and

WHEREAS, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the United States Congress enact legislation forthwith to eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; 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, 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.

Reports that the same **"Ought to be Adopted"**

Was read.

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

Representative **GWADOSKY:** Mr. Speaker, Men and Women of the House: Earlier this year, the Joint Standing Committee on Housing and Economic Development established a variety of priorities, one of which was to attempt to lobby Congress dealing with the issuance of tax exempt bonds. Roughly seven years ago when the State of Maine first started benefiting from the use of tax exempt bonds, since 1983, some 250 Maine companies have benefited from the use of tax exempt bonds that are currently provided through the federal government amounting to some \$750 million and about a hundred different municipalities across the state and it has had the effect of creating, as you will see in this Resolution to be adopted, or retaining over 35,000

jobs within the state. There is a bill in Congress currently to, once and for all, terminate this. Each year we seem to have to urge them to continue to extend the sunset that they inevitably put on it. We are urging that they, once and for all, terminate the sunsets and make this a permanent program and hopefully expand the use of it as well.

Subsequently, the Joint Resolution was adopted. Sent up for concurrence.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

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

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District (H.P. 1770) (L.D. 2453) (Presented by Representative McHENRY of Madawaska) (Cosponsored by Speaker MARTIN of Eagle Lake and Senator COLLINS of Aroostook) (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 Energy and Natural Resources.)

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Implement the Jobs Creation Bond Package (H.P. 1708) (L.D. 2389) (H. "C" H-1280)

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

Representative Marsano of Belfast requested a roll call on enactment.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 398**

YEA - Adams, Aliberti, Anthony, Ault, Bell,

Bennett, Boutilier, Butland, Cahill, M.; Carleton, Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hastings, Heeschen, Heino, Hepburn, Hogle, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Duplessis, Farren, Foss, Garland, Greenlaw, Hanley, Hussey, Kutasi, Libby, Look, Lord, Luther, MacBride, Marsano, Merrill, Nash, Pines, Reed, G.; Salisbury, Savage, Small, Stevens, A.; Tupper, Whitcomb.

ABSENT - Bowers, Carroll, D.; Carroll, J.; Chonko, Farnsworth, Gurney, Hichborn, Hichens, Paradis, P.; Parent, Richards, Rydell, Sheltra.

Yes, 109; No, 29; Absent, 13; Paired, 0; Excused, 0.

109 having voted in the affirmative and 29 in the negative with 13 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

An Act to Prevent Procurement of Controlled Substances through Fraud (H.P. 1582) (L.D. 2232) (H. "A" H-1270 to C. "A" H-1170)

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Restore Maine State Retirement Service Credit to Certain Part-time, Seasonal, Intermittent or Legislative Employees" (S.P. 809) (L.D. 2008)

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

Representative Wentworth of Arundel offered House Amendment "A" (H-1292) and moved its adoption.

House Amendment "A" (H-1292) was read by the Clerk.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: This amendment that is before you now is an amendment that significantly simplifies a complicated committee amendment that was offered earlier this evening and was ruled not to be germane. It has, I would hope, the support, we have talked to all the committee members of the committee. It resolves two problems, one with part-time, seasonal temporary employees that is important to resolve now so that we will not have a disruption for those employees who work both in Conservation and DOT primarily, who we depend upon in the summer season for dedicated work.

It also resolves the problem with educational technicians who are being promoted and who are forced, under current provisions, to go into the retirement system based on that promotion after they had been served under Social Security. The amendment would allow them to choose an option, a one-time choice for those employees who are in that position. I hope that you support the amendment.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: Very briefly, this does settle any problems we had on that bill.

Subsequently, House Amendment "A" (H-1292) was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-1292) in non-concurrence and sent up for concurrence.

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The Chair laid before the House the following matter: An Act Concerning Technical Changes to the Tax Laws (EMERGENCY) (H.P. 1716) (L.D. 2401) (C. "A" H-1184) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Cashman of Old Town, under suspension of the rules, the House reconsidered its action whereby L.D. 2401 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-1283) and moved its adoption.

House Amendment "A" (H-1283) was read by the Clerk and adopted.

Representative Dore of Auburn offered House Amendment "B" (H-1291) and moved its adoption.

House Amendment "B" (H-1291) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1184) as amended by House Amendments "A" (H-1283) and "B" (H-1291) in non-concurrence and sent up for concurrence.

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The Chair laid before the House the following matter: 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 and S. "B" S-701 to C. "A" S-633) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby L.D. 2238 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-633) was adopted as amended by Senate Amendment "A" (S-638) & "B" (S-701) thereto.

The same Representative offered House Amendment "B" (H-1287) to Committee Amendment "A" (S-633) and moved its adoption.

House Amendment "B" (H-1287) 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: As you now know, I am quite a Maine Mariner's fan and, since the last vehicle I was trying to rescue their status from has disappeared from view, I have found another vehicle in which we can ask the Superintendent of Insurance to classify the Maine Mariner's properly. I would urge your adoption of the amendment.

Subsequently, House Amendment "B" (H-1287) to Committee Amendment "A" (S-633) was adopted.

Committee Amendment "A" (S-633) as amended by Senate Amendment "A" (S-638) and Senate Amendment "B" (S-701) and House Amendment "B" (H-1287) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-633) as amended by Senate Amendments "A" (S-638) and "B" (S-701) thereto and House Amendment "B" (H-1287) thereto in non-concurrence and sent up for concurrence.

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The Chair laid before the House the following item: An Act Regarding Advisory Boards and Occupational and Professional Licensing Boards (Emergency) (H.P. 1664) (L.D. 2341) (H. "A" H-1264 to C. "A" H-1180) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 2341 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-1180) was adopted as amended by House Amendment "A" (H-1264) thereto.

On further motion of the same Representative, House Amendment "A" (H-1264) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-1288) to Committee Amendment "A" (H-1180) and moved its adoption.

House Amendment "B" (H-1288) to Committee Amendment "A" (H-1180) was read by the Clerk and adopted.

Committee Amendment "A" (H-1180) as amended by House Amendment "B" (H-1288) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1180) as amended by House Amendment "B" (H-1288) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Establish a Professional Standards Board for Maine Teachers (H.P. 1316) (L.D. 1902) (C. "A" H-1223) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby L.D. 1902 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-1223) was adopted.

The same Representative offered House Amendment "A" (H-1289) to Committee Amendment "A" (H-1223) and moved its adoption.

House Amendment "A" (H-1289) to Committee Amendment "A" (H-1223) was read by the Clerk.

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

Representative CROWLEY: Mr. Speaker, Men and Women of the House: Just to explain the amendment, it is a technical amendment to clarify the bill.

Subsequently, House Amendment "A" (H-1289) to Committee Amendment "A" (H-1223) was adopted.

Committee Amendment "A" (H-1223) as amended by House Amendment "A" (H-1289) thereto was adopted.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Once again, I move indefinite postponement of this bill and all its accompanying papers. I request a roll call.

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

Representative HANDY: Mr. Speaker, Members of the House: You gave this bill your support yesterday or the day before and I hope you would continue to support this to bring teachers to the professional level they deserve by having them police their profession just as those other professional boards do in state government with respect to acupuncturists, lawyers, etcetera.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief at this hour. These are the people that we entrust our children to. These are the people who are asking for a professional standards board after we have already granted 47 other professions in the State of Maine professional standards boards. I think that having been a teacher — you all have teachers in your community, you know the particular frustration they are going through at this point as we are downgrading the funding in education, this will recognize teaching as a profession and will ensure that teachers will be treated as professionals and that job conditions will be held to a standard befitting professionals.

I would remind you again that only three other states lack a professional standards board for teachers. This may well be the only positive message that we as a legislature can send to our educators in this session. I hope you support this position.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I am not unaware of the fact that my county colleague, the Representative from Stockton Springs, presented this technical amendment which deletes the requirement of legislative approval. My recollection is that the Representative from Stockton Springs was against this bill and I would like to hear from the Chairman of the Committee on Education as to whether or not this deletion of approval by the legislature is sufficient to make him now support the bill and if so, why?

The SPEAKER: Representative Marsano of Belfast has posed a question through the Chair to the Representative from Stockton Springs, Representative Crowley, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative Marsano's question, as I spoke the other day pertaining to this bill, I thought the idea was good but the timing was poor because of the turmoil that the state is in. I also mentioned other factors such as teachers' starting pay is about \$18,500 and maybe this assessment of \$25 to \$50, depending on whether its a renewal or a new applicant for certification, these are the reasons I had for not voting for the bill.

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

A vote of the House was taken and 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 L.D. 1902 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 399

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Crowley, DiPietro, Donnelly, Duplessis, Erwin, Farnsworth, Farren, Foss, Garland, Gray, Greenlaw, Hale, Hanley, Hastings, Heino, Hepburn, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Martin, H.; Merrill, Mitchell, J.; Nash, Norton, Ott, Paul, Pendexter, Pendleton, Pines, Poulin, Reed, G.; Richards, Salisbury, Savage, Skoglund, Small, Spear, Stevens, A.; Stevenson, Tamaro, Tupper.

NAY - Adams, Aliberti, Anthony, Bell, Boutillier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, Dore, Duffy, Dutremble, L.; Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gwadosky, Handy, Heeschen, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Pfeiffer, Pineau, Plourde, Pouliot, Powers, Rand, Reed, W.; Ricker, Rotondi, Ruhlman, Rydell, Saint Onge, Simonds, Simpson, Stevens, P.; Strout, Swazey, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

ABSENT - Bowers, Carroll, J.; Gurney, Hichborn, Hichens, Lipman, Paradis, P.; Parent, Richardson, Sheltra, Whitcomb, The Speaker.

Yes, 55; No, 84; Absent, 12; Paired, 0; Excused, 0.

55 having voted in the affirmative and 84 in the negative with 12 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, the bill was passed to be engrossed as amended by Committee Amendment "A" (H-1223) as amended by House Amendment "A" (H-1289) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: (S.P. 945) (L.D. 2409) Bill "An Act to Improve Educational Public Broadcasting Statewide" (EMERGENCY) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-666).

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does is it creates the Maine Public Broadcasting Corporation by combining the Maine Public Broadcasting Network, which is a part of the University of Maine and the WCBB, that's the Colby, Bowdoin, and Bates Television Channel 10 to improve educational public broadcasting statewide. The reasons we are doing this is that we feel by melding these two educational television stations doing the same thing, we feel that by putting them together and folding them and making them one, it isn't a matter of one going to the other, it is a matter of WPBN and WCBB going into the Maine Public Broadcasting Corporation. The bill authorizes the University of Maine System to transfer the assets of the Maine Public Broadcasting Network to the non-profit/non-stock private corporation to unify its operations with those of Colby, Bates and Bowdoin Educational Telecasting Corporation into a statewide, non-commercial public broadcasting unit.

It also establishes a board of trustees made up of the chancellor and three trustees from the University of Maine and also the three presidents of the Colby, Bates and Bowdoin colleges which would make a seven member board and the chancellor would be the chairman of that board. Then later, there would be not fewer or more than 12 public trustees elected by that board according to the corporation bylaws. The personnel rights were protected for both the employees from MPBN and WCBB in the bill.

There is also an \$80,258 deappropriation by this melding from MPBN to construct a radio transmitter to serve the northern part of the state, an underserved area in the radio corporation. As you understand, this is a Maine Public Television and then there will be the other unit of the Maine Public Radio and they may do business under those names.

Representative Crowley of Stockton Springs offered House Amendment "A" (H-1200) to Committee Amendment "A" (S-666) and moved its adoption.

House Amendment "A" (H-1200) to Committee Amendment "A" (S-666) was read by the Clerk.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply changes the bylaws as we have them written in the original bill so that the president of the transferee corporation becomes a non-voting member of the board. We felt that where a person would be hired and paid \$70,000 or \$80,000 to run this corporation that he should be working for the board of directors rather than being a voting member. So, this amendment makes him a non-voting member of the board and we have run this by both of the television organizations and they agreed that it is a good idea.

Subsequently, House Amendment "A" (H-1200) to Committee Amendment "A" (S-666) was adopted.

Representative Handy of Lewiston offered House Amendment "F" (H-1290) to Committee Amendment "A" (S-666) and moved its adoption.

House Amendment "F" (H-1290) to Committee Amendment "A" (S-666) was read by the Clerk.

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

Representative HANDY: Mr. Speaker, Members of the House: This amendment that I am offering this evening puts this new entity under the Freedom of Access provisions of Chapter 13 in Title I. Because this entity will be receiving \$2 million, assuming they will be receiving \$2 million per year, as currently MPBN does from the General Fund, and because of the transfer of the assets from Maine Public Broadcasting Network to this new entity, it seems to me only appropriate that the Freedom of Access provisions apply to this new entity.

I hope you support the amendment.

Subsequently House Amendment "F" (H-1290) to Committee Amendment "A" (S-666) was adopted.

Representative O'Dea of Orono offered House Amendment "B" (H-1202) to Committee Amendment "A" (S-666) and moved its adoption.

House Amendment "B" (H-1202) to Committee Amendment "A" (S-666) was read by the Clerk.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: House Amendment "B" is permissive language that affects the board of trustees for the new corporation. What it does is say that the presidents of Bowdoin, Bates and Colby who serve on the board in the bill may now appoint a designee to serve on the board. It also allows the chancellor to appoint the designee to serve in his place. It also allows the board of trustees at the University of Maine System to select members of the general public to serve on the board.

What this does is it keeps the members of the board of trustees at the University and the chancellor from being tied up with this board. It is designed to encourage the board to be a more of an activist board. It also provides for the election of two public members, one from the first congressional district and one from the second congressional district, thus providing a measure of geographic representation that might not otherwise be there. It also provides for an appointee by the Governor and also removes the CEO of the corporation from the board of trustees as a voting member.

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

Representative CROWLEY: Mr. Speaker, I move the indefinite postponement of this amendment.

In the Articles of Incorporation of the boards of Colby Bates and Bowdoin and the University of Maine Systems, they have written into the Articles of Incorporation a plan for dissolution. If they want to dissolve this corporation, either the University of Maine Board of Trustees and the chancellor or the three college presidents of Bates, Bowdoin and Colby, have the right to dissolve this any time between now and December 31st, the year 2001. In talking with the various college presidents and trustees and the chancellor, they said, if this were to go through, that they would just dissolve it now and the merger would never take place. I am afraid that this would destroy it. I hope you vote against this amendment.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: This amendment has nothing to do with the dissolution of the corporation, it merely allows the presidents for these institutions to designate other people to serve on the board. It does nothing to jeopardize the bill. If you look at House Amendment "B" and read through it, you will see that that is the case.

I believe it is an idle threat on the part of some of the WCBB people to walk away from this deal. There is nothing in here that is harmful or threatening and all it does is ensure that the board is an activist board and committed to the cause. The last thing we need in this state is another board similar to the board of trustees at the University of Maine system, a board that is comprised of very busy people who are held hostage to a system where they show up for a monthly trustees meeting and move through an agenda that has been set by somebody else. I would really hope that you would adopt this amendment.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: Because I know you would rule me out of order, I will respond to the comment about the University of Maine Board of Trustees and being held captive another day and another time. I do urge you to vote against this amendment.

The comment was made by the proponent of it that he doesn't want the president to be tied up — the trustees are already on the board now, they are serving on the board now very effectively, doing a good job and there is no need for this amendment. I urge you to vote against it.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Men and Women of the House: I urge you to vote against the indefinite postponement of this amendment. I think this amendment adds an extra safeguard and provides for more accountability on the board.

I must just express my deep concern because this bill was only printed March 9th. The Education Committee has done a commendable job but I think it is very clear that we are already having debate on this bill from different members of the Education Committee who disagree on these amendments and that worries me a lot.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I truly didn't intend to rise, usually I do. However, on this particular

amendment, I feel the safeguards are in and I am getting up only to prove to a degree that this committee is together on this for the most part. I urge the indefinite postponement based on facts already mentioned.

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

Representative DORE: Mr. Speaker, Men and Women of the House: Let me be frank, I rise because I am from the community of Auburn and WCBB is located in Lewiston, a neighboring town and I have a personal interest in this. As they say, all politics is local.

I would like to request from anyone who cares to answer, what the committee report was on the original bill?

The SPEAKER: Representative Dore of Auburn has posed a question 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: The bill as reported out of committee with the Committee Amendment was a unanimous Committee Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Crowley of Stockton Springs that House Amendment "B" (H-1202) to Committee Amendment "A" (S-666) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 62 having voted in the affirmative and 22 in the negative, the motion did prevail.

Subsequently, Committee Amendment "A" (S-666) as amended by House Amendments "A" (H-1200) and "F" (H-1290) thereto was adopted.

Under suspension of the rules, the bill was read the second time and passed to be engrossed as amended by Committee Amendment "A" (S-666) as amended by House Amendments "A" (H-1200) and "F" (H-1290) thereto in non-concurrence and sent up for concurrence.

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

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The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act to Expand the Membership of the Animal Welfare Board" (S.P. 696) (L.D. 1861) which was passed to be engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647), "D" (S-681) and "E" (S-685) and House Amendments "A" (H-1247) and "B" (H-1278) thereto in the House on March 25, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647), "D" (S-681), "E" (S-685) and "F" (S-689) and House Amendments "A" (H-1247) and "B" (H-1278) thereto in non-concurrence.



On motion of Representative Tardy of Palmyra, the House voted to Insist.

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children Under 6 Years of Age" (S.P. 921) (L.D. 2360) which was passed to be engrossed as amended by Committee Amendment "A" (S-679) as amended by House Amendment "A" (H-1274) thereto in the House on March 25, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-679) as amended by House Amendment "A" (H-1274) and Senate Amendment "A" (S-716) thereto in non-concurrence.

On motion of Representative Handy of Lewiston, the House voted to recede.

The same Representative offered House Amendment "B" (H-1295) to Committee Amendment "A" (S-679) and moved its adoption.

House Amendment "B" (H-1295) to Committee Amendment "A" (S-679) was read by the Clerk and adopted.

Senate Amendment "A" (S-716) to Committee Amendment "A" (S-679) was read by the Clerk and adopted.

Committee Amendment "A" (S-679) as amended by House Amendments "A" (H-1274) & "B" (H-1295) and Senate Amendment "A" (S-716) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-716) as amended by House Amendments "A" (H-1274) & "B" (H-1295) and Senate Amendment "A" (S-716) 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) (H. "A" H-1234 to C. "A" S-610) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 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 "B" (H-1294) to Committee Amendment "A" (S-610) and moved its adoption.

House Amendment "B" (H-1294) to Committee Amendment "A" (S-610) was read by the Clerk and adopted.

Committee Amendment "A" (S-610) as amended by House Amendments "A" (H-1234) and "B" (H-1294)

thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-610) as amended by House Amendments "A" (H-1234) and "B" (H-1294) thereto in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Ought to Pass Pursuant to Joint Order (H.P. 1766)**

Representative MELENDY from the Committee on Housing and Economic Development on Bill "An Act to Provide Skills Training for Unemployed Workers" (H.P. 1772) (L.D. 2454) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1766)

Report was read and accepted, the bill read once and assigned for second reading, Friday, March 27, 1992.

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

JOINT ORDER - Relative to the Joint Standing Committee on State and Local Government considering proposing an amendment to the Constitution of Maine to provide for a unicameral Legislature (H.P. 1732) TABLED - March 23, 1992 by Representative GWADOSKY of Fairfield.  
PENDING - Passage.

On motion of Representative Gwadosky of Fairfield, the Joint Order was indefinitely postponed.

Reference is made to (H.P. 1660) (L.D. 2337) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (C. "A" H-1173 and H. "B" H-1175)

In reference to the action of the House on Thursday, March 26, 1992, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative LEMKE of Westbrook  
Representative MAHANY of Easton  
Representative LORD of Waterboro

The Chair laid before the House the following matter: Resolve, to Establish the Maine Youth Apprenticeship Program (EMERGENCY) (S.P. 970) (L.D. 2450) (Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Subsequently, the Resolve was passed to be engrossed in concurrence.

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

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(Off Record Remarks)

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On motion of Representative O'Gara of Westbrook, Adjourned at 10:25 p.m. to Friday, March 27, 1992, at ten o'clock in the morning.

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