

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
35th Legislative Day
Saturday, March 28, 1992

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

Prayer by the Honorable Beverly C. Daggett, Augusta.

The Journal of Friday, March 27, 1992, was read and approved.

SENATE PAPERS

Bill "An Act Making Supplemental Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1992." (EMERGENCY) (S.P. 972) (L.D. 2456)

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 Appropriations and Financial Affairs.)

Under suspension of the rules and without reference to a Committee, the bill was read once and assigned for Second Reading later in today's session.

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Fund an Additional Child Protective Services Caseworker Position" (EMERGENCY) (S.P. 835) (L.D. 2139)

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

Non-Concurrent Matter

Bill "An Act to Establish Economic Recovery Tax Credits" (EMERGENCY) (S.P. 960) (L.D. 2430) which was passed to be engrossed as amended by House Amendment "A" (H-1299) in the House on March 27, 1992.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-713) and asked for a Committee of Conference in non-concurrence.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HICHBORN from the Committee on Appropriations and Financial Affairs on Bill "An Act to Improve the Effectiveness of the Office of Substance Abuse" (H.P. 1640) (L.D. 2303) reporting "Ought Not to Pass"

Representative MICHAUD from the Committee on Appropriations and Financial Affairs on Bill "An Act to Create the Maine Budget and Economic Stabilization Fund" (H.P. 1564) (L.D. 2202) reporting "Ought Not to Pass"

Representative PARADIS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Protect Low-income Households from Hardships Due to Delays in the Receipt of Home Energy Assistance Program Funds from the Federal Government" (EMERGENCY) (H.P. 1496) (L.D. 2108) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Clarify the Authority of the Governor's Emergency Budget Curtailment Powers" (EMERGENCY) (H.P. 1718) (L.D. 2403) reporting "Ought Not to Pass"

Representative PARADIS from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Restoration of Drivers' Licenses" (H.P. 447) (L.D. 637) reporting "Ought Not to Pass"

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

CONSENT CALENDAR

First Day

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

(S.P. 232) (L.D. 586) Bill "An Act to Provide the Legislature with Revenue Forecasting Capabilities" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "B" (S-733)

(S.P. 907) (L.D. 2327) Resolve, to Implement Total Quality Management Procedures in State Government (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-731)

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

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Amend the Animal Welfare Laws (S.P. 696) (L.D. 1861) (S. "A" S-647; S. "D" S-681; S. "E" S-685; H. "A" H-1247; and H. "B" H-1278 to C. "A" S-639)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve Educational Public Broadcasting Statewide (S.P. 945) (L.D. 2409) (H. "A" H-1200 and H. "F" H-1290 to C. "A" S-666)

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

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

Representative HANDY: Mr. Speaker, Members of the House: It has been kind of a long process in a short period of time for the Education Committee to work out this piece of legislation for any number of reasons. For the Record, I think it is important to have the historical perspective of on how far the Education Committee has come with this bill which would cause the unification of the Maine Public Broadcasting and WCBB Channel 10 in Lewiston.

We received the bill and the bill, in my estimation and I think the estimation of a number of our colleagues, was very, very poorly drafted. In the very short period of time the Education Committee had to work on this bill with very little information and what information we had to start with and what additional information we needed was very difficult for us to obtain. We did not receive, unfortunately, the cooperation that we would normally expect from individuals involved with a particular piece of legislation but, due to the diligence of a number of the committee members, in fact all the committee members, as well as employees of both Channel 10 and Maine Public Broadcasting, we were able to get the necessary information to move this bill forward in the legislative process and bring it to the floor for you.

In the bill, we have taken what the committee deems to be necessary safeguards for those employees of Maine Public Broadcasting. I think it is important to recognize that the employees of MPBN through the sacrifices that they have made and the sacrifices that they will make to make this unification a reality. Without their dedication to public broadcasting in this state, this merger may not have taken place. I believe that we and all the citizens of the state owe them a great deal of thanks for their willingness to help improve public broadcasting in the State of Maine and help this bill come to fruition.

Unfortunately, the employees of Channel 10 in Lewiston were not afforded the same opportunity of

information and exchange with the Education Committee. What information we got from them came about through meetings with myself and other members of the Education Committee. I spoke to employees who work in any number of departments at Channel 10. I spoke to a member of the trustees, I spoke also to management at Channel 10.

Channel 10 employees were called to a staff meeting a week after the Education Committee had met on this legislation. I must say it came back to me about some information — in fact, misinformation and misrepresentations of my position particularly on this legislation by Mr. Russ Peotter, the Director of Production at Channel 10. Mr. Peotter has every right to say what he wants to say but, never during the course of our deliberations or since then, has he ever come to me to ask for clarification of my position on this. I have always encouraged the merger of these two entities as far back as 1966. At the very least, I think Mr. Peotter could have addressed his concerns to me directly instead of presenting this misinformation to his staff at a staff meeting of Channel 10. I think that is important to state for the Record that that has gone on.

I am in favor of this merger and for the Record, I think some of these safeguards have to be put into the Legislative Record because there was resistance to putting similar safeguards into the law for the Channel 10 employees, I think having on the Legislative Record will go a long way to addressing the situation.

Representative Oliver from the Education Committee wrote a letter to Mr. Rob Gardiner, the General Manager of Channel 10, asking a number of questions. I would like to read into the Record the questions and responses from him, in part, from the letter that he has responded to dated March 24, 1992.

"What is the proposed level of staffing for MPBC?" That is the Maine Public Broadcasting Corporation, the new corporation that will come into existence upon the effective date of this legislation and the merger of the two entities. "The staffing level will be the same as today's combined staffs. The current staff level at WCBB is 42 full-time and 11 regular part-time personnel; at MPBN the levels are 64 full-time and 9 regular part-time personnel. The MPBC Trustees have publicly committed to guaranteeing all of those individuals employment for the first year. This guarantee is firm and is based on the fact that the MPBN staff has been reduced by fifteen positions over the last eighteen months; that organization is now operating very short-handed.

Combining the staffs will result in only a few redundant positions. We believe only about six individuals will be required to assume new job assignments as a result of unification and we have plans to assign all six to closely related positions for which they are well qualified. One reason the number of redundant positions is not larger is that we plan to operate WMEA-TV (Channel 26) as the beginning of a second, unduplicated program service so that viewers will gain a choice of public television programs every hour of the day. All the positions in programming and operations will, therefore, continue to be needed. Experience in operating the unified system may lead to other changes that we cannot forecast accurately today, but we are certain that all current employees will be needed for as long as they want to stay with MPBC.

We will continue to retrain and make use of the varied talents of our existing staffs. We expect that with retirements and other losses caused by natural turnover, we will need to hire additional people within one or two years."

Another question we posed was with respect to the operating budget and how it will be broken down and I am not going to give you the breakdown but I will give you the response of Mr. Gardiner in a general way. "We have based all financial projections on FY'92 budgets, so the numbers I give you will not technically reflect a budget for FY'93. We will develop the '93 budget during the time between passage of authorizing legislation and the July 1 start date.

The total expenses are projected to be \$8,293,000. Payroll and benefits are expected to cost \$3,577,000 or 43 percent of the total."

The third question asked of Representative Oliver in his letter to Mr. Gardiner was, "Geographically, what will be the base of operation?" I might add as an aside, this is an issue of concern to both Channel 10 employees as well as those employees based at MPBN. His response was, "All existing centers of operations will be continued. Bangor and Lewiston are the major sites, and Portland is an important secondary site. Some space for production and reporters is also needed in Augusta. The Bangor and Lewiston centers will continue as production, operations and administration centers. There will be no designated "headquarters" in the foreseeable future. We have promised employees that relocation will not be required. It is possible to say this with certainty because (1) it is important in a state the size of Maine to have studios in more than one location, and (2) modern communications technology including dedicated lines for computer networks and fax machines, in addition to the microwave interconnection of our studios, allows us to spread operations among different sites and still operate in an efficient, businesslike manner."

Mr. Gardiner goes on to talk about the staffs and question seven — I will read his response to that. "On both staffs today, there are some individuals who are required to perform a wide variety of functions because the staffs are relatively small. We expect that after unification there will be more specialization. For example, while there are two "Membership Directors" now, the new entity may choose to have a "Director of Membership Renewal" and a "Director of Member Acquisition" in the new organization, thus both individuals will be able to increase their skills in some areas and continue to work productively in their current field. In all these situations, both individuals will be given responsibilities at the same level as those they now have and they will continue at the salary level."

The last issue I would like to raise with you is with respect to the bylaws. In the bylaws that were given to the committee, it was stated that telephone conferencing would be used as a method of ascertainment of a quorum at trustees meetings. I had a great problem with that as I believe that individuals who are going to serve on this board of trustees ought to be present and that ascertainment of a quorum ought to be determined by the physical presence of those individuals. That was agreed to and a side letter from the Education Committee will be forwarded to Mr. Gardiner confirming that agreement.

In the pulse, the WCBB Channel 10 program guide, Mr. Gardiner writes with respect of the unification. "Unification update. Last month I wrote about the process of unifying Maine Public Broadcasting and promised to keep you up-to-date on developments towards that goal. As the able pulse goes to press, the Maine Legislature is considering legislation which would give state endorsement of the new Maine Public Broadcasting Corporation."

This legislation, men and women of the House, is giving an endorsement by the state legislature to this new entity. The bill as it has been engrossed has included two amendments, one presented by Representative Crowley which would have the president as an ex officio, non-voting member of the board of trustees. Secondly, an amendment adopted by both bodies, presented by myself, would require this new entity to come under Maine's Freedom of Access Law. This two things go a long way to providing the kind of accountability that is expected of the people of the State of Maine and certainly this legislature.

Further to that end, this new corporation will be expected to report back to the Education Committee of the Maine Legislature next year and in the following year. The Education Committee, I will make this commitment to you, will keep close watch on the progress of this unification and how the services of public broadcasting are offered to the people of the State of Maine and to assure that the \$8 million of state money, the taxpayers money of the State of Maine, will be duly accounted for.

I urge your support of this legislation for the betterment of public broadcasting in the State of Maine and I look forward to working with you as the years go by in assuring that that continues in a quality fashion.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: I had only intended to get up to make a few remarks. I am not sure — and I don't mean to offend my colleague on the Education Committee and the previous speaker, I am not sure where some of the initial comments came from. There have been some concerns but I think most of us agree that some of them are minor technical concerns and I don't believe that some of the unpleasantness that was described really did occur but that is really neither here nor there.

I do want to make sure that everybody understands that there has been some conversation that people didn't know about this. I would just like to share this with you. First of all, discussions were held with both boards back last September. These public discussions triggered a major feature story in the Maine Sunday Telegram in October. Many people read that and responded. In November, both station managers officially informed the more than 60,000 supporting members, some of which, many of which, are employees. So to suggest that the employees weren't aware, I would say is misleading. The reaction was very, very positive. Additionally, early in the process, the Governor and legislative leadership were consulted as any plan would ultimately need the approval of state government. So, I think there was quite a bit out there.

What really has happened — I must say this, I know there are going to be some people irritated with me for saying it, but some of you were here three years ago and remember the discussions we had with

the student loan program, bring it all under one umbrella. At that time, everything was sailing along fine until the chief person in that issue became the focal point and a riff divided us all over (in my judgment) not the issue but the key person, a former member of another body of this legislature and it was a personality clash. I know that there are many who have been following this that will agree with me that it is pretty much the same thing that has happened here. If another gentleman, other than Rob Gardiner, had been the spokesman, if Mr. Winchester had been the spokesman, a very quiet, calm, unassuming, unlike Mr. Gardiner who is very brash at times, very self-confident and did not make a good impression on certain members of the Education Committee, as a matter of fact, he offended one of our chairs and I think she had a right to be offended at the time, I don't think we would be where we are now. A lot of the little problems are technical problems that can be worked out. If you as legislators in the State of Maine are looking for an item that, when you look back upon your services here in the House of Representatives and want to find something that you did that made a lot of sense, was good for the State of Maine, in my judgment, this is that issue.

The proposal to unify Maine Public Broadcasting organization has been developed to further the ideal of excellence in providing this most important educational service. It will enable public television and public radio to increase public confidence in the system. It will enable them to purchase and produce higher quality programs. It will help them raise funds more effectively and operate more efficiently and help unify the people of Maine and reduce the long-term cost of service.

I agree that there are some minor technical problems that still have to be worked out. I am confident that two boards have thought all that over. I am confident that the new board will work those out.

The University itself has been brought in occasionally and some feel that they have to be protected. I talked to former Representative Lisnik, the University isn't asking to be defended here, the University understands what it is doing, knows what it is doing. When we talk about one of those agencies giving up their real property and whatever, both are giving up their real property to this new board and this new organization.

I urge you to support this as you did the other day. Mr. Speaker, I request a roll call.

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

Representative CATHCART: Mr. Speaker, Men and Women of the House: I rise to ask you to vote against the enactment of this legislation because I believe that this is too much, too soon. I suspect that in the long run, I may believe that the merger is a good idea, but there are too many questions that have not yet been answered. I have too many concerns among my constituents for me to support this.

The employees of MPBN, as you know, were told last summer that this might happen in two year's time and now less than a year later, we are about to vote it into existence. They have had no say in this and they have not been kept informed of what is going on. They were not notified that there would be a public hearing on the bill and feel that they have had no chance to approach the legislature. So, I am trying to represent them as well as other

constituents, mostly University of Maine faculty, who have told me that they are really concerned and would like to see this studied before it is done.

There was an editorial that I read a couple of days ago, I believe it was in the Lewiston paper and the editorial writer accused the Education Committee of this legislature of trying to block this legislation, of stalling, of holding it up and I couldn't believe that because the legislation was only printed two and half weeks ago on March 9th. I think the Education Committee has done an excellent job with a complicated piece of legislation. They insisted on having more information even though the people pushing for the merger were reluctant to give that information. It is not that I don't trust the committee, I just think that there are still questions. I have concerns, it seems like in a way it is a north/south issue. I heard that most of the fund raising money comes from southern Maine and yet the station I care about is in northern Maine. I want to be sure my people up north get equal time and equal representation in public broadcasting. So, I would urge, for those reasons, that we vote this down so it can be studied and brought back to us at a later date.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: I would ask you to join in voting against enactment of this bill today. As my good friend Representative O'Gara from Westbrook pointed out, there are some minor technical concerns with this bill. I share some of those minor technical concerns especially since the original L.D. is three pages long. We were told that the answer to our concerns, why in the bylaws and in the articles of incorporation, I would suggest that if you look through them, you would find that there is nothing in there that is binding and that it is all subject to change at any time in the future.

The major issue here for me, as one representative, is whether or not we should be turning these assets over and they are sizeable assets, \$8 million to \$10 million worth of state assets, and a substantial appropriation to a private corporation. There is some question existing in the minds of at least a few of us as to whether or not this shouldn't have been turned over to a public corporation, a public non-profit corporation as opposed to a private one. For that reason, I would ask you to please vote against enactment of this today so that we can put this thing on the slow track and do it the right way.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I wish to concur with my two colleagues from Orono in what they have just said. In effect, the employees at MPBN in Orono were not aware of what was taking place until shortly before the trustees met on this matter. It seems to me that, even though it might have been discussed, it was not discussed in the light that it should have been. I really feel that it would not be in the best interests of this body to enact legislation with not enough information.

In addition to that, I think that the northern part of the state is well served by the MPBN station and I feel that it might not get the same criteria as the station in Lewiston if the merger goes through.

I really feel that it needs a lot more work before we put our stamp of approval on it. I urge you not to vote for this piece of legislation.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I was on the subcommittee, let alone the committee, that worked on this legislation and from what I put together after lengthy, lengthy, lengthy discussions and wanting to know those same basic questions that the other committee members needed to know, after all was said and done, I am convinced that the employees in the public sector of this merger are in more danger of losing their jobs without the merger than they are with it because the budget situation at the University isn't exactly overflowing with money. I have known the gentlemen on both sides of the fence for years and I would trust either one with anything of importance that I have and be entirely confident of their honesty and their ability. The Director at MPBN is a long time friend of mine and he says this merger is 25 years overdue. The process is worthy of consideration.

Employees in a situation where they don't know those details are bound to be nervous and I feel that they have every right to be that way. I can't vouch for how they were dealt with or what went on but I can say that I have the utmost confidence that the public interest is also maintained in the bylaws of this organization. You do not have to worry about the public assets. The Chancellor of the University of Maine is on that board, there are other public members. This legislature can intercede if it had to. This is a law, we do not lose contact forever although we don't want to ever micromanage. I was convinced that the interest of northern Maine, where I grew up, in southern Maine where I have an interest, in central Maine where I live, are met in this legislation. I would urge passage of it with confidence.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I had originally no intention of speaking on this piece of legislation. I would simply like to point out that this is a perfect example in my judgment of why we should not say one thing to the employees, as evidently management did, telling them at first it would be two years and then going ahead and disregarding that statement to them and creating all kinds of uneasiness and maybe some mistrust by simply (in a sense) not taking a promise to them which at least they perceived as a promise, not taking it seriously and pushing ahead to get this piece of legislation passed sooner than they had expected. They probably feel left out of the process.

While I probably will vote for this piece of legislation, I am going to listen to the rest of the debate, I think that is a practice, namely the practice of kind of placating employees and then proceeding to ignore them, that is a practice which gets us into a situation like this, which we really need to avoid.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I just want to state that I am in favor of this bill and I think the title is

implematic of what is being done here and it is an Act to Improve Educational Public Broadcasting Statewide. I think that is going to happen, it is going to involve a better and more efficient use of existing resources and the elimination of duplication of services, fact fund raising and all of those improvements will be done to the betterment of public educational television in the State of Maine. I urge you to vote in favor of this measure.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want Representative Mahany to know that I agree with her. I thought it was handled badly, it was an unfortunate situation, it shouldn't have been done that way. I do hope that will not serve to cause her or anybody else to vote against this.

Two things I want to make sure you understand about going from public to private. First of all, this new board will be subject to the FCC and all other regulatory boards that the two boards now serving you are subject to. So, I don't believe there is any concern over how that board will be run, it will have to follow those particular guidelines.

One of the questions that I don't recall Representative Handy addressing when he went on with the length of items from the letter back to Representative Oliver. Perhaps he just forgot to mention this one. I would like to share a bit of it with you. "Would there be any problem with studying this and putting together a comprehensive proposal for unification to be submitted to the legislature next January?" The question was answered thusly. "We are both extremely concerned" (both, the board that we are talking about) "that extended discussion of such a major change would have a severe negative effect on our contributors. By putting the future of both stations in question for another year, we would undermine the viewers sense of commitment. Reduced revenues would be an inevitable result."

Second, WCBB was on the verge of launching a major capital campaign when the unification agreement began to come together last summer and fall. WCBB's Board of Trustees" (if this doesn't go through) "will probably want to launch their campaign this spring. Because capital campaigns of this magnitude normally takes three years to complete, unification would have to wait until 1995 or later.

Another problem with delay" and this has to do with staff that you have been hearing about today, "we know our employees are concerned about change - understandably, since they have devoted their career to these organizations. We are also concerned for their welfare. Recently, some staff have expressed concern that a one year study would stretch out the process and make their lives more difficult. A study would create significant uncertainty for them and they recognize that there could be serious negative effects on the fundraising efforts. Most of the staff are coming to realize that the employment assurances are sufficient protection and, as you saw at the work session when the MPBN staff members were asked what they thought of unification in general, there is very broad support for what we are proposing."

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

Representative CROWLEY: Mr. Speaker, Ladies and

Gentlemen of the House: I hesitate to get up here because I spoke to this the other day and we had complete agreement on it and I thought we were moving along finally.

Just to assure you of one thing — we are going to take Channel 10 and Channel 12 and we are going to put them together and make them the Maine Public Broadcasting Corporation. This is what the bill does, something that should have been done years ago to have competing educational television stations in Maine is not sensible. New Hampshire doesn't do it and we shouldn't do it either.

As for the idea on the thoughts on the personnel, we met with some of the personnel, I met with personnel from both sides and to say that they weren't considered — we even wrote an amendment to take care of the personnel so that they would be assured of their jobs. It is right here in the bill if you read Section 4 of the amendment. So, I think we have covered all the ground.

It was a very unhappy experience the way the bill came to us and they tried to ram it through because they didn't understand the process, probably. We straightened all that out and I think now with the amendment that I put on and that Representative Handy put on and the Committee Amendment, this bill is in very good shape. I hope you will vote for it.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: This was one of those situations which was very difficult before the committee. A major transition, a major merger was taking place. We had a bill that was not too thick and not too complicated. There certainly was a percentage of elitism in the presentation from the management end and all of us recognized, as we do in other bills, that there was a slowness in presenting information that was needed. We had to go back and ask for transitional plans, the Charter, the bylaws, flow charts, but that doesn't negate the fact that the concept was correct, that personalities were getting in the way as they do sometimes, that some of the presenters did not know the process, that one of the presenters even insulted our distinguished chair, Representative Crowley. But, as you saw, Representative Crowley has gone past that and is supporting this legislation. Crucial and important questions had to be asked, especially on protection and guarantee to workers and they were asked. I had written a letter, we had a subcommittee formed, management and labor got together and came back with new suggestions. So, I am satisfied because I am satisfied with the concept. In talking to the workers and the management, everyone is buying in to the inevitable need to consolidate and save money, to consolidate and combine technology — just the cost of programming — two public broadcasting entities in the State of Maine paying duplicative costs for national programming makes no sense. So, I am hoping with the slowness of getting information, some of the elitism, some of the factors that had to be asked, that we go beyond that because what we have now, thanks to asking additional questions, thanks to the union negotiating very strongly with management and coming back with new plans and thanks to the amendments offered in this body, we have a very tight plan, a merger that makes sense.

I would also remind you that we are a committee that takes labor to heart. When it comes to the

working person, we ask a lot of questions and we demand answers. We got a guarantee from labor, MTA negotiating a one year guarantee that would guarantee the workers' jobs for a year but more than that would guarantee a 20 percent benefit package that could be negotiated up but could not be negotiated down. I hope you can support this merger.

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

Representative BARTH: Mr. Speaker, could the Clerk please read the Committee Report?

Subsequently, the Report was read by the Clerk in its entirety.

Representative O'Dea of Orono requested a roll call vote.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I am going to support this piece of legislation because I have been convinced by the arguments in favor of it here today, but I am somewhat uneasy. I have heard here today something that comes very close to arrogance on the part of some members of management, I assume it is management, involved in getting this piece of legislation passed.

First of all, the employees were rendered uneasy and mistrustful by the fact that the schedule that they thought was going to be held to was ignored and they were not part of the process evidently. In addition to that, I have heard the House Chair of the Education Committee say that they came in and tried to ram through a piece of legislation because they didn't understand the process. Well, that may be a partial excuse for them but I don't think it excuses them entirely. My concern is this, have they learned their lesson or will they continue to try and push their will over on other entities that are there supposedly to keep them (in a sense) in line and under control? Will the board, in other words, simply rubber stamp the will of management in the future or will the board really scrutinize what is going on? I would hope that the board would take its responsibility very seriously and be very careful to make sure that management does not do something because it thinks it knows better, something that might work to the disadvantage, for example, in my area of the state or anybody else's area of the state.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: As an avid listener of MPBN and both public stations, no matter where I am in Maine because I find it the most delightful station we have on the radio dial, it amazes me that this hasn't occurred a long time ago. From my thinking from just reading the bill and the amendments that have come out of the Education Committee, it seems to me the issues that I hear being debated today are taken care of as to what happens to the property in the event of dissolution, what happens to the employees and how this is going to be managed. To my thinking, it's something too late, long needed, and hopefully, will give to all of us better listening and better viewing. I am for this and hope that all of you are.

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 is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 409

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Barth, Bell, Bennett, Boutillier, Butland, Cahill, M.; Carleton, Cashman, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Erwin, Farnsworth, Farnum, Farren, Foss, Gean, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Handy, Hastings, Heeschen, Heino, Hepburn, Hichens, Hوجلund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Libby, Lipman, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Simonds, Skوجلund, Spear, Stevens, A.; Stevenson, Strout, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Adams, Carroll, J.; Cathcart, Duffy, Dutremble, L.; Garland, Gray, Hanley, Hussey, Lebowitz, Look, Merrill, Murphy, O'Dea, Reed, W.; Stevens, P.; Tamaro, Tardy, Tupper.

ABSENT - Bailey, H.; Bowers, Carroll, D.; Clark, M.; Donnelly, Duplessis, Goodridge, Gurney, Hichborn, Kutasi, Paradis, P.; Richardson, Sheltra, Simpson, Small, Swazey.

Yes, 116; No, 19; Absent, 16; Paired, 0; Excused, 0.

116 having voted in the affirmative and 19 in the negative with 16 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 Regarding Advisory Boards and Occupational and Professional Licensing Boards (H.P. 1664) (L.D. 2341) (H. "B" H-1288 to C. "A" H-1180)

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. 112 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.

The Chair laid before the House the following matter: An Act to Amend the Animal Welfare Laws (S.P. 696) (L.D. 1861) (S. "A" S-647; S. "D" S-681;

S. "E" S-685; H. "A" H-1247; and H. "B" H-1278 to C. "A" S-639) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR

First Day

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

(H.P. 1531) (L.D. 2160) Bill "An Act to Maintain the Functioning of the Uniform Commercial Code and Corporate Sections of the Department of the Secretary of State" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1310)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Technical Changes to the Tax Laws (H.P. 1716) (L.D. 2401) (C. "A" H-1184; H. "A" H-1283; and H. "B" H-1291)

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 none against and accordingly the Bill was 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 Chair laid before the House the following matter: Bill "An Act to Establish Economic Recovery Tax Credits" (EMERGENCY) (S.P. 960) (L.D. 2430) which was passed to be engrossed as amended by House Amendment "A" (H-1299) in the House on March 27, 1992; came from the Senate with that Body having insisted on its former action whereby the Bill was

passed to be engrossed as amended by Committee Amendment "A" (S-713) and asked for a Committee of Conference in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Cashman of Old Town, the House voted to Insist and join in the Committee of Conference.

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

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

An Act to Clarify the Funding of State Mandates (EMERGENCY) (H.P. 1684) (L.D. 2364) (C. "A" H-1172)
TABLED - March 26, 1992 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Passage to be Enacted.

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

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

Bill "An Act to Legalize Marijuana for Medicinal Purposes" (H.P. 1729) (L.D. 2420)
- In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1281) on March 26, 1991.
- In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1281) as Amended by Senate Amendment "A" (S-726) thereto in non-concurrence.
TABLED - March 27, 1992 (Till Later Today) by Representative MANNING of Portland.
PENDING - Further consideration.

On motion of Representative Mayo of Thomaston, retabled pending further consideration and later today assigned.

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

An Act to Require the Department of Human Services to Have a Regular Presence in Every County of the State (H.P. 620) (L.D. 890) (C. "A" H-884)
- In House, Passed to be Enacted on February 20, 1992.
- In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-884) as Amended by Senate Amendment "B" (S-652) thereto in non-concurrence.

TABLED - March 27, 1992 (Till Later Today) by Representative MANNING of Portland.
PENDING - Further consideration.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Establish a Professional Standards Board for Maine Educators" (H.P. 1316) (L.D. 1902) which was passed to be engrossed as amended by Committee Amendment "A" (H-1223) as amended by House Amendment "A" (H-1289) thereto in the House on March 26, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1223) as amended by Senate Amendment "A" (S-687) and House Amendment "A" (H-1289) thereto in non-concurrence.

Subsequently, the House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENGROSSED

Bill "An Act Making Supplemental Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1992." (EMERGENCY) (S.P. 972) (L.D. 2456)

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

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Amend and Clarify the Law Enabling State Tax Increment Financing" (H.P. 1697) (L.D. 2377) which was passed to be engrossed as amended by Committee Amendment "A" (H-1286) as amended by House Amendment "B" (H-1304) thereto in the House on March 27, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1286) in non-concurrence.

Representative Cashman of Old Town moved that the House recede and concur.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I request a division first and foremost. Just to relay the status of this particular bill to the members of the House, many of you have probably been lobbied by your seatmates in the last 20 minutes or half hour and I apologize for that. Frankly, this has become a bit ugly and it is unfortunate to that point that it might get to that point. Yesterday, we dealt with this issue with tax increment financing, specifically sales tax increment financing, to the point where there was discussion whether or not sales tax increment financing should be applied to malls. As you may remember, the Representative from Oakland, Representative Poulin, offered an amendment that was adopted by this House to exclude malls from the use of sales tax increment financing. That bill went down to the other body, they have now stripped that provision of malls from the bill so the bill currently before us does not have a prohibition taking malls out of the picture. In other words, if you go along with the motion to recede and concur at this point today, you would be allowing the use of tax increment financing for malls.

This was an issue that was debated at length yesterday and I won't repeat all of the arguments but tax increment financing has been around for awhile, it has been used successfully in other states and can be very meaningful for our own state, particularly in the areas of industrial development. I think that in a state like Maine where we are beginning to lose our manufacturing industrial base that we need to look at every possible alternative and tool that is out there to ensure that we maintain our traditional industries. I do think there is a difference when you talk about extending sales tax increment financing to a mall. I don't think a mall has the type of jobs that we need to be encouraging. Malls, as we said yesterday, destroy downtowns. If you look at most major cities in the State of Maine, malls have destroyed downtowns and I don't think we should be encouraging the use of sales tax increment financing money to build a mall.

There will always be competition between cities and there will always be competition between towns, that's business, that is the nature of business but there is a real distinction when the State of Maine steps in and says we are going to take a side now, we are going to be involved. That is a real distinction.

We heard described yesterday that the issue of sales tax increment financing doesn't happen until the community becomes a TIF and there is a process available. I think there is a major public policy statement that we need to be discussing and that is the issue of whether you want these to be qualified for malls at all. I discussed this with some members of the Augusta delegation — it is not an easy bill for me. I had the good fortune when Kyes Fibre company needed assistance in my town, Fairfield, and in Waterville, to have the support of this legislature. People like Representative Paradis were there and supported Kyes Fibre. Kyes Fibre ran into

trouble, they were leaving the state and they came to Augusta and said we have a three-legged stool that can turn this around. We need to get wage concessions in the millions of dollars, we need to get a break on energy costs from the State of Maine — in other words, if you would set aside a chunk of money for us, about \$750,000 so if our energy costs get too high in the next two years, based on a formula, we would be able to tap into that. Then we will also invest millions of dollars back into Kyes Fibre to do the necessary retooling so they can do the products they need. As it worked out, Kyes Fibre never used a penny of that money. The unions made concessions, they invested money back into the plant to do the necessary retooling and Kyes Fibre is here today. It had some stumbles on the way but it is here today.

I know I would stand behind any member of this legislature who has a proposal. If it was Digital in Augusta, if it was one of your plants in your hometowns, I would be there behind you like you were behind the Waterville area delegation to maintain those jobs, to keep those jobs. In my mind, I can see a difference between those types of jobs and the possibility of new jobs that would be created by a mall. Malls do not create new jobs, they simply transfer jobs from here and put them over here, transfer dollars from one community to another community. Ninety percent of the mall space created in America was created in the last ten years. Do we really need to have anymore malls? I happen to work for an individual who is a developer himself. He has built malls on his own. He would be the first in line to take advantage of something like this. He called me up and said, "I think it is terrible policy." As I told you yesterday, when he puts a project up, he has to put 30 percent of his own equity and then hope that he can convince a bank to put up the other 70 percent. You are transferring owner equity for the state. You are allowing the state to give an individual a free ride to develop these projects, in many instances, with taxpayer money.

Maybe none of this will make any difference because everybody had been lobbied already and maybe this is all over at this point but, as long as we are going down this road and we are talking about financing things like malls with taxpayer money, I am going to stand up because I think it is dead wrong.

I would ask you to oppose the motion to recede and concur. I think the best thing we could do is Insist and ask for a Committee of Conference.

I hate the idea that we are pitting town against town, community against community. I hate the idea that we are asking legislators to take sides, Fairfield versus Waterville. I don't know if anything could be worked out in a Committee of Conference. I haven't been as intimately involved as members of the committee.

I do know that the bill came in somewhat late this year. As I asked questions to members of the committee, even earlier during this past week, they hadn't seen a final draft. It took me the last day or so before I could get a final draft as to what it looked like. Maybe there is something that can be worked out. Maybe we can oppose this motion to recede and concur, work something out in a Committee of Conference and avoid this spilling of bad will particularly at this point in the session when I think that what makes me feel so good about this

session, about the way it is ending, is that on both sides of the aisle we really walked hand in hand. There hasn't been the acrimony, the rhetoric that has been exchanged over the past budget crises in the past end of sessions. I would like to maintain that good will if we could and I would ask you to oppose the motion to recede and concur and then allow us to consider perhaps later on the motion to Insist and ask for a Committee of Conference.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I was awfully glad to hear my friend, Representative Gwadosky, say that he was glad to see the way this session has ended. I wasn't aware until just then that it had, but I am glad it has.

This is a contentious issue and a very important bill. I don't think it has turned ugly. I think there are some real questions, I said that yesterday, there are real questions. I also said yesterday that I don't intend to stand here and minimize the issues that are involved in this question of retail STIF's. They are questions that this legislature and the two committees of jurisdiction, Economic Development and Taxation, have been reviewing for two years. I said that yesterday. I put in the STIF legislation last year that included retail. I also made the suggestion to the Economic Development Committee that they take retail out because I hadn't been convinced as the sponsor of the bill that it could be administered.

All the objections and all the issues that were raised here yesterday have been raised in the Taxation Committee and unanimously the Taxation Committee has determined that the bill as written and the restrictions on STIF's can be administered.

Representative Gwadosky said one very important thing, he said several very important things but one in particular in his address, that this program, STIF, can be very useful. He said yesterday that it is the most successful economic development tool in the state. I don't think anybody in Economic Development would argue with that. What my fear is, and I know it is not proper to speak about the actions of the other body and I don't intend to, but everybody who is here has been here for at least two years and you know what happens to bills when they are caught between two bodies in non-concurrence. This bill should not die, this is a very important bill. Aside from this issue, it is a very important bill. The State Tax Increment Finance program will not work without it. That is not just my opinion, that is the opinion of everybody else on Taxation and everybody at DECD and everybody in the Bureau of Taxation. That is why I made the motion to recede and concur.

I don't want to trudge through all the things that were discussed yesterday but I do want to touch on a couple of things that Representative Gwadosky touched on. The statement that malls destroy downtowns — I said yesterday I live in Old Town, I grew up downtown. My father had a small restaurant downtown, I started working there when I was 13. Old Town had a very, very active business community in its downtown and when I was younger in the early '60's, you couldn't walk the sidewalk on Friday night there were so many shoppers there. Has the Bangor mall hurt downtown Old Town? I don't even have to answer that for you, just come up and drive through,

sure it has, but you have to go beyond that. Would the Bangor area, the entire Bangor area, including Old Town, be doing the volume of retail business that it is doing now if the Bangor mall had not been built? Absolutely not, absolutely not. Would we be taking in millions of dollars, and I do mean millions, every year from Canadian shoppers if the Bangor mall had not been built? Absolutely not. Would they shop in downtown Old Town? Absolutely not. They wouldn't be coming here. So, has the Bangor mall been good for the Bangor area? Of course it has. Has it hurt downtown Old Town? Yes. But, has business prospered in the Bangor area because of it? Yes.

We went through a lot of wrestling in Taxation before we agreed to have this provision in. The safeguards to make this administrable are there.

Representative Gwadosky talked about new malls don't create jobs, they just transfer jobs. Well, that is at least partially true. Because of that, in a normal STIF situation, the STIF district is allowed to count income withholding tax receipts in their STIF calculations. The committee took that out in retail STIF's because of that very fact that you don't create a lot of new jobs with a mall, you don't create a lot of withholding taxes so they are not allowed to count it. We addressed that. We feel we have addressed the areas of concern that have been raised here in the last two years.

I don't want this bill to die. I hope you will support the motion to recede and concur.

Mr. Speaker, I request a roll call when the vote is taken.

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

Representative VIGUE: Mr. Speaker, Men and Women of the House: If we were to raise our wages here in the State Legislature, we would not affect the current pay setup, it would come into play in the 116th. What this bill does is pitting one community against another community. What I am suggesting is, if we are going to pass something like this, let's pass it and have it come into play when the current players are not affected. I am not against STIF's, I am not against TIF's, I am against what is being done currently by this one piece of legislation.

Waterville, 20 years ago, was one of the finest shopping areas in the State of Maine barring none. Starting at one end of the street, we had Levine's which was known all over the country, we had Dunham's which was known all over the world, they had a mail order business that was shipping to Africa, Europe, John Wayne bought his shirts in Dunham's, Jack Nicholas was involved with Dunham's, this was one of the finest stores in the state. We also had Emery Brown's, Lincoln's, Alvina & Delia's, Sterns Department Store, these stores are nonexistent now. With the introduction of the major malls, the women collectively run the retail business in the country. When I get a new suit, I don't decide to buy a new suit, my wife takes me. She says, "Come, we are going to buy a new suit." Men do not make the retail industry work, it is done by women. When malls came into being, they were very appealing. What happened, it became a social thing, they left Waterville, went into Portland, went into Bangor, all of a sudden, the downtowns started dying. Many of the stores where women would buy dresses, all of sudden they can't buy them anymore and they are saying, we can't shop in Waterville, there isn't a place to buy a decent

dress, go to Lewiston.

I was involved in opening a store in the Auburn Mall. We had a store in Lewiston right on the Main Street. That store right now is worth nothing. The Auburn Mall is doing fine. So, all of the business was switched from one area, the downtown Lewiston area, that now is in Auburn. The Waterville business has gone to Bangor and to Portland and now the women can't find a place to buy a decent dress. My wife buys them from mail order houses or she will go to Portland. (She is out shopping today, I should have taken the credit cards).

Look at downtown Lewiston, Wards — Wards was one of the finest ladies dress shops, it is nonexistent, it is gone. Downtown Portland will never recover its real estate value. Why? The South Portland Mall. The South Portland Mall came in and took away the real estate value. Day's Jewelry Store at 489 Congress Street, one of the top stores in the state in volume had 20 stores at one time, they now have three stores. Carter's, another jewelry store on Congress Street, these stores have had to leave and we end up with the stores they have in the mall. You have got the same thing three, four and five times with no personal services.

Downtown Augusta will do the same thing, downtown Augusta will die. The small strips that we have on Western Avenue will all be in trouble. So, you are going to get some dollars coming in, you are going to shift the dollars from downtown, from the Western Avenue area, and give it to the mall. They are not going to generate \$4 million worth of tax money for the state, there is no increation. It is going to be the same dollars because we are not — Presque Isle is going to draw new money from Canada because they are coming from across the border. This money in Augusta is going to come from Waterville, Winslow, Augusta, Gardiner, Rumford, Farmington, the surrounding area. This is what they do, they conduct surveys to find out the total number of homes, they can tell you exactly what they are going to do. So, what they have to do is to make people stop going to the Auburn Mall and stop going to Waterville.

If you are going to do this, take off the restriction, allow anybody to do it. Allow Wal-Mart that is coming into Waterville because they are doing to draw some money. Should Augusta pay us because Wal-Mart is going to draw some money in the Waterville area? I don't think so and I don't think we should do the same thing for Augusta.

I think this is a turf thing and it is very, very unfair. I would urge you to vote against the recede and concur motion on the floor.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I think that the Representative from Winslow, Representative Vigue, has in fact given several reasons why you should go with the motion of recede and concur. It would be nice if we could simply blame malls for the death of our downtowns but, unfortunately, I don't believe that is true. I think that the direction that people have gone — Augusta's downtown has had difficulties and been struggling for years and we don't even have a mall out here on I-95, this new one yet. People's shopping patterns, people's lives, people's habits are changing and if downtowns don't move to change with those, they will indeed be dead.

I have shopped at Waterville at Dunham's and at

Sterns but these are family-owned businesses that have changed their habits and have not met the needs of today's shoppers. The downtowns need to move with the times. I think we could point right within a few miles of us to the downtown of Hallowell that is a very successful downtown because it has met, it has carved out a niche for itself and it is a thriving downtown. Sometimes there have been concerns about restaurants — we had a restaurant here in Augusta close last year and there was a lot of talk about it, parking and things like this. Well, you have got a restaurant in downtown Hallowell, Slates, that is one of the most popular places around because they have carved out an appropriate niche for themselves, they have met what people are looking for. The downtown of Hallowell is a wonderful, wonderful place to shop and it reflects that because it moved with the times. It wasn't because there was a mall in Bangor or a mall in Portland or Auburn.

I would also like to refer to Representative Vigue talking about his wife using mail order. In fact, this is a large problem. If malls were available and if we had good shopping here, we could capture some of that mail order. Right now, it is estimated that \$100 million goes out of central Maine to mail order. That is out-of-state, that is tax revenue that we lose because that money leaves this state. If we had good shopping here, people would be spending their money here.

I urge you to stay with the recede and concur motion.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I am not aligned with either of the dueling cities, I am sort of on the outside looking in. It seems to me that if the development of a mall, wherever it is, was going to return an adequate amount on the investment, then the private sector would do it. If the risk is such that the private sector is unable or unwilling to do it, then the risk, to me, for public dollars is also unacceptable.

I would urge you to vote against the pending motion.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: About the time it was announced that Loring Air Force Base was going to be closed and we certainly had gloom and doom in the county and realized how many jobs that we were going to lose, there have been various numbers of probably at least 8,500 jobs in addition to a multi-million payroll, we really didn't know exactly what we were going to do and we still don't. However, shortly after that, it was announced that we were going to have a mall in Presque Isle. We don't have any mall in Aroostook County or really very many places to shop. There was a lot of excitement but there had been many rumors before that possibly we would have a mall. We desperately need this mall. It looks as if it is going to become a reality. Whether this bill will be put into effect for that mall or not, I don't know but I would hope that we could have the opportunity for this bill to be used toward that mall if they so desire.

We did help Kyes Fibre in Waterville when they

were having trouble. I remember voting for Pratt & Whitney and a number of other businesses. I think there is competition in any area or any business when you are trying to attract people. In our case, it isn't going to be just a case of moving jobs, in our case if we have a mall, it is going to provide jobs and it will provide many jobs. With the closing of the base and the closing of a potato plant in Presque Isle and the loss of 197 jobs, that means without additional job opportunities, we are going to have more and more people leave the county. As you know, Aroostook County is the only county that lost population in the last census.

So, I hope that we can recede and concur and provide this opportunity if we should need it.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Representative Daggett from Augusta is exactly right, there are many factors that go into the deterioration of a downtown. One of them is the fact that they do not keep up with the times. I come from an area where we have got malls in every direction. In my own town, the downtown deteriorated when Maine put in a sales tax. All our businesses moved across the river. I cannot even buy a loaf of bread and a quart of milk in my town unless I go to Cumberland Farms. So, that is what happened to us. We have no choice but to cross the river or drive 20 miles to Sanford.

However, Dover, New Hampshire was screaming when the mall went into Portsmouth at Newington. Dover came back, remodeled their downtown and they have other businesses in there, they are not all retail, there are two nice stores there, Farnham's and Yvonne's Women's Apparel that has nice clothes but that area has come back. Downtown Somersworth was screaming, they have come back and remodeled. So, the downtowns do — they have to refocus but remember, when these malls came in, these downtown stores would not stay open until nine-thirty at night. Back in the '50's and '60's when the malls came into my area, most of us women who were raising young children were working. By the time we got home at night and got our children fed and ready for bed and had to run out for a few things, it was eight o'clock and we had to go to the mall. I think that is what changed our habits to the mall because that is the only place we could go and the only time we had to go because most of us were working even on Saturdays in those days.

I think this is a good bill. I think the downtowns will come back, they will come back in a different way with different businesses but they will be back. It will take a transition period.

Another thing that I believe this bill will do, you are losing Loring Air Force Base, I believe that in the redoing of Loring, you may find this bill quite helpful because I know that in losing Pease and the problems that we have encountered there trying to get business in and I think this bill may help you up there.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion. I consider this a compromise position. The reason I do is what I am hearing from everybody is that, if we vote to Adhere to our position or to Insist and ask for a Committee of

Conference, we still would continue to have Representative Poulin's amendment on the bill.

Now, Representative Poulin's amendment on the bill just removes the cap. We could be talking about removing retail from this bill. I agree with Representative Cashman, this is a good bill.

I need to repeat that Waterville does not want to build a mall. Waterville has three major shopping areas within the city, Waterville has adjusted with the times.

However, if we remove the cap and if your community is interested in a mall, it could have a mall. If your community is interested in refurbishing its downtown, it could refurbish its downtown.

We need to keep this bill intact, it is a good bill but we need to address this segment of the bill because in fact it does pit one community against the other. How does it do that? Well, if you are simply talking about these large shopping centers called malls, then you are talking about retail drain from miles and miles around. Whether it is Waterville, whether it is Rockland, whether it is Belfast, whether it is Lewiston or Auburn, there will be retail drain. But, that is not the worst thing that is happening here. I believe that the investment of public dollars in private enterprises, in private projects, is a serious problem when we are talking about retail.

I have a letter here from a developer and he says, "The effect of this bill would be to substitute for owner's equity to state financing." That is the serious problem here. I believe by supporting Representative Poulin's amendment, we are not talking about removing the retail, which I think a lot of us could support here.

I do want to remind this body because many of you were not here when we talked about Kyes Fibre, that when this state agreed to \$900,000 subsidy, so to speak, in electrical costs of Kyes Fibre, it was an agreement of the Executive Department, the Legislative Branch, the workers and the owners of Kyes Fibre. It had been worked out. I must also remind you that Waterville or Kyes Fibre never used those monies. So yes, we thank you for the support because you saved 1,000 manufacturing jobs at \$10 an hour up, paperworkers' jobs. I think we are talking about different kinds of jobs here if you think this is a jobs bill because retail follows manufacturing and we should not start by urging large retail projects at this time.

I believe there is a compromise position here and I think our position that we took yesterday is the compromise position.

I would urge you to vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Poulin.

Representative POULIN: Mr. Speaker, Ladies and Gentlemen of the House: I think all issues surrounding the bill have been pretty much discussed. As a sponsor of the amendment that removed the large retail developers from the ability to utilize the STIF, I ask you to please oppose the motion on the floor.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: This is a unanimous committee report. Take a look at the geographic

distribution and the party distribution on the Taxation Committee, none of us on the Taxation Committee prefer Presque Isle to Bangor, none of us on the Taxation Committee prefer Augusta to Waterville and those are the two malls in the embryonic stage that we are talking about here.

Incidentally, the gentlelady from Presque Isle mentioned many exciting things about the opportunity for some economic development up there. One thing that was mentioned was the amount of Canadian dollars that will flow into that mall. There has been a lot of talk about how Canada is going to roll back their taxes — well, Canada isn't going to roll back its taxes that much, it can't, and those are Canadian dollars into our economy and those are Canadian dollars into our tax coffers and we need them. We just flat out need them.

This is about increasing sales tax revenue and I think if you look at the distribution, particularly the geographic distribution of the members on the Taxation Committee, it will dawn on you that what we are dealing with here is what is in the best interest of the whole state. It is a unanimous report because we need those sales tax dollars. They represent a third of our revenues in this state. That's a lot of money for us.

The other thing I would like to say, just for a point of clarification, this is not a use of public dollars. I think there is some confusion here about this. We are not using public dollars here and I hope that I have made that clear.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon to support the motion of the Representative from Old Town, Representative Cashman, the Chair of the Taxation Committee, to recede and concur. I do not believe it is a surprise to any of you that I rise to do so being a Representative from Augusta.

I do not believe, however, that this is a competition between two cities, two wonderful Kennebec Valley cities like Waterville and Augusta. No two cities have worked more closely together in my 13 years in this body than Waterville and Augusta. My closest friend in this legislature is the good Representative from Waterville, Representative Jacques. We came together in 1979, took the oath of office together and have been the closest of friends and we will be regardless of how this chamber votes today. We have assured ourselves of that.

This isn't about competition between two cities or two regions, this is about jobs. We are at the bottom of one of the worst and longest recessions in post-war America, not post-Vietnam, but post-World War II America. We need to get out of this bottom. From the first day of session in January, we debated a comprehensive multi-million dollar bond issue, which would have committed public dollars to create some 5,000 jobs across this state. We debated it, it passed and then failed at the other end of the hall and then came back and so on and we have made compromises. This is public expenditure of public taxpayers dollars. These are jobs, by the way, we are all aware of that are going to be very short-termed, just to try to get the economy moving this summer. We have an opportunity this afternoon to create private jobs, thousands of private jobs, in every corner of the state. As the Representative from Presque Isle said, their region, northern

Aroostook, is interested in this bill. The Representative from Old Orchard Beach, Representative Kerr said that York County is interested in this bill as has Representative Murphy from Berwick and Representative Dore from Androscoggin. It is easier to kill a bill than it is to pass something. I am here, joining with you people, to try to pass something. It is easier to try to defeat something than it is to build and create something good.

I would rather light a candle than curse the darkness. Franklin Roosevelt said that "a rising tide lifts all boats." We have to help that tide come in, we have to invite that tide to come in and that rising tide is going to lift the economy of Maine. We have to send a message that we want private jobs, long-term jobs, not short-term public financed jobs like bond issues. After those bonds have been spent and the winter comes in December of this year, where are those new jobs going to be? That's what we are talking about this afternoon, that's what we are here debating, that's what we need to do.

One of the first memories that I have of being a member of this body was the Pratt & Whitney issue. I was here as a member-elect when Governor Longley called a Special Session and I watched from the back of the hall a Special Session enacting tax credits for Pratt & Whitney because it would create several thousand jobs in York County.

I remember as a second term as a Special Session of Governor Brennan in August of 1981 sending a \$16 million dollar bond issue for Bath Iron Works for a dry-dock and the repair of a facility in Portland. Public dollars to create private jobs and those jobs are still there in Portland and it means something to have Bath Iron Works the largest, private employer in this state. Bath Iron Works said that if they hadn't had that help, they would not have been competitive and Mississippians would be building and refurbishing those ships that Mainers are refurbishing today.

The good Representative from Fairfield, my friend who came with me in the 109th, was absolutely correct when he quoted about Kyes Fibre. He mentioned, I believe, the fact that I stood up on the Record from Seat 145 late one night in the April session and testified to this body in favor of the Kyes Fibre bill. What I said on the Record then was that a prominent businessman in my community had called me to lobby for the bill, not knowing that I was already in favor of it. He said, "Pat, my trucks go to Fairfield to Kyes Fibre and take their finished products and transport it south, deliver the goods, pick up carpeting in Georgia and bring it north to be distributed around New England and the northeast. Because Kyes Fibre is in Fairfield and is open and a business, I can pay the entire cost of my trucks, their fuel, their registration, their insurance because those trucks are not empty when they are going south. What is good for Kyes Fibre in Fairfield was good for my business in Augusta and there are several hundred employees who are dependent upon that business in Augusta." "A rising tide lifts all boats" — we shouldn't be debating whether Augusta is going to get a mall or Waterville is going to get a mall or Presque Isle is going to get a mall, we all need economic development.

The state is not going to do it solely by public bonds, those are short-termed jobs just meant to pump prime the economy at its lowest ebb. We need a healthy tide to continue this movement. The revenue

from that will help everyone in the state. Everyone will be helped by those new tax dollars. If Maine is a tourist state like we believe, then out-of-state people are coming in and buying our goods, whether it is in shopping malls or factory outlets or staying in our coastal communities. Those are all jobs and don't let anyone fool you into thinking that they may take a job from a downtown and put it in the suburbs. Our economy is shifting and there is little that we can do but one thing we must do is accommodate ourselves to that shifting economy and that shifting life-style so this bill isn't against one town against another town as some of the lobbyists would have us believe. No, this bill is about a rising tide lifting the boat at the worst low tide that we have seen in 40 years.

I urge you to support that motion to recede and concur. I urge you to help this economy start moving again.

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

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: The way this bill is with Representative Poulin's amendment on it doesn't discourage growth, it encourages growth. It encourages growth in our downtown areas, it encourages growth in manufacturing in our downtown areas where we have family-owned businesses, businesses that have been the anchor of that community, people who have helped out that community, people who have lived their whole lives in that community and they need help in these recessionary times. That's what this bill does with that amendment on it. It encourages growth there.

From a manufacturing standpoint, I agree with Representative Paradis of Augusta that we need growth but we need manufacturing growth. This displacing retail jobs just doesn't work. Back in 1985 or 1986, I said this yesterday that economists said that the State of Maine had better watch out, we are creating a lot of service jobs, we are creating a lot of retail jobs, when we have a recession, those jobs are going to be lost, we are going to be deep in recession. Ladies and gentlemen, that's where we are. If in 1985-86 we had had a STIF for manufacturing, we would have created manufacturing and we wouldn't be in the shape that we are today.

Representative Daggett from Augusta said that we are losing a \$100 million in catalog sales. I was talking with the administration and I said, "Where did you guys get this \$100 million mark?" Well, "We have got Sears catalog, J.C. Penney, and L.L. Bean" — ladies and gentlemen, when there is a presence in the state of that company, they have to pay sales tax. I own a Sears catalog store, everything that people order has sales tax on it. J.C. Penney has to pay sales tax, L.L. Bean has to pay sales tax if you order through the mail, the only people who don't pay sales tax are people who don't have presence in this state. If they don't have a building or structure in this state, then they don't have to pay sales tax. I have a hard time believing that we have \$100 million of interstate commerce coming across just in central Maine that doesn't have to pay sales tax.

Also, chasing the Canadian bubble — I think we will be chasing the Canadian bubble for many years trying to figure out what is going to be their tax structure, if they are going to lower their tax structure or what is going to happen to them. Why though in Canada do they have more manufacturing?

Our manufacturing is moving over to Canada — why can't we get those people to move over here? What's going on with that? What are their tax policies in the manufacturing industry?

I urge you to oppose the pending motion so we can insist on the bill.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I would be remiss as being the third member of the Augusta delegation not to get and speak. However, I feel somewhat constrained in that it shouldn't be a focus towards Augusta. Augusta has approximately 20,000 people. If you include the towns surrounding Augusta, we are talking another 10,000 to 15,000 people. That is only 35,000 people. People are not going to travel north to shop, they go south to shop. The Bangor Mall is successful and part of the reason it is successful is that it draws from the Canadian Provinces.

Why would someone want to build a mall in central Maine? Because of the Canadian market. If we can bring in 80,000 to 100,000 people from St. George in Quebec to central Maine, they are going to come down through Jackman, they are going to travel through Madison, they are going to go through Skowhegan, they are going to go through Fairfield, they are going to go through Waterville and after they shop and stay and eat in the restaurants in central Maine, they will go to the coast. They will go further south. It is a win situation if we can bring more people into the State of Maine. If we don't have the ability to draw this type of thing, then the state doesn't lose a cent and the developers lose money. It is a win situation. The same opportunities for the people in Aroostook County, we have to work together to create jobs.

I have heard that this is 2,500 low paying jobs — where are the kids that get out of school going to get a job? There are no jobs available in central Maine. I drive by the Unemployment Office, I see the loads of cars out there and somebody says that these are low paying jobs — people will take any job in central Maine, they will take part-time jobs. We have got to do something about it, we have got to get this economy going.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I had not intended to enter this fray but the good gentleman from Augusta decided to and I decided to jump in as well.

I understand about being tenacious in trying to do all you can for your legislative district. Many of you understand and have seen me over the years fight tooth and nail for my hometown and surrounding areas because of the impact of state prisons. I would like to fight a good fight and then move on. We have already fought the good fight on this issue and it is time to move on.

I cannot go home and face my constituents and tell them that I put into law a statute that would allow state tax dollars to be diverted from the General Fund of this state to be used to pay the cost of building a mall. I can't do that and I won't do that. I urge you to oppose the motion to recede and concur so we can go on to adhere.

The SPEAKER: The Chair recognizes the

Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, when I spoke earlier, I used a word that I have regretted since that time. I said that things had turned a bit ugly and I was wrong. Things haven't turned ugly on this issue and I want you to know that while I may have kidded a little bit with Representative Kerr and talked with Representative Pat Paradis and others, I came into this 109th Legislature with Pat Paradis and I have enjoyed a long-term relationship with him and I know that regardless of what happens today that we will continue to be great friends. I don't want him to think for a moment that anyone would think that any comments I made that things had turned ugly was accurate. I have enjoyed serving with Pat and with members of the Augusta delegation. We can disagree on issues and I know that we will go out friends but I want the Record to indicate that because I don't want anyone to get the impression that something was other than what I described.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak on this side of the aisle, not because I am from either Waterville or Augusta but because of my philosophy regarding what this tax law is all about.

A STIF to me is most advantageous for growth in this state but retail is not generated by tax incentives. Retail is generated in this state strictly on market conditions. You can have the best looking facility with atriums as high as this ceiling with waterfalls and trees but that type of structure will not draw anybody unless you have two basic increments. The first is a good infrastructure to bring people in, that they can drive distances to that piece of property. The second thing is that you have to have people come to it with money or credit cards in their pockets. Those are the two things that make either outlet malls or any type of mall structure work in the state. They will come regardless of our downtowns, they will come in areas regardless of where we may want them because the market place will dictate where that is going to go and when it is going to go. It will go in Presque Isle if that be the law or the case only because the market dictates that we can draw tremendous dollars from a certain circle of geography in which there are sufficient people having incentives with money and credit cards in their pockets to drive to Presque Isle to spend it.

I don't care about the tax incentives, that will not build the mall. The same is true in Augusta — malls are strictly dictated by market place conditions. Other instances though, certainly industrial type jobs often are dictated by tax incentives because that is the way the game is played between states and even within sections of the state. A STIF law is good, it does allow an incentive for towns to use it. Regardless of this law, you would never have a mall created in Fryeburg, Maine because the market place would not dictate it.

Retail is not something that you can readily define as to its market place. It becomes greater dependent upon the popularity, upon the mixture of retail that you have within the mall, the type of anchor stores that you have and those are the things that dictate. To therefore defer or, if you will,

move \$20 million of state tax money which may, for all I know, only benefit mall creation in this state at \$2 million a piece, that is the cap, and in my mind would not be advisable. Use the money for industrial growth. It is capped at \$2 million per project, a \$20 million total. It is tax money that otherwise would come to the state. Therefore, I would urge you to vote against the pending motion.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Being realistic with a \$4 million cap, there is only one area that can benefit from this. If we want to say let's do the same thing in Waterville, that means that we would have to generate a total of \$840 million of new dollars to generate \$4 million in each location. If we want to be fair, let's be fair, I am not against STIF's, I am not against TIF's, let's change it, take off the cap and say, guys, if a small, local developer decides to put up a strip mall, he will benefit from this STIF. Right now, we are benefiting a developer from out-of-state. We are taking state dollars to benefit out-of-state developers. If we remove the cap, small towns, small cities, small strip centers could be developed by local developers and then we would all have an equal playing field.

I urge you to defeat the motion on the floor to recede and concur.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: As of this moment, I have not made up my mind but there is only one question I ask, why are the downtowns of the cities dying? There must be a reason for it. Take Lewiston for example, they redid Lisbon Street which is the main shopping part of Lewiston. They made these wide sidewalks which remind you of Miami or West Palm Beach so now the street is barely able to take two car widths.

Also it is the attitude of some of the merchants. I have seen more than once where the employees of the merchants were parked out there in spots which should have been left for the shopper. There is a reason for it. Unless they can see what is happening or why it is happening, why should we turn around and say, look, we will not allow anyone else to build out of town just to help you out when there is no guarantee from these merchants that they will do something to enhance the facilities in the downtowns.

Portland is one example — they have gotten to the point where you can hardly find a place to park. You go into some of the bigger stores and I will tell you about one place, Ward Brothers in Lewiston. I happened to have a little extra money one day and my wife's birthday was coming up so I went in (and I had old clothes on, I probably looked like a hick from the mountains) and there was a lady in there buying a kerchief. They must have spent a half hour with that lady and she decided not to buy it. I waited for a half hour before somebody came and said, "Do you intend to buy?" I had \$300, I was very flush that day to my good Mrs. and in a way they did me a favor because I went somewhere else and spent only \$200. I went into a big department store, Lewiston Hardware (some of the Lewiston people will remember) and I had just floated a loan for \$10,000 to remodel my house. I was going to buy a new bathroom set, a new pumping

system, a new sewer system, the whole works, I got there 15 minutes before they were going to close and they told me they couldn't handle it that night because they were closing. I took off and went up to Sears, Roebuck in the mall. It is the people downtown themselves that are to blame. You walk in there and you think you are in Paris somewhere the way they are dressed up and the way they treat you. I say, let the people decide where they want to go. If they are not satisfied in not being able to find a place to park in the business section of Lewiston or Water Street in Augusta or anywhere else, that's too bad, let them make facilities for them. I don't think we should turn around and say, look, let's hold this thing so people will have to shop on Lisbon Street in Lewiston or Water Street in Augusta.

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

Representative O'DEA: Mr. Speaker, would it be possible to have the Committee Report read?

The SPEAKER: The Chair would advise the Representative that it was a unanimous "Ought to Pass" Report. The debate is over the amendment that was put on in this House.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that the House recede and concur.

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

Representative HANDY: Mr. Speaker, I request permission to pair my vote with the Representative from Presque Isle, Representative Donnelly. If he were present and voting, he would be voting yes; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, I request permission to pair my vote with the Representative from Waterville, Representative Jacques. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 410

YEA - Aliberti, Anderson, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Clark, M.; Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Farnum, Farren, Gean, Gould, R. A.; Hichens, Hogle, Hussey, Jalbert, Kerr, Ketover, Ketterer, Kontos, Larrivee, Lipman, Look, MacBride, Macomber, Mahany, Marsano, Marsh, Martin, H.; Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Ott, Paradis, J.; Paradis, P.; Paul, Pineau, Pines, Plourde, Pouliot, Reed, W.; Ruhlin,

Saint Onge, Savage, Sheltra, Skoglund, Spear, Stevens, A.; Stevens, P.; Tardy, Tupper, Waterman.

NAY - Aikman, Anthony, Ault, Bailey, R.; Barth, Bell, Bennett, Boutilier, Chonko, Clark, H.; Coles, Constantine, Erwin, Farnsworth, Foss, Garland, Goodridge, Graham, Gray, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heesch, Heino, Hepburn, Holt, Joseph, Kilkelly, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lord, Luther, Manning, Mayo, McHenry, McKeen, Merrill, Michael, Mitchell, J.; O'Gara, Oliver, Parent, Pendexter, Pendleton, Pfeiffer, Poulin, Powers, Rand, Reed, G.; Richards, Ricker, Rotondi, Rydell, Salisbury, Simonds, Small, Stevenson, Strout, Swazey, Tamaro, Tracy, Treat, Vigue, Wentworth, Whitcomb.

ABSENT - Adams, Bailey, H.; Bowers, Gurney, Hichborn, Richardson, Townsend, The Speaker.

PAIRED - Donnelly, Handy, Jacques, Simpson.

Yes, 69; No, 70; Absent, 8; Paired, 4; Excused, 0.

69 having voted in the affirmative and 70 in the negative with 8 being absent and 4 having paired, the motion did not prevail.

Subsequently, on motion of Representative Gwadosky of Fairfield, the House voted to Insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District (H.P. 1770) (L.D. 2453) which was passed to be engrossed in the House on March 26, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-732) and "B" (S-736) in non-concurrence.

On motion of Representative Clark of Millinocket, the House voted to recede.

The same Representative offered House Amendment "A" (H-1314) and moved its adoption.

House Amendment "A" (H-1314) was read by the Clerk and adopted.

On motion of Representative Clark of Millinocket, Senate Amendment "B" (S-736) was indefinitely postponed.

The Resolve was passed to be engrossed as amended by Senate Amendment "A" (S-732) and House Amendment "A" (H-1314) in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Facilitate Criminal Enforcement of the Environmental Laws" (H.P. 1129) (L.D. 1654) on which Report "C" "Ought Not to Pass" of the Committee on Judiciary was read and accepted in the

House on March 27, 1992.

Came from the Senate with Report "A" "Ought to Pass" as amended by Committee Amendment "B" (H-1306) of the Committee on Judiciary read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-1306) in non-concurrence.

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

Representative COTE: Mr. Speaker, I move that the House Adhere.

Mr. Speaker, Men and Women of the House: We debated this issue at length last evening and L.D. 1654 got an overwhelming vote.

This isn't the time to adopt this particular legislation. The State of Maine, thanks to this legislature and the Energy and Natural Resources Committee, is known for its strict environmental laws and has a reputation for enforcing them.

This bill leaves too much to the unknown. I urge you to oppose this legislation and come up with a new bill.

Subsequently, the House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Further Enhance and Protect Maine's Great Ponds" (S.P. 922) (L.D. 2369) which was passed to be engrossed as amended by Committee Amendment "A" (S-719) as amended by House Amendment "A" (H-1302) thereto in the House on March 27, 1992.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-719) in non-concurrence.

The House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Legalize Marijuana for Medicinal Purposes" (H.P. 1729) (L.D. 2420) - In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1281) on March 26, 1991; In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1281) as Amended by Senate Amendment "A" (S-726) thereto in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Manning of Portland, the House voted to recede.

On further motion of the same Representative, Senate Amendment "A" (S-726) to Committee Amendment "A" (H-1281) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-1312) to Committee Amendment "A" (H-1281) and moved its adoption.

House Amendment "A" (H-1312) to Committee Amendment "A" (H-1281) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: This amendment strips off the Senate Amendment and it incorporates in the House

Amendment and it also narrows the scope of this legislation.

Subsequently, House Amendment "A" (H-1312) to Committee Amendment "A" (H-1281) was adopted.

Committee Amendment "A" (H-1281) as amended by House Amendment "A" (H-1312) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1281) as amended by House Amendment "A" (H-1312) thereto in non-concurrence and sent up for concurrence.

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

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Initiate Economic Development Activities" (S.P. 933) (L.D. 2391)

Came from the Senate indefinitely postponed.

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

Subsequently, was indefinitely postponed in concurrence.

Bill "An Act to Promote Economic Recovery" (EMERGENCY) (S.P. 935) (L.D. 2393)

Came from the Senate indefinitely postponed.

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

Subsequently, was indefinitely postponed in concurrence.

Bill "An Act to Authorize the Issuance of Bonds for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens, in the Amount of \$56,000,000" (S.P. 947) (L.D. 2411)

Came from the Senate indefinitely postponed.

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

Subsequently, was indefinitely postponed in concurrence.

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

SENATE PAPER

Non-Concurrent Matter

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (EMERGENCY) (H.P. 1748) (L.D. 2436) (H. "A" H-1255 and H. "B" H-1266) which was passed to be enacted in the House on March 26, 1992.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-1255) as amended by Senate Amendment "A" (S-737) thereto and House Amendment "B" (H-1266) in non-concurrence.

On motion of Representative Erwin of Rumford, tabled pending further consideration and later today assigned.

The Chair laid before the House the following matter: An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (EMERGENCY) (H.P. 1748) (L.D. 2436) (H. "A" H-1255 and H. "B" H-1266) which was passed to be enacted in the House on March 26, 1992 and came from the Senate passed to be engrossed as amended by House Amendment "A" (H-1255) as amended by Senate Amendment "A" (S-737) thereto and House Amendment "B" (H-1266) in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Reform Unemployment Compensation Guidelines in Maine (H.P. 1486) (L.D. 2098) (H. "B" H-1298 to C. "A" H-1189)

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. 113 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 Strengthen the Campaign Finance Reporting Laws (H.P. 1679) (L.D. 2356) (S. "E" S-717 to C. "A" H-1131; H. "A" H-1141)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the East Pittston Water District Charter (H.P. 1769) (L.D. 2452)

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

PASSED TO BE ENACTED

An Act Relating to Legislative Confirmation Hearings (S.P. 894) (L.D. 2299) (S. "B" S-718)

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

ENACTOR

Later Today Assigned

An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring (S.P. 910) (L.D. 2330) (C. "A" S-725)

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 Strengthen the Public Disclosure of Lobbying Activities (H.P. 1591) (L.D. 2245) (S. "A" S-664 to C. "A" H-1130)

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 item was taken up out of order by unanimous consent:

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

In reference to the action of the House on Saturday, March 28, 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 CASHMAN of Old Town
- Representative DORE of Auburn
- Representative MORRISON of Bangor

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

FINALLY PASSED

Emergency Measure

Resolve, to Implement Total Quality Management Procedures in State Government (S.P. 907) (L.D. 2327) (C. "A" S-731)

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

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: Total Quality Management is a suggestion and recommendation by the Restructuring Commission. The point I want to make today is, a few years ago, Total Quality Management was called Quality Circles but today Total Quality Management means that the internal customers of state agencies, the clients that state government serves, will be a top priority. This plan will have to be in place in September of 1992.

I rise today to bring this point to you. The fact is, as the recommendations by the proposed budget that is before us, is in complete opposition of this philosophy and I do hope that in the future the three branches of government, the Executive, the Legislative, and the Judiciary Branch, will in fact invert this triangle, make the customers of state government the clients of state government, the internal workings of state government be of their highest and top priorities, because other than that, this flies in the face of what is actually going on

today. So, I urge you to pass this piece of legislation with that in mind.

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

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: In order for Total Quality Management to work, it really requires empowering and rewarding employees and working together with them. That's what any good manager should be doing.

I urge you all to pass this Resolve and to keep this factor in mind when we vote further on on the budget.

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

FINALLY PASSED

Emergency Measure

Resolve, to Establish the Maine Youth Apprenticeship Program (S.P. 970) (L.D. 2450) (H. "A" H-1301)

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

PASSED TO BE ENACTED

An Act to Improve the State's Fiscal Forecasting Capabilities (S.P. 232) (L.D. 586) (C. "B" S-733)

An Act Pertaining to the Assessment of Fees on Nuclear Power Plants (S.P. 829) (L.D. 2133) (H. "A" H-1234 and H. "B" H-1294 to C. "A" S-610)

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.

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

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

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

ENACTOR

Emergency Measure

An Act to Restructure State Government (S.P. 929) (L.D. 2384) (S. "C" S-704; S. "H" S-723 and H. "A" H-1297 to C. "A" S-680)

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

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: After looking at the status of this bill, L.D. 2384, as it has been reported from the other body, I would move that this be indefinitely postponed.

I would like to tell you why. After we had gone through all the work concerning the issue of Children and Families and realizing the conditions that have erupted in this state in the last few years, this should be a number one priority of this state. We have seen this in the newspapers, everybody has agonized over the conditions of children and I feel that it is a terrible thing to ignore this at this time. This is a golden opportunity to implement the program and there was very little contention about the way it was written in the Restructuring Committee.

Let me tell you about the Restructuring Committee. I was a little disappointed in the process and I guess I am a little naive too because I have been here six years and I always believed that in committee you took an "Ought to Pass" or an "Ought Not to Pass" position on bills. This was not so in the Restructuring Committee and I really wasn't aware of this until yesterday morning because I expected to have jackets to sign on the issues that I disagreed with. I found out yesterday morning that this was done under a consensus view, that under that structure the majority ruled and everything came out with what the majority wants. I employ you to realize the fallacy at this time of not putting into this bill the program for the Children and Families. This has been a priority for the last several years. We need this desperately and it is not included at this time as this bill is structured. Therefore, I ask you to vote indefinite postponement on this.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you not to indefinitely postpone the very hard work of the State and Local Government Committee. The Representative from Jonesboro, Representative Look, is absolutely correct that we had large bills with several parts on them and we talked about up and down and we talked about whether or not we would include them in the pieces of legislation that you are now seeing before you. There were not separate jackets because in fact — I heard her mention Department of Children and Families — there were three proposals before us, we took pieces from those three proposals and those other two proposals were resolved. We only had one Act or one piece of legislation that we could attach this to so, therefore, Department of Children and Families came to L.D. 2384. In that bill currently, with the Senate Amendments that actually were adopted by this body and could have been opposed by any member of this body, we adopted Senate Amendment "C" which strikes out Maine World Trade Association issues. We adopted Senate Amendment "H" which dealt with the

Division of Alcohol and Drug Education Program and also the Bureau of the Blind and Visually Impaired. I am sure that you recall that debate. Those two pieces are on the bill. There is also a House Amendment on the bill that deals with the positions in the Division of Community Services. In this bill, there is the phasing out of State Planning and the Department of Children and Families. That is what is in the bill before you.

I urge you not to indefinitely postpone it. It was by consensus and each vote that was taken was not taken by the yeas and nays. Oftentimes it was said, as is done in the Appropriations Committee as is done in the Audit and Program Review Committee (because you have several subjects, several pieces in these pieces of legislation) is there anyone opposed? When no one says that they are opposed, when they nod in agreement of those who are present, then those pieces were included in the bill. This is the result of a lot of work of the Restructuring Commission.

Excuse me, I also forgot a piece which was the Department of Health and Developmental Services.

All of these are pieces from the Restructuring Commission's report. I think they believed in what they did, their recommendations were genuine and in all cases, there were compromises. There were compromises of those persons sitting in front of the committee. There were compromises by all people sitting around the table. Because of that and because of the hard work that we have done in what I think is good, conscientious, positive, restructuring of state government, I would urge you not to indefinitely postpone this piece of legislation.

Mr. Speaker, I request a roll call.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Look of Jonesboro that L.D. 2384 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 411

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, R.; Bennett, Butland, Carroll, J.; DiPietro, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Murphy, Nash, Ott, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tardy, Tupper, Waterman, Whitcomb.

NAY - Adams, Anthony, Bell, Boutillier, Cahill, M.; Carroll, D.; Cashman, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichens, Hoglund, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Lawrence, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers,

Rand, Ricker, Rotondi, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tracy, Treat, Vigue, Wentworth.

ABSENT - Bailey, H.; Barth, Bowers, Carleton, Cathcart, Chonko, Clark, M.; Donnelly, Duffy, Duplessis, Dutremble, L.; Hepburn, Hichborn, Jacques, Larrivee, Lemke, Luther, Marsh, Martin, H.; Merrill, Michael, Michaud, Mitchell, E.; O'Dea, Parent, Pendexter, Richardson, Ruhlin, Rydell, Sheltra, Townsend, The Speaker.

Yes, 44; No, 75; Absent, 32; Paired, 0; Excused, 0.

44 having voted in the affirmative and 75 in the negative with 32 absent, the motion to indefinitely postpone did not prevail.

Representative Gwadosky of Fairfield requested a roll call vote on passage to be enacted.

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 Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: If we are serious about downsizing and restructuring state government, we should be voting for this piece of legislation. If we are serious about giving Maine people a government they can afford, we should be voting in favor of this piece of legislation. If we were serious about accepting the report of the Restructuring Commission who met citizens involved in state government, their message to us was, we should downsize state government, we should make more efficient use of taxpayer dollars. We should provide services more effectively to the clients of state government. We should use the concept of total quality management. If you are in favor of reorganizing state government, you should be voting in favor of this bill. If you are in favor of downsizing state government, you should be voting in favor of this bill. If you are in favor of giving Maine people a government they can afford, you should be voting in favor of this bill.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I voted against the bill is that there are many concerns from the juvenile intake officers from up in my part of the state. They claim this will put them under DHS rather than leaving them the way they are now. The way they work now with the police, their intake services for the last eight or ten years has worked out very, very well. They are very concerned that there will be a change in this.

With this, I would like to pose a question. The question I have, where the concerns of these people that it is going to be changed to DHS rather than under the control they have now, is that true? Could you explain that, please?

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I haven't been dealing with this particular bill but I certainly have been following the concerns about juvenile corrections because there has been an ongoing debate as to whether juvenile corrections should go into the Department of Children and Families or should stay in the Department of Corrections. Under this bill as proposed, that decision is postponed and the group that will be defining this new Department of Children and Families with input from members of five different committees, including the Joint Select Committee on Corrections, will make that decision. That decision is not yet made and the suggestion of juvenile intake workers that they will be under the Department of Children and Families or under the Department of Human Services is simply not true.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I have learned a lot about this restructuring only by the acrimony that I have heard in the halls. Restructuring is very laudable, it is necessary. However, I will tell you that this has become so acrimonious between parties, between turf battles fought by one faction or another, that no restructuring in my opinion will ever successfully succeed done by this whole House. The only way you will have successful restructuring of this government is from without and not from within.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I have to remind you that the Governor of this state, the Speaker of the House and the President of the Senate named private citizens and not one legislator to the Restructuring Commission. These recommendations were sent to the legislature.

I don't know what the good Representative is talking about when he talks about acrimony. We certainly understand turf and we understand that some people are concerned about their jobs. However, I rise tonight, not to talk about the Restructuring Commission's proposal or your concerns about the acrimony, I rise to continue to answer the questions of Representative Bell. Representative Bell asked if the juvenile corrections would be in this Department of Children and Families. In this piece of legislation, there is created a Juvenile Corrections Task Force and that interdepartmental council shall convene a task force to determine whether juvenile corrections services should remain part of the Department of Corrections or should be moved to the Department of Children and Families. They will recommend strategies to improve services to consumers of Juvenile Corrections services and increase the eligibility of juvenile correction clients. So, the answer is, no, they will not automatically be put in the Department of Children and Families, that even though the Deputy Commissioner of Corrections, during the Blue Ribbon Commission meeting was in favor of allowing the children and the juveniles under the Department of Corrections' umbrella to be part of the Department of Children and Families, this bill does not allow it because we understand the controversy and the concern about that occurring.

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

Representative FOSS: Mr. Speaker, Ladies and

Gentlemen of the House: At this point in time, I am confused about the status of this bill. Could someone tell me if there is an immediate creation of the Department of Families and Children or is this yet another commission? If it is another commission, I would like to speak to that.

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Representative Foss knows this bill very well. She knows that the commissioners in the Interdepartmental Council will be working with a 13 member reorganization committee to create the Department of Children and Families and the next legislature will in fact consider the legislation that does come from this select committee or actually reorganization commission.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly understand that the Representative from Waterville would say that I knew this bill well. I do apologize because we have been working on a budget and I have not had the opportunity to follow this. She is correct that I have had a long-term interest, in fact three years ago, I started working on a Department of Families with Children with Senator Gill and Representative Joseph at that time. I have served on two blue ribbon study commissions to do this very thing and I just can't for the life of me understand why we are not doing it now instead of creating yet another study commission. To me this is not restructuring, this is yet another delay of what we need to do.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: We talked about this yesterday when I tried to present an amendment for your acceptance that would have implemented the Department of Children and Families in the Department of Health immediately. What Part A of Senate Paper 680 does is that it does develop a legislative oversight — it is a commission that has until November 1st to develop the legislative language that will then be presented the First Regular Session of the 116th Legislature. So, as you can see, nothing will happen until sometime next year. At that point, we don't know when the bill will be printed, when it will be presented, when it will be heard and it is probably fair to say that nothing will happen with the Department of Children and Families and the Department of Health until probably July of 1993. My proposal was different and I explained to you what the differences were.

I agree, it is time to get moving on this program. We have discussed this, we have had four studies from the Speaker, the President of the other body, the Governor, they have all had studies, they have all had commissions that have pretty much proposed what I think we all agree on. I don't think there is a whole lot of debate as to what the Department of Children and Families will look like and what the Department of Health will look like. The argument here is a little bit of a power struggle as to when this will happen. This particular bill

puts it off one more year.

The other part that I want to mention is in Part C, which eliminates the State Planning Office. I think that is unfortunate because what this bill does is it pits the State Planning Office against the Department of Children so we have to choose between, then are we going to have a State Planning Office or are we going to have a Department of Children? I think that is very unfortunate and this bill is never going to fly.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: The conversation that we are having tonight is really kind of amazing. We need to rush into implementing immediately these departments, the Department of Children and Families and the Department of Health and Developmental Services. We are talking about absolutely enormous bureaucracies, about 4,900 employees. The reason that this is so amazing to me is that for the last two years we have attempted to eliminate the Division of Community Services. The Division of Community Services which had 40 or 50 employees, a half a dozen programs, some pass-through money, and it was very complicated to try to do that. It was very difficult to do that. Finally, we eliminated the Division of Community Services by turning it into the Office of Community Services. The interesting thing about the Office of Community Services is that every time it gets discussed people say, do we still have that, is that still here? Well, it is still here. Finally in this bill, we have a chance to get rid of it. So, for two years, we have looked at how do we eliminate this very small department within state government but now suddenly when we want to do major restructuring and create the implementation language to put in place by the fall of 1993 these two departments, we are not doing it quick enough. I just think it is an amazing thing that on the one hand, we can't do it slow enough with the Division of Community Services and we can't do it fast enough with these two enormous bureaucracies.

I would urge you please to enact this legislation.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: There is no one here who could be more supportive of restructuring of health and social services than I. I have been looking at this issue for a number of years, even before I was in the legislature. It didn't make sense to me the way we had structured our services.

My particular interest and knowledge happens to be with services for children and services for persons with developmental disabilities.

We are now apparently all in agreement that these services which are scattered over a number of departments and a myriad of agencies have to be brought together. We are also in agreement that we ought to restructure our current departments. Hopefully, we are not going to do this every decade or even every other decade.

We are going to be setting up a system that we can have in place for a considerable period of time. We are reorganizing many of the most crucial services provided by state government. I thought long and hard about the amendment that was offered yesterday. I talked to members of the administration about it.

I read it. I thought about it. I considered it very, very carefully. It occurred to me that my uneasiness about it had to do with the fact that much as we might like to accomplish very important things during the legislative session, it is extremely difficult to study all of the details, to be fully cognizant of what will be the result of our actions. With respect to what we are doing, we have to remember that we have many federal mandates and federal options that we have to take into consideration. We have communities and resources out there that are not provided by state government that have to be coordinated with our state government services.

What we would be doing with the passage of this legislation is ensuring that we will be restructuring, that we will be reorganizing our health, our social and our developmental services but we will also be assuring that members of this body who have expertise in particular areas and have not been able to work with state government on the minute details of how this will happen, that those members of this body and of the other body can sit down over the next several months and can work out those details, can look at all the ramifications of what we are doing, can work with members of the administration and members of all of our communities across the state. I think we need to do that and I hope you think we need to do that before we take the final steps. That is what this bill allows us to do. It says we will restructure, that we will set up a different structure for these services which we know we need to do. It says that we will downsize, that we will have a different management of the way we offer services, a different coordination between these services and between our state and local communities. But, it is not something we can do without looking at every last detail. I don't want to be back here and I am certain that you don't want to be back here in a couple of years needing to restructure over again. This is very serious business. We do serious business, very slowly. And, we also need to be sure that we are not going to do something that will jeopardize any of the community resources that we desperately need, particularly at this time when we have so few state resources and that we do not jeopardize our opportunity to make use of whatever federal opportunities there are for funds both now and in the future.

I urge you to give careful consideration to this bill and please vote for enactment of this bill.

The SPEAKER PRO TEM: 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. 412

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Hale, Handy, Heeschen, Hoglund, Holt, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Lawrence, Lemke, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Gara, Oliver, Paradis,

J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Skoglund, Stevens, P.; Swazey, Tardy, Tracy, Treat, Vigue, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, R.; Bennett, Butland, Carleton, Carroll, J.; DiPietro, Farnum, Farren, Foss, Garland, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hichens, Hussey, Jalbert, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Murphy, Nash, Norton, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Simpson, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tupper, Waterman, Whitcomb.

ABSENT - Bailey, H.; Barth, Bowers, Chonko, Donnelly, Duplessis, Dutremble, L.; Hepburn, Hichborn, Jacques, Larrivee, Luther, Merrill, Michael, O'Dea, Parent, Richardson, Sheltra, Townsend, The Speaker.

Yes, 79; No, 52; Absent, 20; Paired, 0; Excused, 0.

79 having voted in the affirmative and 52 in the negative 20 absent, the bill failed of enactment.

On motion of Representative Gwadosky of Fairfield, having voted on the prevailing side, the House reconsidered its action whereby L.D. 2384 failed of enactment.

On motion of the same Representative, the House reconsidered its action whereby L.D. 2384 was passed to be engrossed.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Maintain the Functioning of the Uniform Commercial Code and Corporate Sections of the Department of the Secretary of State (H.P. 1531) (L.D. 2160) (C. "A" H-1310)

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

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy" (EMERGENCY) (H.P. 1299) (L.D. 1879) reporting "Ought Not to Pass"

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

ENACTOR

(Reconsidered)

An Act to Further Enhance and Protect Maine's Great Ponds (S.P. 922) (L.D. 2369) (C. "A" S-719)

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

On motion of Representative Melendy of Rockland, under suspension of the rules, the House reconsidered its action whereby L.D. 2369 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-719) was adopted.

The same Representative offered House Amendment "B" (H-1313) to Committee Amendment "A" (S-719) and moved its adoption.

House Amendment "B" (H-1313) to Committee Amendment "A" (S-719) was read by the Clerk.

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

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

My question is to any member of the committee that handled this bill. As I understand it, this extends the deadline for six months for getting rid of phosphorus in detergents and can someone explain to me what the philosophy behind doing this might be?

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

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: A Maine company has requested a six months extension on this ban to enable them to plan for the ban. The Energy and Natural Resources Committee agreed to give them that extension without protest.

Subsequently, House Amendment "B" (H-1313) to Committee Amendment "A" (S-719) was adopted.

Committee Amendment "A" (S-719) as amended by House Amendment "B" (H-1313) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-719) as amended by House Amendment "B" (H-1313) thereto in non-concurrence and sent up for concurrence.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Create Jobs, Promote Economic Growth

and Provide Business Assistance (H.P. 1773) (L.D. 2455)

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

PASSED TO BE ENACTED

An Act to Establish a Professional Standards Board for Maine Teachers (H.P. 1316) (L.D. 1902) (S. "A" S-687 and H. "A" H-1289 to C. "A" H-1223)

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

Representative Marsano of Belfast requested a roll call.

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. 413

YEA - Adams, Aliberti, Anderson, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, Duffy, Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gwadosky, Handy, Heeschen, Hoglund, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Lemke, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Pouliot, Powers, Rand, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Stevens, P.; Swazey, Tammaro, Tardy, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Ault, Bailey, R.; Butland, Carleton, Carroll, J.; Crowley, Farren, Foss, Garland, Gray, Greenlaw, Hale, Heino, Hichens, Lebowitz, Lipman, Look, Lord, MacBride, Marsano, Marsh, Murphy, Nash, Norton, Ott, Pendexter, Pendleton, Pines, Reed, G.; Richards, Salisbury, Savage, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper.

ABSENT - Bailey, H.; Barth, Bennett, Bowers, Chonko, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Gurney, Hanley, Hastings, Hepburn, Hichborn, Jacques, Kutasi, Larrivee, Lawrence, Libby, Luther, Macomber, Merrill, Michael, Michaud, O'Dea, Parent, Paul, Pineau, Plourde, Poulin, Reed, W.; Richardson, Ricker, Sheltra, Simpson, Townsend, Whitcomb.

Yes, 73; No, 40; Absent, 38; Paired, 0; Excused, 0.

73 having voted in the affirmative and 40 in negative with 38 being absent, the bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

Later Today Assigned

An Act to Enable the Department of Human Services to Have a Presence in Every County through Enhanced Administrative Flexibility (H.P. 620) (L.D. 890) (S. "B" S-652 to C. "A" H-884)

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

ENACTOR

Emergency Measure

Tabled Unassigned

An Act Making Supplemental Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1992. (S.P. 972) (L.D. 2456)

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

On motion of Representative of Thomaston, tabled Unassigned pending passage to be enacted.

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

SENATE PAPER

Non-Concurrent Matter

An Act Concerning the Bureau of Intergovernmental Drug Enforcement (H.P. 1629) (L.D. 2292) (H. "A" H-1186 to C. "A" H-1106; H. "A" H-1282) which was passed to be enacted in the House on March 27, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1106) as amended by Senate Amendment "A" (S-739) and House Amendment "A" (H-1186) thereto and House Amendment "A" (H-1282) in non-concurrence.

On motion of Representative Carroll of Gray, the House voted to recede.

On motion of the same Representative, the Bill

was substituted for the Report, the bill read once.

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

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

On motion of Representative Foss of Yarmouth, Adjourned at 7:27 p.m. to Sunday, March 29, 1992, at two o'clock in the afternoon.
