

# 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  
36th Legislative Day  
Sunday, March 29, 1992

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

Prayer by the Honorable John F. Marsh, West Gardiner.

The Journal of Saturday, March 28, 1992, was read and approved.

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 28, 1992

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

Dear Clerk Pert:

Please be advised that the Senate today Insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Establish Economic Recovery Tax Credits" (EMERGENCY) (S.P. 960) (L.D. 2430).

The President appointed on the part of the Senate the following:

Senator MILLS of Oxford  
Senator TWITCHELL of Oxford  
Senator COLLINS of Aroostook

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 28, 1992

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

Dear Clerk Pert:

Please be advised that the Senate today Insisted and asked for a Committee of Conference on the disagreeing action between the two branches of the

Legislature on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337).

The President appointed on the part of the Senate the following:

Senator MILLS of Oxford  
Senator VOSE of Washington  
Senator LUDWIG of Aroostook

Sincerely,

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

Was read and ordered placed on file.

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**ORDERS**

On motion of Representative McHENRY of Madawaska, the following Joint Resolution: (H.P. 1774) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator THERIAULT of Aroostook, Representative PARADIS of Frenchville, Representative CAHILL of Mattawamkeag, Representative MICHAUD of East Millinocket, Representative BAILEY of Township 27, Representative BOWERS of Sherman, Representative GRAHAM of Houlton, Representative MacBRIDE of Presque Isle, Representative DONNELLY of Presque Isle, Representative MAHANY of Easton, Representative PINES of Limestone, Representative BELL of Caribou, Representative ANDERSON of Woodland, Representative MARTIN of Van Buren, Senator COLLINS of Aroostook, Senator LUDWIG of Aroostook, and President PRAY of Penobscot)

**JOINT RESOLUTION COMMEMORATING THE 150TH  
ANNIVERSARY OF THE WEBSTER-ASHBURTON TREATY  
OF AROOSTOOK COUNTY**

WHEREAS, the precise boundary line between Maine and New Brunswick remained a matter of often heated argument for years after the close of the Revolutionary War; and

WHEREAS, the dispute festered and smoldered until 1839, when it threatened to erupt into open warfare; and

WHEREAS, nearly 50,000 troops were readied for action and dispatched to the scene; and

WHEREAS, a temporary agreement between the 2 parties was worked out before the so-called "War of the Aroostook" reached the point of bloodshed; and

WHEREAS, the Webster-Ashburton Treaty, hammered out in 1842 by United States Secretary of State Daniel Webster and English special minister Lord Ashburton, finally settled the question of where Maine's northeast boundary lay; now, therefore be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the 150th Anniversary of the Webster-Ashburton Treaty of Aroostook; and be it

further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the officials of Aroostook County and the Maine Historic Commission.

Was read.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: One hundred and fifty years ago, a Major General by the name of Winfield Scott was sent to Northern Aroostook to try to work out a problem that we had on the border with New Brunswick and Maine. In those days, people were able to sit down and listen to each other and the art of compromise that we have heard about, well, in those days people did sit down and did work out their problems and it turned out to be the bloodless war of Aroostook County that we had. The Webster-Ashburton Treaty which was settled by the Royal Court back 150 years ago — had it been different than what it is, they chose to take the St. John River for the border. Had it been different, it could have been down to Houlton. Had that happened and were I in politics, I would be receiving ten times the wages I am today and also I would have a national health plan.

Subsequently, the Resolution was adopted and sent up for concurrence.

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**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (H.P. 1748) (L.D. 2436) (S. "A" S-737 to H. "A" H-1255; H. "B" H-1266)

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

On motion of Representative Ketover, under suspension of the rules, the House reconsidered its action whereby L.D. 2436 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-1255) as amended by Senate Amendment "A" (S-737) was adopted.

The same Representative offered House Amendment "B" (H-1318) to House Amendment "A" (H-1255) and moved its adoption.

House Amendment "B" (H-1318) to House Amendment "A" (H-1255) was read by the Clerk.

On motion of Representative Ketover of Portland, tabled pending adoption of House Amendment "B" (H-1318) to House Amendment "A" (H-1255) and later today assigned.

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**ENACTOR**

**Later Today Assigned**

An Act to Legalize Marijuana for Medicinal Purposes (H.P. 1729) (L.D. 2420) (H. "A" H-1312 to C. "A" H-1281)

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.

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**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:

Bill "An Act to Provide Skills Training for Unemployed Workers" (H.P. 1772) (L.D. 2454) TABLED - March 27, 1992 (Till Later Today) by Representative DAGGETT of Augusta.  
PENDING - Adoption of House Amendment "A" (H-1300)

On motion of Representative Gwadosky of Fairfield, retabled pending adoption of House Amendment "A" (H-1300) and later today assigned.

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

An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring (S.P. 910) (L.D. 2330) (C. "A" S-725) TABLED - March 28, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

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) TABLED - March 28, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

Bill "An Act to Restructure State Government" (EMERGENCY) (S.P. 929) (L.D. 2384) (S. "C" S-704; S. "H" S-723 and H. "A" H-1297 to C. "A" S-680) TABLED - March 28, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Engrossed.

Representative Joseph of Waterville offered House Amendment "A" (H-1317) and moved its adoption.

House Amendment "A" (H-1317) was read by the Clerk.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of House Amendment "A" (H-1317) and later today assigned.

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

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) TABLED - March 28, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Limit on State Spending and the Creation of Reserves (H.P. 1661) (L.D. 2338)

Signed:

Senators: BRANNIGAN of Cumberland  
PEARSON of Penobscot

Representatives: PARADIS of Frenchville  
CARROLL of Gray  
RYDELL of Brunswick  
POULIOT of Lewiston  
MICHAUD of East Millinocket  
HICHBORN of Howland  
CHONKO of Topsham

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1316) on same RESOLUTION.

Signed:

Senator: FOSTER of Hancock

Representatives: FOSS of Yarmouth  
MacBRIDE of Presque Isle  
REED of Falmouth

Reports were read.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

I would hope you would accept the Majority "Ought Not to Pass" Report. The concept of this constitutional amendment is a good idea. The reason why the majority of the committee voted not to pass this amendment is simply because we did not have the time to go through this bill in an effective manner. Anytime we put anything in the constitution or propose to the voters to put in the constitution, we want to make sure that it is done right.

There was another bill that we dealt with earlier, a bill that Representative Cashman brought before the committee, it was also a very good idea. The committee killed that bill as well simply because we do not have the time to deal with it in this session particularly since we still have not resolved the budget problems.

I hope you accept the Majority "Ought Not to Pass" Report.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not support the pending motion. I want to take just a moment to tell you why there is a Minority Report. It seemed to the minority signers that this was a sensible proposal and that it might go a long way to avoid much of the pain and stress and difficulties that every member of this House and members of the other body and every citizen of the State of Maine have undergone in the last couple of years. It seemed a simple proposal and as you can see if you have the bill before you, it is a paragraph — it seemed to us that it complies nicely with the doctrine of separation of powers in that the action of the Chief Executive and the action of the two-thirds majority of this body and the other body would be required to expend from this fund. And, it seemed it met very nicely with some comments in the report of the Restructuring Commission (which I am sure you don't have before you and I hope you will give me a moment to just share a little bit of them with you). That commission said that government spending has expanded at the same rate as revenues and we all know that that is potentially true and that when revenues make a rapid change, the result is crisis driven, wrenching reassessment. I think that we would all agree that we have all experienced some wrenching reassessments over the last couple of years. So, it seemed to us that it was reasonable, that this legislature frequently asks the citizens of the State of Maine to express their desires to us on spending policies and it seemed like a very rational corollary for us to ask those same citizens to express their desires to us on a savings policy.

With that in mind, I urge this House to consider

carefully rejecting the motion before you so that we may adopt the Minority Report.

Mr. Speaker, I request a division.

The SPEAKER: A vote has been requested. The pending question before the House is the motion of Representative Michaud of East Millinocket that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Whitcomb of Waldo requested a roll call vote.

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

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

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I, too, think the concept in this bill deserves further study and consideration but I want to remind you what the bill actually says. It says, "The expenditures of state government may not exceed in any budget period an amount established by formula prescribed by the legislature." And, at the end of this one paragraph it says, "The legislature shall prescribe the procedures by which the terms of this provision are implemented including a specific spending limitation formula." Well, we have not discussed any of the provisions in this paragraph. This bill deserves further consideration, this idea deserves further consideration but if we as a legislature were to approve this now without knowing what the formula would be, what the provisions would be, how could we defend sending this out to the voters when we have not had more than a very cursory review and overview of the language in this bill? We have not sat down and discussed how we would implement this and how we would explain to the voters how we are implementing this. We need to come back to this at another time in another session in another legislature. I would ask you to please accept the Majority "Ought Not to Pass" Report.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I want the members of this body to understand that this was not a major confrontation or divisive issue on the committee. When it was reviewed by us, some of us did feel that it addressed some of the critical issues that we felt we faced over the last couple of years. I do appreciate the comments that the concept is good. The lack of scrutiny, I think, can be questioned somewhat because the Restructuring Commission did meet for several months and came up with some fairly articulate statements about why this should occur.

I know Representative Cashman's bill was mentioned. I liked that bill and I said I would like to move that "Ought to Pass" and make it retroactive to about 1983 but I think this body should go on record and should encourage this kind of fiscal responsibility. It seems to me as I was reviewing the list of bills that are on the table for us to

consider some time later today, if we can ask the voters in November if they wish to amend the constitution to clarify succession to the positions of Treasurer of State and Secretary of State, we ought to be in a position to ask them if they want us to move ahead in limiting expenditures and creating some balance in state spending.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Michaud of East Millinocket that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 414

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

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - Bowers, Clark, H.; Duplessis.

Yes, 97; No, 51; Absent, 3; Paired, 0; Excused, 0.

97 having voted in the affirmative and 51 in the negative with 3 absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

#### PASSED TO BE ENGROSSED WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Concerning Fuel Oil and Coal Used in Manufacturing Processes" (H.P. 1755) (L.D. 2441) (Presented by Representative MAYO of Thomaston) (Cosponsored by Senator BRAUN of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

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

passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following item: Bill "An Act to Restructure State Government" (EMERGENCY) (S.P. 929) (L.D. 2384) (S. "C" S-704; S. "H" S-723 and H. "A" H-1297 to C. "A" S-680) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-1317).

Subsequently, House Amendment "A" (H-1317) was adopted.

The bill was passed to engrossed as amended Committee Amendment "A" (S-680) as amended by Senate Amendments "C" (S-704), "H" (S-723) and House Amendments "A" (H-1297) thereto and House Amendment "A" (H-1317) in non-concurrence and sent up for concurrence.

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 (H.P. 1748) (L.D. 2436) (S. "A" S-737 to H. "A" H-1255; H. "B" H-1266) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "B" (H-1318) to House Amendment "A" (H-1255).

Subsequently, House Amendment "B" (H-1318) to House Amendment "A" (H-1255) was adopted.

House Amendment "A" (H-1255) as amended by Senate Amendment "A" (S-737) and House Amendment "B" (H-1266) thereto was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-1255) as amended by Senate Amendment "A" (S-737) and House Amendment "B" (H-1266) thereto and House Amendment "B" (H-1318) 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.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Martin of Eagle Lake the House reconsidered its action whereby An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (H.P. 1748) (L.D. 2436) (S. "A" S-737 to H. "A" H-1255; H. "B" H-1266) and House Amendment "B" (H-1318) was passed to be engrossed in non-concurrence.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment

"A" (H-1255) as amended by Senate Amendment "A" (S-737) & House Amendment "B" (H-1318) thereto was adopted.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "B" (H-1318) to House Amendment "A" (H-1255) was adopted.

On further motion of the same Representative, House Amendment "B" (H-1318) was indefinitely postponed.

House Amendment "A" (H-1255) as amended by Senate Amendment "A" (S-737) thereto was adopted.

Subsequently, the bill was 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 concurrence.

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 7 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 Implement the Recommendations of the Special Commission on Governmental Restructuring (S.P. 910) (L.D. 2330) (C. "A" S-725) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Pendexter of Scarborough, under suspension of the rules, the House reconsidered its action whereby L.D. 2330 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-1315) and moved its adoption.

House Amendment "B" (H-1315) was read by the Clerk.

The SPEAKER: 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 the sponsor of this amendment, if this were enacted, what would happen to juvenile caseworkers?

The SPEAKER: Representative Anthony of South Portland has posed a question through the Chair to Representative Pendexter of Scarborough, who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: My understanding is, it would remain where it is presently.

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

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

Again, my question is to the sponsor of this amendment. I know that under the previous amendment there was a group charged with looking at and deciding what ought to happen with juvenile caseworkers. I don't see any reference to that in this. I guess I need to understand, is it assumed that there would be no consideration of their being moved into a Department of Children and Families?

The SPEAKER: Representative Anthony of South Portland has posed a question through the Chair to Representative Pendexter of Scarborough, who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I guess the best way I can answer that is that it is not mentioned any differently and, therefore, is not in conflict with what has already been presented.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: There is a significant difference as I see it between this and the previous proposal in the way it deals with juvenile caseworkers. At least with the other, there was a group charged, a Juvenile Corrections Task Force, to meet by June 1, 1992 and the Interdepartmental Council was required to convene a task force to look into that area. I am not clear in my own mind what ought to happen and I think that reasonable minds ought to come to bear on that. There is something to be said for moving juvenile caseworkers into the Department of Children and Families and yet I have some reservations about it as well. Where there is no consideration of that in this proposed amendment, I have some real concerns about the proposed amendment.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: My amendment does not move them into the Department of Children if that is what you are asking.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion to adopt House Amendment "B." This amendment would have a department fully functional by October 1st without legislative oversight. Basically what we are doing is establishing a legislative committee that isn't going to have time to meet and the legislature may or may not be in session between now and the time that the movement of the departments would start.

There has been considerable discussion in the last 24 hours about a compromise position. I would suggest to you that House Amendment "B" is not that compromise position.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I would ask you to take a look at this piece of legislation. It will provide for the placement of the newer program within the year and it can bring about this in a more expedient manner than what a previous piece of legislation would have done. The time has come for us to look at this Children and Family situation. There is much need for this and you all are aware of the conditions that are existing and have existed over the last several years. I ask you to take a good hard look at this and I ask for your vote.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, I would like

to pose a question through the Chair.

I would like to know what the rationale is to move the Department of Children and Families segment from L.D. 2384 to 2330. The first piece of legislation that I spoke about, until last night, had an emergency clause on it and the implementation would start sooner than later. If we adopt this amendment, then it would be 90 days after the signing of this piece of legislation. I fail to understand why we would be moving this part of the legislation into another piece of legislation and perhaps we can hear about that.

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

The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Members of the House: The answer would be as I alluded to in prior debate that L.D. 2384 would probably not survive the legislative process.

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

Representative JOSEPH: Mr. Speaker, I move indefinite postponement of House Amendment "B."

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I would hope that you would vote against the indefinite postponement of this amendment.

There are two basic differences here when it all boils down to discussing these two portions of how we are going to restructure the Department of Children and the Department of Health. I don't think there is a whole lot of disagreement between what that should look like but what we are disagreeing about is when the process begins. This particular amendment that I am presenting begins the process now because we don't need to study the reorganization of the children's services anymore.

There is now a conflict with the commission on reorganization that is proposed in the other legislation and with what is proposed here is a legislative oversight committee. Basically what we are looking at is, are we going to micromanage the transition process, are we going to allow some flexibility so that the process can continue to work the way it should? I think that it is very important that we continue to provide the flexibility for the transition to happen.

The oversight committee in the other bill does nothing as far as creating a Department of Children until sometime next year. This amendment creates the Department of Children on July 1st and brings the transition to occur by October 1st. The commissions of either department will then submit to the next session of the legislature the language it needs to talk about the functions and responsibilities and present revised budgets as needed.

I really think we have studied this to death. My amendment is not in conflict with four studies that we have already had on this issue and I guess the difference between my amendment and the other bill is that mine allows the process to move now because I really feel that this is the sound approach and that we should just go ahead and do it.

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



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

As I understand the statement that was just made, the department would be created on July 1st of this year, the transition would end on October 1st with the new departments then in place and then language would be proposed to the next session or the first session of the 116th, so if language is proposed after the establishment, does that mean that we then have to re-structure starting in January if there are changes in the language?

The SPEAKER: Representative Kilkelly of Wiscasset has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I believe the language in this amendment creates the way that the departments will appear. What I mentioned is that the commissioners will come back to the legislature detailing all the functions and responsibilities of the department, including a revised budget.

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

Representative KILKELLY: Mr. Speaker, I would like to pose another question through the Chair.

If the legislature did not agree with the proposals that were brought back by the commissioners, then there would need to be additional changes after restructuring. So, in fact, we would be restructuring restructuring rather than putting something in place once that might in fact stick?

The SPEAKER: Representative Kilkelly of Wiscasset has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: The way the transition would work is that Commissioner Grover how is Chair of the Interdepartmental Council would work with the oversight committee which is made up of the usual nine to four composition of legislators. I guess from what I know of Commissioner Grover he certainly works very well with legislators and I feel that if there were an issue that would be really not acceptable to the transition legislation committee, then I would think that would be addressed.

I guess my argument is that my amendment creates the foundation and we just need to just get going on it. If problems arise, then we can address those as we go along but at least I think we generally agree on the general basis on what the Department of Children and the Department of Health should look like.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to Representative Kilkelly. I am perplexed about this burning need for legislative participation because there have been legislators on every single study group that has studied this issue for the last three or four years including Representative Joseph and myself and members of the other body. I would like to know, is there a fiscal note on this study and why are people so opposed to making this

restructuring change and moving ahead with the Department of Children now?

The SPEAKER: Representative Foss of Yarmouth has posed a question through the Chair to Representative Kilkelly of Wiscasset who may respond if she so desires.

The Chair recognizes that Representative.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: My belief in planning is that there are several phases of planning. One is that you look at a problem and determine if something is going on that you want to change. Next, you spend time reviewing that to see exactly which parts of it you want to change and how you want to go about doing that. The next piece is studying that more in depth. Once you have defined what it is you want to study, you do that more in depth. Then you put together the implementation and then after that is done, you in fact implement.

I am concerned that we are going to be moving around 5,000 staff, tens of thousands of clients, millions of dollars prior to having a true implementation process. What we have done — the issue has been studied, the issue has been reviewed and yes, there are parameters within which to work. But, what the piece of legislation that was reported out of the State and Local Government Committee does is not study the subject further, it studies how to take the information that has been put together by the previous reviews and how do we then implement that? I think that legislative input in that is essential, absolutely essential and, if there is not a cooperative effort in doing that, then the whole thing is doomed to failure. If we end up with all of this movement taking place by October and then in January with legislation coming in — we have seen unanimous reports that have gone on their ear around here — so if those reports come in and we need to make further changes, I feel that it would be desperately disruptive, not only to staff but to clients and everyone else involved. I really do feel that this is a very logical progression that we are working on. We need now to look at how we are going to implement this, not if, but how. I think that is a very reasonable step to take.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to repeat my question about a fiscal note. Is there money in here to yet again pay legislators to study a Department of Children?

Mr. Speaker, I request a roll call.

The SPEAKER: Representative Foss of Yarmouth has posed a question through the Chair to any member who may respond.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: If there is a \$10,900 fiscal note, it is by error on this piece of legislation. It was agreed to in committee that legislators would serve without compensation on the commission to reorganize the Department of Health and Developmental Services and the Department of Children and Families, as did all persons on the Blue Ribbon Commission for Children and Families as well as the Governor's committee on Children and Families.

To me, the significant difference here is that in the amendment that we are talking about, the content

of the legislation that would come to the 116th, would be drafted by the Commissioners of the new departments and the legislative role is not defined in that piece of legislation, whereas in the unanimous consent of the committee in L.D. 2384, it is very well defined. The implementing legislation talks about how the service delivery with each new department would occur. It creates a universal information referral system, it uses a single case management system, it uses a single contracting evaluation and licensing system and shares resources. It continues to say that it requires the organization of Children and Families to be developed around three functional clusters with specific recommendations for programs within each cluster. It requires that the organization of Health and Developmental Services be developed around six functional clusters, although I understand that department is not in this piece of legislation. It requires to the extent possible within federal law, that all programs for homeless are transferred to the Maine State Housing Authority. The committee spent a great deal of time developing these guidelines and directions for the committee that would be working with the commissioners in order to reorganize the Department of Children and Families and the Department of Health and Developmental Services.

I urge you to indefinitely postpone House Amendment "B."

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

Representative ANTHONY: Mr. Speaker, I wish to pose a question to anybody who may answer.

My question involves the fiscal note issue and the committee to study restructuring. The Representative from Yarmouth pointed out that there is a fiscal note on this amendment for \$10,900 and it creates a study committee on the reorganization of Health, Social and Developmental Services. In L.D. 2384 in its present posture, there is also a fiscal note of \$10,900 and also the same committee. Does that mean we would have two committees and two different fiscal notes? What is the status of this, please?

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

The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: The committee, in this amendment, would be appointed by June 1st, get to work by July 1st and be done their job by October 1st. Their job basically is to oversee the transition of the department. The committee in the other L.D. is appointed also on June 1st and must meet by July 1st and they must have their duties done by November 1st. However, what happens in the process is they are developing legislative language to implement and nothing can happen until they submit that legislation to the next session of the 116th.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: The basic difference between this proposal and the other, as I see it, is that in this proposal, the process by which the implementation takes place, the budget, the structure and the function, the language to do that is written

by the commissioners through the IDC, the Interdepartmental Council. In the proposal in 2384, the legislation is written by the lawmakers. We decide what that department ought to look like and what the structure ought to be. I believe that is the major difference between the two pieces with, as I would remind folks, the question Representative Anthony asked about the creation of a task force on Juvenile Corrections, which I think is an extremely important piece of 2384 and why I believe we should reject this House Amendment.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I know this bill is not in my committee nor the restructuring issue has not been my issue but I am extremely concerned and have been interested in the Department of Families and Children for several years. I am just frustrated by what appears to be attempts to slow down this happening.

I also object strongly to paying legislators to write legislation when we are paying a lot of money to professionals who are hired by us to do that sort of thing. I know the response has been that there are different fiscal notes on different bills. Then I heard the Chair say that they were volunteering to do this. Then another speaker said, no, they are being paid somewhere else to do something else. I recall a few years ago the Speaker ruled that legislators cannot serve voluntarily on this sort of thing and I am just really confused. I think that this body ought to go on Record doing a Department of Families and Children as quickly as possible. I think we all should have confidence in the professionals we have hired to do that. We all have heard complaints and many in this body have complained about how much we are paying them for their professional expertise and I think we ought to use it now.

The SPEAKER: The Chair would advise members of the House and Representative Foss of Yarmouth that the Chair would certainly never suggest that people couldn't work for nothing. As a matter of fact, most legislators do from time to time. The determination as to whether or not someone would be paid would have to be what is in statute.

The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. The previous speaker brought me to my feet. On this issue, I agree with the good Representative from Gorham who stated that this amendment does do a major shift on what the intent of the original legislation was. To go to the previous speaker before me, Representative Foss of Yarmouth, I, unlike her, don't have a problem with legislators legislating and paying them to do so. I think that is why we were elected to these positions for our input and we have staff to help us in that task but I have no problem letting legislators legislate.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Joseph of Waterville that House Amendment "B" (H-1315) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 415

YEA - Adams, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Hale, Handy, Heeschen, Hichborn, Hichens, Hوجلund, Holt, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Skوجلund, Stevens, P.; Strout, Swazey, Tardy, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; DiPietro, Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hussey, Jalbert, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, O'Gara, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Tamaro, Townsend, Tupper, Whitcomb.

ABSENT - Bowers, Clark, H.; Coles, Duplessis, Gwadosky, Luther, Morrison, Salisbury, Simpson.  
Yes, 84; No, 58; Absent, 9; Paired, 0; Excused, 0.

84 having voted in the affirmative and 58 in the negative with 9 absent, the motion to indefinitely postpone did prevail.

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

(At Ease)

The House was called to order by the Speaker.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Establish Economic Recovery Tax Credits" (EMERGENCY) (S.P. 960) (L.D. 2430) have had the same under consideration and ask leave to report:

That the Senate Recede from Passage to be Engrossed as amended by Committee Amendment "A"

(S-713) and Concur with Passage to be Engrossed as Amended by House Amendment "A" (H-1299).

That the House Read and Accept the Report.

(Signed) Senator MILLS of Oxford and Senator TWITCHELL of Oxford - of the Senate

Representative CASHMAN of Old Town, Representative DORE of Auburn, and Representative MORRISON of Bangor - of the House.

Came from the Senate with the Committee of Conference Report read and accepted.

Committee of Conference Report was read and accepted in concurrence.

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

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1777)

Ordered, the Senate concurring, that the following specified matters be held over to the Third Special Session of the 115th Legislature:

Banking and Insurance

SP0857, L.D. 2181  
An Act Regarding Workers' Compensation Rate Proceedings and Rate Hearings

HP1571, L.D. 2218  
An Act to Revise the Workers' Compensation Laws

SP0965, L.D. 2442  
An Act to Deregulate Workers' Compensation Insurance Voluntary Market Rates and to Establish the Workers' Compensation Employers' Mutual Fund

Labor

HP1735, L.D. 2423  
An Act to Reform the Workers' Compensation System

State and Local Government

HP1573, L.D. 2220  
Resolve, to Establish A Unified Department of Children and Families

Was read and passed and sent up for concurrence.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Establish a Professional Standards Board for Maine Educators (H.P. 1316) (L.D. 1902) (H.

"A" H-1289 and S. "A" S-687 to C. "A" H-1223) which was passed to be enacted in the House on March 28, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1223) as amended by House Amendment "A" (H-1289) and Senate Amendments "A" (S-687) and "B" (S-747) thereto in non-concurrence.

The House voted to recede and concur.

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

**FINALLY PASSED**

Resolve, to Transfer Certain State Lands to the Sinclair Sanitary District (H.P. 1770) (L.D. 2453) (S. "A" S-732 and H. "A" H-1314)

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

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act Concerning the Bureau of Intergovernmental Drug Enforcement" (EMERGENCY) (H.P. 1629) (L.D. 2292) on which the Bill was substituted for the Report and passed to be engrossed in the House on March 28, 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" (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.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Create Jobs, Promote Economic Growth and Provide Business Assistance (EMERGENCY) (H.P. 1773) (L.D. 2455) which was passed to be enacted in the House on March 28, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-740) in non-concurrence.

The House voted to recede and concur.

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

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

Bill "An Act to Require that Administrative Cost Reductions Be a First Priority in the Event of Revenue Shortfalls" (H.P. 1776) (L.D. 2458) (Presented by Representative POULIOT of Lewiston) (Cosponsored by Representative GWADOSKY of Fairfield, Representative MORRISON of Bangor and Representative ALIBERTI of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

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

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

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

**Later Today Assigned**

Bill "An Act to Delay the Workers' Compensation Rate Increase" (EMERGENCY) (H.P. 1775) (L.D. 2457) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Senator KANY of Kennebec, President PRAY of Penobscot and Representative MAYO of Thomaston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

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

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

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

**SENATE PAPER**

**Ought to Pass as Amended**

Report of the Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-601) on Bill "An Act to Amend the Law Regarding the Responsibilities of Code Enforcement Officers to Approve Plans or Technical Submissions by Architects" (EMERGENCY) (S.P. 798) (L.D. 1997)

Came from the Senate, with the report read and

accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-601).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-601) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-601) in concurrence.

The Chair laid before the House the following matter: An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring (S.P. 910) (L.D. 2330) (C. "A" S-725) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Subsequently, L.D. 2330 was passed to be engrossed as amended by Committee Amendment "A" (S-725).

Subsequently, L.D. 2330 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**SENATE PAPERS**

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-744) on Bill "An Act to Amend the Laws Concerning the Maine Court Facilities Authority" (S.P. 831) (L.D. 2135)

Signed:

Senators: BRANNIGAN of Cumberland  
PEARSON of Penobscot

Representatives: MICHAUD of East Millinocket  
MacBRIDE of Presque Isle  
PARADIS of Frenchville  
CARROLL of Gray  
CHONKO of Topsham  
HICHBORN of Howland  
RYDELL of Brunswick  
POULIOT of Lewiston

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

Signed:

Senator: FOSTER of Hancock

Representatives: FOSS of Yarmouth  
REED of Falmouth

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-744).

Reports were read.

Representative Chonko of Topsham moved that the House accept the Majority "Ought to Pass" Report.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I just want to explain to you why there is a Divided Report.

This was not a terribly contentious issue in the committee either but the enabling legislation behind this request of the Maine Court Facilities Authority which has more than doubled their bonding authority requires that they demonstrate the ability to pay for the increased debt. You may not recall but in the document that we dealt with, for some time now, there is a Part B appropriation of about \$800,000 to the Judicial System for debt service. I asked a representative of the court if that meant in simple words if they were presently unable to pay their debt service and the answer was yes. Therefore, we felt it imprudent to allow them to increase their debt.

Mr. Speaker, I request a division.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: We did have a discussion about this bill in our committee and the majority of the committee did put out the report and we felt the bill ought to come to the floor as amended to allow the courts to increase from \$15 million to \$25 million. There is a reason for that. The reason is that in planning for additional court facilities as they may be needed around the state, there is a need for them to have this additional authority so that they can commence with the planning and consider the various options particularly in York County where there has been a court facility study and where there needs to be further consideration whether to centralize the courts or to continue with the decentralized District Court system.

I know from my own Bath/Brunswick area which now will have a new court, we went through a long process in deciding what is the best way to develop the court facilities in that area. How should we combine each in Cumberland County with Sagadahoc County into a court facility that would meet the needs of the people in our area? The same thing has taken place in Presque Isle and other areas around the state particularly Cumberland County in the greater Portland Area and the rest of Cumberland County besides the eastern part of the county where I happen to live. We need to allow the kind of flexibility that will allow people to determine what is the best way to meet the court needs. This does not grant them the authority to go out there and issue any securities. They will have to come back to the legislature. Nothing in this chapter may be construed to authorize the authority to issue securities to fund the construction, reconstruction, purchase or acquisition of facilities. They must come back here and they will have to discuss this further with us. The legislature will have to give approval, this is just allowing them to increase their authority, that it could go up to that point of \$25 million instead of \$15 million.

In particular, I repeat, it is necessary so that the appropriate planning can go on in York County.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: This bill is very important to the people of York County. Currently in the Biddeford District Court, we are facing a crisis situation with a courthouse that is subject to periodic flooding, subject to fleas throughout the entire courthouse. The Superior Court as well is in badly need of repair. The Delegation from York County disagrees with the exact plan to take but we all agree that something needs to be done very quickly to address the court situation in York County. This bill will not authorize any bonds, it simply allows us to go ahead with the planning. We will have to come back to the legislature with a plan which will have to be approved by the legislature before any bond goes out and the state is committed to anything. All this allows us to do is sit down with the judges and the lawyers in York County and discuss exactly what we want to do, what the future of the York County courts are. I urge your support for this bill.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think anyone in this House should interpret the minority signers as being against the York County court project but I would like to inform you that yes, the courts will have to come back with their plan but we are authorizing them to add \$10 million to Maine's level of bonded indebtedness without asking the citizens of this state for their approval.

We had this discussion a week ago about a line of credit for DOT for the Maine Municipal Bond Bank, the court facilities uses the Maine Municipal Bond Bank, the University System uses it, we just oppose having that kind of borrowing occur without the approval of voters. It seems to me it would be a more prudent plan to have York County and the courts develop a plan down there, come to the legislature and we pass that through to a referendum vote for the citizens to approve that level of bonding.

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

A vote of the House was taken.

79 having voted in the affirmative and 25 in the negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-744) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-744) in concurrence.

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

(At Ease)

The House was called to order by the Speaker.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs" (H.P. 1749) (L.D. 2438) which was passed to be engrossed in the House on March 23, 1992.

Came from the Senate failing of passage to be engrossed in non-concurrence.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House recede.

During this past year, we have had a review of the driver education evaluation program and the subcommittee chair was Representative Daggett. So, I would like to defer to Representative Daggett who has an amendment to offer.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Erwin of Rumford that the House recede and later today assigned.

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

**PASSED TO BE ENACTED**

An Act to Further Enhance and Protect Maine's Great Ponds (S.P. 922) (L.D. 2369) (H. "B" H-1313 to C. "A" S-719)

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

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

**PASSED TO BE ENACTED**

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 and H. "A" H-1317)

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

Representative Pendexter of Scarborough requested a roll call vote.

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

A vote of the House was taken and more than

one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

ROLL CALL NO. 416

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

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tamaro, Tupper, Whitcomb.

ABSENT - Adams, Bowers, Duplessis, Hastings.  
Yes, 98; No, 49; Absent, 4; Paired, 0;  
Excused, 0.

98 having voted in the affirmative and 49 in the negative with 9 being absent, 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: Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs" (H.P. 1749) (L.D. 2438) which was passed to be engrossed in the House on March 23, 1992; Came from the Senate failing of passage to be engrossed in non-concurrence which was tabled earlier in the day and later today assigned pending the motion of Representative Erwin of Rumford that the House recede.

Subsequently, the House voted to recede.

Representative Daggett offered House Amendment "A" (H-1323) and moved its adoption.  
House Amendment "A" (H-1323) was read by the Clerk and adopted.

Senate Amendment "B" (S-743) was read by the Clerk.

Subsequently, Senate Amendment "B" (S-743) was indefinitely postponed.

The bill was passed to be engrossed as amended by House Amendment "A" (H-1323) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Provide Skills Training for Unemployed Workers" (H.P. 1772) (L.D. 2454) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-1300).

Representative Kontos of Windham withdrew House Amendment "A" (H-1300).

The same Representative moved that L.D. 2454 be recommitted to the Committee on Housing and Economic Development.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: You heard me speak the other day and you heard the good chair of the Housing and Economic Development Committee speak to this issue. I hope you will pay attention to the original L.D. 2454 which includes a proposal from the technical college to create slots for nearly 4,000 unemployed Maine workers. It is one of the more interesting pieces of legislation that you might be able to look at and take home to your constituents after this session is over.

Based on the proposal from the technical college, it will generate almost 4,000 jobs that they project will include \$9.7 million of income and sales tax within three years because their placement is so high for people in the kinds of positions that they have slots for. This particular proposal from the technical college was also reviewed by members of the Education Committee and has received widespread support, as I told you the other day, from folks in a variety of our communities.

I want you to pay attention to it. I am saddened that we couldn't find a funding mechanism. I have pursued a variety of avenues and none of them were palatable to a lot of folks. It is one of the great regrets this week that I wasn't able to find a little pocket of money for this proposal. But, we intend to keep working on it and hope that by Fall or at least when the next legislature resumes in January, there will be a pot of money somewhere to do what I think is vitally important. This is one of those proposals that will create jobs, it will begin to help us look at long-term economic recovery and it seems to me is one of the vital responsibilities of state government.

Because I have withdrawn the amendment does not mean you will not hear me yammering about this in the future. I hope you will do as I suggested, take L.D. 2454, study it, take it home to the folks in your district and I know you are going to get the same kind of support that the members of the committee feel for this bill.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to spend a moment to reaffirm comments of Representative Kontos. The Housing and Economic Development Committee spent a great deal of their time this year putting together a package — two packages actually — that deal with long-term sustainable growth for Maine. They took the components of a legislative initiative called "Jobs for Today, Jobs for Tomorrow" and also combined that with components of the Jobs Commission Report and put together one package that

didn't require funding that has already gone through this process and is close to being on the Appropriations Table.

I want to reaffirm what Representative Kontos said about this important piece of legislation. As I said earlier, the Housing and Economic Development Committee spent a great deal of time this session trying to put together a package for some long-term sustainable economic growth in Maine.

They identified many areas of bills that were going through the process that would reduce the cost of business in Maine.

They recognized areas for restructuring and longer term planning and they have a coordinating council that has been envisioned in the package that we already passed.

They have got things dealing with access to capital and a lot of things that will aid the Finance Authority of Maine and other institutions to get capital. All those things have passed.

One of the prime areas that they were trying to deal with was Research and Development and Maine Technical Colleges. The particular piece that is envisioned in this particular bill deals with the issue that you and I are facing with every day, there are some 55,000 people in Maine that are currently unemployed. Sadly about half of those people are no longer collecting unemployment benefits.

Maine needs an economic recovery plan that is going to give some sort of hope and opportunity to those people who are unemployed. At a time in state government where for the last two years it seems as though we have been dismantling bits and pieces of state government, many people felt it was important to invest back into programs that could help us turn this around.

The Vocational/Technical Colleges offered up a plan that showed a lot of vision, it was a very bold plan. Instead of battenning down the hatches, they said that we (the technical colleges) are not part of the problem, we are part of the solution. They put together a plan that was going to set aside 4,000 slots over the next couple of years to help train unemployed workers. It would also expand other programs that are in critical needs because there are jobs available in the State of Maine that are going unfilled because we don't have enough technical skilled people to go to those jobs. We turned away more people in the technical colleges last year than graduated. We turned away more people than we can actually graduate.

We really need to think hard about what we are going to do with technical colleges if we are going to be willing to make the personal commitment to invest in technical colleges to help turn this around.

The figures are all there, technical colleges have enjoyed widespread support. Whenever this legislature has had a chance to support them, separating from the Department of Education, enhancing their ability, passing bond issues, this legislature has always acted affirmatively. Whenever the voters have had a chance to support them in a bond issue, they have. There has never been a bond issue for technical colleges that has been defeated. That is something that we can all be proud of but it is because of the efforts of many people and the legislature over a number of year, who have had to bring these issues to the forefront. That is why we feel bad about that.

From people like Representative Crowley,

Representative Handy, and others who worked so hard for technical colleges over the years and all the members of the committee I think feel the say way. They had a unanimous recommendation that this would be funded as well as the Housing Committee and we are sorry that we are unable to find the necessary General Fund allocations but at the same time, we felt uneasy putting people in a vice of having to vote for a funding mechanism that they didn't believe in, even though we know they support the technical colleges.

Representative Kontos was also going to amend this particular amendment and deal with the very important issue of Research and Development. Every statistic in the country will show that, unless you have a sophisticated mechanism for Research and Development, you are not going to develop. In the State of Maine where our infrastructure is crumbling and where our mature industries are in a sad state of R & D, it is unfortunate that we rank last in the country for Research and Development investments.

People like Representative Simonds and Representative Kontos have spent a long time working with the University System to put together a doable piece investing in the areas of biotechnology, material research, rural health centers at the University of Southern Maine and Orono to help put together a strong package. Unfortunately, we just can't find the money. We tried hard and we are not going to give up. Our intent is to recommit the bill back to the Housing and Economic Development Committee and carry it over to the Special Session. We are going to work as hard as we can between now and then, we are going to look under every rock that we can find to try to find money because we believe so much in this proposal. We believe that we need to invest in Research and Development, we need to invest in the work force. We need to do something for those unemployed people in the State of Maine and we can do it if we make a commitment as a legislature to make it a priority as a funding initiative. We hope that you will join with us, that come September or January, you will embrace this proposal as your own and help us move it forward on behalf of all of Maine people.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak briefly on this bill because I may not be here if we don't do it in a Special Session. I just want everybody to feel the same way I do about the Technical College System.

I think the bill that Representative Kontos has proposed is truly the basis for starting economic recovery and keeping it moving. We must expend more energy toward technical resources and technical resource development. Our colleges are the ladders to success in this area.

Although Representative Gwadosky has mentioned some of the things, I do want to quote from a letter from the President of the Eastern Maine Technical College who says that the technical colleges can turn the situation around to make the economics work because, "over 80 percent of the Maine 1991 graduating class were placed in jobs and over 97 percent were placed in Maine. The six technical colleges turned away nearly 4,000 applicants," as you have heard.

If this proposal were implemented, if we can find



the money to do it, based on an 85 percent placement rate if we have 4,000 new graduates, they would earn about \$164 million in wages enabling this state to collect \$9.7 million in income and sales taxes within three years. The reason for this is that technical college graduates are so well sought after and they do earn good money so that they would be able to get this economy on the move. If they were first employed citizens, they would continue to pay taxes after the three years into the second year. In the future, these workers would possess relevant technical skills that will be in high demand. There are slots now in the State of Maine that are going unfilled because we don't have trained workers. So, I hope that you will please consider this very carefully and that we will be able to vote something in for the colleges.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: We continue to give lip service to the economic development and the importance of our technical colleges and we are acting and sounding more and more like the federal government, all rhetoric and no action. I hope you will return this bill back to the committee so it can work on it.

This bill is an excellent economic development tool using our best facility, the Maine technical colleges, and we must upgrade the skills and knowledge of our work force and we are not going to do it by cutting them in budget. For example, three years ago, they had a \$25 million budget, today they have a \$22 million budget. We are going the wrong direction for economic development. So, I hope you will send this bill back to the Committee on Housing and Economic Development.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: It is ditto, ditto and ditto for all previous speakers and especially the last speaker. Jobs should be the number one priority and somehow we have forgotten it.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: Yes, the current shortage that we have for skilled workers is a shortage that will likely continue through the 1990's even if we were to be able to start this tomorrow because it does take time to train them.

The reason I stand up right now is because I know that between now and June when we have an opportunity to speak to our constituents trying to push the bond issue to create jobs, this is also something that I hope you will bring up in terms of what we need for long range, that the jobs creation package is something to address today and this is something we are trying to address for tomorrow.

Last year, our committee was dealing with what we could do for the science technology needs. I remember in the latest days of the legislature how I met with the Governor's Office several times trying to figure out what we could do. There was no money for them but they heard the story, they heard about the need. Because of that, science technology this year just received a \$3.3 million grant. So, this is why we felt we had to talk about this tonight. We

have to have all of you go out and push that this is a major issue for long-term economic development. I certainly hope you will tell it again and again to your people. We don't know how or what we will have for funding during the Special Session, if we can come up with something. If it is something that we need to send to referendum, we would hope that some of the informational material is out to them ahead of time and we will be one jump ahead.

Subsequently, L.D. 2454 and all accompanying papers was recommitted to the Committee on Housing and Economic Development and sent up for concurrence.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Law Regarding the Responsibilities of Code Enforcement Officers to Approve Plans or Technical Submissions by Architects (S.P. 798) (L.D. 1997) (C. "A" S-601)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

An Act to Amend the Laws Concerning the Maine Court Facilities Authority (S.P. 831) (L.D. 2135) (C. "A" S-744)

An Act to Establish Economic Recovery Tax Credits (S.P. 960) (L.D. 2430) (H. "A" H-1299)

An Act to Establish a Professional Standards Board for Maine Teachers (H.P. 1316) (L.D. 1902) (S. "A" S-687; H. "A" H-1289; and S. "B" S-747 to C. "A" H-1223)

An Act Concerning the Bureau of Intergovernmental Drug Enforcement (H.P. 1629) (L.D. 2292) (H. "A" H-1186 and S. "A" S-739 to C. "A" H-1106 and H. "A" H-1282)

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

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

The following items appearing on Supplement No.

15 were taken up out of order by unanimous consent:

## SENATE PAPERS

### Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) which failed of passage to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "D" (H-1206), "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275) and "PP" (H-1279) thereto in the House on March 25, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), and "OO" (H-1275) and Senate Amendments "E" (S-708), "H" (S-720), and "L" (S-748) thereto in non-concurrence.

On motion of Representative Chonko of Topsham, the House voted to recede.

Representative Anthony of South Portland offered House Amendment "QQ" (H-1319) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "QQ" (H-1319) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: You will note that my Amendment "D" had been stripped by the other body. It is clear that I am not going to win a battle to prevent, through the budget process, the efforts to privatize the Maine Youth Center. However, I still have great concerns about it. I personally feel that it is wrong what is being done and the approach that is being taken. I strongly believe in the partnership between the private sector and the public sector in the provision of services for juveniles. I do believe strongly that we should increase the level of private involvement in the provision of services to juveniles but tearing apart the Youth Center, I don't believe is the way to go. Nevertheless, I realize that I am not going to be able, through the budget process, to put a barrier in place that will stand up to prevent that.

As a result, I think at the very least what ought to happen is that the Committee on Appropriations and Financial Affairs and the Select Committee on Corrections should receive from the Administration its plan for privatizing the care and treatment of juveniles and be allowed input and comment. That input and comment can, in no way, prevent the privatization but at least gives us as a body an opportunity to comment and to make observations and to make suggestions and to mean that whatever happens will be in the best possible manner within the limits of our power to control.

Thus, this House Amendment "QQ" requires a briefing of that plan or presentation of that plan for input and comment prior to July 1, 1992.

I appreciate your support of my other amendment earlier, I understand there is no opposition that I know of to this amendment anywhere and I would urge its adoption.

Subsequently, House Amendment "QQ" (H-1319) to Committee Amendment "A" (H-1192) was adopted.

Representative Manning of Portland offered House Amendment "RR" (H-1320) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "RR" (H-1320) to Committee Amendment "A" (H-1192) was read by Assistant Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This is the amendment that deals with the abolishment of the Community Services. I did add a section of this to reflect — there was some discussion yesterday on the direct grant to the Child Abuse and Neglect Council so this amendment specifies that those direct grants from the Department of Human Services to the Child Abuse and Neglect Councils will be a direct grant. As it read in the amendment "The Community Coordinating Committee shall use the funds received under this subsection to award direct grants for the development and operation of prevention programs." I hope that clarifies everything.

Subsequently, House Amendment "RR" (H-1320) to Committee Amendment "A" (H-1192) was adopted.

House Amendment "D" (H-1206) to Committee Amendment "A" (H-1192) was indefinitely postponed in concurrence.

House Amendment "PP" (H-1279) to Committee Amendment "A" (H-1192) was indefinitely postponed in concurrence.

Senate Amendment "E" (S-708) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk and adopted.

Senate Amendment "H" (S-720) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk and adopted.

Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk.

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

Representative MITCHELL: Mr. Speaker, I move indefinite postponement of Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192).

Mr. Speaker, Men and Women of the House: I hope that you will not dismiss the sincerity and the concern of my comments simply because I live in an area which is peopled by many state employees. Many of you do as well. My comments are just as real, no matter what part of the state that I happen to live in. Please try to keep that as a statewide perspective, not just as a Representative from District 87.

My son was recently in a play, probably one that you read when you were in high school when it was called "Enemy of the People." In "Enemy of the People" there was a gentleman who discovered that the town's water supply had been poisoned but the mayor of the town didn't want anybody to know that and he kept him quiet and forbade him to speak out. They told the story about the sentry who is far ahead and sees the danger coming and it is his job to speak out that the troops are coming behind. The theme of the play is that the majority if seldom right, it takes

years for the majority to be right and I want you to think about the majority positions here and what we are doing to some very valuable men and women of this state.

Now, the budget just like your checkbooks reflects your priorities and the committee has done an excellent job trying to take care of all the things that we think are important here in the State of Maine. If you look at the budget, you will see what it does. It tries to educate our people, to preserve our natural resources, to care for the mentally ill, to care for the elderly, feed and house the homeless, to take care of our prisoners, to provide for economic growth, justice through our courts, public safety through law enforcement and health care. I would like you to think for a moment about who delivers all the services that the committee unanimously believes were important to deliver. They are our state employees and yet they had the unfortunate position of being left out when we have been struggling very valiantly here to fill a hole in the budget.

I would like to suggest to you that if it had been education, there would have been a lot more allies to try to fill that hole. If it had been revenue sharing, it would have been everybody in this body trying to fill that hole but, unfortunately, it is not, it is the men and women who work long and hard hours trying to take care of all the things that we as a body believe important enough to leave in that budget. How have we responded? This budget, Amendment "L" reflects major cuts to those men and women.

Unless you have forgotten, I want to remind you on this evening which will tell you why I believe this amendment should be indefinitely postponed and that we must find another way to deal with this gap. We responded by repealing a negotiated pay raise of 7 percent. Although that was offset by furlough days, those are gone too. That is gone, negotiated but gone, repealed in one stroke of the pen.

We have said as a body that we are going to bargain for you and give you a 39 hour work week to save \$6.6 million. We said that there will be a shutdown day for another \$1.3 million. We have said you can wait for your paychecks for 8 days, that shouldn't be too big a problem, we will pay you in the next fiscal year. All of those things we have done. I do not believe that in a sense of fairness that any of you can support this budget as it is now presented. I would encourage your support in the indefinite postponement of Senate Amendment "L."

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I spoke the other day so I will not speak very long today. I just think that everything I said the other day still stands. This amendment, although it reduces the amount of money that has an impact on state employees, is no more justified than what we had before us the other day. It makes, just as the other day's budget made the title of this bill inappropriate in my opinion. The title of this bill ought not to be "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" inappropriate because it really is an act to repeal collective bargaining.

That's what we do here, we go back on more than one agreement we have with state employees, we break the agreements that were set up to deal with the fact that we didn't fund the last agreement and we have broken faith with people. There are other ways. We don't have to do this tonight. If it is really important to people to reduce the numbers of state employees as opposed to just taking money out of their paychecks but not reduce their work which is what we are doing here, not reduce their workload, then I would suggest that we take some time to look at things like early retirement. We have 1500 state employees whose retirement will be affected by this bill and if we would ask them and make it a little bit more palatable, I am sure would consider retiring after the way they have been treated. Fifteen hundred state employees are within three years of the age of 60 or older and they are vested — that means that they have worked for the state 10 years. They have always wanted state employees to consider state service a career but, men and women of the House, this is not going to last much longer. I keep hearing people talk about how stressful it has been for the last few years and how, as soon as the economy picks up, they will be looking for something else because state service no longer represents something to be proud of. They have too much work, too few employees and too little time to do things right.

I think we are dismantling state government and destroying the quality of it in the process. It just makes me very sad and I think it is irresponsible. I think, as many of you know, that the proper thing for us to do is to say to the people of this state, we cannot afford what we are doing. Since we have not been able as a body to agree how to cut programs, and I say that with respect, I do believe that people on both sides of the aisle have tried to cut programs but we can't agree. That's political reality so we should say to the people of this state what we want to do collectively, we can't afford, and we need to raise additional revenues. I think that that can be done without adding new taxes or without increasing taxes except to remove exemptions.

I urge your defeat of this amendment but first I'd rather indefinitely postpone it.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to indefinitely postpone Senate Amendment "L" to the budget and I would also request a roll call when the vote is taken.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I find myself in a real dilemma. I have talked with numerous state employees and this issue is very personal to them. It is easy for us when we push a button and we don't think about the effect it has on their lives. While we are making some of these decisions about which button to push, I would just like to speak to you about a couple of personal impacts that it is going to make.

I had a call from someone who works for the Human Rights Commission. We all are very concerned about the delivery of services of human rights and she tells me that they are very short staffed now. People are not getting the service. It is difficult enough as it is to provide the services.

I spoke with a confidential employee and she and

her staff make decisions as to who gets into nursing homes and the funding. When decisions aren't made as to who goes into nursing homes and approvals aren't made, it slows down the process. She is not only taking the cuts of the 7 percent balanced with the furlough days, she is a supervisor and has lost 5 percent. As a confidential employee, she has also had a 3 percent cut. She is concerned about the services, the services that her agency delivers.

I just had a call and spoke with someone who works at the AMHI nursing home. She told me about the kinds of patients that these people work with. She wasn't calling for herself, she only works 500 hours, it is 3 days a week, so it doesn't affect her but she told me about the staff and how hard they work. The people that they work with are not easy to deal with, they are sick people and many of them have Alzheimer's. It is very rough work and very hard work. She told me about the decision that had been made to buy new furniture for AMHI when the patients aren't interested in new furniture, they need appropriate equipment like wheelchairs, geri-chairs, and how distressing and demoralizing it is to have furniture bought when that's something that is not necessary.

I have had calls from people who aren't state employees. I had a call from a gentleman who said to me, "Isn't this going to be demoralizing to people who provide our state services?" He said to me, "I would like to see a smile on the face of the people who provide my services."

I hope that you will be thinking about these few instances as you make these decisions.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I will also vote for indefinite postponement. I think that it is unnecessary to hurt good and faithful servants this way. While I commend the Appropriations Committee, I know they have done an outstanding job given the parameters that have been forced upon them, I think that the situation in which we find ourselves is unnecessary and that all it would take to resolve it is a sound, fiscal policy.

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 Vassalboro, Representative Mitchell, that Senate Amendment "L" (S-748) to Committee Amendment "A" (H-1192) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 417

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Bell, Bennett, Boutilier, Cahill, M.; Carroll, J.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray,

Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lipman, Look, Lord, Luther, Mahany, Manning, Marsh, Martin, H.; McHenry, McKeen, Melendy, Merrill, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Barth, Butland, Carleton, Carroll, D.; Chonko, Farnum, Foss, Garland, Hepburn, Hichborn, Kutasi, Lebowitz, Libby, MacBride, Macomber, Marsano, Mayo, Michaud, Ott, Parent, Pendexter, Pines, Pouliot, Reed, G.; Rydell, Stevenson, Tupper, Whitcomb.

ABSENT - Bowers, Duplessis, Hanley, Hastings, The Speaker.

Yes, 118; No, 28; Absent, 5; Paired, 0; Excused, 0.

118 having voted in the affirmative and 28 in the negative with 5 being absent, the motion did prevail.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230) & "FF" (H-1252) thereto and later today assigned.

The Chair laid before the House the following matter: An Act to Legalize Marijuana for Medicinal Purposes (H.P. 1729) (L.D. 2420) (H. "A" H-1312 to C. "A" H-1281) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I move that we indefinitely postpone this bill and all its accompanying papers.

I know there has been a lot of work put into this bill but I have very strong feelings about the State of Maine going on record legalizing the use of marijuana. The state, as we know from our budget process, now spends over \$15 million in combating substance abuse problems. Our municipalities have extended many resources for the DARE program in our schools to teach our children to avoid the use of drugs like marijuana. I oppose having a legislature condone the use of that drug which we know is an entry level drug for our children and leaves a long-term drug abuse problem. I understand that this is limited to medicinal purposes; however, I think the headlines will read that the legislature approves the use of marijuana and I don't think that is a message that we can send our children.

I do understand, however, that there are legitimate medical needs in this area and that there have been legislators who are concerned about that but I do believe that the federal government through the Federal Drug Administration should handle that issue. I believe that the lobbying effort should be made for that in Washington. I believe very strongly

that we should not be putting our stamp of approval on the use of marijuana in any way.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I happen to know someone who is very close to one of these situations. I happen to know that it wasn't an easy thing for that individual to be involved with this bill and testify on this bill. I want to assure each and every one of you, that anybody in the State of Maine who might be checking us out on this one, that there are plenty of provisions in this bill for medicinal purposes, for regulated use of the substance for very definite medical reasons. Therefore, I strongly urge you to defeat this motion.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: For twelve years I have spent in Room 436 trying to deal with the social service programs of this state. For twelve years I have looked at the problems that we have for the mentally ill, mentally retarded and many others. I have heard in my twelve years many stories in front of my committee in Room 436 but none were probably as hard to go against this piece of legislation as this one here was. I know that people in this House might have grave misgivings on this piece of legislation but the testimony that the committee and I heard made the Committee on Human Resources decide that we need to deal with this grave problem.

Let me outline what happened. Back in 1978, this legislature decided to allow marijuana for medicinal purposes and they put a five year sunset on it. In 1983, the legislature put another five year sunset on it. In the meantime, the federal government moved that marijuana should go from a Schedule 2 drug to a Schedule 1 drug. What does that mean? Well, under the old legislation, a doctor had the right to prescribe the Schedule 2 drug, which happens to be right now cocaine. Since then, they have scheduled that to a Schedule 1 drug which does not allow any doctor in this state to prescribe marijuana. The committee, realizing that the previous piece of legislation would not be as effective, sat there and debated on what we should do for those individuals. If you read the legislation, you will see that it is narrow, very narrow. It allows for those individuals who are currently going through chemotherapy and radiation therapy an affirmative defense in court. It also allows those individuals who currently have glaucoma a one year sunset so that the committee can reexamine the glaucoma in a one year period.

The information that our committee got was unbelievable. We had testimony of an individual whose daughter with her first pregnancy was diagnosed with cancer. The young lady, when they operated on her while she was pregnant, had a 25 pound tumor removed. Right after the baby was delivered, the young lady started chemotherapy and the only thing that that young lady felt that kept her alive, quite frankly, was the ability to use marijuana simply because she could not, because of all the drugs that the doctors were prescribing, keep anything down. She decided, along with her family, to go out and illegally buy marijuana. It was a very tough, hard decision for that family to make. She asked her doctor whether or not he would agree with this. The

doctor knowing that marijuana was a Schedule 1 drug said it was up to her. Somebody went out, at this stage of the game we really don't know who went out, and purchased the marijuana.

As I said before, I have been in that committee for 12 years and I have had some wet eyes but boy that day, there wasn't a dry eye in the house. There in front of us was this beautiful young woman and in front of her was this beautiful young boy and I honestly believe if that young lady had not had the opportunity to get that marijuana that some of us might have been going to her funeral about two years ago. I have gone to a few funerals in my day here and it is not nice. We are all family, whether we are Democrats or Republicans. I have gone to as many Republican funerals as I have gone to Democrat funerals but I honestly believe that that young lady probably would have died simply because she could not get the nourishment that she needed and the marijuana allowed her to do it.

We had testimony from an oncologist here in Augusta indicating that he believes that on some occasions marijuana does help during the process when somebody is taking chemotherapy or radiation therapy. He believes that it would help some individuals but he also says that he cannot prescribe it.

The committee decided to put the previous statute back on the books. The committee also decided to make an affirmative defense for that specific individual who is currently being diagnosed as having to go through chemotherapy and radiation therapy or an individual with glaucoma. I am not a lawyer, and I know some of the lawyers have had some problems with this, but I think we have tightened this as tight as we can possibly go. But from what I understand, if an individual is arrested, the individual is booked, the individual would have to have his or her day in court. The defense attorney will have to show that it is an affirmative defense, that the individual had the marijuana only for the reason that they were going through chemotherapy and radiation therapy (or for one year, glaucoma). As I said, the committee felt comfortable going with the one year sunset regarding glaucoma.

I would be willing to bet there isn't a single person in this State House, never mind this House right now, who hasn't had a close friend or a close relative who has struggled through chemotherapy and radiation therapy. We are locked between the federal law and what we might be able to do for those individuals who might be able to use this substance, to be able to get a cup of soup down, to be able to talk to their loved ones, to be able to, hopefully, fulfill a long and existing life like the individual we saw in front of our room.

As I stated before, I have spent 12 years of my life and everyone knows who has been here that I have fought the smoking companies of this world, I have tried to help the mentally ill, I have tried to help the mentally retarded, I have tried to deal with the ills of the world in the Department of Human Services and I know that this is probably one of the toughest things that we have to do. If we can help somebody survive, and from what we understand and I am looking over at my good friend from Lewiston, Representative Aliberti, when he talked about the horrors that his loved one went through when he first got elected if I remember right — the horrors that people go through when they have chemotherapy and radiation therapy.

That is what we are trying to do. Hopefully, this might alert the federal government to take another close look because we have seen the results of it, we have had testimony by doctors saying that in some cases it helps. In some cases where the individual is poor and, as we all know when we are sick and we don't have any money, it is tough getting the medication that the doctor really wants. We actually heard that in some cases, you need to take as many as five or six pills. We asked the question to the oncologist how much these pills cost and he indicated it was \$5 to \$6 a piece. So, if you are taking six pills, that is \$36 a day. In some cases, the pills don't work. We all know what is going to happen, the headlines will say that this place is going to open up the doors to those people who want to grow marijuana. This piece of legislation does not do that. If you would examine it, it basically talks about the individual themselves, it does not give an affirmative defense as the original bill did to the person who wants to grow it. It does not give an affirmative defense to the individual who goes out and buys it for the sick person, it only gives an affirmative defense to the actual person who is suffering from taking chemotherapy and radiation therapy.

I hope that you take a hard look at this. As I said before, what one of us hasn't gone through seeing a loved one go through the pains of hell because of chemotherapy and radiation therapy.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not pass this bill today for I feel that it is definitely sending the wrong message to the people of the State of Maine. With the drug problems, the serious drug problems that we have in this state, I think that would be most unfortunate. I know that this bill is well-intentioned and is meant to help those suffering with cancer and glaucoma. Believe me, I am most sympathetic with them.

I was on the Human Resources Committee in 1978 when we had this bill. It was my first term and that was one of the hardest votes that I have ever had to make. It was hard for me because I was strongly against drug use or promoting drug use and yet I was very personally aware of the agonies of people suffering with cancer because I had a husband who was doing just that. I thought long and hard about that bill and I finally voted for that bill for it was a much stronger bill than this one. The patient had to have a doctor's prescription and the marijuana had to be obtained from a special federal agency so there were strong safeguards.

As I understand this bill, only the patient can use the marijuana and have the affirmative defense but he or she can grow the marijuana plant. Who is going to safeguard that marijuana plant? Who is going to look after that plant and see that no one prunes it or snips a leaf from it? What is to prevent youngsters or adults or anyone else from taking a few leaves from that plant to use for themselves or to sell? There is no way of putting a growing marijuana plant under lock and key to everyone else.

The bill would help some very ill people, I know that. I would like very much to help those ill people but it would compound our drug problem, I

believe. I think every effort should be directed toward petitioning the federal government so that the marijuana drug can be obtained through a pharmacy with a doctor's prescription or some such method to help those who are ill. I feel that this bill certainly is not the answer.

We have spent hours in this House talking about drug control this year and the best way to eliminate drug usage. On the other hand, we all know there has been considerable publicity in the papers about a few people who want to legalize marijuana. As well-intentioned as this bill is, I think it is wrong to send the message that the legislature has legalized marijuana. Unfortunately, that is what the people would believe, ignoring the part that says for medicinal purposes only. We are talking about a message that is being sent to our kids and our grandkids and I do hope that you will vote to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Hichens.

Representative HICHENS: Mr. Speaker, Members of the House: I have the deepest compassion for people who have taken chemotherapy and radiation therapy but I know a great many people who have gone through these treatments and have never had to use or wanted to use marijuana as a treatment.

I, too, was on the committee in 1978, the Health and Institutional Services Committee, when this first bill was passed. I, too, had reservations but I was also touched by the testimony that was given and I voted in favor of it. It was sunsetted as has already been stated by the good gentleman from Portland. In 1983, it was reinstated and again sunsetted but in those cases, there was no mention of a person being able to grow marijuana as there is in this bill, L.D. 240. "A person may grow or possess marijuana" according to the bill. Possession doesn't bother me but growing does.

As stated by the good Representative MacBride, how acceptable would these plants be to others? What would be the temptation and the pressure that we would put on these people to supply it to someone who wanted it for illegal purposes? I hesitate to make light of a situation as serious as this but probably I am supporting the wrong motion because I am now retiring from the legislature and I have glaucoma in one eye so I could probably do very well in the marijuana business but regardless of that, I would have to support the "Ought Not to Pass" Report or indefinite postponement.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to be emotional. I have accepted that as a responsibility here tonight.

I was relieved a great deal at the consideration of Representative Peggy Pendleton in making available to all of us a communication that she circulated. I don't know how many of you still have it but this gave me a great deal of courage and it also gave me a great deal of responsibility in addressing this legislation in a responsible way.

I introduced my testimony before the committee in this manner and you are probably wondering why a 75 year old man is asking you to legalize marijuana. A fellow member of this House classified me as a member of the "old and restless." Being in that category, I addressed the committee. I was emotional but let me

call to your attention to this letter that was circulated to all of us. "First, let me commend the sponsor, Representative Powers, Larrivee, Aliberti and Senator Conley and Representative Manning and the members of the Human Resources Committee for their consideration of this very sensitive issue. Because this bill is based on the use of illegal substance and because the population affected by this bill is so profoundly ill, emotional responses are difficult to avoid. The care with which the legislature is exploring all aspects of this bill is consistent with the goals of nursing and your efforts have not gone unnoticed. Nursing is defined as the diagnosis and treatment of human responses to actual and potential health problems. Those responses included impaired functioning, self-care limitations and discomfort. Diagnosis and treatment are based on scientific principles and a knowledge base related to physiological and psychosocial theories.

Our platform supports the accessibility to quality health care and the right of individuals to make informed decisions about their own care but we also support strong methods which control illegal trafficking of drugs and herein lies our concern." I concur with that. "We realize that medicine is not an exact science. Society demands the most perfect of outcomes, free from discomfort and inconvenience. Unfortunately, this is not always the case. The human body does not respond in an orderly, predictable manner. Therapeutic modalities carry risk and adverse effects. There are documented cases of marijuana effectiveness in controlling symptoms refracting to more traditional therapies. There has been insufficient research into the efficiency of marijuana for therapeutic purposes."

So you see this gave me comfort in seeking relief for some of the situations that I have been exposed to. I was deprived of one of my great moments of glory because it came at a time when my loved one was under this treatment. The evening before I was to be sworn in here with my family present, she absolutely could not make herself come to this moment of glory for me. She couldn't do it only because she was under treatment and was scheduled for another treatment in two or three days. That's my point. I can't express to you the suffering, I saw it, but I had no way of knowing how intense it was and this was for three years.

Now, what am I trying to say to you? I am trying to say to you, members of this House, that there is no way that I can justify and say that marijuana would have aided her under these conditions but I am also saying, maybe it would have, and I would have sought any means or method to see that the condition could be treated. Morphine, no problem; no problem, codeine — talk about the use of a drug, an addictive drug. The one thing that I think is indicated here that possibly could have helped her was not made available to her.

I would like to read the conclusion part of this. "However, if this drug is not tightly controlled, there will be the potential for easier access and increase in casual use which could further add to the chemical dependency problem we already face in our society." Nobody can doubt that. "In light of the concerns I have presented, the nursing community wishes to take a neutral position on this piece of legislation with the advice that more thorough research must be done before it is passed. We want to ensure that all treatment options are

available to the public but we also want to prevent further problems to society." That is a great piece of communication. It is valid, objective and it comes from a very professional organization. I wish to just bring that for your perusal in making your decision tonight. You can't make it on an emotional basis but I want you to make it on a real thoughtful analysis of what is presented to you tonight.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I won't make the same promise that Representative Aliberti made about not getting emotional because I may and I will make no apology for that.

The first thing I will say to you tonight is that I have tremendous admiration for the political courage of Representative Powers in pushing to get this bill heard before this House because this is a very difficult position to be taking for anyone who intends to stand for election and for that my hat is off to you Representative Powers.

The next message I would like to send is to the Chair of the Human Resources Committee and that is to thank him for protecting my identity. I will be glad to tell you ladies and gentlemen that that was my daughter he was talking about for the very few of you who might not know it by this time.

I think it is important here for us today to clarify which message we are sending. The message that we are sending is not that we want people to use drugs. The message that we are sending when we pass this piece of humanitarian legislation is that we care about people who are sick, about people who are desperately ill as my daughter was, or the loved ones of many of you who have seen the effects of this disease and its treatment.

I thank God today that my daughter is healthy and she has (as many of you have heard me say) the cutest, best baby ever born, my darling two year old grandson. But, the time that we spent during her treatment, watching her suffer, trying day after day to get her to keep any amount of fluid or liquid down so that she would have strength enough to go back into the hospital again and put up with that treatment one more time until that dreaded disease was gone were dark, black, terrible days. The small amount of help that she was able to get, just enough so that she could keep fluids down to keep her system, we were very grateful for.

I would ask you tonight to vote against this indefinite postponement and to think about the people out there who are in the situation that we were in. We don't want to be lawbreakers. There are way too many things to lose. There are people in my family, a machinist at Bath Iron Works, if he had been caught purchasing marijuana, his insurance would have been gone and hers as well, just like that. My son works in a research center, he is working on a research project to find genetic markers for Down's Syndrome, a project he cares very much about. If he had gone out and bought that and had a record, perhaps the future of that entire project would have been jeopardized.

In my particular job, it doesn't lend itself very well to headlines of that sort. So, we had a terrible decision to make in our family. It would have been easier had a legislature prior to this one set into force the affirmative defense so that we would know if we had stumbled in our purchase that we

would have at least been able to go to the court and say, "Your Honor, it was for Susan." Tonight I stand before you for Susan and ask you to vote against the indefinite postponement.

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

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: When my children were little, they suffered greatly from croup which is a very severe upper respiratory problem. Our pediatrician prescribed a lovely red cough syrup called Cheracol, this was a very effective medication and, as a matter of fact, I think we went through quarts of it every winter. The active ingredient in Cheracol was opium. None of my children became a drug addict, none of them became an opium fiend. I see no reason why the much milder substance which has been used for centuries in many parts of the world should pose any more of a problem when used medically than opium did for my children. I urge you to defeat the present motion.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I also rise to urge you to vote against the indefinite postponement of this bill. I would also repeat that I admire the sponsors, not only for their political courage, but for their kindness to those not as fortunate as those of us who have our health.

I just want to make one very brief point about the part of the bill that allows these folks to grow their own. If they are not allowed to grow their own, they are going to be forced to go where it is sold. Most of the places where it is sold are not very nice places and they are not sold by very nice people. They put themselves at risk having to go to those places. They put themselves at risk being involved, possibly being arrested. There are other drugs probably being sold there. You never know what you are buying from them, is it pure marijuana, has it been laced with something? There is a lot of if's in going out and purchasing an illegal substance from a criminal. If they are allowed to grow it in the privacy of their own home, the backyard or whatever, then at least they know they have a pure product and are not putting themselves in danger by going to some of these places and dealing with some of these unscrupulous people.

Please vote against the indefinite postponement of this bill.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I will try not to be emotional. I know just what the good Representative from Lewiston is saying and what the gentlelady from Gorham said. Less than three years ago, I went through the same thing. It is a difficult thing to see someone who is a little boy, be he 28 years old, suffering and begging to leave and not a thing you could do about it. Many people said, "John, you've aged quite a bit." I think I have aged a lot, ten years in three. There are some things that never leave you — you sit there and think, what can you do? I had the boy say, "Dad, do something!" There was not a thing I could do, they would not give him any marijuana.

I am not for any drugs or having this on the

streets, but if you could do something as the gentlelady from Gorham said, you have to go through it. Maybe I am very jolly, a laughing guy all the time — I will be honest with you, it is a good front. I have to do it because this comes back to me practically every night. You see, part of you leaves when something leaves — a big part of me left. God knows, I wish there could have been something that I could have done every time I went down to Washington to see that little boy, 28 years old, just wasting away. The suffering was unbelievable. More than once I said to God, why don't you give me some of that suffering? But that was not to be. I hate to say this, that when I heard by telephone that he was gone, I said, "Thank you Lord, his suffering is over with." It is also the ones that have to be around to see it. I am not for any kind of drugs — it happened once before but was not quite as close. I had a 49 year old kid sister. They could not give her anything, she died at 49. I tried to put across to you people that you must experience it as close as I did.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, sympathize with the very few people that have chemotherapy and the conventional treatment doesn't control the nausea they suffer. I, too, feel that there should be a mechanism in place so that they can obtain marijuana for that use. This bill, I feel, goes far beyond and opens the door to legalizing marijuana in this state and to bringing in the unwanted criminal element into this state and allowing or offering people money to grow marijuana. I will tell you why. As a medicine, marijuana may be effective in a very few cases. As far as glaucoma is concerned, I think if you talk to any of your eye doctors, you will find that we have much more effective medication for lowering the pressure in the eye and glaucoma is in here, I feel, to broaden and legalize marijuana.

I want to just fill you in on a few facts about marijuana that hasn't been mentioned here today. One single marijuana plant grown in this state will more than pay your yearly salary here in the legislature, one plant. One plant will produce between two and four pounds, can be raised inside under artificial light in 120 days and sells in New York and Massachusetts for \$3,000 a pound, that is sinsemilla marijuana.

I have talked to two legislators here today that have the early stages of glaucoma, you tell me that that isn't going to be used by the criminal element to raise the marijuana that is so desperately sought after from this state. The State of Maine produces the most potent form of sinsemilla marijuana in the country, that is the reason that it sells for \$3,000 a pound.

If you open that door, we are going to be justifying or given the defense for all of those people that have early stages of glaucoma.

I can't imagine that a person taking chemotherapy would ever be in a position of growing it for a criminal element, but I can see glaucoma patients could.

I know that there are doctors that would issue a statement saying that a person had glaucoma just the same way there are doctors that would give you a prescription for Valium or give you a prescription



for amphetamines or give you a prescription for barbiturates.

I worked for nine years in the Drug Enforcement Administration and we had agents that would go to doctors just to get these illegal prescriptions. Believe it or not, a good friend of mine who was a medical examiner in one of the counties that I worked in was one of the agents that went in there and come out in seven or eight minutes with a prescription for Valium. So, there are doctors out there that don't care.

When you look at the monetary side of marijuana and you look at the effects it has, this isn't a medicine, this is an intoxicating drug. You put that in the hands of people driving vehicles with a possible defense — I think when we open the door for this to be grown, we are opening the door to a lot of unwanted criminal elements. For that reason, I would recommend that you support the indefinite postponement of this amendment.

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

Representative GEAN: Mr. Speaker, Men and Women of the House: Briefly, I would like to point out that this bill, having heard it, having sat through the testimony, having some information about what it is we were doing there, I want you to know this is not a bad bill. This is not something to be afraid of.

The problem here, I think, if we were to call this anything but marijuana, we would not be here, we would have voted and been on with it. You say the word "marijuana" here or in most arenas and everybody gets a real serious look on their face wondering what is this evil that is about to come upon us? You say "Budweiser" or "Bloody Mary," however, and the whole place tends to get kind of a wistful look on their face.

I don't mean to make light of it but this is the point — the good Representative Bailey has pointed out from the law enforcement aspect a problem, a problem that we are all aware of and sympathetic to. I do not believe that this law will encourage all of those bad elements invading the State of Maine. They are probably already here, we simply haven't caught up with them yet.

I can tell you, having run a program that dealt with some of the things that we seem to be fearing here, I was a director for some six years of the Methadone Maintenance and Treatment Program in Iowa. This was a program that dealt exclusively with heroin addicts, opiate addicts. We had some 38 of them in the program who were not addicted to anything except street heroin. During this period of time that I was there, everybody was trying to lead everybody else to believe that it was this drug, marijuana, that led inevitably to heroin addiction. We scoured the files of these 38 people on the methadone program at that time trying to identify the drug that they admitted first abusing. You will be interested in knowing that in this not very scientific but absolutely intimate sampling that we did, we found that 70 percent of the people admitted that their first drug of abuse was ethyl alcohol, Budweiser, Bloody Mary's, Tom Collins, cheap wine. The other 30 percent reported prescription drugs, Valium, lithium, Demerol, morphine, drugs that they had gotten legally.

So, don't get sucked into this fear, I know it is real and I do not mean to belittle it. I understand the emotional impact of it but that is what it is and

you need to leave it at that point. This bill is doing nothing but trying to reasonably and humanely comfort a bunch of people who are real, real sick. It is in our power to grant them this little bit of relief.

The other thing I would like to say is that this has been a traumatic experience for everybody involved in this in one way or another but it has been kind of an enlightening period for me in being able to identify one thing, that all of your life, you grow up and collect heroes and heroines along the way and you see people that do extraordinary things that make you think that all things are possible and good is really there. During the hearing with this committee, the mother of that child, the grandmother of that child, just fit right nicely into that too long empty niche as far as I am concerned.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: If you don't think this is going to bring in the criminal element, believe me, when I was working in smuggling activity along the Maine coast, I saw a good many of our local fishermen that were hurting financially succumb to the profits of the greedy and the drug dealers from out of state. A good many of those fishermen were arrested and went down because of marijuana. Marijuana is a big business, not only in this state, but all over the country. If you don't think that by allowing people to grow it here isn't going to invite that element in, you've got another thought coming because it sure is going to.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe this bill is going to bring in any more criminal element than we already have. From what I hear from different reports and you see signs up in your town office that marijuana is and has been for quite some time our number one cash crop in the State of Maine. Whether we want that to be or don't want that to be, that is a fact. I don't feel that this is going to bring any more criminal element into this state. I doubt very much if a person that is suffering from cancer and going through chemotherapy is thinking about making a profit. The number one thing on their mind is trying to stay alive. We make drugs illegal that hurt people and hurt society but when a drug helps people and helps society, we should use it. If a person is suffering these kinds of diseases, I think it is the least we can do for them.

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

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

As a preface, I would like to say that my father died of cancer in 1986. Part of the treatment at the latter end of that was a prescription for a really potent kind of Tylenol with a cocaine based drug attached to it.

I would like to pose a question to Representative Bailey if he thinks we should make that drug illegal because cocaine use is illegal?

The SPEAKER: Representative Graham of Houlton has posed a question through the Chair to Representative Bailey of Township 27 who may respond if he so desires.

The Chair recognizes that Representative.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't get the full question but as far as making cocaine legal in this state or the cash crop legal in this state, I don't feel that we ought to allow people in this state to grow opium poppies so that they can raise their own morphine. It is the same scenario. I think if you are going to legalize this to be used as a drug, then you are going to have to put more controls in there so that this isn't going to be abused the way it is right now and the way this present law will continue to allow it to be.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to indicate that the original bill was fairly broad. I also want to indicate this was a unanimous committee report. I've got to say, for this committee this year to come up with a unanimous committee report, took a lot of hard, hard work. I praise members of my committee who stuck by this and agreed to come down with the small amendment that we have in front of us.

We worked with Representative Bailey, we asked him if he could come up with anything that could narrow this because, quite frankly, there isn't any one of us here who wants to see the marijuana crop of this state continue to grow. That is one of the reasons why on the glaucoma we decided to have a one year sunset to see if it really was going to cause what Representative Bailey had indicated because this legislature next year could be debating whether or not to lift the sunset or to take it off the books completely.

I want to emphasize though that every individual who is caught with this marijuana will have to go through the full force of the law. They (1) will be arrested; (2) will be booked. They will probably have an indictment, and they will have to go in court. In court, they will have to prove with this bill an affirmative defense that shows that before they get caught with the marijuana, they had been diagnosed in need to use chemotherapy or radiation therapy. They will have to prove to a judge and jury that this affirmative defense was there because they are truly, truly sick.

I want to make sure that people understand that because this isn't just absolute pardon. Nobody is going to pardon them. The District Attorney is not going to pardon them. The District Attorney is still going to prosecute that individual. The District Attorney will have to take a hard look after that individual indicates to them through their defense attorney that they had been diagnosed and were currently under chemotherapy. It is the individual who is sick, it is not the mother or father, uncle or anybody else, it is the individual who is sick who has the affirmative defense, nobody else. That individual will still need to go right through the court system as they have in the past. This will only allow them an affirmative defense that basically says because they are sick, they need this.

I want to explain the other thing. We talked in committee about opening this up even further. We talked about those individuals — by the way the good Representative from Gorham was not the only one who testified — we had perhaps as many as 20 people who testified. Some indicated that they had multiple

sclerosis and were using it and it helped them. Others had AIDS and were using it and it was helping them. The committee decided to narrow those down to just two things, (1) chemotherapy and radiation therapy victims and (2) glaucoma. As you can see on the amendment right now that glaucoma has a sunset for one year. We put the sunset on last night after talking to Representative Bailey who has indicated his thoughts. I concur with a lot of the things he said last night when we talked. Most of us agreed to put a one year sunset on the glaucoma because if his fears are there, then we will then have to deal with it to continue the glaucoma. But, if his fears are not, then we will have to deal with it again next year. This bill will have to be debated if somebody decides to put glaucoma in.

I just want to make sure you understand that this individual who is sick will have to go to court, will have to stand trial, and the defense attorney will have to state to the judge and jury the statute that says it is an affirmative defense if you as an individual was suffering from chemotherapy or radiation therapy. We are not widening this, it is not like the original bill, it is not like the original amendment, it is very narrow. We did that because we knew there were some concerns that people had on the floor of the House when we talked about this.

What the good gentleman from Alfred said about marijuana certainly is true. You can talk about anything in this we have discussed this year but if you talk about marijuana, believe me, it gets the attention of everybody. Most people knew this bill was coming through and we had those concerns so we narrowed it. We narrowed it to just those individuals. Again, repeating, those individuals will need to go to court because no District Attorney is going to pardon them with this, they will take them to court.

One more thing, this again was a unanimous committee report.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: Ordinarily I don't speak on Human Resources issues because I really don't have the knowledge. That doesn't mean I am not compassionate but that is not my expertise.

I sat here tonight and I have seen tears shed in this House, tried to relate to the feelings of some of these people and I almost walked out and didn't say anything but I don't want you to come to look at this as a cop's issue or look at this as a partisan issue because I am not speaking from that at all.

Representative Bailey has spoken about his years in his other life when he enforced the drug laws of the State of Maine and I am here to tell you on the Record that there was no one any better than he was. I worked at it at a lower level than he did. I have talked with him about this legislation as it has gone along. Quite frankly, this legislation hasn't ended up where I thought it would. I agree with him when he says that it opens the door to a criminal element coming into this state that this state has no means to combat. He talked about a small rural town on the coast where there was a lot of marijuana that got into the trade there and a lot of enticement. I was there when finally this business was brought to a halt. All those people went through court and, when

those people left that small town to go to federal prison, they brought a bus to put them into. I saw it with my own eyes and that is how far this illicit activity can go.

I will be voting against this bill. I do it with mixed emotions. I would like to see more controls, I think that the controls are there. I know with more controls, I could be voting for it but, if I weigh the good of a few people or a lot of people who may use this for medicinal purposes against the greater public need of what it could do to this state and the problem that it could create, I just can't vote for it.

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

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: The problem we are facing seems to be how to do good for people who really need help without allowing an unscrupulous group to take advantage of the good we are trying to do.

Many years ago, this question came up in a philosophical discussion, the teacher was instructing a group upon the necessity and desirability of doing good for others. One of the legalists raised the question, if we try to do good to all, how can we be sure that the wicked won't prosper from what we try to do? The teacher pointed out to them that the sun rises upon the good and upon the evil and the rain has to fall alike upon the just and the unjust. I think the lesson for us is that we can't guarantee that the evil will not prosper from the good that we try to do. But, we should not let that deter us from doing good nevertheless. There will always be unscrupulous and crafty people who will prosper in spite of us.

I think another point that could be learned from this is that even the creator Himself couldn't work out a plan that didn't have administrative problems but that didn't deter Him from going on with His plan.

Our present law is an administrative nightmare. Presently, we deny relief to the suffering and we make criminals of those who try to relieve their suffering by trying to provide a drug for them. What could be worse than the situation that we have now? I am sure we all know what the compassionate thing to do is and I think we should vote not to indefinitely postpone this bill and all its papers.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I have heard my name mentioned a couple of times so I thought I better get up and speak.

I am very sympathetic to the people who have spoken about loved ones and I hope I am understanding. We have been talking about the criminal element. I want to talk about another element. I had the experience of more than ten years of working in a drug program for kids and adults through treatment, aftercare, tracking drugs that they were using. I can tell you some stories about emotions but I don't want to remember them. I try to put them out of my mind. I am talking about kids in the elementary grades, down to second and third grade. I am not going to try to persuade your vote but I want to say, if a grandmother can grow a plant, if a mother can grow a plant, an aunt or an uncle, ladies and gentlemen, you are providing another source. Those kids are smart, they are conniving,

they are innovative and they will get it and they will use it. The proper way to do this is to put it through our pharmacy triggered by a doctor's prescription. I am basing that on more than ten years.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Men and Women of the House: As the previous speaker has mentioned, that is the proper way to do it. Marijuana has been classified as a Class I narcotic and doctors cannot write prescriptions now. This is a federal problem, it isn't a state problem. I think that is where it should be addressed.

I am under the impression that the purchase of marijuana seeds is an illegal purchase. I am not satisfied with the controls in this bill. Since I have been in this legislature, I have had correspondence from people who are promoting any form of legislation that they can to encourage the use of marijuana. In fact, each of us one year were sent a so-called joint in an envelope. That envelope had an address of one of my constituents, a legal address and the use of a name that was not given with his permission. I checked it out, I took it home, took it to his home and checked it. These are some of the tricks that have been played on this legislature.

As far as the use of Budweiser and that nice look that comes on your face, that is not anything that we should be proud of. I have no idea why we want to add another evil to the list of the addictive drugs that we have a big problem dealing with now and can't afford.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Foss of Yarmouth that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 418

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Butland, Carleton, Carroll, D.; Carroll, J.; Chonko, Clark, H.; Donnelly, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Hanley, Heino, Hichens, Hussey, Kutasi, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Marsh, Mayo, McHenry, Merrill, Michaud, Murphy, Nash, Norton, O'Gara, Paradis, P.; Paul, Pines, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bell, Cahill, M.; Cashman, Cathcart, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hepburn, Hichborn, Hoglund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lipman, Luther,

Mahany, Manning, Marsano, Martin, H.; McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Ott, Paradis, J.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Richardson, Rotondi, Ruhlman, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tardy, Townsend, Tracy, Treat, Wentworth, The Speaker.

ABSENT - Bowers, Hastings, Morrison, Parent.  
Yes, 62; No, 85; Absent, 4; Paired, 0;  
Excused, 0.

62 having voted in the affirmative and 85 in the negative with 4 absent, the motion did not prevail.

Subsequently, 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.

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. 17 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "B" (S-745) on Bill "An Act Concerning the Regulation of Electronic Video Credit Machines by the State Police" (S.P. 423) (L.D. 1135)

Signed:

Senators: BRANNIGAN of Cumberland  
PEARSON of Penobscot

Representatives: HICHBORN of Howland  
PARADIS of Frenchville  
CARROLL of Gray  
RYDELL of Brunswick  
POULIOT of Lewiston  
MICHAUD of East Millinocket

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

Signed:

Senator: FOSTER of Hancock

Representatives: FOSS of Yarmouth  
MacBRIDE of Presque Isle  
REED of Falmouth  
CHONKO of Topsham

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the

Bill failing of passage to be engrossed as amended by Committee Amendment "B" (S-745) as amended by Senate Amendment "A" (S-746) thereto.

Reports were read.

Representative Michaud of East Millinocket moved that the House accept the Majority "Ought to Pass" Report.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call and hope you will not accept the Majority "Ought to Pass" Report.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we will not vote for video gambling tonight. Video gambling clearly will bring significant dollars into the state's General Fund, there is no question about that, but it will also bring a very big price for Mainer's to have to pay in return.

A recent daily newspaper ran an article and it says, "Reject the Siren Song of Video Gambling." It would have to cruelly exploit Mainer's to deliver on its promise to raise millions of dollars for the state. Under the way the much touted gambling bill would be set up, Mainer's would have to pump an estimated \$300 million a year into the machines to generate a \$22 million take for the state. That is \$300 million, close to a million dollars a day, and it is supposed to come from people in a largely rural state where thousands of men and women who want work can't find any and those who have jobs earn among the lowest incomes in the nation.

In 1986, the State of Montana voted in video gambling. The person who was responsible for implementing video gambling in that state has said, "We thought we could control video gambling in Montana. We envisioned a relatively harmless cash cow that could painlessly bail us out of a difficult fiscal situation. We found instead that an industry which pulls a quarter of a billion dollars of cash through it annually cannot be effectively enforced no matter how good intentions may be."

Their experience in Montana was that the machine owners were always a jump ahead of the illegal machines and the judges were reluctant to impose meaningful penalties. Video gambling jumped in Montana by leaps and bounds but the towns and cities changed with video gambling. The family restaurants turned into casinos, the drug market increased, crime was running rampant. Money that was put into the gambling machines was not available for business investment.

Some of the figures that were used in Montana have been proportioned to what would be spent in Maine. It is said that we could expect to lose probably \$30 million annually from the sales tax and additional lottery revenues as well. In addition, small businessmen, already hard pressed to find dependable long term credit, will find much of the small business credit tied up with gambling machines.

I think we are all very proud of our State of Maine. I am sure that you find as I do when I go anywhere and I say I am from Maine, people's faces light up. You never hear anyone say they don't like

that state or they wouldn't want to live here. Everyone likes the State of Maine. I think we all like the State of Maine the way it is. We spend many, many hours in this chamber trying to do things to make life better for the people. If we do pass a video gambling bill, we are not going to be making life better for the people.

Any persons paycheck has just so much money in it to support the needs of the family. If that money is used to go to bars and put money into gambling machines, then there is going to be that much less for the family. I think this is absolutely the wrong way to go, the wrong example for our people and the State of Maine. I hope that we will not court crime and gambling and drugs. I hope we will keep Maine the way we like to have it now and find other solutions for our fiscal problems.

I move that this bill and all accompanying papers be indefinitely postponed.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I just want to make it clear that the opposition to this bill is bipartisan. I support the indefinite postponement of this bill.

Some of you have heard my, at first facetious and later serious proposal to make a gambling mecca in Aroostook County with the old Loring Air Force Base, I think it actually would be a good project, a good use of that area, a good use of that facility in a very controllable situation.

Aside from that, I believe we have come to be too reliant upon gambling for revenues in this state. The two reasons I oppose it are, first, gambling is a regressive form of taxation, a very regressive form of taxation. I think we spend too much reliance on it and as a result draw too much from the lower income classes.

The second reason is, I really believe that the promotion of gambling and we not only allow gambling, we promote it, the state promotes gambling and it promotes a something for nothing mentality which I think ultimately is destructive to the fabric of our society and destructive to the values we are trying to teach our children that you get some place from hard work, that you get out of something what you put into it. To be promoting gambling is to work directly against that. I think in some subtle ways works against what we all care about in the State of Maine. I join in support for the indefinite postponement of this bill.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This bill was first introduced before this body last year. I was asked at that time by Senator Conley, the sponsor, if I was interested in cosponsoring this piece of legislation and I admitted at that point I wasn't very familiar with video gaming to the extent that I attempted and played it in other states and my in particular enjoyed it tremendously. She thought it was a great deal of fun and didn't seem to be necessarily any more evil than anything else that I had seen in the State of Maine. In fact, I thought it might be a good idea. The more I started looking at the piece of legislation and working with some of the people, a lot of small business people who were promoting this

concept for the State of Maine, some of the vendors who are currently doing billiards, pinball and those types of things, that in fact it might be a good idea and that there might be some merit to this legislation.

This bill, just to refresh your memory, authorizes the Maine State Police and the State Lottery to regulate coin-operated video games of chance that award credits and are then redeemable for cash. Each game is linked to a state-of-the-art computer system that is run off the lottery for reporting revenue and other data. I would suggest that this just maybe an opportunity for the State of Maine to help our hospitality industry and, indeed, an opportunity to help the tourism industry.

We also can envision the creation of many new jobs. If you look at South Dakota's experience, the model of which this legislation is drafted after, South Dakota saw the creation of 800 good paying jobs within the two year system in which this was put on line. Clearly, the State of Maine has a population in excess of 500,000 more than South Dakota and with the state with a greater emphasis on tourism, we can see that we would be well served by the creation of new jobs that I think would probably occur from this particular legislation.

It is also a new profit center. A profit center would be established for many small businesses but it is a profit center that would not be dependent on alcohol sales. I want to reference that — there was some discussion last year about the increase possibility of alcohol. If you look across the country, you will see that the statistics are the absolute opposite. In fact, there has been a decrease or a leveling of increase in alcohol consumption in establishments that have these on their premises. In fact, that is the very reason why the Beer and Wine Wholesalers did not support this bill last year because they realized that these machines in these institutions would in fact compete with their alcohol sales and that is the reason why you don't have to worry about that type of connection.

I want to reference the fiscal note. I think that Representative MacBride said that as much as \$300 million would have to be bet on these machines. I think Representative Lawrence mentioned the figure of about \$200,000 or \$225,000 last year that would have to be exercised. Keep in mind that we are talking about machines that would be available in Maine's 1600 licensed establishments and there is also a limitation on the number of machines per establishment so that is about \$140,000 per establishment, only \$46,000 per machine, and clearly that type of money I think can be generated from this type of proposal.

The Legal Affairs Committee spent a considerable amount of time on this bill last year, even those who opposed the measure. I can't speak highly enough about that because they spent a great deal of time, knowing that in fact if something was going to pass, they wanted to make it the best bill they could and they put a lot of safety provisions in this bill and a lot of security provisions in this bill. I want to share a couple of those with you.

Representative MacBride mentioned the situation in Montana and she is absolutely right. If you want to know how not to run a video gaming operation, you do what Montana has done. Montana does not have these machines linked to a central computer system and that is exactly why they have had the problems

that they have had. The proposal that we are suggesting today would be modeled after the South Dakota system where every video gaming machine is linked to a central computer system, much like the Megabucks machine you see in every store that you go in.

I want to reference a couple of the security provisions that are currently involved in this bill. There are requirements, as I said, that all terminals be linked to a central computer system providing information to the state. The bill specifies that no premise can have more than 3 machines on their premise. That would be in the state statute. It specifies that only licensed distributors may own video lottery terminals operative for public use in the state. It specifies what type of information must be provided and considered in the licensed application process. The bill requires owners of any interest in any corporation or association meet the qualifications of the law to file information rather than just 10 percent of the owners in the original bill. The amended version takes care of that. It requires terminals to be placed in an area physically separate from other areas of the premises and requires that an area be clearly labeled as an area not to be opened to persons under 21 years of age and to be under observation of the licensee's agent at all times.

There are provisions here that clarify the payback value of at least 80 percent must be achieved for each type of game that is offered. There are provisions that require applicants to give the Chief of the State Police of Maine the consent to review all accounts and all record, including the confidential information to assure compliance with the law as provided in this statute. There are requirements to establish an account for the deposit of the state's share of the funds under the law and provides criminal penalties for a failure to deposit funds due the state.

I won't go through these, there is another 8 or 10 specific provisions in this law. This is easily the toughest law of any video gaming in the State of Maine, based on the requirements, based on the standards, based on the good work that the Legal Affairs Committee has done.

There has been some discussion as to whether or not this is an appropriate policy for us to undertake within the State of Maine and I guess I would suggest that we are a very diverse society in this state and the forms of entertainment that we enjoy are probably as equally diverse. We all take advantage and look forward to the opportunity to get away and have some relaxation, some recreation. For some it may be spending \$35 or \$50 to go to a fancy restaurant. For others, it may be spending a small fortune, as Representative Hussey has reminded me, to play golf at a local golf course. For some, it may be spending \$8 a piece to go to the movies. For others, it may be spending a small fortune to go to Sunday River skiing on a given weekend. For others, they will engage in some of the various forms of gaming that we currently allow in the State of Maine. Keep in mind that Maine has, as Representative Anthony has said, not only legalized but we have encouraged other forms of gaming in the State of Maine. We have harness racing. Last year, there was a tremendous drive within this legislature to allow offtrack betting. We have beano, I have relatives who are addicted to beano every Thursday night. We have Pick 3, we have

Megabucks, we have pull tabs, we used to have Lotto\*America, we have Scratch and Win tickets — clearly the question from a perspective of public policy is no longer, will we have some form of gambling in the State of Maine because that question was answered many years ago by the public's acceptance to the various form of gambling and gaming that currently exist. It seems to me that the question from a public policy perspective is, how do we regulate these to ensure honesty, to ensure oversight throughout the State of Maine? Because whether we want to believe it or not, there are machines in existence in back rooms throughout the State of Maine now.

I understand that there are those who would suggest that perhaps this isn't the best way to raise revenues — I want to talk a little bit about the revenues. Last year we were talking about the state's share in the vicinity of 33 percent. In this proposal, a certain percentage goes to the licensee, a certain percentage goes to the distributor that provides the machine and a certain percentage goes to the state. Last year we were in the vicinity of 33 or 35 percent, this bill now contributes 40 percent to the state for the state's share for the first year, 45 percent the second year and 50 percent the third year. It is now the highest payback of any state in the nation. The fiscal note for this fiscal year coming up beginning July 1st is \$10,499,000. The fiscal note for the second year is \$25 million, the fiscal note for the third year is \$29 million. I believe those are fairly conservative numbers. They have factored in and offset what they think will occur from the lottery, losing as much as \$2.5 million the first year and \$6.8 million the second and third years. I think that is a fairly conservative amount based on the experiences of other states.

I also am sympathetic and understand the concerns of those who say that this perhaps isn't an appropriate way to raise revenues. Well, I might suggest that after being in this legislature for the last two years, I'm not sure that there is an appropriate way to raise revenues.

We had a budget of \$3 billion, we have requests of about \$4 billion, we cut a billion dollars out of the budget last year, we level-funded education — was that an appropriate way to raise revenues? Put \$200 million in our pockets? We pushed state employees paychecks off until the next months, we have pushed higher education payments off to the next decade, we have considered borrowing from the retirement fund, we have refinanced our debt when the bond companies told us we shouldn't do it. We are breaking our necks trying to balance the state budget to the penny in the next day, hopefully today or tomorrow. When we look at the absurdity of this entire process, we are told that the standard that we have to achieve — we have been through this process seven or eight times trying to balance these budgets — each time we go through it, we are told that we have to balance it to the penny on a given day. The measure of success or failure is balancing the budget to the penny — well, ladies and gentlemen, balancing the budget to a penny on any given day is like a snapshot in our year's worth of financial projections. We all know that the budget doesn't even have to be balanced until June 30th of next year in 1993. If we were to balance the budget today, if we find that elusive \$20 million, we can go home and

say we have balanced the budget but how do we tell the people back home that the cash flow in the Treasury's Fund today is \$215 million in the red? How do we tell them that the cash flow in the Treasurer's account has been in the red for 19 months? What do we tell them when we come back here next January (those who are lucky to come back next January) that when we begin the next two year budget cycle that the estimated deficit is currently \$400 million? I don't know if there is an appropriate way to raise revenue and I understand the concerns that many people who have concerns that perhaps this is the best way.

I do know that in the last couple of years we have handed it pretty heavily to the hospitality and the tourism industry. We reduced our funding for tourism at a time when competing states next to us, New Hampshire and Vermont, are going up, we are going down. We passed Dramshop laws, we passed OUI laws which I supported and I will continue to support because I think that is the best public policy that we can make. Last year, we added about \$99 million of taxes onto the hospitality industry when you count meals and lodging and the other types of things that we included.

It seems to me that we ought to be reaching back and wonder what can we do for our hospitality industry that we have clobbered in the last couple of years. I think this is a tremendous way to add a new profit center, not relying on alcohol, I think it may mean the chance of survival for a lot of small businesses who are currently in tourism. I am not ashamed to say that I voted for this. With all the uncertainty as to what can happen — we heard the Chief Executive of this state and how he feels about this bill — I don't know what will happen but I am not ashamed to vote for it. I think it will help small businesses, I think it will create jobs. If South Dakota created 800, I know that we will create more in Maine. We are lucky to have about 20 or 25 small vendors who are small business people in the State of Maine who are currently in this business and it is going to give them a boost. It is going to boost Maine in a lot of ways that I think could be helpful. I am not ashamed to vote for it and I hope you will oppose the motion to indefinitely postpone. I would like to move this bill on the process, if we are fortunate to do so, and if we are not, there probably will be another year perhaps when this bill will come in.

I noticed that Governor Wilde down in Massachusetts has now offered this legislation to the Massachusetts Legislature, it is being considered throughout New England, it is in New Brunswick, it could be a question of time, maybe today is not the time. I don't think it is a bad proposal and I wanted to reference that for the Record. I am very please and secure in supporting this measure and I encourage you to do the same.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. If we are going to pick up the cost of regulating this industry, why are we going to give somebody 60 percent just for the machines? Why not purchase the machines and conduct the entire operation through the state?

The SPEAKER: The Chair recognizes the

Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I suppose if I were thin-skinned and a little bit of a sensitive nature, I would feel hurt by being classified as part of the criminal element and a member of the lower class. I see nothing wrong with buying a lottery ticket, for example. That is my Saturday evening entertainment these days. It is strange since my younger days.

I know of no way in which we can get dollars freely donated to the public coffers which makes people any happier than they are when they are out buying a ticket or playing a video game. I have been gambling for the last 80 years, I hope to gamble a few more. I hope that you will support this measure. I think the gentleman from Fairfield has given you the figures and he has given a more sophisticated description of what this does and how it will be done.

I hope when you vote that you will vote to support this measure.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: It seems to me that when we are looking at this issue, we have got to ask ourselves to what pathetic lows will we go in desperation for cash in this state? What injuries will we inflict on our people in our society in desperation for cash for our state coffers?

We hear a lot about our work ethic and how important it is to attract business into this state and jobs and all of that and it sickens me to see the demeaning of the work ethic through programs and proposals like this.

Please join me in supporting the indefinite postponement of this bill which I believe will just lead to the sleazing of Maine. Even in times of desperation and crisis, we need to draw the line somewhere.

Mr. Speaker, I request a roll call.

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

Representative FARNUM: Mr. Speaker, Members of the House: Year ago I worked for the race track. I saw the winners and I saw the losers. I saw the losers lose lots and lots of money. I did a little checking and a little questioning and I found out that every time they had a race, the grocery stores didn't do as much business. The retail stores didn't do as much business, the money went just into the race track and the same thing will happen here. Gambling with a machine — you become an addict to it, it is there, it is not just once a day or once a week, it is there everyday, every hour, all year long. You think about it.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I had no idea this bill was coming before us this evening. I supported this bill last session. I guess tonight I am realizing that when I supported this last session, it was a mistake. I know that this bill is supported by the Maine Gaming Association. I was under the impression that all gaming people in Maine were members of this association. I just got off the phone a few minutes ago less than five minutes ago with a small game vendor who lives in my district who has been denied

membership in the Maine Gaming Association. That concerns me. He also just finished relaying to me what he has witnessed happening in some parts of the State of Maine that I find very upsetting. I know this bill that is before us, this Committee Amendment "B", has in subchapter 4 of Enforcement and Penalties things the State Police are supposed to be doing or will be doing if this bill passes. It concerns me that, as he relayed to me, many what he calls "8 liner games" and many Eldorado poker games are currently paying off behind the bar right today illegally. It concerns me that some of his location owners in the last year have been approached by gaming salesmen and have had explained to them how that the machine owner could keep one-fourth and if the bartender knew the people involved, the other half could be paid out to the first, second and third high players. I just feel that maybe this bill should be looked at next session. I feel the State Police need to do a little more work on this issue before we proceed any further.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: This is a major bill and of course it is before us the last night because it was held in our committee. We still have, as you know, the Table and it is unfortunate that that many important issues like this are being debated at this hour but that's the nature of our schedule. We have spent time in our committee discussing this and there obviously is a division of opinions but these computerized slot machines are the most hard-core form of addictive gambling that is possible. As one critic defined it, it is instant gratification, as instant as it can be.

I would like to read into the Record some of the experiences in South Dakota which did implement this a few years ago. This is quoting from the legislator in that state. "The Governor really pushed for video lottery because we needed the money. Now it is going to cost — the welfare rolls are going up, people are going broke, car dealers are repossessing, bankers are having trouble with bad checks and loans and we are only into this two years." They also quote a compulsive gambler from a small South Dakota town, who within a year, dumped \$28,000 into the video machines. He maxed out his credit cards, ignored his bills and gambled away every cent. He nearly lost his job, his family and his home. He is quoted as saying, "These dam video machines, I just got caught up in it." He is now a member of Gambler's Anonymous.

I hope you will join in indefinitely postponing this bill.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Presque Isle, Representative MacBride, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

YEA - Adams, Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Butland, Carroll, J.; Chonko, Clark, M.; Constantine, Cote, Donnelly, Duffy, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Hanley, Heesch, Heino, Hepburn, Hichens, Holt, Hussey, Kilkelly, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Luther, MacBride, Mahany, Marsano, Marsh, McKeen, Merrill, Murphy, Nash, Nutting, O'Gara, Ott, Pendexter, Pendleton, Pfeiffer, Pines, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ruhlman, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Tracy, Treat, Tupper, Wentworth, Whitcomb, The Speaker.

NAY - Aliberti, Boutillier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, H.; Coles, Crowley, Daggett, DiPietro, Dore, Erwin, Gean, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hichborn, Hoglund, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kontos, Lord, Macomber, Manning, Martin, H.; Mayo, McHenry, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Dea, Oliver, Paradis, P.; Paul, Pineau, Plourde, Poulin, Pouliot, Ricker, Rotondi, Rydell, Simpson, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Vigue, Waterman.

ABSENT - Bowers, Carleton, Hastings, Larrivee, Paradis, J.; Parent.

Yes, 82; No, 63; Absent, 6; Paired, 0; Excused, 0.

82 having voted in the affirmative and 63 in the negative with 6 being absent, the motion did prevail.

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

#### SENATE PAPER

Bill "An Act to Encourage the Development of Business and Infrastructure through the Extension of State Tax Increment Financing" (S.P. 974) (L.D. 2460)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-750).

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

Subsequently, was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

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

#### PASSED TO BE ENACTED

##### Emergency Measure

An Act to Create Jobs, Promote Economic Growth and Provide Business Assistance (H.P. 1773) (L.D.



2455) (S. "A" S-740)

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. 124 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

An Act to Require that Administrative Cost Reductions Be a First Priority in the Event of Revenue Shortfalls (H.P. 1776) (L.D. 2458)

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

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

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(At Ease)

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(After Midnight - 12:15 a.m.)

The House was called to order by the Speaker.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Provide Skills Training for Unemployed Workers" (H.P. 1772) (L.D. 2454) on which the Bill and accompanying papers were recommended to the Committee on Housing and Economic Development in the House on March 29, 1992.

Came from the Senate read twice under suspension of the rules and passed to be engrossed in non-concurrence.

Subsequently, the House voted to Insist.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 848) (L.D. 2159) Bill "An Act Related to Hydropower Relicensing Standards" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-752)

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

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1192) as amended.

Representative Daggett of Augusta offered House Amendment "TT" (H-1329) to Committee Amendment "A" (H-1192) and moved its adoption.

House Amendment "TT" (H-1329) to Committee Amendment "A" (H-1192) was read by the Assistant Clerk.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.  
Representative DAGGETT: Mr. Speaker, Men and

Women of the House: Although I would love to have an opportunity to offer an amendment that would make state employees completely whole, that doesn't seem possible under these circumstances but I think what this amendment offers is an appropriate, reasonable and responsible compromise. I hope you will be able to support it.

It maintains the base which is the current status quo along with those furlough days than previously agreed to so it would not be violating that previously agreed to piece. It would require state employees to give up only one-third of what was previously asked and that is the one hour.

I hope that you will be able to support this amendment.

Representative Tracy of Rome requested the yeas and nays.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I came back into the House as the bell was ringing to find this amendment being distributed. The amendment has 17 pages in it, the Statement of Fact contains a significant amount of information that is either inconsistent with or certainly was not explained by the Representative from Augusta, Representative Daggett, whose amendment this purports to be. I don't understand how we can be asked at this hour of this day to deal with this without at least being given an opportunity to discuss it, to review it, to go to caucus on it. We have been around this place for Lord knows how long dealing with matters. From what I understand the Representative to have said now was agreed upon a week or two weeks ago, has been in every budget or everyone of the proposals, and is now being stripped out in some way.

I think it is a disgraceful procedure that we are apparently embarked upon and I cannot believe that we are going to be subjected to that. If we are going to be forced to vote on this without the opportunity to discuss it and have our colleagues think about it for a little bit together, I think it should be voted against simply on the basis that it is a bad policy to make changes of this sort at this time of the day, ten minutes of one in the morning when we have not even had the courtesy of having this before us. We have never heard that this was going to be a part of the discussion this evening.

I don't know what kind of games are being played here or by whom but it certainly strikes me that there is a game and if we have to vote on it (and I hope we won't) I hope it will be tabled and we can go to caucus so we can discuss it, then I hope the vote will be against it.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I know the hour is late and we are tired but I will try to be calm. It is a little difficult to take all the chastisement about needing time to understand this budget when those of us from the Augusta area read about the cut to state employees in the Saturday morning Kennebec Journal. We have been asked to vote on numerous things without very much opportunity to look at it, much less understand it.

This is really a very simple amendment. There is nothing new in it. It is basically "LL" restored

which was a unanimous product of the Appropriations Committee and leadership, if I understand it. The only thing that Representative Daggett has added to this was also something that shouldn't be new to anybody — it is simply continuing to honor a collectively bargained agreement. It restores the pay, the .07 percent which had been bargained on a side agreement to be offset by furlough days. That is not new. In fact, it is in Chapter 65, the rest is the Appropriations Committee bipartisan recommendation on "LL." The cuts still stay in place, the budget is balanced, there is nothing really shockingly new here and I also am tired but it is also important that we enact a budget.

I would encourage your support of this amendment tonight.

The SPEAKER: The Chair would advise members that reference to similarities should be that House Amendment "TT" is similar to Senate Amendment "L" and not "LL." I repeat, it is Senate Amendment "L" which is what was voted on three hours ago.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: We did just get this amendment and I would differ with the prior speaker that there is nothing new in there. There is a new appropriation for a program for the homeless for \$175,000. I have never heard, frankly, any testimony on that proposal and as one who has felt very strongly about that \$900,000 cut in child protective workers, which was in our budget, I wonder whose priority this is which was never presented to the Appropriations Committee for discussion?

Also, the agreed upon language has across-the-board cuts which will affect state employees and positions. I don't think it is responsible now to add, along with those layoffs, furlough days and still try to deliver services to Maine citizens with all the programs that are still on the books.

I hope you will vote against this motion.

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

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

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I haven't had any time either really to digest what this is but I have to say that what I see in a few seconds compels me to say that I can't support this either and I would like to explain why.

I think the problem is still there that we are still looking to state employees to fill the hole which is not caused by state employees. This is an improvement because it honors a part of the collective bargaining agreement but it also still changes working conditions, changes working hours and I am really concerned, and I haven't mentioned this before, what we are doing to the pay scale. We paid thousands of dollars over the years to consultants to come up with the pay scale that provides for equal

pay for equal work and when we start pulling out salaries the way this does and the way Senate Amendment "L" does, I think we are creating problems that are beyond anybody's imagination. For those reasons, I am sorry I just can't support this either and I hope you will vote against it.

The SPEAKER: The pending question before the House is adoption of House Amendment "TT" to Committee Amendment "A" (H-1192). Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 420

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Gean, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Hichborn, Hussey, Jacques, Jalbert, Joseph, Kerr, Kontos, Larrivee, Lawrence, Lemke, Mahany, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Powers, Ricker, Ruhlin, Rydell, Simonds, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; DiPietro, Donnelly, Duplessis, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Hale, Hanley, Heeschen, Heino, Hepburn, Hichens, Hogleund, Holt, Ketover, Ketterer, Kilkelly, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Manning, Marsano, Marsh, Merrill, Murphy, Nash, O'Gara, Oliver, Ott, Pendexter, Pines, Plourde, Rand, Reed, G.; Reed, W.; Richards, Richardson, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Vigue, Wentworth, Whitcomb.

ABSENT - Bowers, Greenlaw, Hastings, Parent, Pendleton.

Yes, 75; No, 71; Absent, 5; Paired, 0; Excused, 0.

75 having voted in the affirmative and 71 in the negative with 5 being absent, House Amendment "TT" to Committee Amendment "A" (H-1192) was adopted.

Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1291), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "00" (H-1275), "QQ" (H-1319), "RR" (H-1320) & "TT" (H-1329) and Senate Amendments "E" (S-708) & "H" (S-720) thereto was adopted.

Representative Treat of Gardiner requested a roll call on engrossment.

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

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

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

## ROLL CALL NO. 421

YEA - Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Coles, Constantine, Cote, Daggett, Dore, Duffy, Dutremble, L.; Gould, R. A.; Graham, Greenlaw, Gwadosky, Handy, Hichborn, Jalbert, Kerr, Kontos, Larrivee, Mahany, Manning, Martin, H.; Mayo, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Ricker, Ruhlin, Rydell, Sheltra, Simonds, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Waterman.

NAY - Adams, Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Clark, H.; Clark, M.; Crowley, DiPietro, Donnelly, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gray, Gurney, Hale, Hanley, Heeschen, Heino, Hepburn, Hichens, Høglund, Holt, Hussey, Jacques, Joseph, Ketover, Ketterer, Kilkelly, Kutasi, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, McHenry, McKeen, Merrill, Michael, Morrison, Murphy, Nash, Norton, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Plourde, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Rotondi, Saint Onge, Salisbury, Savage, Simpson, Small, Spear, Stevens, A.; Stevenson, Strout, Treat, Tupper, Vigue, Wentworth, Whitcomb, The Speaker.

ABSENT - Bowers, Hastings, Parent.

Yes, 56; No, 92; Absent, 3; Paired, 0; Excused, 0.

56 having voted in the affirmative and 92 in the negative with 3 absent, the Bill failed of passage to be engrossed in non-concurrence and sent up for concurrence.

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At this point, the Representative from Fairfield, Representative Gwadosky, was appointed to act as Speaker pro tem.

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

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Representative Martin of Eagle Lake moved that the House reconsider its action whereby Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) failed of passage to be engrossed as amended.

Representative Marsano of Belfast requested a roll call vote.

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 Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: It is interesting that this late in the evening how certain things can get into a situation where people find themselves comfortable doing what they think is right, based on information or lack of information that is provided to them. I appreciate that.

For those in the Minority Party, I am sure that maybe they feel as if they were not fully informed. Perhaps they might have a little feeling for what members of the Majority Party have felt from the administration for the entire three months in trying to put a budget together.

Let me just tell you what the difference is between where we are and why I believe we ought to reconsider this evening. Representative Marsano from Belfast really led you down the path of getting you to accomplish the goal of defeating engrossment. I think we need to go just a little further than that. The reason I think we ought to reconsider is that we have to pass a budget today. I think it is critical that we do so without any further delays.

One of the things which led to the confusion this evening was whether or not and why something got into this amendment and was there more into it than what was being discussed? I think it is fair for you to know that the so-called amendment that is in this budget which deals with the homelessness and is found on the last page is the only thing in here which is different than "L" which was adopted by the other body. There is one exception and that has already been explained by the Representative from Augusta, Representative Daggett and Representative Mitchell from Vassalboro.

I would like to explain to you why it is there. First, let me tell you that I authorized it being placed there. The reason that I did was because of the fact that the material and information that was arrived at for the Representative from Alfred putting together the original proposal that he had which was on another bill was based on information that had been worked on by him and certain members of the department. Yesterday morning, (now two mornings ago) the Representative from Alfred came to me and said, "I just lost the available resources I had to fund the proposal that I was offering." I said, "Interesting, but tell me more." He did. Later in the day in a meeting that we had with members of the administration, I asked the Commissioner of Finance where the information had come from when he gave us one of the two sources of income that were produced by the administration for funding the potential \$20 million shortfall. Lo and behold, I found that in fact that figure had been taken from information provided by Representative Gean.

As a matter of fact when I came on the floor this evening, I suggested to Representative Chonko that she explain that this money was actually stolen. Representative Chonko said, "I don't want to do that." I guess neither do I, but I think it is critical that you be aware that that may have led to some conclusions which may have led some of you to vote the way you did.

Second, what you have before you, in my opinion, is about as best as we are going to get. I guess we have to arrive at a decision as to whether or not we can go any further.

I appreciate the fact that the Representative

from Hallowell feels that some of this is on the backs of state employees. Quite frankly, that is true. I appreciate the fact that there are some people in this room who would like to put more on the backs of state employees, a lot more.

I think at this point we need to reconsider and, if someone has another amendment, we ought to put it on. As a matter of fact, there is another amendment, an amendment that would be offered a little later if this one is reconsidered and removed. It is slightly different than this one.

I do not believe that we can leave this body tonight with having failed to engross a budget. So, I would plead with the members of my party at least, I don't believe I will get the support of too many from the Minority but I will plead with the members of my own party if they have a better solution or no solution at all that the least we can do right now is to reconsider because this is the place we are going to have to put an amendment on whether we like it or not, if we are going to have a budget. If we are not going to reconsider, then we need to give serious thought to going home. There is absolutely no sense in spending more time here, accomplishing little. We will not help ourselves, we are not going to help the people of Maine and for those of you who support the employees of the state, we will give them even less comfort. So, regardless of your position for or against an amendment, I plead with you to vote reconsideration and then let's figure out where we need to go. Without reconsideration, we are going nowhere, nowhere at all.

I plead with you to vote for reconsideration at this time and then we need to figure out where we are going to go from there.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: One never knows when the gentleman from Eagle Lake comes down off the rostrum which gentleman from Eagle Lake one will see in action. Tonight as you have seen, it is the petulant, pleading Representative from the far north. He suggested I led you down the garden path. It is I who have been led down the garden path.

I have been a supporter of the Appropriations Committee in this House for a very long period of time. I have been and still am. But, I was placed in a position last night by the Speaker of the House where I was asked to be on a committee, a committee that which I term as one representing rampant ad hocery that led us to a position where we generated something last night that the lady from Vassalboro correctly chastised us for, not giving out information. Whose idea was that? It was the idea of the gentleman from Eagle Lake. It was his suggestion that this arrangement which was put together and appeared as 748 would somehow be better if the press and the unions didn't know about it. You wouldn't know about that, Mr. Speaker, because during the course of that deliberation, you weren't present. The Representative from Waldo said to me, I think this is a charade, I don't think Representative Gwadosky will be there, so you and Representative Mayo go down to the cabinet room and see if you can work things out. We did, the President of the Senate was there, the only member of Democratic Leadership, along with some people from the Appropriations Committee. Then, the Senate President left and we were left with nobody from Democratic Leadership,

leadership from the other body. We tried to get somebody and nobody came. But, we tried, we worked on it through the evening after you had gone home in an effort to put something together because somehow there was some idea that leadership could replace Appropriations, as if that were so in a budget situation. We have not been able to deal with that. Never in the years that I have been here in this House have I seen a committee of the whole ever replace the Appropriations Committee which balances the power of the Executive Administration and the various interests such are those that are exhibited by some of the fine Representatives that serve on that with ideas that they care about that they bring to the budgetary process trying to craft out a balance which they offer to us and we have treated them with revulsion. I have not done that because I did not want to suffer the same kind of feeling that I have as a result of the revulsion which you have visited upon me for my efforts trying to produce something that you might accept, which was 748.

I apologize for that. I shouldn't have participated. When I saw that the Representative from Fairfield was not there, I should have left too. But, I know how hard the Representative from Thomaston works and he did again, although he made it clear that he didn't approve the process before, he came with a spirit of willingness to try and put together a budget. And, when a ready, willing individual comes and asks me for help in this process, I try. I failed but I tried last night with him and I appreciate the efforts that he made to give you something which he thought might be a reasonably competent package for you to accept. There are no good answers.

There was a humorous side to it all yesterday — my seatmate, the Representative from Bangor said, "You know, the problem with this place is we have got somehow to figure out how to reduce the size of the Appropriations Committee from 186 back to 13." I thought that was a really clever statement because I think that has been what is wrong with the process. His wishes were resolved beyond all of our expectations because we reduced it to one, we reduced it to the gentleman from Eagle Lake who took over with his little list and all the rest of it and never mentioned, to my recollection, I have an imperfect and aging mind, but never to my recollections did he mention what is within the amendment that the Representative from Augusta just placed before you. That was never proposed as a solution. Yet somehow now, in these late hours, the Representative from Eagle Lake would have you believe that there is no place else to go and can't we all do this. He implores and pleads with the people from his party, he says he will get none of the votes from the Minority Party but he would have because we worked throughout the course of this day to try to get the votes together to pass a budget that would be responsible that had at least some connection with the Appropriations process. Well, what has that amounted to? Have I led you down any garden paths? No, I say. I have not led you down any garden path at all. I am the one that has been deceived by the gentleman from Eagle Lake. I am tired of it, I am tired of having him make the same preposterous argument that he makes here tonight and makes it with such convincing simple eloquence — we must have a budget. We have failed before as a House and sent the matter off to our brethren on the other side of

the Capitol building here and they have done something which we have not been able to do. Maybe they can do it again but there is no reason for us to accept it. There is certainly nothing in the representations made to you by the gentleman from Eagle Lake that should suggest to you however remotely that there is something that is compelling about this as opposed to whatever else we've had. I think we should deny reconsideration, let the matter get out of here. You remember on a procedural basis when we failed of engrossment just a few nights ago that it was the ruling of the Clerk of the House that the matters that were on went to the Senate in that fashion and that can still be the case. If that was the ruling then, it should be the ruling now and they will have this amendment by Representative Daggett. If for some reason they shouldn't why, as you will notice Senator Pray under Senate Document 755, has already produced nearly the exact document for their consideration.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: As I sat here and listened to the two leaders speak tonight, I just want to make a couple of comments.

I think that we should reconsider, not because of either one of those gentlemen, but we should reconsider this and I think what we ought to do is give both parties the opportunity to take this to a caucus and look it over. I think this bill should be settled right here and I think it is up to us to do it without sending it to the other end but I think we have to do it in the right way.

I was aware of this amendment before it came in here tonight. I didn't say anything to anybody because I thought everybody knew what was in that amendment, evidently they didn't, but you heard the gentleman down in the corner ask when it came in that he felt that we ought to have a chance to look at it because it came in too soon. I agree with him. What we should do is reconsider, table this, we have been here all day for two days and another 15 to 20 minutes isn't going to hurt any of us. If we let us take that bill so we can look it over as a Minority Party and review and see what our problems are, I think we are very close to settling this problem. I don't think we ought to vote against this and send it back over there. I think the place to do it is right here, I think we should reconsider and then the next thing I would hope somebody would do is table it and let our party go down and look at it and let you people do the same. I think we can resolve this.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of the Representative from Eagle Lake, Representative Martin, that the House reconsider its action whereby L.D. 2185 failed of engrossment. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 422

YEA - Adams, Aliberti, Anderson, Anthony, Bailey, R.; Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy,

Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lord, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Barth, Bennett, Butland, Carleton, Donnelly, Duplessis, Farnum, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Luther, MacBride, Marsano, Merrill, Nash, Ott, Pendexter, Pendleton, Pines, Rand, Reed, G.; Richards, Savage, Small, Whitcomb.

ABSENT - Bowers, Hastings, Parent, Salisbury.  
Yes, 110; No, 37; Absent, 4; Paired, 0;  
Excused, 0.

110 having voted in the affirmative and 37 in the negative with 4 being absent, the motion did prevail.

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At this point, the Speaker resumed the Chair.

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The House was called to order by the Speaker.

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By unanimous consent, L.D. 2454 was ordered sent forthwith to the Senate.

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(At Ease)

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The House was called to order by the Speaker.

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Representative Handy of Lewiston requested a roll call on passage to be engrossed as amended on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185).

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

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

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

ROLL CALL NO. 423

YEA - Adams, Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Gean, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hichborn, Hoglund, Jacques, Jalbert, Joseph, Kerr, Ketover, Kontos, Larrivee, Lawrence, Manning, Martin, H.; Mayo, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Ricker, Ruhlin, Rydell, Sheltra, Simonds, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Clark, H.; Donnelly, Duplessis, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Heeschen, Heino, Hichens, Holt, Hussey, Ketterer, Kilkelly, Kutasi, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, McHenry, McKeen, Merrill, Michael, Morrison, Murphy, Nash, Norton, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Powers, Rand, Reed, G.; Reed, W.; Richards, Saint Onge, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Treat, Tupper, Whitcomb.

ABSENT - Bowers, Hanley, Hastings, Hepburn, Luther, Mahany, Parent, Richardson, Rotondi, Salisbury, Simpson.

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

72 having voted in the affirmative and 68 in the negative with 11 being absent, the bill was passed to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1291), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), "QQ" (H-1319), "RR" (H-1320) & "TT" (H-1329) and Senate Amendments "E" (S-708) & "H" (S-720) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

**PASSED TO BE ENACTED**

An Act Related to Hydropower Relicensing Standards (S.P. 848) (L.D. 2159) (C. "A" S-752)

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.

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

The Chair laid before the House the following matter: Bill "An Act to Delay the Workers' Compensation Rate Increase" (EMERGENCY) (H.P. 1775) (L.D. 2457) (Approved for introduction by a majority

of the Legislative Council pursuant to Joint Rule 27.) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Mitchell of Vassalboro offered House Amendment "A" (H-1326) and moved its adoption.

House Amendment "A" (H-1326) was read by the Assistant Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The other major issue this session has been Workers' Compensation and there has been a unanimous desire to have the Blue Ribbon Commission which has now been signed by the Governor to do some very detailed investigative work to make sure our system is reformed and works better. There is also, in the meantime, a rate increase pending.

The bill before you would delay the assessment on the insurers in the residual market, delay that assessment until November after the commission has met and after this legislature has had time to act. The amendment that I offer would add to that a delay in the rate increase which is scheduled to come out in June, so that the Superintendent of Insurance can review the action of this legislature and the action of the Blue Ribbon Commission to see what savings might occur. I urge your adoption of House Amendment "A."

Subsequently, House Amendment "A" (H-1326) was adopted.

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

Representative LIPMAN: Mr. Speaker, I offer House "A" (H-1330) to House Amendment "A" (H-1326) and move its adoption.

The SPEAKER: The Chair would advise the Representative that his motion is out of order.

Representative LIPMAN: Mr. Speaker, I would challenge the ruling that I am out of order and request a roll call.

The SPEAKER: The pending question is a challenge of the ruling of the Chair, a roll call requested.

The matter is not debatable. The Chair would advise the members of the House that the ruling is based on the fact that Representative Lipman of Augusta is presenting a House Amendment "A" to House Amendment "A". House Amendment "A" has already been adopted and, therefore, his amendment is not properly before the body.

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

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

The SPEAKER: The Chair will order a vote. The pending question before the House is overturning a ruling of the Chair. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 98 in the negative, the ruling of the Chair prevailed.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-1326) and sent up for concurrence.

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

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

#### SENATE PAPER

##### Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws" (EMERGENCY) (H.P. 1547) (L.D. 2185) which was passed to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), "QQ" (H-1319), "RR" (H-1320) and "TT" (H-1329) and Senate Amendments "E" (S-708) and "H" (S-720) thereto in the House on March 30, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1192) as amended by House Amendments "L" (H-1216), "N" (H-1219), "Q" (H-1222), "T" (H-1228), "U" (H-1230), "FF" (H-1252), "OO" (H-1275), "QQ" (H-1319), and "RR" (H-1320) and Senate Amendments "E" (S-708), "H" (S-720), and "M" (S-755) thereto in non-concurrence.

Representative Chonko of Topsham moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Ladies and Gentlemen of the House: As you well know, the amendment that was put on in the House earlier, "TT" has been removed and the amendment on there now is exactly the same as "TT" except for the one area where the shelter has been removed.

Representative Martin of Eagle Lake requested a roll call vote.

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

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

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

Representative WHITCOMB: Mr. Speaker, I move that the House recede.

The reason I make that motion is that we have an individual in our caucus who is working on an amendment, in all sincerity, that brings back before this body the issue of whether we wish to make cuts in programs across the line versus cuts to the employees, which seems to be the basis of the item that will be the result of the previous motion that was made. So, we would appreciate the opportunity either to have the final drafting of the amendment brought before us or at least to discuss it in its content.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: If I could, as best I can and it's late, I'm tired, I can describe to the body what the proposed amendment would do.

We have gone through a series of various budget amendments in the last two days. My sense of what I hear from legislators on both sides is that they would prefer to look at cuts and do away totally with "WW." During the period of time that "AA" was out, if you all recall, I had a number of calls from state employees, approximately 15, and I described to them as best I could what that amendment did. I think I did include everything that was in there. One hundred percent of those 15 all agreed that we should cut state government — these were state employees. I had one from my district.

The one thing they were most concerned about was the issue that Representative Jalbert raised and that was the one percent. They did concede given the fact that they were looking at the alternative of \$20 million as opposed to \$3.2 which would have been the one percent for non-vested employees.

What I have attempted to do is look at a series of cuts that this body has endorsed through the various amendments, look at some of the cuts that were in original "AA" and put together an amendment that again reaches the goal of \$20 million in cuts. In addition to that, there is a savings of \$1.5 million which would go into the Rainy Day Fund.

If I could take a stab at this and briefly explain what some of those cuts are, (1) there was a lot of contention about the court closings. That has been restored. There was a savings at that time of about half a million dollars, so I had to find another half million dollars.

The other one was tree growth, that was, as you recall, last year's flat-funded and would be \$1.5 million and that cut was about \$1.3, which would have been \$200,000 over. What I did was restore the total amount of \$1.3 million so tree growth is fully funded.

The circuit breaker is as it was in "AA" and that is a \$4.5 million to \$5 million. This body endorsed a nine-tenths of a percent across-the-board cut in departments and agencies that excludes GPA, Municipal Revenue Sharing, the University of Maine and grants. So, essentially it is dealing with state government bureaucracy, reducing the size.

This body also endorsed the \$2 million in abandoned property and that is in there as well. The one percent that this body also endorsed in earlier amendments dealing with the one percent for new employees that is for retirement, growth management is still in there.

The seven and a half percent pay cut for the 116th First Regular Session for legislators as well as the constituent allowance, the \$600,000 still comes out of the account. There are still some contentious items, we couldn't take all of them out or I could not find another place to take all of them out and those contentious items are again — the gap.

As you recall, we discussed the gap and dealing with what that would amount to by taking out the gap. On the average, it would affect roughly 40 percent of people on AFDC and that would reduce on the average their benefit down to \$1,200. On the average, they get \$13,000 and again that would not cut out the fact that they receive Medicaid and all the other entitlement programs that we give or we



have in place in the state as well as locally.

The other item that is out is dealing with the single parent on AFDC that has an additional child, that is out.

I know I have left out two other items in there and I believe these items I have not mentioned are not ones that I think this body has endorsed.

I have a quick list here and I am tired so I would ask this body to recede. I understand it should be ready in about a half hour but being legislative time, I am sure that means 45 minutes to as much as an hour. I apologize for that but I feel very strong that by continually cutting back on the labor force on state government, we continue to demoralize and compromise the services that we are giving to people in this state. I feel that it is very important that we look, as painful as it is, we have to look at cutting back on programs. By cutting back programs, we increase the efficiency that we are giving other services in state government and I think that is very important.

This whole thing with restructuring obviously is for another day, for the 116th, certainly not for a special session. It is something that I think this body has to do in the future. I think it is better for state government. I think the people of the State of Maine want restructuring. In restructuring, I think we have to look at the fact of our physical plant. A lot of the proposals we had this year did not consider the physical plant, that would have cost more money. I think it is something that takes a lot of time, a lot of thought, a lot of input but I think that will ultimately have the biggest impact of efficiency in how this state runs and how we can deliver services in a more quality basis, how we can implement the bill that we all introduced and endorsed of total quality management. That would better work with a restructuring plan that makes sense in state government.

Where we are today with entitlement programs, where we are with recession, where we are with state government the way it is, is of no fault of anybody else except that I think that all state governments are facing what they are facing today because we have grown, we have tried to do as best we can for everybody that has a need but, unfortunately, we have not kept in reserve or kept in check, our growth. I think it is important that we consider where we are today so that when you come back in the 116th, we can do something, we can pick up the ball and start rolling. Perhaps we can look at those programs that we cut and maybe put them back in place.

My colleague has just indicated two other items that are contentious items that are still in this bill. The Maine Health Care Program, as you recall, was \$4.6 million and that is for adults and then you have MHCFC. I will just take one more minute of your time with respect to MHCFC. I don't think I made a pressing enough comment on that the last time. As everybody understands, it is an organization that is very sophisticated, an organization that is very complex, their rule making is very complex. It would be very difficult for any one of us to stand up here today — Representative Rydell probably understands that better than anybody here how that works. The fact of it is that that organization, that agency, is expensive. It has been stated by a lot of the smaller hospitals that are supposed to benefit that it is no longer needed, they can do without it. The fact of it is that it is an impediment, it does not

any longer represent the constituency. So, I think at this point, if there is a need, we can come back and restructure something that does make sense in the future that perhaps accomplishes the same exact thing.

Ladies and gentlemen, I would ask that you would recede so that we could table this matter so we can all consider the amendment that is being produced.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This has been somewhat of an unusual opportunity to have described an amendment that is not before us but for the most part, I think it has been helpful in making our decision as to whether we want to recede at this point or not. It gives us an idea of what is coming and I think that is more helpful than not. I want to accept those items that are being offered up as sincere. We have debated many of those items and I think most of us share the concern about the growth in state government and what we want to see in terms of cuts in programs. It is very difficult to agree sometimes and reach a consensus on what we want to do but if you look at the items that are being discussed as to be offered prospectively in the future for us at a later time, most of those were rejected just in the last two days by Democrats and Republicans. Democrats and Republicans overwhelmingly rejected those very same issues, those very same proposals.

As I indicated in my caucus, I did not play a particularly close role in the negotiations in the last two or three days but the one meeting I did attend, I remember a vivid conversation with Representative Foss when the issue of Health Care Finance came up, the issue of Maine Health Care Program came up, the issue of growth management came up and even Representative Foss and others said, we can't fight that battle again. We fought it in Appropriations, we fought it on the floor of the House, this institution cannot stand another fight regarding that battle. That is beyond us now, we have got to move on.

Maybe there are those who want to go down the road and look into the future and deal with those issues and try to target some of those things and probably they should. There are some of those in fact that I will vote for and some of those I can vote for but I think we have reached the point now where we don't see enough new that we haven't seen already and that in fact with respect, I am going to ask for a Division on the motion to recede. I think we are in the position now where we can move on. I don't think we want to get into a partisan game where one side is going to accuse the other of not making enough cuts or not having the stomach to make the necessary cuts. No one is served by that. People in Maine are wondering why we are here right now. Believe me, they are wondering. They probably don't know we are here but tomorrow morning, they will be wondering. I know that our families are wondering why we are here right now so let's move on. I am going to ask for a Division with respect to the receding motion so that we can then move on and get this bill behind us.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Believe me, I don't want this thing to turn into a partisan issue and I am not

attempting to make it into a partisan issue. I feel very strongly about this, I feel that this is probably the best course. When I put "AA" together, I had too much salt. I didn't take out all the salt but it is edible and that is why I am asking this body to consider or at least have a chance to look at this amendment in its entirety.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: Since Representative Gwadosky mentioned my comment the other evening, I would like to explain the context in which that was made.

As we all know, this is a fluid process and I guess I have expressed in other places in this building my deep disappointment to what happened earlier. Rules changed immediately. We had an understanding, once again, that we had a unanimous committee agreement and it was violated with a new amendment which was put on our desk with no notice. It had parts that we had never discussed. That comment the other evening about the Maine Health Program was when we were working on that very unanimous report. I know very well what hot spots some of those are for some of the Democrats but I want to make it very clear that those cuts that I understand Representative Richards is now proposing were unanimously endorsed by the Republicans on the committee. It did not show up in the report because we didn't have the votes to do it but I hope that this body will at least give him the courtesy of reviewing his amendment as the Majority Party did on the amendment which we had two minutes to review.

I ask for a roll call.

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

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

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I want to rise to agree with Representative Foss because I think in the context that she did make that statement that they were working towards a unanimous committee report and that is clearly evident in her statement at that time. But, I think we can all see where this is going. We can take the time now to allow any individual to put together a program that have been traditionally opposed by one or the other of the parties. We could spend the same amount of time and allow somebody from this side of the aisle to put together the amendment to cut the State Planning Office or the Department of Education, the Department of Economic and Community Development — we can play that game because that is a lot of the areas that we have attempted to cut but have been unable to do it successfully just as many people on the other side have been unable to cut Maine Health Care Finance Commission or perhaps the Maine Health Care Program. I don't think any of us are served by the game of who can load up the cuts at this point to make a political statement as to who is more serious about cutting state government. We have

all been put in this very difficult situation with our backs to the wall and with state employees taking another brunt to our efforts. It is all well and good that we are concerned about state employees and seriously concerned about what is going to happen to them in this process. I don't see this route, with respect to the comments of Representative Richards and Representative Foss leading us to a productive path at this point and that is why with respect, once again, I don't think we should be receding. I think we should be moving along with the process and get on with the people's business in this state in a manner that I think they would expect us to do so.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I want you to understand where this bill stands right now. It includes both furlough days and an across-the-board cut. I think that will have a devastating impact on the delivery of services without reduction in programs. It is that simple.

Representative Gwadosky said that we are playing a partisan game — I had no idea that the members of my committee on the other side of the aisle were going to buy onto an amendment that had obviously been prepared in advance nor did I know that it was being prepared. I was still working with my caucus trying to get the votes for the unanimous agreement that we all agreed to last evening. But that aside and the fact that you don't feel that Representative Richards has the same courtesy to have his ideas expressed, I think is rather appalling, but as the bill stands right now, I think it will have a devastating effect on the delivery of services to the people out there that this government is all about.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the pending motion to recede. We have spent many hours on this budget, many weeks and many months. When we ran into the problem when the budget was first turned down, the members of the Democratic Party on the committee, decided to try to find ways where we could find \$20 million. It is not easy, it is very, very difficult.

There was an amendment offered earlier this evening — "TT" by Representative Daggett. I first voted against the amendment, I wasn't sure what was in the amendment. Basically, there was only two items that were different in that amendment. Those two items are not worth going home without a budget. We were elected here to represent the people back home to the best of our abilities.

Personally, I was appalled at the fiasco that went on here last Spring and last Fall. People throughout the state were disappointed, angry and they were upset at each and everyone of us. Today, I think you and I have an opportunity to prove to the people that we can do better, that we have learned our lesson and give them a budget. This isn't a Democratic budget, it is not a Republican budget, there are items in this budget that I don't like, I now there are items in this budget that Representative Foss doesn't like, but it is a budget. I think it is a fair compromise, it is a good compromise and I hope that before you press your button that you will consider this budget.

I don't think we can afford to go home. I don't think the state employees can afford to have us here any longer, those people are really depressed, a lot of you are depressed. We have cut roughly \$750 million in nine months, that is a lot of cuts. I know members of my caucus would just as soon have tax exemptions but we realize that that is not going to happen. There are members on the other side of aisle who would like to cut more programs and we realize that that is not going to happen. I think it is very important that you vote for your people back home. They want a budget, they need a budget and we need a budget so please 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: I think we shouldn't lose sight of the fact today that the Appropriations Committee really was working hard to come out with a unanimous budget that a majority of this caucus could support. That is what you people wanted in the Democratic Party when you removed the emergency from the Supplemental Budget so you could pass it with a majority vote. That is what we have here today.

I do want to remind you that when we worked hard trying to find the \$20 million, it was the Democratic Chairman of the Committee who brought in the amendment to make cuts in the state employees and we were surprised when they did. Eventually however, we all did it except that plant and we accepted in good faith and brought to the House to all of you. There was a great deal of difficulty with that so we all went back to work again. We brought forth another agreement and the committee process certainly did fall apart and did fall down and I think that is unfortunate when we work together.

I do hope that you will vote against it.

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

Representative DONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the Representative from East Millinocket will not be offended by my comments but I do disagree with him on how the people at home want a budget. The people I have talked to at home and around the state didn't say to vote for anything. What they say is, "Bite the bullet, make some cuts, make some hard decisions and stop passing the buck onto the state employees." It is about time we made some tough decisions and I know there are cuts that I wouldn't be happy with and there are cuts that a lot of people in here wouldn't be happy with but I think it is time for us to stop with the fluff and go on and make some hard decisions.

I hope that you will vote to recede and at least give Representative Richards a chance to present his amendment and then with that in front of you, you can decide if you don't want to vote for it, then that's great. At least it is an informed decision rather than us passing around some ideas and Representative Richards can go over what is in there. I think we should have an opportunity to look through his budget amendment and make some decision on the actual facts that are in there. It looks like it will be another couple of minutes. If I stay up here and talk long enough, I will get shot, but the amendment will be back.

Thank you members of the House, I appreciate your time.

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

Representative TRACY: Mr. Speaker, Men and Women of the House: I know that the hour is late, you hear that often, but it is late. Can anybody tell me where we are after we recede? Is this going to be for enactment or what? I am getting confused here.

The SPEAKER: The Chair would advise the Representative that if the motion to recede prevails, the bill would be ready for amendments. If the motion to recede fails, then it will be ready for enactment.

A roll call has been ordered. The pending question before the House is the motion of the Representative from Waldo, Representative Whitcomb, that the House recede. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 424

YEA - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, D.; Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Michael, Murphy, Nash, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Savage, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

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

ABSENT - Anderson, Bowers, Hastings, Hichens, Luther, Mahany, McKeen, Parent, Rotondi, Salisbury, Simpson, Small.

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

47 having voted in the affirmative and 92 in the negative with 12 being absent, the motion did not prevail.

The SPEAKER: The pending question before the House is the motion of the Representative from Topsham, Representative Chonko, that the House recede and concur. (a roll call having been ordered) Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 425

YEA - Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hichborn, Hogle, Holt, Jacques, Jalbert, Joseph, Kerr, Kontos, Larrivee, Lawrence, Manning, Martin, H.; Mayo, Melendy, Michaud, Mitchell, E.; Mitchell, J.

Morrison, Nadeau, Norton, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Richardson, Ricker, Ruhlman, Rydell, Sheltra, Simonds, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Vigue, Waterman, Wentworth, The Speaker.

**NAY** - Adams, Aikman, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Clark, H.; DiPietro, Donnelly, Duplessis, Erwin, Farnum, Farren, Foss, Garland, Greenlaw, Gurney, Hanley, Heeschen, Heino, Hepburn, Holt, Hussey, Ketover, Ketterer, Kilkelly, Kutasi, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, McHenry, Merrill, Michael, Murphy, Nash, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Plourde, Powers, Rand, Reed, G.; Reed, W.; Richards, Saint Onge, Savage, Spear, Stevens, A.; Stevenson, Tracy, Treat, Tupper, Whitcomb.

**ABSENT** - Anderson, Bowers, Hastings, Hichens, Luther, Mahany, McKeen, Parent, Rotondi, Salisbury, Simpson, Small.

Yes, 71; No, 68; Absent, 12; Paired, 0; Excused, 0.

71 having voted in the affirmative and 68 in the negative with 12 being absent, the motion to recede and concur did prevail.

By unanimous consent, ordered sent forthwith to the Engrossing.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring (S.P. 910) (L.D. 2330) (C. "A" S-725) which was passed to be enacted in the House on March 29, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-725) and Senate Amendment "A" (S-734) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Encourage the Development of Business and Infrastructure through the Extension of State Tax Increment Financing" (S.P. 974) (L.D. 2460) which was referred to the Committee on Taxation in the House on March 29, 1992.

Came from the Senate with that Body having adhered to its former action whereby the Bill was read twice under suspension of the rules without reference to a committee and passed to be engrossed as amended by Senate Amendment "A" (S-750) in non-concurrence.

The House voted to recede and concur.

Representative Joseph of Waterville moved that the House reconsider its action whereby the House voted to recede and concur on An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring (S.P. 910) (L.D. 2330) (C. "A" S-725).

The **SPEAKER**: The Chair will order a vote. The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House reconsider its action whereby the House voted to recede and concur on L.D. 2330. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 41 in the negative, the motion to reconsider did prevail.

Representative Joseph of Waterville moved that the House Adhere.

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

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

Would it be in order to make a motion to recede and concur?

The **SPEAKER**: The Chair would answer in the affirmative. Once the motion is reconsidered, it goes back as though no motion has been made.

Representative **PENDEXTER**: Mr. Speaker, I move that the House recede and concur.

Mr. Speaker, Men and Women of the House: The hopes of many of us that restructuring would result in some positive changes in the way that state government would better respond to the needs of the citizens of the state seem like many other issues discussed in this session, going nowhere. We hear that Maine citizens complain about the operation of certain agencies of state government and we also hear that they are complaining about the inability of the legislature to act on areas of major concern in this session.

I hope you will all ask yourselves, how has our being in session this year benefited the improvement of how necessary services are delivered to Maine state citizens? I am making one final attempt to implement a piece of restructuring which is the creation of a Department of Children and Families and the Department of Health.

May I remind everyone, unlike some of the other proposals for the restructuring of other areas of state government, that this idea has been reviewed, considered, studied, analyzed, evaluated, researched, examined, studied, scrutinized, assessed, reassessed, studied, discussed, weighed, debated, studied — now is the time to move on.

We know that we are obligated to provide services to children and their families, what we are attempting to do is to provide better coordination of these services and do it more effectively and efficiently. Some of you have worked very hard, put a lot of time into seeing that the Department of Children becomes a reality. You have served on Task Forces and Commissions to study the issue. I present you the opportunity to see your efforts become reality. Let's vote together to do what is right for children and their families. This restructuring proposal is a sound one supported by four studies,

let's support it.

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

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

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I also would encourage receding and concurring. I do it with some reluctance because I recognize that members of my caucus have been in a lot of effort to try to achieve the Department of Children and Families through a much more carefully measured approach. I understand that and I would support that but I have become convinced, over the course of the last few days, that that is not going to come about and I care more to see this Department of Children and Families be established even if it is established in a way that I consider to be not quite as carefully thought out, not as carefully done, not as carefully undertaken as I would like, so I would join in asking for receding and concurring.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: We all care about children but we need to do the right thing. We must see that as we reorganize five different departments and one division and call that a Department of Children and Families that it is done carefully and correctly.

I could read to you, as I spent a lot of this evening, morning, highlighting commission reports, which basically the Committee on State and Local Government used as their outline as they took three pieces of legislation and drafted and crafted one very responsible piece of legislation. We want to provide services more effectively and more efficiently to the children and families of the state.

There is a second piece of this, we are taking the remaining functions of the Department of Human Services and from the Department of Mental Health and Retardation and we are putting those functions and responsibilities into a Department of Health and Developmental Services. All of these services are services that touch the people of Maine, the clients of state government more closely than any other services that we provide.

I ask you to vote against the pending motion and adhere to our position. What sense does it make to put two pieces of legislation on the Chief Executive's desk? I don't understand.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Scarborough, Representative Pendexter, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 426

YEA - Aikman, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutillier, Butland, Carleton,

Carroll, J.; Cathcart, Clark, M.; DiPietro, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Gurney, Hanley, Heino, Hepburn, Hussey, Kerr, Ketterer, Kutasi, Larrivee, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Melendy, Merrill, Murphy, Nash, Nutting, O'Dea, O'Gara, Ott, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Ruhlin, Saint Onge, Savage, Skoglund, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tupper, Vigue, Whitcomb.

NAY - Adams, Aliberti, Bell, Cahill, M.; Carroll, D.; Cashman, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Jacques, Joseph, Ketover, Kilkelly, Kontos, Lawrence, Lemke, Macomber, Manning, Martin, H.; Mayo, McHenry, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Rand, Rydell, Sheltra, Simonds, Stevens, P.; Swazey, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

ABSENT - Anderson, Bowers, Hastings, Hichens, Jalbert, Luther, Mahany, McKeen, Parent, Powers, Rotondi, Salisbury, Simpson, Small.

Yes, 67; No, 70; Absent, 14; Paired, 0; Excused, 0.

67 having voted in the affirmative and 70 in the negative with 14 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Adhere.

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

**PASSED TO BE ENACTED**

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of the Laws (H.P. 1547) (L.D. 2185) (H. "L" H-1216; H. "N" H-1219; H. "Q" H-1222; H. "T" H-1228; H. "U" H-1230; H. "FF" H-1252; H. "OO" H-1275; H. "QQ" H-1319; H. "RR" H-1320; S. "E" S-708; S. "H" S-720; and S. "M" S-755 to C. "A" H-1192)

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

Representative Tracy of Rome requested a roll call vote.

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

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

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

ROLL CALL NO. 427

YEA - Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Gean, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hichborn, Hoglund, Jacques, Jalbert, Joseph, Kerr, Kontos, Larrivee, Lawrence, Manning, Martin, H.; Mayo, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Richardson, Ricker, Ruhlin, Rydell, Sheltra, Simonds, Skoglund, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Vigue, Waterman, Wentworth, The Speaker.

NAY - Adams, Aikman, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Clark, H.; DiPietro, Donnelly, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Gurney, Hanley, Heeschen, Heino, Hepburn, Holt, Hussey, Ketterer, Kilkelly, Kutasi, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, McHenry, Merrill, Michael, Murphy, Nash, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Plourde, Rand, Reed, G.; Reed, W.; Richards, Saint Onge, Savage, Spear, Stevens, A.; Stevenson, Tracy, Treat, Tupper, Whitcomb.

ABSENT - Anderson, Bowers, Hastings, Hichens, Ketover, Luther, Mahany, McKeen, Parent, Powers, Rotondi, Salisbury, Simpson, Small.

Yes, 69; No, 68; Absent, 14; Paired, 0; Excused, 0.

69 having voted in the affirmative and 68 in the negative with 14 being absent, 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.

On motion of Representative Jacques of Waterville Recessed at 4:20 a.m. until three o'clock in the afternoon.

(After Recess -- 4:40 p.m.)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

**ENACTOR**

**As Amended**

(Reconsidered)

An Act to Encourage the Development of Business

and Infrastructure through the Extension of State Tax Increment Financing (S.P. 974) (L.D. 2460) (S. "A" S-750)

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

On motion of Representative Cashman of Old Town, the House reconsidered its action whereby L.D. 2460 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-1328) and moved its adoption.

House Amendment "B" (H-1328) was read by the Clerk and adopted.

Representative Poulin of Oakland offered House Amendment "A" (H-1325) and moved its adoption.

House Amendment "A" (H-1325) was read by the Clerk.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I rise to urge the House not to adopt House Amendment "A" and I would like to explain why. I think House members have probably been lobbied on this bill enough. Of all the bills I have seen in ten years here, it is the one bill that doesn't need any further debate.

I just have to point out that this is, of course, son of STIF. The original bill dealt with the same subject matter, met an untimely demise earlier this week or late last week (can't remember which now) because the two bodies ended up in non-concurrence. I said from the beginning of the debate on this issue that this is a very important bill for a lot of reasons. If you read the Statement of Fact, it establishes four definitions in law that need to be established in order to allow the STIF program to work. Whether retail sales are involved or not, this bill needs to pass. My fear is, if this body adopts House Amendment "A" as is being proposed, that son of STIF will meet the same untimely death that the original bill met.

Mr. Speaker, I would like to move the indefinite postponement of House Amendment "A" and I request a roll call.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, I would urge you to oppose the motion to indefinitely postpone this measure. I want to agree with my colleague from Old Town, Representative Cashman, that this is a bill that has clearly taken on a life of its own and has actually been reborn in the last day and a half. As you may remember, the STIF program from our earlier debate was actually enacted last year but because of some of the language, it wasn't being used to the point it could have been used.

Representative Kerr submitted a bill this year to attempt to work out a bill so that people could use it. Representative Kerr is to be commended for the efforts that he has made to provide the type of financing mechanisms his district needs so desperately at this point, particularly in the area of downtown retail. He has advanced this proposal to the Taxation Committee and they have embraced this proposal. The hearing on the original bill was earlier this month, then there were several work sessions. Somewhere during the process, DECD and

some of those who had an interest in the Mall, specifically the Augusta Mall, approached the committee during work sessions and referenced the possibility of inserting necessary language to allow a mall technically to get into this.

As you know, this bill has been debated and I am not going to go over all the odds and ends of this bill. But, the House had adopted earlier on this bill an amendment offered by Representative Poulin to take malls out of the sales tax increment financing. That went down to the other body, came back to us, we Insisted and asked for a Committee of Conference. Then the most amazing thing that I have seen happen in a long time happened, the other body chose to Adhere. I felt for sure that they would Insist and ask for a Committee of Conference and attempt to work something out but they Adhered. In that motion to Adhere, they killed the bill.

A day later, the Governor submitted this bill which is almost identical to the first bill. It is a little bit different and we didn't play the games of questioning Joint Rule 37 or anything like that because many of us believe in tax increment financing particularly for industrial and downtown revitalization.

My only concern from day one has been the issue of malls and whether or not we should apply this towards the ability for any town to do malls. We always know that there are communities out there that are competing against each other with private industry and that is always going to be the case to some extent. The question is whether we want the state to be involved in taking sides when we are often pitting community against community.

If we are to adopt Representative Poulin's amendment today, the position of this body will be to take malls out of sales tax increment financing once again and to be consistent with what we did just a few days ago. That bill then would go back on its way to the Senate and we would find out what happens when it gets back.

I am not going to debate the entire issue of malls in or out but I don't think it is an issue that needs any further elaboration. I don't believe they create new jobs, I think they are a reallocations. I don't think that malls are the types of things we need to be investing in. I say that with respect to the Augusta delegation who have been very kind with this bill and who have advanced it for their district with respect for the people like Chuck Roundy or other developers that I have known in other communities who are now here in advancing this proposal because I know they are doing the best for their district. Who knows, under the provisions of this as I understand it, maybe Augusta will never become eligible for this if DECD decided not to do it. My sense is that they probably would but you don't know that for sure.

The bottom line is the question of public policy. Do you want to allow taxpayer dollars to be used for these types of events? Malls are nice, I enjoy malls. As I said yesterday, 90 percent of all mall space in this country was created in the last ten years. I don't think we need any more malls. I want to continue to plow that money back into downtowns. I want to plow that money into industrial to help turn around the situation we have in Maine. I think if you were to adopt Representative Poulin's amendment, you would be acting consistently with public policy that we have taken in the past.

I have been told that this bill is greased and is ready to go and there are more than enough votes to pass this bill as it is. That may be the case, I don't know the answer to that. As I talked to some of the lobbyists who have been lobbying this bill, they tell me that is the case. I think it is bad public policy and I am going to attempt to be consistent and urge you to not vote to indefinitely postpone, to oppose the motion that has been made by Representative Cashman and I request a division.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I first would like to start off by making it clear that I truly appreciate the comments that were made by Representative Paradis from Augusta the other day and, indeed, the fact of the matter is he and I were elected to this body together, took our oath together, we have become very good friends and will remain very good friends regardless of what happens to this issue.

I also want to make it clear that Representative Cashman and myself have become very good friends since he came to this body eight years ago, we also intend to stay very good friends. I also have nothing but the utmost respect for the Mayor of Augusta, Bill Burney and, although I used some of his own words against him earlier this week, I did not do that with any malice or any ill-intent because obviously we passed a major hydro-electric relicensing bill yesterday and Edwards Manufacturing and Edwards Dam concerns that were expressed by the mayor were those that I agreed with wholeheartedly. We made sure that the hydro bill did address the City of Augusta's concerns because I think they were legitimate ones and I respected Mayor Burney's opinion on that matter.

What we have here is not a difference of friendship, it is a difference of looking at whether the glass is half full or half empty.

In the case of Representative Cashman, Representative Paradis and myself, they look at this bill as a positive thing and, unfortunately, I look at it as a negative thing. I will tell you why. Yesterday I went to the sportsmen's show before the session and quite surprisingly the topic of discussion was not hunting and fishing or hunting and fishing regulations but it was, believe it or not, this issue that had made the paper both in the City of Augusta and the City of Waterville. I have got to tell you that some of the residents of the City of Augusta were surprised that the officials of the city were pushing so hard to put what they saw as the final nails in the coffin of their downtown in the City of Augusta.

I tried to explain to them that those of the officials that were pushing this really felt that it was going to be a positive thing for the city as a whole. They had the same concerns that were expressed by myself and by Representative Gwadosky the other day.

One of the big concerns that I have is that not too long ago in the State of Maine, the Governor started the project called "Main Street '90" and the idea, I understand, was to try to revitalize the Main Streets in the cities in the State of Maine because they were important, because they were vital to the economy and the continued economic prosperity of the state. I guess maybe the economic situation of "Main

Street '90" here in 1992 has changed, maybe it is a new buzz word now, maybe we no longer need "Main Street '90" but it just seems to me the reason it was around back then should be around again today.

I have to go back to thinking about somebody like the Levine Brothers who have Levine's store in Waterville who have been there over 100 years on the Main Street. For years, they have contributed significantly, not only to the City of Waterville, but to the people of Waterville such as scholarships for students going to Colby College. They have allowed people to have charge accounts during their college years, they have supported them, they have helped them. Anytime the city needed any help financially, they went to Levine's and they were there. They are there because they are a Main Street family, the business has been there for 100 years and they have always supported the City of Waterville.

The City of Waterville spent almost \$1 million revitalizing our downtown as part of "Main Street '90" so that we could not only encourage but have people be welcome when they visited our Main Street, to visit the shops that were there.

Unfortunately, I still see this bill with the shopping mall issue in there as an attempt to completely reverse the situation and change the direction that we had chosen when we started following down the path of "Main Street '90."

It seems that in all our interest and desire to do good in economic development in the State of Maine that we are encouraging money to come out of the Main Street area and to go to the developments of malls which, in most cases, are people from out-of-state. We are going to be taking away from our people, the people you and I represent, the people you and I have supported and who have supported us over the years under the guise that we are going to be getting all this new money coming and these malls are going to be developed using this money. Well, if the idea was so great, why didn't any standard financial institution agree to fund these malls and all the aspects that come with them? Clearly, there is some shakiness there.

If I have to choose between the traditional family businesses of my district, and I represent one-half of Main Street, Representative Joseph represents the other half, so I do know these people personally and I have always gone to them for their help and support which they have given me. I have to go back and face these people again. It is frightening to these people that we are continually doing things to bring business out of the Main Street to the outskirts.

In the City of Waterville, we built a new mall recently and Shaw's was the anchor store. It is in Representative Joseph's district but the district line goes right up the middle of the road. They have a lot of clout. The first thing they did was help close down the liquor store on the Concourse which is on Main Street and they brought a new liquor store up to Shaw's. They got LaVerdiere's out of the JFK Mall which left a great big empty store front, got that up to Shaw's. Now they have got a few other convenience stores. When I come out of my house or when Representative Joseph comes out of her house, all we have to do is turn right instead of left, go up Kennedy Memorial Drive, go to the Shaw's shopping center, we can buy our groceries, buy our liquor, buy medicine, cigarettes, a dress, candy and you don't even have to go downtown. Now there are three banks

located on Kennedy Drive so you don't have to do downtown for your financing. At one time, there was about 20 banks on Main Street, now there are about six. If that doesn't at least worry you a little bit, then I guess I am barking up the wrong tree.

It seems to me that a state that was all gung ho two years ago over "Main Street '90" for a lot of legitimate reasons, the banners, the parades. In Waterville, our downtown Merchants' Association, which was formerly headed up by Representative Vigue, spent thousands of volunteer hours and many, many dollars that they raised on their own behalf to spruce up our downtown to attract people there for business. When we built the Concourse in the City of Waterville, it is only a stone's throw away from Main Street, and the whole theory then was that Zayre's and the big stores Cottle's were in the concourse shopping center would attract business to the Main Street. The Main Street business didn't mind that competition because it would bring people to the downtown area and that is what they wanted. They wanted people to have a chance to come in and see what they had to offer.

This bill goes against the very heart of that whole concept, that is where Representatives Cashman, Paradis and I disagree. It is only in that vein that we disagree. I would truly like to be able to support this bill and I would if this shopping mall concept was not in there.

People out there are confused by the actions of the legislature and I admit most of the time justifiably so. In this case, I believe we are sending mixed messages. We started down one road and now it seems that we are going to stop and cross over and pursue another road.

Clearly the road to economic development and recovery in the State of Maine is not one where you start down roads, turn around and come back and start down another road. You have to decide which road you choose to pursue and pursue it with all the vim and vigor you can. I think this sends mixed signals to those Main Street businesses that have been the backbone of your community and mine. That concerns me greatly.

I will be voting for the amendment offered by Representative Poulin and I would love to be able to vote for this bill as a whole. If the amendment doesn't pass, unfortunately, I will have to vote against the bill, not because I don't like Representative Cashman or Representative Paradis or the people of the City of Augusta who have tried to push this forward, but because I firmly believe that it is a step in the wrong direction for the overall good of the people of the State of Maine. I still believe, and that is why I ran for the Legislature, that is why my people elected me. Given the options I have, I have no other place to go.

I thank you for your time, I will not speak on this issue again but I just felt it was very important that you all understand where some of us are coming from. I repeat, I have no interest in building another mall in the City of Waterville, I hope I never see another mall in the City of Waterville because I don't think my Main Street merchants can afford it.

The SPEAKER: The Chair recognizes the Representative from Old Orchard, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: As Representative Jacques from Waterville has said, and I have heard in the corner



from Representative Gwadosky, that we are sending mixed signals. Maybe I can clarify those mixed signals that are being sent and why they are being sent in the intent of this bill.

I am going to have to start — because I have never spoken against this amendment. It has been up twice, my community can live with this amendment. I would like to go back to why I initiated this original bill, L.D. 2377, which is now 2460. Back on July 30th of this past year, the Governor signed L.D. 1769, An Act to Encourage Business Investment. That was a unanimous committee report. At the time, I felt it was a bold initiative to providing economic development for all of Maine.

The bill established the State Tax Increment Financing program. It was going to be administered by DECD and the Bureau of Taxation. The intent of the bill was to arm municipalities with the resources needed to provide incentives needed for business investment. Specifically, it dealt with the 25 percent that would go back to a business if they exceeded a level of new sales tax.

DECD began in the Fall of 1991 to draft the rules by which the program was to be administered. As we know, many times we pass laws here, and this is my first term and I have learned a lot so far, and find that they are never implemented because of interpretation. L.D. 2377 dealt with the interpretation of those problems that occurred between DECD and the Bureau of Taxation.

With all good intentions, my community, back in 1987, decided to improve their downtown area. At that time, we didn't know which way to go or how to go. I was on the council, I appointed a board called the Beautification Revitalization of the Downtown Area. They worked for five and a half years, raised private dollars, over \$60,000. We developed and worked together as a team to come up with a TIF plan. After reviewing L.D. 1769, I found that retail was not there. It bothered me because I knew that my community was cut last session in revenue sharing and General Purpose Aid to education, but yet we wanted to improve our downtown area because that is our only source of revenue.

We also knew that, as the evaluation of the downtown increased, we could suffer once again in the formulas that would reimburse us but the TIF provision provided that those dollars would be frozen. So, as we developed this TIF, the community decided to vote for this proposal at the municipal level. That is a criteria. The municipality voted in favor of the TIF program, a \$5 million program.

What that program is going to do to create new revenue for this state, without this bill, the property taxpayers of my community and other communities that have adopted a TIF program are going to have to pay. We passed a budget early this morning, this is my community's budget. That 25 percent, if we get something back, and remember if we get 25 percent back through meeting the criteria which is no guarantee, (I will discuss later what that criteria is) that means the state benefited by 75 percent at no risk. The municipality has the risk.

I just want to discuss my community, what we are going to do with or without the help of the state. Property tax dollars will be used to pay off this bond. Renovating Old Orchard Street, the Town Square, and Grand Ave, creating an entirely new aesthetic streetscape, making Grand Ave grand again, designing construction of additional parking of the

town, improved transportation flow, installation of new sewer systems and infrastructures, construction of rest rooms and changing facilities in Memorial Park, preserving and enhancing open, green, space. Those dollars are going to be spent by our community.

After reviewing this bill, I went and spoke with leadership, spoke with the good Representative from Old Town and said, I reviewed this document and I saw that retail was once in there, what happened and why? They told me that the committee did not have enough time or resources to come to a unanimous committee report or to work the details out with John LaFaver who is the Director of the Bureau of Taxation. I asked him if I could have that opportunity and he felt that it was a good idea to move ahead, so I did. I introduced the bill to the Committee on Taxation and it was very clear at that point — retail — how are we going to implement it? That committee allowed us many days and many hours to work with John LaFaver, who is a collector and keeper of revenues for this state, who does not want to part with this revenue. He is not into investing into communities. Although I disagree with his philosophy, I knew where he was coming from. It angered me, often. But, knowing his position, I thought that we could possibly reach a compromise somewhere along the line because I just felt that many of us in this body did not want to raise taxes, we were looking for new sources of revenue and I felt that this could be a constructive way to do it. The state is a partner in economic development, what better way to do it. As we all know, there is no risk-free way to deal with economic development but I felt that that partnership could be achieved. Never once mentioning the word mall as we discussed this, John LaFaver introduced language, days on end we debated it and we came to an agreement, let's go, let's try it. It went to that committee, a unanimous committee report came out, L.D. 2377. It came to this body with the amendment that is before us today, it failed. The amendment passed the other body, brought it back, we went for a Committee of Conference and the other body felt that they were going to stick to their guns, they felt that the bill had substance and it was a good bill.

The issue of malls keeps coming up in this body. It was never mentioned until the 11th hour in the committee — where and who brought it up? The people in Waterville brought it up. They asked a question during that process, what happens if a mall was built in Augusta or anywhere else, does it draw from other communities within the state and can we measure how much is drawn? The question was addressed by John LaFaver. He said, "Yes, we have that data and yes communities do get hurt for the first year but then there is a leveling off period." In the same breath as we all know, that does not meet the criteria.

I would just like to review, if I may, the eligibility and some of the criteria and the safety nets that were put by this committee, Taxation, which again, is a unanimous committee report. "(1) Only new sales are eligible in determining whether a STIF containing retail business operations is eligible, the Commissioner of DECD must be satisfied that the state tax increment financing resulting from the district will not include sales tax revenues derived from a transferring or shifting of retail sales from another geographic area within the state to the districts. Sales in the district must be new sales. (2) STIF cannot pose substantial detriment to

existing businesses. When reviewing an application of a STIF, the DECD Commissioner must determine that the project will not result in the substantial detriment to existing businesses in the state. Reviewing by interested parties — any interested party may present objections to the designation of the district to the Commissioner and the application must be denied if the municipality has failed to meet its burden of proof." Increment must only reflect new sales. The State Tax Assessor, John LaFaver, who is not derelict in his duties, I believe, will calculate the state tax increment annually and will adjust the increases in sales for inflation. No one has ever mentioned that word, inflation. We also factored the cost of inflation in this bill and sales may be derived from a transferring and a shifting of retail sales to another geographic area within the state.

I felt then and I feel now that there are enough safety nets in this bill. When the good Representative from Waterville brings up the mall and he doesn't want to see another mall in his area or in the state, I don't think that a mall will meet this criteria, based on what I have read to you. Remember, Waterville has zoning. They allowed that mall to be built in Waterville. No one forced that council to bring in that mall.

I would only urge you that you would vote against the pending motion.

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

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

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: When I arrived here a little over one year ago, I was told that bills don't ever die here in the Capitol. This is a prime example. How many times must we the people reject a piece of legislation before it dies its proper death?

The facts regarding L.D. 2377, namely the rules that should govern whether or not a STIF should be allowed, and in the rules it says that STIF's cannot pose substantial detriment to existing businesses. When reviewing an application for a STIF, the DECD Commissioner must determine that the project will not result in substantial detriment to existing businesses in the state.

I ask you ladies and gentlemen of the House, do you in your wildest imagination believe that this use of state monies will not cause a substantial harm to the existing businesses in the Waterville or surrounding areas?

I ask you to vote your conscience, keeping in mind the frustration you would feel if the shoe were on the other foot. I thank you for listening and Mr. Speaker, I request a roll call.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: As we close down the Second Regular Session, I wanted to share with my colleagues in this body one final time and just for a very brief time some of the things that I have learned in the last 24 hours in this debate on this particular type of legislation. Any good debater if he or she is going to keep his colleagues on their toes has to be quick and admit to them what seems very obvious from the debate and I am going to admit to the opponents of this legislation, those who support the Poulin amendment, some very obvious truths that I have learned in the last 24 hours.

The first one is that malls are the source of evil in this state. I admit that. I say it in full honesty to you this afternoon that malls are the source of evil in this state and, after having made several phone calls this morning, I am convinced that our Governor would not have one-tenth of the problems that he has with the state's revenues if he didn't have to contend with all the malls in the state.

Another truth that I found out is that Loring Air Force Base in Limestone would not have decided to close if they hadn't heard that there was going to be a Presque Isle mall. I found that out by making a call to Washington, D.C. this morning. I was told by a very high ranking official who wants to be anonymous that the only reason Loring Air Force Base decided to close is that there was going to be a Presque Isle mall and you can't have an air force base employing thousands of people and have a mall employing thousands of people. It is too much economic activity and it would bring too much prosperity for a small area like Aroostook County, Limestone, Caribou and Presque Isle. It is too much.

Another truth that I want to share with you is that we wouldn't have an air emission problem in this state, we wouldn't have had to pass a bill that we passed last week if we didn't have malls. If you didn't have thousands of cars converging on the Maine Mall, the Auburn Mall, the Bangor Mall and some of those other smaller malls that are the source of evil, we wouldn't have an air emission problem. So you are right, there are problems with malls that we are just beginning to realize in this state.

Another one was the education funding formula — I lost most of what little hair I had left before Christmas when we debated for hours our education funding formula between small towns and big towns. What is so unique about small towns? They have downtowns, they don't have malls, so really the problem that we have to address the next time education funding comes up in the 116th, and I know there is going to be some legislation, that we have to address the idea of malls and education funding. There is another obvious truth that really kinds of strikes out at me and I want to admit it to my friends and colleagues this afternoon.

Another one, while I am on the topic of education, have any of you ever seen any teenage students walk downtown, whether it is downtown Augusta or downtown Waterville or downtown Bangor and light up a cigarette and smoke as they are walking? You don't see that. You don't see it in Presque Isle, you don't see it in Auburn, you don't see it in Augusta or South Portland but go to a mall, go to the South Portland Mall or the Auburn Mall or the Bangor Mall and you will see a whole bunch of teenagers smoking cigarettes. That leads me to conclude that if we didn't have malls, we wouldn't have teenagers

smoking. It is pretty obvious. That's been brought out in the debate and I had phone calls about it from concerned parents — "don't vote for malls, it lends teenagers an opportunity to smoke."

I didn't know that my friends in Oakland, Waterville, Winslow and Fairfield were looking out for downtown Augusta. I was told by a member of the press, and you all know who he is, that earlier this morning when Front Street was under water from the recent flooding, we had people from Waterville, Winslow, and Fairfield down on Front Street loading sandbags to try to keep the Kennebec on its course down to Bath and out to the Atlantic Ocean because they didn't want to see downtown Augusta impacted anymore than it was going to be if we got a mall. I appreciate that and I am here to tell you this afternoon, thank you very much for your help. I appreciate it when one city wants to help another city out, that is the way Maine people are, not each and every person for himself or herself, it is everyone helping everyone else out. That's what this chamber has been about and that is what we are going to be about.

I hope you folks realize the gist of my comments this afternoon. I didn't know that malls had created so many problems and I stand ready to apologize to you if any of those truisms are really true. We are not going to abolish malls by voting for House Amendment "A." You can have House Amendment "A", "AAA", "AAAA" — every letter of the alphabet, you are still going to have malls, we are still going to have to cope with the interstate highway systems that is the great innovator and facilitator of mass transit. Downtowns are still going to have to respond to the shifting population patterns and this state has to have an economic infrastructure to go into the 21st Century.

I don't know exactly what the answer is but I do know that this bill seeks to address some of the problems that we have as we go into the 21st Century and that House Amendment "A" is not part of that solution. As we look at all of the problems that we have and we try to find solutions, let's not buy the easy solution and say, if you just put on an amendment that strips big retails, we like small retail, we don't want the big retails.

I kidded my good friend from Winslow after the debate on Saturday that I bought my clothes in Waterville until Dunham's of Maine closed. I showed him the label on my blazer which said "Dunham's of Maine." Now that good store didn't go out of business because there was a mall, it went out of business because it didn't meet the changing buying patterns of the 1980's — mail order business and catalog business, like L.L. Bean does. It was sad but it went out of business. Each of those businesses in a downtown area has to respond. Voting for House Amendment "A" is not going to make them respond to that. It is a very easy solution.

I urge you, one final time, to indefinitely postpone House Amendment "A."

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I had intended when I first rose to move indefinite postpone of this amendment. Apparently, I didn't make that clear. I would now move that House Amendment "A" be indefinitely postponed.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Oakland, Representative Poulin.

Representative POULIN: Mr. Speaker, Men and Women of the House: The best argument against my amendment I think is the one that was given by Representative Cashman and that is that we may lose the good portions of this bill if you support this amendment. From what I have seen of this institution, that is not going to happen. If you support this amendment, this bill will still stay alive, one way or another. There is enough people who are interested in the rest of it to keep it alive.

I think most of us here feel the mall portion of this STIF is wrong. I suspect the votes that I may lose are because of political reasons, not what people really feel. Please let future malls use traditional methods of funding just as all the others have in the state.

I urge you to oppose the indefinite postponement of House Amendment "A."

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: The Representative from Augusta went from the sublime to the ridiculous in his comments. I say that only because I have not heard that anyone is opposed to malls.

The question here today is, is this the appropriate use of taxpayers' dollars to subsidize developers? Who wins, who loses? Developers win, the taxpayers of the state lose. Taxpayers who pay sales tax and other taxes in this state currently are in more need of services than they have been for years. So, I believe that that is the question before us — is this the appropriate use of taxpayers' money to subsidize wealthy developers? We all understand about the behind the scenes agreements and discussions about this bill. We have heard often that this is a jobs bill. That is an embarrassment to the people of the State of Maine. The kind of jobs in retail sales are capped at 30 hours a week or less. Why? Because no benefits will have to be paid to those workers. The kinds of jobs that we are talking about are retail sales jobs, jobs at \$4 an hour, perhaps. The kind of jobs that we are talking about are basically held by women. The kind of jobs that we need in this state are jobs in manufacturing, an industrial base, and that is why this bill is important but this amendment is more important. This amendment is important because in fact it does subsidize wealthy developers and it does hurt family-owned businesses.

You heard Representative Paradis tell you about Dunham's and you've heard the name Levine's — Levine's store is over 100 years old. The owners of that store are ages 90 and 94 and they go to work everyday. They invest in their community and they invest in the college in our community and people who have moved out of the central Maine area come back just to visit. That's what Main Street is all about.

Somebody feels that this might be a good investment and I am not really sure why or really sure who and I really haven't been privied to those conversations but some people think, well yes, perhaps we will get more money in property taxes. I would question that because in fact older businesses will be losers unfortunately. Those properties will decrease in valuation.

I wonder why anyone who really has the interest of the taxpayers of the State of Maine, family-owned businesses and the pursuit of better jobs for the

State of Maine, would even consider indefinitely postponing House Amendment "A."

I urge you to vote against indefinite postponement so that we can all go on to support this bill.

Representative Bennett of Norway requested a roll call vote.

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 Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: There have been some questions raised as to why anybody who supports downtown would support the bill without this amendment. From a small community looking at the possibility of expanding in the only area where we really have an option these days in retail to develop a mall and to capitalize upon international trade with our Canadian neighbors which tax their people across the border — send them over, we can use them. I am sure the mall will have some effect on downtown but the way Presque Isle is currently designed, the shoppers coming into the mall will be funneled through downtown. The increased traffic is going to need some tremendous infrastructure improvements and upgrading. It is going to be very expensive. From a small community to grow, you need to invest.

I would just like to share a couple of facts with you. The jobs need to be created in this state and I don't think that is any secret to anyone in this room. In order to generate jobs, tools for economic development strategies need to be developed and they need to be developed apart from the property tax. As we know, in most of our communities that tax is already too high for most of our citizens.

This bill allows tools to encourage the creation of jobs from sales tax. As Representative Kerr has stated very clearly and very succinctly and very eloquently, the bill allows local communities to decide which economic projects will be best for creating jobs. That is very important. If you have faith in your local government and their ability to see what is best for your community, this bill supports that idea of local control over issues that will dominate your local municipalities. I hope you will consider that when you are voting. No projects will go forward, as I said, without the consent of the local group.

If you say no because of the mall portion of the bill, you need to go beyond this issue to see that there are strategies in place to protect communities. There are some very stringent requirements in this bill for someone to qualify. Malls can only utilize this tool if they can demonstrate — it was \$70 million, I think now it is around \$50 million — and new sales will be created. Sales tax revenues cannot be derived, and this is paramount, from transferring or shifting of retail sales from another geographic area within this state. A municipality has to demonstrate that the

proposed district will not, and I repeat, will not result in substantial detriment to existing businesses.

I am sure you can see with all these safeguards that it is going to be a very difficult task for any business, regardless if they are a mall or not, to qualify for this program. Those that do qualify will be the ones that can draw new business into our state, bring new tax dollars into our coffers that we so desperately need. After watching budget after budget, we can see that we do need the development and we need to help our downtowns. I agree with the Representatives, and I don't mean to show any disrespect to the delegation from Waterville, but we do need to expand, we do need to help our businesses grow. Just from a local perspective, and admittedly I am somewhat parochial on this issue, we are having Loring Air Force Base, which Representative Paradis referred to, close. It knocked out 8,500 good paying jobs in Aroostook County and will not be replaced very easily. They will not be replaced by a manufacturing base. The one in Presque Isle, McCain Foods just closed and laid off 197 people. There were a variety of reasons for that, but regardless of the reasons for them closing, those jobs are now no longer there and they will not be replaced easily. Will a mall give everybody who is losing their job a job? No, but I would rather work 30 hours a week and have a paycheck and be able to go home and feed my family than be without a job at all. I think anything we can do to help these people go forward and get a job would be to the benefit of the state and a benefit to the communities.

I hope that you will support the motion before us to indefinitely postpone House Amendment "A" and then go on to support the bill.

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

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

Is there is fiscal note on this bill?

The SPEAKER PRO TEM: The Chair would answer in the affirmative. It is House Amendment "B."

The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I am only going to speak for ten seconds because I think the one who talks the most loses on this bill.

I just want to clarify two points. First, there have been a couple of statements that this is going to be public monies to out-of-state developers — believe it or not, when you have a unanimous committee report which we did on the prior bill and is virtually identical to this bill, a unanimous committee report doesn't come because 13 members of the Taxation Committee sit around saying, how do we send \$20 million to an out-of-state developer? A unanimous committee report comes because 13 members of the Taxation Committee believe that we are going to bring in more sales tax dollars to the State of Maine.

The second thing is that there is a misconception that this is for Augusta only. You have heard the Representative from Presque Isle — this is for Maine. Thirteen members of the Taxation Committee agreed on a bill, some of whose districts get damaged somewhat by this bill do it because it is good for Maine.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Portland, Representative Manning.  
 Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to get into this, but all of a sudden I hear, this is for me. You all know what downtown Portland looks like, it looks like bombed out Beirut. What happened? Well, I can't blame the present people — the people in the past let the ball down and all of a sudden we, the former legislators, decided to put a highway right through the City of Portland and what happened? Everybody in northern Maine can now go to the Maine Mall very quickly.

I hate going shopping, I hate it. I have to go out to the Maine Mall now because there is absolutely nothing in downtown Portland. I am thinking about what everybody has said to me when you talk about industry. They say, help the local businessman. Well, I look at the Maine Mall and I can only name maybe two or three stores that are local. Everything else is headquartered out of Chicago, Illinois, Tennessee, California — is that for the local guy? This isn't going to affect Portland now but I have seen what it has done to the City of Portland. It has killed it. The only thing we have got left down there now are banks and lawyers. I don't say that against the lawyers, this is not a lawyer bill. Quite frankly, that is the only thing left down in Portland, banks and lawyers, the same lawyers who are out here lobbying like the devil to get the mall into this bill.

Just take a hard look at this. Representative Jacques talked about "Main Street '90." That is what this is all about, your Main Streets. Portland will never come back, not the way it was but, hopefully, towns like Skowhegan, which I had the opportunity a couple of weeks ago to visit, is a nice bustling little town, those are the towns that hopefully we will be able to save, towns like Belfast, Gardiner, those are the towns. I would rather shop downtown any day than shop in a mall. As someone said the other day, they all look alike whether they are in Brooklyn, New York or in Presque Isle, Maine, they are all going to look alike.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative Cashman of Old Town that House Amendment "A" (H-1325) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 428

YEA - Aliberti, Anderson, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Clark, H.; Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Farnum, Farren, Gean, Gould, R. A.; Graham, Gurney, Hanley, Heino, Hichborn, Hoglund, Hussey, Kerr, Ketover, Ketterer, Kontos, Larrivee, Lipman, Look, MacBride, Mahany, Marsano, Marsh, Melendy, Michael, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Ott, Paradis, J.; Paradis, P.; Paul, Pendleton, Pineau, Pines, Plourde, Pouliot, Powers, Reed, W.; Richards, Saint Onge, Savage, Sheltra, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Tardy, Townsend, Waterman, Whitcomb.

NAY - Adams, Aikman, Anthony, Ault, Bailey, R.; Barth, Bell, Bennett, Chonko, Coles, Constantine, Erwin, Farnsworth, Foss, Garland, Goodridge, Gray,

Greenlaw, Gwadosky, Hale, Handy, Hepburn, Hichens, Holt, Jacques, Jalbert, Joseph, Kilkelly, Lawrence, Lebowitz, Lord, Luther, Manning, Martin, H.; McHenry, Merrill, Mitchell, J.; O'Gara, Parent, Pendexter, Pfeiffer, Poulin, Reed, G.; Richardson, Ricker, Rotondi, Rydell, Salisbury, Simonds, Small, Stevenson, Strout, Swazey, Tammaro, Tracy, Treat, Tupper, Vigue, Wentworth.

ABSENT - Bailey, H.; Bowers, Clark, M.; Hastings, Heeschen, Kutasi, Lemke, Libby, Macomber, Mayo, McKeen, Michaud, Oliver, Rand, Ruhlin, The Speaker.

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

76 having voted in the affirmative and 59 in the negative with 16 absent, the motion did prevail.

Subsequently, the bill was passed to be engrossed as amended by Senate Amendment "A" (S-750) and House Amendment "B" (H-1328) in non-concurrence and sent up for concurrence.

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At this point, Speaker Martin resumed the Chair.

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The House was called to order by the Speaker.

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

On motion of Representative Gray of Sedgwick, under suspension of the rules, the House reconsidered its action whereby the L.D. 2245 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1130) was adopted.

The same Representative offered House Amendment "A" (H-1321) to Committee Amendment "A" (H-1130) and moved its adoption.

House Amendment "A" (H-1321) to Committee Amendment "A" (H-1130) was read by the Clerk and adopted.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of Committee Amendment "A" (H-1130) as amended by House Amendment "A" (H-1321) and Senate Amendment "A" (S-664) thereto and later today assigned.

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The Chair laid before the House the following matter: 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) which was tabled earlier in in the day and later today assigned pending adoption of Committee Amendment "A" (H-1130) as amended by House Amendment "A" (H-1321) and Senate Amendment "A" (S-664) thereto.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered

its action whereby Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) was adopted.

The same Representative moved that Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) be indefinitely postponed.

On motion of Representative Handy of Lewiston, tabled pending the motion of Representative Joseph of Waterville that the House indefinitely postpone Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) and later today assigned.

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) be indefinitely postponed.

Subsequently, Representative Joseph of Waterville withdrew her motion to indefinitely postpone Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130).

Subsequently, Senate Amendment "A" (S-664) to Committee Amendment "A" (H-1130) was adopted.

Committee Amendment "A" (H-1130) as amended by Senate Amendment "A" (S-664) and House Amendment "A" (H-1321) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1130) as amended by Senate Amendment "A" (S-664) and House Amendment "A" (H-1321) thereto in non-concurrence and sent up for concurrence.

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

#### PASSED TO BE ENACTED

##### Emergency Measure

An Act to Delay the Workers' Compensation Rate Increase (H.P. 1775) (L.D. 2457) (H. "A" H-1326)

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

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly about this bill. I have mixed feelings on it. On one hand, what we are doing is delaying the decision of the Insurance Commissioner and delaying a decision on Head Start. Unfortunately, this delay could be the straw that breaks the camel's back and causes insurance companies to leave. On the other hand, this gives the Superintendent of Insurance the opportunity to take into account the decisions of the Blue Ribbon Commission. It would have been nice if we could have had cost savings instituted July 1st of 1992 until the decision of the Superintendent of Insurance, thus we would be able to have savings go into effect immediately. We need two-thirds for this bill and on the whole, I think it is better to have

it than not to have it. I am urging you to vote in favor of the bill.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I appreciate the concurrence of the gentleman from Augusta, it is very important that you vote in favor of this bill. If you have any doubts, ask yourself, can your businesses afford a huge rate increase at this time? I will bet you almost all of them will tell you no.

I distributed to you earlier today a fact sheet on Workers' Compensation and why it is important to delay this particular decision. Mind you, there is precedent for it, we did it earlier when impending reforms were going on. So, this is patterned after the legislation we passed before.

I think it is very important that you know what it is because this is an extraordinarily important piece of legislation. The pending 1992 Workers' Compensation rate case has two parts. Insurance companies requests a 32 percent perspective rate increase to take effect May 1, 1992 and that applies to all policies statewide. Insurance companies request a retroactive fresh start employer surcharge to cover alleged future deficits in this residual market for prior years and that could come to a total of 26 percent if you look at all the prior years. These surcharges are an addition to the 32 percent rate increase request and they do affect self-insured as well if they happen to be in the market during the deficit years, major increases.

Why delay? The residual market pool — as I mentioned to you before, 92 percent of those businesses who must purchase insurance are in this residual market pool, it has ample cash currently, several hundred million dollars. To delay the surcharge until we have an opportunity to act this summer will not cause harm to the financial solvency of the pool. I hope that you will take some time this summer to read some of the testimony. I will be happy to make it available to you. It shows evidence of serious inaccuracies and the data which has been used to project the size of the deficit so the very size of the deficit is in question. Testimony by Gilford Industries confirmed by the Bureau of Insurance investigators showed that claims costs were greatly overstated. If we delay the surcharge decision, the investigators can complete looking at just how much of this deficit surcharge is truly justified. The current rate case — again from the data that has been submitted shows serious mismanagement by insurers who serviced this pool in 1988 and 1990, particularly with Northern MGA. A delay could allow more time to investigate this mismanagement. If it is an insurance company mismanagement, employers should not pay for the deficit. Current rate case shows evidence of serious overpayment of servicing costs in this residual market pool. Insurance companies collect 25 percent of premiums for servicing expenses and sometimes subcontract the servicing for as little as 3 percent of premium. Self-insurers get far better servicing for 7 to 15 percent of premium. So, the whole question of surcharges must be investigated and I think the Blue Ribbon Commission should take a hard look at this and then we as a legislative body have an opportunity to correct some of these very serious problems this summer. If we are able to do that,

there may be no need at all for a rate increase. Hopefully, there will be a need for a reduction. If the rate increase is found necessary after all, it certainly could be retroactive as we did in L.D. 1914.

I appreciate you taking the time to listen because I know all of you are besieged by questions from employers and employees alike and I would be remiss if I did not share with you the tremendous enthusiasm I have had for the 16 men and women who have formed a labor/management group. When they came to our committee to present their findings of what they thought should be the reform for the State of Maine with labor and management working together for the very first time, I am absolutely convinced that meaningful reform can take place. It has been taken out of the arena of politics and has been given over to the men and women who are most directly affected. That is an extraordinary first step and it is the most exciting news on the Workers' Compensation front in many, many years. I am confident that based on their work and the Blue Ribbon Commission work that we will be facing an exciting legislative package this summer when the Governor calls us back. So, it is with that background that I think you can feel very comfortable in voting for this delay.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I, too, will be brief. This is another part, a very important part of what we have begun, the new road we are taking in dealing with the state's Workers' Compensation problems. As the good Representative from Augusta and the good Representative from Vassalboro have stated, this bill does have some drawbacks to the industry. The fear is, is this going to be the one that breaks the camels back? Looking over the legislation, I feel confident it is not and if in fact insurers do tend to pull out because of this reason that it is going to be more of a political move than a financial move. The reason I say that is because retroactivity is built into the bill and the Superintendent of Insurance can in fact institute it if he sees fit if there is a rate increase to be had as the bill calls for.

I think the unanimity of our Blue Ribbon Commission, the group of 16 that is working in southern Maine to bring true reform, coordination between the legislature and administration, I believe is the road that we have to move down if in fact we are going to see real reforms to cut our rates for our employers. With the inadequacies in some of the supposed facts up in front of the Superintendent now, I think this bill will give him the time he needs to investigate to see which facts are accurate. I know for my businesses and my people back home that is what I want. Please go with this as it is an emergency enactor and let's get further down this road.

Representative Mitchell of Vassalboro requested a roll call vote.

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

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

ordered.

The SPEAKER: The pending question before the House is passage to be 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. 429

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Barth, Bell, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Heino, Hepburn, Hichborn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kil Kelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marsh, Martin, H.; McHenry, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Ott, Paradis, J.; Paradis, P.; Parent, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Bailey, H.; Bowers, Clark, M.; Hastings, Heeschen, Kutasi, Libby, Macomber, Mayo, McKeen, Oliver, Paul, Rand, Ruhlin.

Yes, 137; No, 0; Absent, 14; Paired, 0; Excused, 0.

137 having voted in the affirmative and none in the negative with 14 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Clarify the Water Quality Definitions for Impoundments" (H.P. 1409) (L.D. 2021) reporting "Ought Not to Pass"

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

The following item appearing on Supplement No. 29 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. 1499) (L.D. 2111) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for the Purchase of Recycling Equipment and Facilities and for the Closure and Remediation of Municipal Solid Waste Landfills" Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1332)

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

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**Judiciary**

Bill "An Act to Increase Criminal Penalties on Deliberate Polluters" (H.P. 1778) (L.D. 2461) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative TREAT of Gardiner and Representative ST. ONGE of Greene) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

The following item appearing on Supplement No. 31 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Divided Report**

Majority Report of the Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-760) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Help Municipalities Pay for the Repair and Improvement of Publicly Owned Port Facilities" (S.P. 818) (L.D. 2017)

Signed:

Senators: BRANNIGAN of Cumberland  
PEARSON of Penobscot

Representatives: POULIOT of Lewiston  
HICHBORN of Howland  
CARROLL of Gray  
CHONKO of Topsham  
RYDELL of Brunswick  
PARADIS of Frenchville  
MICHAUD of East Millinocket

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

Signed:

Senator: FOSTER of Hancock

Representatives: REED of Falmouth  
FOSS of Yarmouth  
MacBRIDE of Presque Isle

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-760).

Reports were read.

Representative Chonko of Topsham moved that the House accept the Majority "Ought to Pass" Report.

Representative Reed of Falmouth requested a roll call.

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

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

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

A vote of the House was taken.

57 having voted in the affirmative and 44 in the negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-760) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-760) in concurrence.

By unanimous consent, ordered sent forthwith to



Engrossing.

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-761) on Bill "An Act to Preserve East-west Railroads" (S.P. 873) (L.D. 2228)

Signed:

Senators: BRANNIGAN of Cumberland  
PEARSON of Penobscot

Representatives: POULIOT of Lewiston  
HICHBORN of Howland  
CARROLL of Gray  
CHONKO of Topsham  
RYDELL of Brunswick  
PARADIS of Frenchville  
MICHAUD of East Millinocket

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

Signed:

Senator: FOSTER of Hancock

Representatives: REED of Falmouth  
FOSS of Yarmouth  
MacBRIDE of Presque Isle

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-761).

Reports were read.

On motion of Representative Chonko of Topsham, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-761) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-761) in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Divided Report**

Majority Report of the Committee on

Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-759) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,500,000 for Water Pollution Control Facilities Construction" (S.P. 962) (L.D. 2434)

Signed:

Senators: BRANNIGAN of Cumberland  
PEARSON of Penobscot  
FOSTER of Hancock

Representatives: MICHAUD of East Millinocket  
POULIOT of Lewiston  
HICHBORN of Howland  
CARROLL of Gray  
CHONKO of Topsham  
RYDELL of Brunswick  
PARADIS of Frenchville

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

Signed:

Representatives: REED of Falmouth  
FOSS of Yarmouth  
MacBRIDE of Presque Isle

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-759).

On motion of Representative Chonko of Topsham, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-759) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-759) in concurrence.

The following item appearing on Supplement No. 34 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Ensure that Certain Sales by Boy Scouting and Girl Scouting Organizations Are Exempt from the Sales Tax" (S.P. 806) (L.D. 2005)

Signed:

Senators: BOST of Penobscot  
COLLINS of Aroostook

Representatives: NADEAU of Saco  
MAHANY of Easton  
DORE of Auburn  
BUTLAND of Cumberland  
CASHMAN of Old Town

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-650) on same Bill.

Signed:

Senator: ESTY of Cumberland

Representatives: DUFFY of Bangor  
TARDY of Palmyra  
DiPIETRO of South Portland  
MURPHY of Berwick  
HEPBURN of Skowhegan

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

Reports were read.

Representative Cashman of Old Town moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This is the Girl Scout cookie bill and it has been held up someplace for a number of weeks here. Anyhow, what this bill will do — as you know, we have decided with that "snack tax" that we put on last year, the Girl Scouts have to pay on their cookie sales. This year they did not realize they were going to have to pay it so what we are asking is that you pass this bill so that we can give them credit next year for the tax that they are going to pay this year.

Some of us felt quite strongly that if the Girl Scouts have to pay the tax on those cookies, they should have known ahead of time they had to pay it. This is just to reimburse them next year for what they pay this year.

I might add that I am speaking for only myself and not for the Minority "Ought to Pass" Report. I think we should come back next year and take this tax off completely. Girl Scouts and Boy Scouts in this country is the only organization outside of 4H that I know of where any child can belong, no matter what circumstance financially their parents are in. Little League is nice for little boys to play but let me tell you, if your father isn't down there and helping, you don't get picked.

I was a Girl Scout leader for many years. I was a Den Mother and never was a child ever turned away. The Girl Scouts keep 40 cents for every box of cookies they sell. That 40 cents is spent on those girls. It is spent on camporees, and if a child comes in and doesn't have the money for dues or doesn't have money to give each week, it doesn't make any difference, every child is treated quite equally in the Girl Scouts. Every child can become a part of that and I feel as though that is very important to this country. The rest of the money goes to the state and the federal girl scouting — it pays for the camps that they have, it pays for many good things for these children.

But tonight, all I am asking you to do is to support the Minority Report so that next year these girls will get back the money that they are paying in this year for Girl Scout cookies.

I have a daughter who is a Brownie Troop leader and her little Brownies this year sold 60 cases. Thirteen Girl Scouts and they sold 60 cases of Girl

Scout cookies so their troop is going away on a camping trip and it is all financed through these cookies.

So, I would hope that you would not vote to support the "Ought Not to Pass" Report so we can go on and accept the "Ought to Pass" Report so that we can help these girls to know what it is to go to camp, no matter whether their parents can afford it or can't. They are all treated the same.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Let's take the Girl Scouts and Boy Scouts right out of this. Let's get away from the emotion of the debate.

This is what I call the "Cookie Monster Bill." The reason I call it that is because much of this session we have talked about — we really should be looking at sales tax exemptions. This bill actually proposes an exemption on an exemption — let me explain.

What you have right now is, if I am in a non-profit organization and I purchased some product for my group's internal use, I am in fact exempt. Fine, we all know that policy. However, the distinction becomes, if I buy a product to be sold to Representative Lord's group, then we are opening up a whole new area.

I got a note from one of my colleagues a few minutes ago saying, well, how would this affect certain other groups, Little League groups for instance, High school band groups or Booster Clubs or things of that nature? Currently, those groups (except for educational things) are already technically subject to the tax. The only reason this bill is an issue at this time is because we extended the sales tax base a little bit last year which includes cookies. That happens to be the product that these kids are involved in. Next year, I would assume if we decide to reject this motion on the floor (and Representative Cashman is probably grinning because he isn't going to be here) that we are going to see all kinds of bills trying to exempt Boy Scouts, athletic boosters or anybody of that nature. This is potentially opening up a whole new area which we are currently not into.

I realize that I probably am not being a real popular person about now but I didn't run for this seat to be a popular person. I am looking at tax policy, I have been called a purest, however, that's not the question right now. The question right now is, do we want to get into a policy where we have never ventured before? I don't think so.

I urge you to vote for this Majority Report.

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

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Minority Report on this bill and I fully agree with the Representative from Saco, that in some instances, this bill would set some precedent that, in the

future, we might have to look at additional tax exemptions. But, as the good Representative from Saco already knows, there are exemptions in place that you and I would not have but, indeed, we might have it for Girl Scouts and Boy Scouts, even if there was no other exemption.

As Representative Murphy has told you, the Minority Report of this bill simply was going to pay for this year for what they were taxed. As far as I am concerned and many on the committee were concerned, when we passed the "snack tax" which nobody liked but it was the best of the remaining taxes (if you can say that) of the alternates that we had to pass to fill the gap — we did not know that the Girl Scouts were going to be included under the "snack tax" as such. Certainly if we had known that, we would have notified the Girl Scouts to be prepared as well as they could be that there was going to be an additional amount of money that was going to have to be withheld from their cookie sales. I don't think anybody in this House in the last two years, going through the budget crises that we have gone through, would be mean spirited enough to want to take a bunch of little kids and say, hey, you haven't got what you are going to have this year because of the rest but I would ask you, even if we don't have enough money this year, to put this in effect and let them have this money, to pass the Minority Report and send a message that we do want to help them.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: What hypocrisy — based on the ability to pay! I heard in this House yesterday and for several weeks about the tax exemptions for over \$500 million and nobody budged. Here is a completely charitable cause that should definitely stimulate everyone in this House in an area of compassion. Yet, we have to stand here and plead for a pittance that involves one of the greatest causes in educational organizations that exists in the State of Maine.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: In defense of the Girl Scouts, I would like to tell you that last Spring the Girl Scouts in Bangor called me when the "snack tax" was put into effect and asked if their cookies would be exempt. We did some exploratory work at that time and everybody seemed to think that they would be exempt from the tax, so I think we probably do owe them at least this one year.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify a few things here.

The sale of Girl Scout cookies are exempt. When you buy a box of Girl Scout cookies for \$2.50 or whatever it is, they are exempt. They always have been. They are a casual sale, they still are. Sales to Girl Scout organizations have been exempt for things that they are going to use. The big difference with what is being proposed in this bill is that they are buying cookies to resell. As Representative Nadeau pointed out a minute ago, we don't exempt that transaction for any group except PTA's.

I was a Little League coach for six years.

Little Leaguers sell candy bars to fund the Little League. The Little League buys the candy bars, they have to pay a sales tax on the candy bars, this isn't new. It has always been that way. The same is true of YMCA's, YWCA's, Booster groups and all kinds of other groups. Just as Representative Nadeau said, if you blaze a new trail here and allow a tax exemption of this type for purchases that are going to be resold, you will have all of those groups in here next year. They are as worthy as this group. You don't pay the tax on this proposal — Representative Lebowitz said she looked into it and said that the sale of Girl Scout cookies would continue to be sales tax exempt — and they are. You don't pay the sales tax on the \$2.50. The Girl Scouts pay about 80 cents a box for those cookies and that is what the sales tax is based on. The same is true of every other group that sells things so I hope that you will support the Majority "Ought Not to Pass" Report.

Representative Murphy of Berwick requested a roll call.

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

Representative VIGUE: Mr. Speaker, I would like to pose a question, please. What are we talking about here? How many dollars are involved?

Subsequently, the Clerk read the fiscal note.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to be so tenacious on this issue. My good and highly respected Chairman of the Taxation Committee, whom I have a great deal of respect for, strengthened my position. He didn't weaken it. He said it is only 84 cents that is taxed. You further nicked and dined it by saying it is only 84 cents.

My contention is, so what if the Little Leaguers come in, so what if the others come in? You allow this same procedure for multi-multi millions of dollars and you didn't say, we are going to give an exemption this year to this great enterprise with the contention that next year another one would come in. I introduced my remarks by using the word hypocrisy and I will use it again.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: What do I know about Girl Scouts? Well, in 1946 I was a mountain guide and I used to take the Girl Scouts up Mt. Katahdin so I am probably an expert.

Actually, we had a troop of Girl Scouts in the Education Office, Representative Ault brought them in about two weeks ago, and we talked with them for awhile. I asked them if they would be willing to share a penny here and there out of their cookie money for the poverty level babies or the homeless people or the elderly people that can't be placed — would they want to share some of their wealth with those youngsters that weren't being served or those elderly people and everyone of them raised their hand and said, certainly.

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

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

I would like to know whether the Girl Scouts paid the tax on their cookies last year?

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that is no. As Representative Nadeau pointed out, it is because we expanded the tax last year to include snacks which include cookies.

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 accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 430

YEA - Anthony, Butland, Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Constantine, Cote, Crowley, Daggett, Donnelly, Dore, Duplessis, Gean, Goodridge, Graham, Greenlaw, Handy, Heino, Hichborn, Holt, Joseph, Kilkelly, MacBride, Mahany, Marsano, Marsh, Melendy, Michael, Mitchell, E.; Nadeau, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Pfeiffer, Poulin, Pouliot, Rand, Richards, Richardson, Rydell, Saint Onge, Skoglund, Townsend, Treat, Vigue, Wentworth, The Speaker.

NAY - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Bell, Bennett, Boutilier, Cahill, M.; Clark, H.; Coles, DiPietro, Duffy, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Gray, Gurney, Hale, Hanley, Hepburn, Hichens, Hoglund, Hussey, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kontos, Lawrence, Lebowitz, Lemke, Look, Lord, Manning, Martin, H.; McHenry, Merrill, Michaud, Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, Paul, Pendexter, Pendleton, Pines, Plourde, Powers, Reed, G.; Reed, W.; Ricker, Rotondi, Salisbury, Savage, Sheltra, Simonds, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Tracy, Tupper, Waterman, Whitcomb.

ABSENT - Bailey, H.; Bowers, Carroll, J.; Clark, M.; Farnsworth, Gwadosky, Hastings, Heeschen, Kutasi, Larrivee, Libby, Lipman, Luther, Macomber, Mayo, McKeen, Pineau, Ruhlin.

Yes, 53; No, 80; Absent, 18; Paired, 0; Excused, 0.

53 having voted in the affirmative and 80 in the negative with 18 being absent, the motion did not prevail.

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

Committee Amendment "A" (S-650) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-650) in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 35 was taken up out of order by unanimous consent:

SENATE PAPER

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home (S.P. 973) (L.D. 2459)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-754).

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

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

Senate Amendment "A" (S-754) was read by the Clerk and adopted.

Under further suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Senate Amendment "A" (S-754) in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

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

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1333) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Capital Repairs to State Facilities" (H.P. 1743) (L.D. 2432)

Signed:

Senators: BRANNIGAN of Cumberland  
PEARSON of Penobscot  
FOSTER of Hancock

Representatives: POULIOT of Lewiston  
HICHBORN of Howland  
CARROLL of Gray  
RYDELL of Brunswick  
PARADIS of Frenchville  
MICHAUD of East Millinocket

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

Signed:

Representatives: REED of Falmouth  
FOSS of Yarmouth  
MacBRIDE of Presque Isle

Reports were read.

On motion of Representative Chonko of Topsham, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-1333) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-1333) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 36 was taken up out of order by unanimous consent:

**ENACTOR**

**Bond Issue**

**Later Today Assigned**

An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 to Help Municipalities Pay for the Repair and Improvement of Publicly Owned Port Facilities (S.P. 818) (L.D. 2017) (C. "A" S-760)

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. 37 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Bond Issue**

An Act to Preserve East-west Railroads (S.P. 873) (L.D. 2228) (C. "A" S-761)

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

Representative Reed of Falmouth requested a roll call.

The SPEAKER: A roll call has been requested.

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

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

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

**ROLL CALL NO. 431**

YEA - Adams, Aliberti, Anthony, Bailey, R.; Bell, Boutillier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Cote, Crowley, Daggett, Dore, Duffy, Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Gurney, Hale, Handy, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Larrivee, Lemke, Lipman, Look, Mahany, Manning, Marsh, Martin, H.; Melendy, Merrill, Michael, Michaud, Mitchell, E.; Morrison, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pfeiffer, Pineau, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Savage, Simonds, Simpson, Skoglund, Stevens, A.; Stevens, P.; Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Anderson, Ault, Bennett, Butland, Carleton, Constantine, DiPietro, Donnelly, Duplessis, Farren, Foss, Garland, Graham, Gray, Greenlaw, Gwadosky, Hanley, Heino, Hepburn, Hichens, Ketterer, Kontos, Lawrence, Lebowitz, Lord, MacBride, Marsano, Mitchell, J.; Murphy, Nadeau, Nash, Ott, Pendexter, Pendleton, Pines, Plourde, Powers, Reed, G.; Richards, Small, Spear, Stevenson, Tardy.

ABSENT - Bailey, H.; Barth, Bowers, Carroll, J.; Clark, M.; Dutremble, L.; Hastings, Heeschen, Kutasi, Libby, Luther, Macomber, Mayo, McHenry, McKeen, Ruhlin, Salisbury, Sheltra.

Yes, 89; No, 44; Absent, 18; Paired, 0; Excused, 0.

89 having voted in the affirmative and 44 in the negative with 18 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 38 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Water Pollution Control Facilities Construction (S.P. 962) (L.D. 2434) (C. "A" S-759)

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

Representative Foss of Yarmouth requested a roll

call.

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

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

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you would vote to pass this Bond package. The Committee on Appropriations and Financial Affairs earlier today had reduced the amount that was originally requested. This Bond package will bring in \$30 million of federal matching money so I hope you vote in the affirmative.

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

ROLL CALL NO. 432

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

NAY - Aikman, Anderson, Bennett, Carleton, Duplessis, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Hepburn, Hichens, Lebowitz, MacBride, Marsano, Morrison, Parent, Pines, Reed, G.; Savage, Stevens, A..

ABSENT - Bailey, H.; Barth, Bowers, Carroll, J.; Clark, M.; Dutremble, L.; Hastings, Heeschen, Kutasi, Libby, Luther, Macomber, Mayo, McKeen, Merrill, Ruhlin, Salisbury, Sheltra.

Yes, 111; No, 22; Absent, 18; Paired, 0; Excused, 0.

111 having voted in the affirmative and 22 in the negative with 18 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 39

was taken up out of order by unanimous consent:

**FINALLY PASSED**

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home (S.P. 973) (L.D. 2459) (S. "A" S-754)

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

(At Ease - 10:40 p.m.)

(After Midnight - 12:45 a.m.)

The House was called to order by the Speaker.

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

On motion of Representative Kilkelly of Wiscasset, under suspension of the rules, the House reconsidered its action whereby L.D. 890 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" (H-884) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "B" (S-652) to Committee Amendment "A" (H-884) was adopted.

On motion of the same Representative, Senate Amendment "B" (S-652) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-1334) to Committee Amendment "A" (H-884) and moved its adoption.

House Amendment "A" (H-1334) to Committee Amendment "A" (H-884) was read by the Clerk and adopted.

Committee Amendment "A" (H-884) as amended by House Amendment "A" (H-1334) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-884) as amended by House Amendment "A" (H-1334) thereto in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 44 was taken up out of order by unanimous consent:

**ORDERS**

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1780)

Ordered, the Senate concurring, that the following specified matters be held over to the next special session of the 115th Legislature

Housing and Economic Development

H.P.1772, L.D. 2454

An Act to Provide Skills Training for Unemployed Workers

Judiciary

H.P. 1778 L.D. 2461

An Act to Increase Criminal Penalties on Deliberate Polluters

Was read and passed 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. 45 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act Regarding Contracts for the Duplication of Works of Art (H.P. 1011) (L.D. 1479) which was Passed to be Enacted in the House on March 10, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-921) as amended by House Amendment "A" (H-1013) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act Concerning Railroad Personnel (H.P. 1309) (L.D. 1891) which was Passed to be Enacted in the House on March 4, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "B" (H-931))

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Prevent Procurement of Controlled Substances through Fraud (H.P. 1582) (L.D. 2232) which was Passed to be Enacted in the House on March 26, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1170) as amended by House Amendment "A" (H-1270) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 46 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Clarify the Sales and Use Tax Laws

Regarding Items Purchased with General Assistance Vouchers or Food Stamps (H.P. 1586) (L.D. 2240) which was Passed to be Enacted in the House on March 18, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1101)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

An Act Concerning the Needs of Out-of-control Children (H.P. 1626) (L.D. 2289) which was Passed to be Enacted in the House on March 26, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1225)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

An Act to Restructure the Department of Administrative and Financial Services (H.P. 1663) (L.D. 2340) which was Passed to be Enacted in the House on March 26, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1267)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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The following items appearing on Supplement No. 47 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Create the Commission on Transferring County Jails to the State (H.P. 998) (L.D. 1447) which was Passed to be Enacted in the House on March 11, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-979) as amended by House Amendment "B" (H-1037) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

Resolve, to Establish the Commission on Recall (H.P. 1377) (L.D. 1964) which was Finally Passed in

the House on February 20, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-868)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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The following items appearing on Supplement No. 48 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Restore Control and Stability to the Bureau of Alcoholic Beverages (EMERGENCY) (H.P. 1670) (L.D. 2346) which was Passed to be Enacted in the House on March 23, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1120)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

An Act to Repeal the Limitation on State Reimbursement for County Jails (S.P. 934) (L.D. 2392) which was Passed to be Enacted in the House on March 17, 1992. (Having previously been passed to be Engrossed as amended by Senate Amendment "B" (S-600)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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The following items appearing on Supplement No. 49 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers (S.P. 169) (L.D. 403) which was Passed to be Enacted in the House on March 23, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-624)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-624) as amended by Senate Amendment "A" (S-762) thereto in non-concurrence.

The House voted to recede and concur.



**Non-Concurrent Matter**

An Act to Improve the State's Fiscal Forecasting Capabilities (S.P. 232) (L.D. 586) which was passed to be enacted in the House on March 28, 1992 (Having previously been passed to be Engrossed as amended by Committee Amendment "B" (S-733)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "B" (S-733) as amended by Senate Amendment "A" (S-777) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 50 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Provide Community Rating of Health Insurance Providers (H.P. 507) (L.D. 701) which was Passed to be Enacted in the House on March 5, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1007) as amended by House Amendment "A" (H-1014) and "B" (H-1035) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1007) as amended by House Amendment "B" (H-1035) and Senate Amendment "B" (S-774) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation (H.P. 892) (L.D. 1289) which was Passed to be Enacted in the House on March 27, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-900)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-900) as amended by Senate Amendment "A" (S-763) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 51 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Provide Equitable Insurance Coverage for Mental Illness (H.P. 1064) (L.D. 1553) which was Passed to be Enacted in the House on February 25, 1992. (Having previously been passed to be Engrossed

as amended by Committee Amendment "A" (H-883)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-775) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Provide for Dissolution of a Union School or Withdrawal from a Union School (S.P. 682) (L.D. 1810) which was Passed to be Enacted in the House on February 27, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-540)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-540) as amended by Senate Amendment "A" (S-764) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 52 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Amend the Animal Welfare Laws (EMERGENCY) (S.P. 696) (L.D. 1861) which was Passed to be Enacted in the House on March 28, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647); "D" (S-681); "E" (S-685) and House Amendments "A" (H-1247) and "B" (H-1278) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-639) as amended by Senate Amendments "A" (S-647); "D" (S-681); "E" (S-685); "H" (S-783) and House Amendments "A" (H-1247) and "B" (H-1278) thereto) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Establish the School Construction Debt Service Limit for Fiscal Years 1994-95 and 1995-96 (S.P. 821) (L.D. 2115) which was Passed to be Enacted in the House on March 9, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-557)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-557) as amended by Senate Amendment "A" (S-784) thereto in non-concurrence.

The House voted to recede and concur.

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The following items appearing on Supplement No. 53 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Amend the Election Laws (S.P. 820) (L.D. 2019) which was Passed to be Enacted in the House on March 25, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-617) as amended by House Amendment "C" (H-1187) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-617) as amended by House Amendment "C" (H-1187) and Senate Amendment "A" (S-770) thereto) in non-concurrence.

The House voted to recede and concur.

---

**Non-Concurrent Matter**

An Act to Amend the Maine High-Risk Insurance Organization Laws (H.P. 1417) (L.D. 2029) which was Passed to be Enacted in the House on March 9, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-940)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-940) as amended by Senate Amendment "A" (S-765) thereto in non-concurrence.

The House voted to recede and concur.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith to Engrossing.

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The following item appearing on Supplement No. 42 was taken up out of order by unanimous consent:

**ORDERS**

On motion of Representative FARNSWORTH of Hallowell, the following Joint Order: (H.P. 1779)

Ordered, the Senate concurring, that Bill, "An Act to Amend the East Pittston Water District Charter," H.P. 1769, L.D. 2452, and all of its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

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Representative Jacques of Waterville was granted unanimous consent to address the House:

Representative JACQUES: Mr. Speaker, Men and Women of the House: You have been given a piece of paper that says "Distributed at the request of Senator Titcomb, Representative Jacques and members of the Energy and Natural Resources Committee." The front is some of the changes that we have done in the DEP permitting process this past session, two years. The back is what we have done this year and we thought it might be some good information for you in case people back home or some of your businesses talk to you of what we have done in the DEP process. It is a breakdown of what happens. If you have any other questions, feel free to contact either Grow, up until she has her new baby and in the meantime Tim Glidden, and they can explain exactly what was done. This is a breakdown of what we have done to try to change the permitting process for your constituents.

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The following items appearing on Supplement No. 55 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Discourage Illegal Dumping of Waste (H.P. 1560) (L.D. 2198) which was Passed to be Enacted in the House on March 9, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-962)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-962) as amended by Senate Amendment "A" (S-766) thereto in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

An Act to Prevent the Poaching of Aquaculture Products (EMERGENCY) (H.P. 1562) (L.D. 2200) which was Passed to be Enacted in the House on March 18, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1016) as amended by House Amendment "A" (H-1100) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1016) as amended by House Amendment "A" (H-1100) and Senate Amendment "B" (S-771) thereto) in non-concurrence.

The House voted to recede and concur.

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The following items appearing on Supplement No. 56 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act Regarding Concealed Weapons Permit Fees (EMERGENCY) (H.P. 1601) (L.D. 2263) which was Passed to be Enacted in the House on March 23, 1992.

(Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1138) as amended by House Amendment "A" (H-1147) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1138) as amended by House Amendment "A" (H-1147) and Senate Amendment "A" (S-778) thereto in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

An Act to Strengthen Maine's Governmental Ethics Laws (EMERGENCY) (H.P. 1618) (L.D. 2279) which was Passed to be Enacted in the House on March 17, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1061)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1061) as amended by Senate Amendment "A" (S-767) thereto in non-concurrence.

The House voted to recede and concur.

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The following items appearing on Supplement No. 57 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, to Ensure Protection and Family Support for Maine's Children (EMERGENCY) (H.P. 1633) (L.D. 2297) which was Finally Passed in the House on March 18, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1110)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1110) as amended by Senate Amendment "A" (S-768) thereto in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

An Act to Ensure the Long-term Stability of Sheltered Group Homes in Maine (EMERGENCY) (H.P. 1666) (L.D. 2342) which was Passed to be Enacted in the House on March 18, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1084)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1084) as amended by Senate Amendment "A" (S-769) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 58 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State (H.P. 1669) (L.D. 2345) which was Passed to be Enacted in the House on March 26, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1174) as amended by Senate Amendment "A" (S-688) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1174) as amended by Senate Amendments "A" (S-688) and "B" (S-773) thereto in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

An Act to Establish a Supervised Community Confinement Program for Certain Prisoners of the Department of Corrections (S.P. 916) (L.D. 2353) which was Passed to be Enacted in the House on March 26, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-632) and House Amendment "A" (H-1248)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-632) as amended by Senate Amendment "A" (S-772) thereto and House Amendment "A" (H-1248) in non-concurrence.

The House voted to recede and concur.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith to Engrossing.

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**UNASSIGNED TABLE**

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

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) TABLED - March 28, 1992 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. 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 following items appearing on Supplement No. 59 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Restructure State Government (S.P. 929) (L.D. 2384) which was Passed to be Enacted in the House on March 29, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-680) as amended by House Amendment "A" (H-1297); Senate Amendments "C" (S-704) and "H" (S-723) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-680) as amended by Senate Amendments "C" (S-704); "H" (S-723) and "I" (S-781) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Implement the Jobs Creation Bond Package (EMERGENCY) (H.P. 1708) (L.D. 2389) which was Passed to be Enacted in the House on March 26, 1992. (Having previously been passed to be Engrossed as amended by House Amendment "C" (H-1280))

Came from the Senate, Passed to be Engrossed as amended by House Amendment "C" (H-1280) as amended by Senate Amendment "A" (S-782) thereto in non-concurrence.

The House voted to recede and concur.

By unanimous consent, all matters having been acted upon were ordered sent forthwith to Engrossing.

The following item appearing on Supplement No. 63 was taken up out of order by unanimous consent:

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

Bill "An Act to Create Job Opportunities for Unemployed Maine People" (H.P. 1781) (L.D. 2463) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative CROWLEY of Stockton Springs, Representative MELENDY of Rockland and Senator MATTHEWS of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

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

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

Representative FOSS: Mr. Speaker, I request a ruling from the Chair.

Is this bond issue in violation of Article 5, Part Third, Section V of the Maine Constitution that the legislature shall not have sale of bonds to fund current expenditures since this is for tuition payments?

The SPEAKER: The Chair would advise the Representative that the Chair is not in a position to rule on Constitutional Amendments. That question would have to be directed to the Attorney General.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to that in part. I am sorry we haven't had a chance with the pace tonight of everything going on to explain this particular bill. As you may remember, a couple of days ago we had talked about our inability to adopt the proposal that had been embraced by the Community Technical College System to provide and set aside 3,000 to 4,000 slots for unemployed workers and to provide some hope and meaningful opportunity for those workers.

We tried like the devil, both the Education Committee as well as the Housing and Economic Development Committee, to secure funding but this has been a very difficult year to secure any type of funding. We had a subcommittee of the Housing and Economic Development Committee who looked at a couple of ways and had floated a couple of tax exemptions that were on your desks during the week. It was felt that while many people supported the colleges that perhaps many people felt uncomfortable about those funding mechanisms. We went back to work and spent some time talking with President Fitzsimmons of the Maine Technical College System and asked the question about bonds. That issue came up at one time with the committee as to whether or not you could bond for a certain activity such as this. We had discussions with Crombie Garrett from the Attorney General's Office who had told us that you can fund for tuition.

What we have done in this bill is develop a mechanism where the technical college will be able to provide funds for tuition for some 3,000 unemployed workers within the State of Maine. The college system itself would be responsible for adopting rules that govern the application and selection process. These rules need to identify the eligibility criteria, the training programs to which tuition funding is provided and the criteria that define ineligibility for funding tuition of applicants.

To our knowledge, based on the conversations that we have had with the Attorney General's Office at this time, this appears to be constitutionally secure. As you know, anybody can challenge anything at some point. Time did not permit us to get an official Attorney General's opinion. It was sometime last week that we first talked about it. We have had a representative from the Attorney General's Office discuss this with the Governor's Office this evening and there may be a difference of opinion as to the applicability of current services.

As I said, there is no good way to fund — in my heart of hearts, I would like to fund this from the General Fund. If I had \$9.8 million in my pocket right now but I don't have that, and in good faith, we had asked President Fitzsimmons and others if they

had some ideas, could they share them with us. We think it is legal, it is appropriate and that it is constitutionally sound to provide this training program, a program that many of you heard about, many of you talked about and do it through a bond. This bond would go out in November, not June, and if it were successful, it would provide meaningful opportunities to Maine people. If we find at some point the language needs to be adjusted by a word or two, we will be back here in September and there is nothing to preclude us from making adjustments if that has to be the case.

The best information that I have and once again, I apologize for not having a chance to caucus on this. I did present this to all members of Republican Leadership and to the Governor's Office in advance so that they would know that the issue was around. I attempted to talk with the Republican leads of the various committees so that they would be knowledgeable about it as well. We think it can be done and we hope that it can be done. I know we all support technical colleges. This was a way to fund them, we think it is an exciting way to fund them and I urge your support.

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

Representative FOSS: Mr. Speaker, Men and Women of the House: I think the merits of the program are without question but this is a clear departure from our bonding policy. I didn't quite understand what the Representative said as far as the Attorney General's opinion but I don't know how anyone could not say that tuition would be current expenditures or operating costs for a program. I am not sure procedurally what to do now except pending an AG's written opinion because it is clearly contrary to our bonding policy of the past.

I would ask for a roll call.

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

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

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I encourage your support of this bill. I don't see any difference in using the monies in this bond issue from the uses that we put money to from bonds at Melmac. I don't think it is a departure in any way from previous state policy and I don't think we are paving any new ground with this. Therefore, if you truly believe that we should have jobs in this state and you support that, then you should be supporting this bill at this time.

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

#### ROLL CALL NO. 433

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Cashman, Cathcart, Clark, H.; Cote, Crowley, Daggett, DiPietro, Dore, Duffly, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham,

Gurney, Gwadosky, Hale, Handy, Hichborn, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Lawrence, Lebowitz, Lemke, Lipman, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Michael, Mitchell, E.; Morrison, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pendleton, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richards, Ricker, Rotondi, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevenson, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Bennett, Butland, Carleton, Chonko, Coles, Constantine, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Heino, Hepburn, Hichens, Hussey, Larrivee, Look, Lord, MacBride, Marsano, Merrill, Michaud, Mitchell, J.; Murphy, Nash, Norton, Ott, Parent, Pendexter, Pines, Reed, G.; Reed, W.; Rydell, Salisbury, Savage, Small, Spear, Stevens, A.; Stevens, P.; Strout, Tupper, Whitcomb.

ABSENT - Bailey, H.; Barth, Bowers, Carroll, D.; Carroll, J.; Clark, M.; Dutremble, L.; Hastings, Heeschen, Hogle, Holt, Jalbert, Kutasi, Libby, Luther, Macomber, McKeen, Nadeau, Paul, Pfeiffer, Richardson, Ruhlin, Vigue.

Yes, 78; No, 50; Absent, 23; Paired, 0; Excused, 0.

78 having voted in the affirmative and 50 in the negative with 23 absent, under suspension of the rules, the bill was passed to be engrossed and sent up for concurrence.

The following item appearing on Supplement No. 64 was taken up out of order by unanimous consent:

#### Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Senator MILLS of Oxford, Senator VOSE of Washington, and Senator LUDWIG of Aroostook - of the Senate

Representative LEMKE of Westbrook, Representative MAHANY of Easton, and Representative LORD of Waterboro - of the House.

Came from the Senate with the Committee of Conference Report read and rejected and asked for a second Committee of Conference.

Report was read and rejected and joined in a second Committee of Conference.

On the disagreeing action of the two branches of the Legislature on: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the

Size of the House of Representatives (H.P. 1660) (L.D. 2337) the Speaker appointed the following Conferees on the part of the House:

Representatives: LEMKE of Westbrook  
MAHANY of Easton  
LORD of Waterboro

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

The following item appearing on Supplement No. 62 was taken up out of order by unanimous consent:

**COMMUNICATION**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

March 30, 1992

To the Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, L.D. 2061 "AN ACT To Improve and Expand the Operation of the Risk Management Division." Although L.D. 2061 contains a number of important and desirable provisions, it also contains the specific provision which would cause the Risk Management Division to offer various lines of insurance to public schools.

Local school boards presently have a number of options both in the private sector and through an insurance pool. I do not believe that there is a need for the state to enter into the private insurance business to provide yet another option. Also, it would be necessary for the Risk Management Division to add a number of staff should the Division service public schools. Because there are other options available to our schools, and because I object to this expansion of state government, I feel that I must veto this bill.

I support the provisions in this bill which permit the state to insure programs that the state has a fiscal interest in, and the provisions which protect the state's assets and the general fund. I will be introducing legislation which addresses these important issues during the Special Session.

I hope that you will join me in rejecting this legislation and ultimately supporting the provisions that are needed to protect state related programs.

Sincerely,  
S/John R. McKernan, Jr.  
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Improve and

Expand the Operation of the Risk Management Division" (H.P. 1449) (L.D. 2061).

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: This really is a very important piece of legislation. The committee worked long and hard to achieve a consensus on how we could solve a problem for the state and make things better, both for the entities that are state owned that it insures as well as for the entities that are not state owned, but perform a valuable service for the state.

Our major response was working with the Attorney General's Office to separate out the state owned entities and entities that we have an interest in, like the Casco Bay Ferry which is not owned by the state but needed some insurance so we separated those two pools out. That was important because the feds have told us in the Department of Human Services in a letter to the state's Risk Management Fund that coverage to non-profit institutions and other entities that are not part of state government, "the fund must keep both revenue and expenses for such activity entirely separate and distinct from other activities of the fund." We did that through this bill. That is not why the bill was vetoed, unfortunately.

We have just come through a very painful budget process and all of you will be going home now and, if you haven't already had your town meetings or your school budgets, you are going to see that even though we were able to restore \$10 million, there have been massive cuts in your educational programs and you are going to be finding hard choices made at home about programs and classroom teachers.

We have an opportunity with this bill if you are willing to continue to stand by your conviction to save money for schools because this bill allows schools the option of purchasing their insurance through this properly funded state entity.

I will refer you to the Governor's veto message. There is one line that I find particularly troubling, it is in the third paragraph. I hope you will take a look at it. The Governor says, "I support the provisions in this bill which permit the state to insure programs that the state has a fiscal interest in." If the state doesn't have a fiscal interest in its school buildings, I really don't know what we have an interest in. I believe we just passed a bill which raised the ceiling for \$67 million for construction, debt service of our schools. Surely, we have a fiscal interest in school buildings.

The hour is late so I will not read you the three pages of entities that the state already offers insurance to because they perform a very valuable service for the state and they can't get their insurance or they can't get it at a rate they can afford. I won't read that to you but some day you should take a look. Our bill set about to segregate those out as we were ordered to do in order to keep our federal funds intact. We also took that extra step which could mean a great deal for our local schools to save money. I urge you to stick to your convictions and override this veto.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I realize the hour is late

or getting to be very early and I will be short but I would like to answer the good Representative from Vassalboro.

Any potential savings to schools provided by L.D. 2061 ignores the fact the state Risk Management Division is backed by the taxpayers' money and that loss is suffered by schools under their insurance policy and might end up costing more to the taxpayers than the schools save in premiums. We cannot be certain that the premiums charged by Risk Management will actually be sufficient to cover the potential losses of the schools. Private insurance companies are regulated by the Bureau of Insurance and must meet all the actuary requirements of Title 24a which are designed to make certain that the companies actually have enough money to pay for those losses. The Risk Management Division is not subject to the regulations of 24a and will not be subject to the same level of rigorous review. If the premiums charged by Risk Management aren't sufficient, the taxpayers will have to pick up the losses. One might say, well, we could reinsure or insure the excess get excess insurance for the risk we are willing to cover or the risk we are willing to take on behalf of the taxpayers. However, this does not eliminate the previous objection since the coverage level Risk Management chooses to obtain will be based on the Risk Management believes it needs. If Risk Management guesses wrong, the state taxpayers have to pay for the loss. I urge you to sustain the veto.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: As the prime sponsor of this bill, I guess I am somewhat in a state of shock here tonight. We have had a lot of humor here tonight and I think that is excellent. Now, we have got kind of a \$2.5 million wet blanket that has just been thrown on this body. That is the estimate of the property tax relief that could have been obtained if this bill had not been vetoed at four minutes of twelve on the tenth day.

We, the sponsors of this bill, have in the last week repeatedly attempted to meet with the Governor's Office to see if they had any questions about this bill. We did not even receive a response until we received the veto.

I guess I want to briefly point out to this body from the handout I had passed out, there are a dozen other states that already do this and do it very successfully. They have done it for the same reason that we are looking to do it, in order to save property tax money.

It has been said that this should be under Title 24a — ladies and gentlemen, that is another incorrect statement. This 12 to 1 Committee Report that was adopted here by a vote of 119 to 18 places them under Title 30a where all self-insurers are placed.

I guess the other number I want to read again into the record, "In FY '90, the schools in Maine paid a little over \$3.8 million for their fire and theft insurance. Total claims were \$400,000." Now, you can go back 20 years and see that happening year after year after year. I guess it concerns me that the number one priority seems to be profit rather than funding our education system. We have level funded education as has been mentioned by the good Representative from Vassalboro, Representative Mitchell. This bill would not have totally made up

for educational cuts but it would have gone quite a ways towards that.

I guess I would ask you to hold firm in your earlier vote and override this veto and say to the citizens that we represent that our number one priority is education, not profit.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I think that there is nothing that is more difficult to come to grips with than insurance matters of this sort which we are confronted by here tonight as a result of what it is that the Governor has asked us to do.

I am no lover of insurance companies. On the other hand, I recognize that they provide a valuable fiscal bulwark against the catastrophes which we are not able to perceive as likely to occur in the future. It is for that reason that I want to emphasize what was said in the paragraph of the Governor's veto message that Representative Mitchell called your attention to but I do not believe finished and that is this: "The provisions which protect the state's assets and the General Fund" — that is what the insurance industry does for the state or to private basis at this point, admittedly costs and figures are yours to judge. The Governor then said, "I will be introducing legislation which addresses these important issues during the Special Session." The issues which the Governor seeks to address are those which he mentions in the second paragraph of his veto message and they are important for us to have in mind. First of all, there will be some requirement for additional staff but that perhaps is less important than are the other questions of expansion of state government and because of the fiscal problems that are involved in any attempt to adjust the state in such a fashion that its general credit is responsible for actions which occur.

Just by way of illustration, I know that you folks are aware of the loss of our late colleague here in this House on an uninsured or state-funded matter, Representative Carter, should his catastrophe be found to be something which is compensable, then there would be a need to raise lots of money through a general assessment or by taking it out of the General Fund. It would be unfortunate to do that because that is what the insurance industry is structured to avoid.

I promise you that if this veto is sustained that I will work with Representative Nutting or others, I think my word is good in this building, and I will see to it that we do have a bill that meets the objectives, clearly stated, which both Representative Mitchell and Representative Nutting have indicated to you that they seek to achieve. I assure you that you will get the attention of this Governor to the needs that you seek and that a bill will be present. If it isn't, then this bill could be brought back fairly easily, I would imagine, as so many bills so often are. I think that we ought to give the Governor this opportunity to deal with the questions which he finds of concern.

This has been a difficult session, time now lies ahead for us to deal with both the Workers' Comp reform, which is an insurance matter of great significance itself and this one as well. I, if this veto is sustained and I hope it will be, will work with you to achieve a law which is fair, both to the

people of Maine and to the industry which ultimately will still have to represent the final line of protection for the very valuable assets which we have.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Lest anyone be confused, all conversations I have had with the Executive Department on this bill, the legislation that you will be looking at in the future that they embrace, is the one that corrects the state owned assets versus those in which we have an interest and which we do not own. The bill does that. There would not be an interest in bringing back anything to do with allowing the schools to purchase insurance. That is what the question is — I want you to understand that. The only interest that I have heard is in making sure this fund complies with federal requirements. The question you are facing tonight is very simple and there are no right answers, you must make the choice for yourself. Here is a policy decision (and it is a policy decision) and you will be voting for a subsidy for insurance agents if you sustain the veto, you will be voting for cost savings for the schools if you vote to override.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise because I think that the issue isn't as simple as perhaps the good Representative from Vassalboro has stated it. We are talking about, can government do it better than private enterprise, first of all? The second thing is, can government do it cheaper than it has been done through nonstate owned buildings insured through agents? The third question which is raised which we have to address is, if we are wrong and in fact we understate what the risk is and you may have been right that last year we would have made a lot of money if we didn't have any insurance but, if we are wrong and we understate the risk, then we are risking the taxpayers' money and that is not right. That is why people buy insurance.

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

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

The previous speaker, the Representative from Augusta said, last year we would have made a lot of money if we hadn't purchased insurance? Would he please clarify what he meant by that?

The SPEAKER: Representative Rydell of Brunswick has posed a question through the Chair to Representative Lipman of Augusta who may respond if he so desires.

The Chair recognizes that Representative.

Representative LIPMAN: Mr. Speaker, Men and Women of the House: I believe that Representative Nutting was indicating the savings that would have been secured by the amount of claims last year versus the premiums paid. I am saying that you can't rely on one year's history of what the claims were versus the premiums paid. That was my reference to what Representative Nutting had used for figures.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I believe that Representative Nutting used that perhaps as an example. We have

many years of experience, we know what our school districts have paid in insurance costs and we know what replacement of school buildings has cost us. We also can do the actuarial figuring of what, based on our past experience, would most probably be our liability in the future. We would not be without insurance. We would not be paying for this on a year-to-year basis or a school disaster to school disaster basis, we would have an actuarially sound risk management fund. That is what we have been doing with our other entities that are owned by the state and those that we insure that are not owned by the state. What we are talking about here is an opportunity to allow our school districts to come together, to insure their buildings if they so desire. It is purely voluntary, I would remind you, so that we can put our dollars where they will do the most good in education.

I sat on the Appropriations Committee this year and last year. Just last week, we finally were able to agree that we could replace \$10 million in General Purpose Aid so that we would get it up to \$515 million for this coming year. It was not easy and it meant agony for all of us over the past eight or nine days. You all know that. It is not going to be any easier next year. We are going to pay \$33 million in principal in our school debt service. We are going to pay \$26 million in interest, and we are going to pay \$515 million from the General Fund in General Purpose Aid.

In that General Purpose Aid figure is the amount that we reimburse each school district for its insurance. If we are able to save some dollars to allow school districts to save some dollars, they are going to put those dollars into education. We are going to have a well managed actuarially sound fund because we have a very well managed Risk Management Division. Yes, it might take a little extra staff but if that happens, it would be because of the number of school districts interested in using that fund. The premiums charged to those school districts in those premiums would be calculated the amount that is necessary to have the staff to run the program. That is no different from what any insurance company would do. If their business goes up, they may have to add additional staff. If there isn't any interest on the part of school districts, then we wouldn't even be talking about this option at all. There is some interest. We ought to allow them to have that option to compare the service and the cost that they would have through this kind of a program compared to what they are now getting and have gotten in the past through local insurance agents. It is unfair to our school districts to deny them this option. It has worked well in other states, it has saved funds, it has enabled states and school districts to concentrate on their dollars being in education. That is where I would hope in this state we want most of our education dollars to go. We want them to go to the education of our children. We pool our resources and our buying capability for everything that we can do. We don't want each school district to go out there and negotiate something that we could help them to do and do on a more cost effective basis. I think that it is poor policy to deny schools this option and I would hope that you would vote to override this veto.

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

Representative NUTTING: Mr. Speaker, Ladies and



Gentlemen of the House: I will be very brief, I know the hour is early.

I know this, we already insure all the local schools in the unorganized territory through this Risk Management Agency in the State of Maine, that is about 48 buildings. They already have plenty of experience in setting rates for elementary and grammar schools.

The other thing everybody in this body should realize, that through the committee hearing and all the work sessions on this bill, they worked with the Attorney General's Office, with people from the Bureau of Insurance, and they also worked with people from the Department of Education and they worked with people from the Department of Administration. At the close of the last work session, it was relayed to me and other members of the committee by both the Department of Administration and the Department of Education that the administration supported this bill.

The SPEAKER: The pending question before the House is, "Shall this Bill become a law notwithstanding the objections of the Governor?"

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

Representative CASHMAN: Mr. Speaker, under Joint Rule 10, I request permission to be excused from voting on this.

The SPEAKER: Unfortunately, the Chair cannot grant the request as this is a veto of the Governor and the Constitution overrides the rules of the House.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 434V

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Cathcart, Chonko, Clark, H.; Coles, Constantine, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Hale, Handy, Heino, Hichborn, Hoglund, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lord, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Parent, Pineau, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Bennett, Butland, Carleton, Cashman, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Gwadosky, Hanley, Hepburn, Hichens, Hussey, Ketterer, Lebowitz, Lipman, Look, MacBride, Marsano, Merrill, Murphy, Nash, Ott, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tardy, Tupper, Whitcomb.

ABSENT - Bailey, H.; Barth, Bowers, Carroll, D.; Carroll, J.; Clark, M.; Cote, Dutremble, L.; Hastings, Heesch, Holt, Jalbert, Kutasi, Libby, Luther, Macomber, McKeen, Nadeau, O'Gara, Paul, Pfeiffer, Richardson, Ruhlin, Vigue.

Yes, 80; No, 47; Absent, 24; Paired, 0; Excused, 0.

80 having voted in the affirmative and 47 in the negative with 24 absent, the veto was sustained.

Sent up for concurrence.

The following item appearing on Supplement No. 61 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Create Special Veterans Plates (EMERGENCY) (H.P. 1437) (L.D. 2049) which was Passed to be Enacted in the House on March 10, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-980)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-980) as amended by Senate Amendment "A" (S-779) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 65 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Concerning Fuel Oil and Coal Used in Manufacturing Processes" (H.P. 1755) (L.D. 2441) which was read twice under suspension of the rules without reference to a Committee and passed to be engrossed in the House on March 29, 1992.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs" (H.P. 1749) (L.D. 2438) which was passed to be engrossed as amended by House Amendment "A" (H-1323) in the House on March 29, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendment "C" (S-758) in non-concurrence.

The House voted to recede and concur

On motion of Representative Mayo of Thomaston, the House reconsidered its action whereby it voted to recede and concur on Bill "An Act Concerning Fuel Oil

and Coal Used in Manufacturing Processes" (H.P. 1755) (L.D. 2441) which was read twice under suspension of the rules without reference to a Committee and passed to be engrossed in the House on March 29, 1992 and came from the Senate indefinitely postponed in non-concurrence.

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

The following items appearing on Supplement No. 69 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Prevent the Poaching of Aquaculture Products (H.P. 1562) (L.D. 2200) (H. "A" H-1100 and S. "B" S-771 to C. "A" H-1016)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Regarding Concealed Weapons Permit Fees (H.P. 1601) (L.D. 2263) (H. "A" H-1147 and S. "A" S-778 to C. "A" H-1138)

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

Representative Tracy of Rome requested a roll call vote.

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

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

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

**ROLL CALL NO. 435**

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Bell, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Greenlaw,

Gurney, Gwadosky, Hale, Handy, Hanley, Heino, Hichborn, Hichens, Hoglund, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Lord, MacBride, Mahany, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, O'Dea, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Manning.

ABSENT - Adams, Bailey, H.; Barth, Bowers, Carroll, D.; Carroll, J.; Clark, M.; Dutremble, L.; Gray, Hastings, Heeschen, Hepburn, Holt, Jalbert, Kutasi, Libby, Luther, Macomber, McKeen, Nadeau, O'Gara, Paul, Pfeiffer, Richardson, Ruhlin, Sheltra, Small, Vigue.

Yes, 122; No, 1; Absent, 28; Paired, 0; Excused, 0.

122 having voted in the affirmative and 1 in the negative with 28 absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 70 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Strengthen Maine's Governmental Ethics Laws (H.P. 1618) (L.D. 2279) (S. "A" S-767 to C. "A" H-1061)

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**

**Emergency Measure**

An Act to Ensure the Long-term Stability of Sheltered Group Homes in Maine (H.P. 1666) (L.D. 2342) (S. "A" S-769 to C. "A" H-1084)

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. 106 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 items appearing on Supplement No. 71 were taken up out of order by unanimous consent:

**FINALLY PASSED**

**Emergency Measure**

Resolve, to Ensure Protection and Family Support for Maine's Children (H.P. 1633) (L.D. 2297) (S. "A" S-768 to C. "A" H-1110)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

An Act to Establish a Supervised Community Confinement Program for Certain Prisoners of the Department of Corrections (S.P. 916) (L.D. 2353) (S. "A" S-772 to C. "A" S-632 and H. "A" H-1248)

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

The following item appearing on Supplement No. 66 was taken up out of order by unanimous consent:

**SENATE PAPER**

Bill "An Act Concerning the Maine State Retirement System" (S.P. 958) (L.D. 2462)

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 Aging, Retirement and Veterans.)

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

The following items appearing on Supplement No. 72 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act to Discourage Illegal Dumping of Waste (H.P. 1560) (L.D. 2198) (S. "A" S-766 to C. "A" H-962)

An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State (H.P. 1669) (L.D. 2345) (S. "A" S-688 and S. "B" S-773 to C. "A" H-1174)

Were reported by the Committee on Engrossed

Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

(At Ease)  
(2:10 a.m. to 11:00 a.m.)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 54 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act Concerning the Early Establishment of Counseling for Children in Foster Care (H.P. 1543) (L.D. 2176) which was Passed to be Enacted in the House on March 25, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-1179)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-1179) as amended by Senate Amendment "A" (S-780) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act Relating to Ordinary Death Benefits under the Maine State Retirement System (EMERGENCY) (H.P. 1554) (L.D. 2192) which was Passed to be Enacted in the House on March 12, 1992. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-998) as amended by House Amendment "A" (H-1053) thereto)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-788) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 60 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring" (S.P. 910) (L.D. 2330) which was passed to be enacted in the House on March 30, 1992. (Having previously

been passed to be Engrossed as amended by Committee Amendment "A" (S-725)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-725) as amended by Senate Amendment "B" (S-785) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 67 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers (S.P. 169) (L.D. 403) (S. "A" S-762 to C. "A" S-624)

An Act to Improve the State's Fiscal Forecasting Capabilities (S.P. 232) (L.D. 586) (S. "A" S-777 to C. "B" S-733)

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

The following item appearing on Supplement No. 73 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities" (H.P. 1591) (L.D. 2245) which was passed to be engrossed as amended by Committee Amendment "A" (H-1130) as amended by Senate Amendment "A" (S-664) and House Amendment "A" (H-1321) thereto in the House on March 30, 1992.

Came from the Senate failing of passage to be engrossed by Committee Amendment "A" (H-1321) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 74 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act to Amend the Election Laws (S.P. 820) (L.D. 2019) (H. "C" H-1187 and S. "A" S-770 to C. "A" S-617)

An Act to Establish the School Construction Debt Service Limit for Fiscal Years 1994-95 and 1995-96 (S.P. 821) (L.D. 2115) (S. "A" S-784 to C. "A" S-557)

An Act to Amend the Maine High-Risk Insurance Organization Laws (H.P. 1417) (L.D. 2029) (S. "A" S-765 to C. "A" H-940)

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

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

**ENACTOR**

**Later Today Assigned**

An Act to Provide Equitable Insurance Coverage for Mental Illness (H.P. 1064) (L.D. 1553) (S. "A" S-775)

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

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

**PASSED TO BE ENACTED**

An Act to Provide for Dissolution of a Union School or Withdrawal from a Union School (S.P. 682) (L.D. 1810) (S. "A" S-764 to C. "A" S-540)

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.

By unanimous consent, ordered sent forthwith to the Senate.

**ENACTOR**

**(Reconsidered)**

An Act to Provide More Affordable Health Insurance for Small Businesses and Community Rating of Health Insurance Providers (H.P. 507) (L.D. 701) (H. "B" H-1035 and S. "B" S-774 to C. "A" H-1007)

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

On motion of Representative Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby L.D. 701 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" (H-1007) as amended by House Amendment "B" (H-1035) and Senate Amendment "B" (S-774) thereto was adopted.

The same Representative moved that House Amendment "B" (H-1035) be indefinitely postponed.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: This was an error in drafting with House Amendment "B" on the bill. There were two repeaters, which is absolutely ridiculous so I appreciate your indefinite postponement of House Amendment "B."

Subsequently, House Amendment "B" (H-1035) was indefinitely postponed.

Committee Amendment "A" (H-1007) as amended by Senate Amendment "B" (S-774) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1007) as amended by Senate Amendment "B" (S-774) thereto in non-concurrence and sent up for concurrence.

**PASSED TO BE ENACTED**

An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation (H.P. 892) (L.D. 1289) (S. "A" S-763 to C. "A" H-900)

An Act to Restructure State Government (S.P. 929) (L.D. 2384) (S. "C" S-704; S. "H" S-723 and S. "I" S-781 to C. "A" S-680 and H. "A" H-1317)

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

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 43 was taken up out of order by unanimous consent:

**BILL RECALLED FROM GOVERNOR**

(Pursuant to Joint Order - House Paper 1779)

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

- In House, Passed to be Enacted on March 28, 1992.

- In Senate, Passed to be Enacted on March 29, 1992.

On motion of Representative Farnsworth of Hallowell, under suspension of the rules, the House reconsidered its action whereby L.D. 2452 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 2452 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-1225) and moved its adoption.

House Amendment "A" (H-1225) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-1225) in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 41 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for the Purchase of Recycling Equipment and Facilities and for the Closure and Remediation of Municipal Solid Waste Landfills (H.P. 1499) (L.D. 2111) (C. "A" H-1332)

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

Representative Mayo of Thomaston requested a roll call.

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

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

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

**ROLL CALL NO. 436**

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bell, Butland, Cahill, M.; Carroll, J.; Cashman, Chonko, Clark, H.; Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Foss, Gean, Gould, R. A.; Greenlaw, Gwadosky, Handy, Heeschen, Heino, Hepburn, Hichborn, Hoglund, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Norton, Nutting, O'Gara, Ott, Paradis, J.; Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Reed, G.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Savage, Sheltra, Simonds, Small, Spear, Stevens, A.; Stevenson, Swazey, Tammaro, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Barth, Gray, Hale, Hanley, Hichens, Kutasi, Lebowitz, Marsano, Nash, Reed, W.; Salisbury.

ABSENT - Bailey, H.; Bailey, R.; Bennett, Boutilier, Bowers, Carleton, Carroll, D.; Cathcart, Clark, M.; Coles, Constantine, Duplessis, Farren, Garland, Goodridge, Graham, Gurney, Hastings, Holt, Hussey, Ketterer, Macomber, Marsh, McKeen, Merrill, Nadeau, O'Dea, Oliver, Parent, Paul, Pines, Rand, Richards, Ruhlin, Simpson, Skoglund, Stevens, P.; Strout, Tardy, Whitcomb.

Yes, 100; No, 11; Absent, 40; Paired, 0; Excused, 0.

100 having voted in the affirmative and 11 in the negative, with 40 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No.

75 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Implement the Jobs Creation Bond Package (H.P. 1708) (L.D. 2389) (S. "A" S-782 to H. "C" H-1280)

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

**ENACTOR**

**Emergency Measure**

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; H. "B" H-1278 and S. "H" S-783 to C. "A" S-639)

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. 100 voted in favor of the same and 1 against, the Bill failed of enactment. Sent up for concurrence.

The following items appearing on Supplement No. 81 were taken up out of order by unanimous consent:

**ENACTOR**

**Bond Issue**

**Later Today Assigned**

An Act to Create Job Opportunities for Unemployed Maine People (H.P. 1781) (L.D. 2463)

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

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

**ENACTOR**

**Emergency Measure**

An Act Regarding Special Plates (H.P. 1437) (L.D. 2049) (S. "A" S-779 to C. "A" H-980)

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. 95 voted in favor of the same and none against, the Bill failed of passage to be enacted. Sent up for concurrence.

**ENACTOR**

An Act to Ensure that Certain Sales by Boy Scouting and Girl Scouting Organizations Are Exempt from the Sales Tax (S.P. 806) (L.D. 2005) (C. "A" S-650)

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

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

**Representative VIGUE**: Mr. Speaker, Ladies and Gentlemen of the House: It seems when we deal with such things as motherhood and apple pie we hold back on coming up with what should be said concerning some of these issues. I personally have nothing against cute little Girl Scouts or Boy Scouts. If we understand the tax structure, taxing the Girl Scout cookies does not tax the Girl Scouts per se. This is strictly a transfer tax. We are collecting the tax, not from the Girl Scouts, we are collecting the tax from the people that support the Girl Scouts, grandmothers, grandfathers, friends and businesses. They are the ones who pay the tax so this is only a method of transferring the tax from the individual paying the tax to the state. We are not taxing Girl Scouts.

I request a roll call, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Duffy.

**Representative DUFFY**: Mr. Speaker, Ladies and Gentlemen of the House: The Girl Scouts are paying a tax for the first time in many, many years because they had an exemption. They are paying that tax when they pay the vendor who sells them the cookies. They in turn have to pay it to the State Tax Assessor so don't be misled that the Girl Scouts aren't paying a tax that they didn't pay before.

The Minority Report was passed in this body and then that Minority Report simply said that they will get a tax credit or a refund for this year because they weren't notified in time to be prepared so that they could absorb the increase in the taxes that they never paid before. This is a one-time and a one-time only situation and I realize that this bill is in a status that is late in the session and probably the money is all gone but it is not the Girl Scouts' fault that this bill is in this process so late. It was held in the other body for quite awhile so I ask you to please send it back down, take a minute and let the Girl Scouts and the scouting organizations know that we care.

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

**Representative MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you would not vote this down. Girl scouting has been in the United States since 1912, over 80 years. The Kennebec Council of Girl Scouts, which is the southern part of the state, have 13,000 girls in it. They range in age from age 5 to age 17. When they go into kindergarten, they can join Girl Scouts and they

can stay right in through high school.

In girl scouting, the girls always come first because the girls are the main focus of the Girl Scout organization where everything is directed toward stimulating her interest and meeting her needs. The mission of girl scouting in the United States is to help girls develop to their fullest potential and become competent, resourceful women. It is as vital today as it was in 1912 when the organization began. For 80 years we have had girl scouting which has helped many girls and also Boy Scouts do the same thing.

I urge you not to vote to not give them this tax exemption for one year.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: We spend a great deal of time in schools teaching youngsters civics and problems in democracy, American government and I think this is an excellent lesson in civics for these youngsters to contribute toward the poor and other people in the State of Maine with this penny, if it goes to them. An exemption is an exemption is an exemption — if you like them, vote for it.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I think at this point what we are doing is avoiding the issue. The real issue here is, are we going to support an appropriation of \$178,000 to go to scouting? The question is, what does that mean to girls and what does it mean to boys because boy scouts also sell popcorn? When we talk about the money going to other people, I think it is important to look at what services children need in this state. They need caseworkers in the Department of Human Services, they need education funding, some need the Maine Health Care Program and some of them take advantage of the school nutrition program. That is where this money would in fact be coming from.

What we have to do is take responsibility for the fact that this money is money that would then not be coming into the state and not being available for programs that girls and boys need and that is really the choice before us. It is not whether girl scouting or boy scouting is a good effort or not.

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

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

I would like to ask if this tax is placed on the cookies that the Girl Scouts buy or whether it is taxed on the basis of the purchaser of those cookies from the Girl Scouts?

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: As was explained in last night's debate, this tax is assessed on the purchase of the cookies by the Girl Scouts organization, not when the cookies are resold.

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

Representative NORTON: Mr. Speaker, Ladies and

Gentlemen of the House: I understood that and I think that is a misplaced tax. If you have a sales tax, it ought to be on the sale of that to people like me. Now if I am going to make a contribution to an organization, I do not want to skirt my social responsibility to do all those good things that some people have mentioned here that need to be done on behalf of the people in general.

I don't believe that I am alone in being very willing to pay, not only will it bring in a much larger amount because I am paying tax on my donation and I should and I don't care what organization it is that is doing the selling and I don't care what the commodity is, there should be a tax on it, non-profit, profit, or whatever it is.

I am in a funny situation today and I am caught with two letters that I consider promises. I told the Girl Scouts who wrote me exactly how I felt about this issue but since they didn't know about it and even though I believe that ignorance is no excuse for being in violation of a law or unaware of its consequences, I told them that I was going to vote this year not to have them blindsided and I am going to honor that. I told them from this time forward, I would be voting for this kind of tax, not only their organization but on any and it ought to be on the purchaser who is trying to help those organizations. A sales tax ought to be placed on the retail sales.

While I am caught today in a dilemma because I will not break my word that I made in poor judgment two months ago, I certainly will be voting that way in the future.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I was not going to get up and speak on this but Representative Murphy said that if I didn't, she was going to punch me in the nose so I thought I had better get up and say a few words.

I just want to tell you that I believe in this. My reason for believing in it is that we did not notify the Girl Scouts ahead of time. I think we should give them this one year exemption. As Representative Duffy said, there is no money involved, they have already paid the state for the cookies, we are going to give them a credit next year, but the following year, I would hope that they would pay the taxes like everybody else.

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

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

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I also strongly favor repealing the exemption and I have told girl scouts in my district that. I just wanted to point out that it is my understanding that the \$178,000 figure is approximately equal to the amount of money that was lost to the homeless program the other day and I think that is a very appropriate thing for us to keep in mind as we vote here, that that is what's going on

when we don't have enough money, prioritization. As difficult as it is, I think that the Girl Scouts would understand if we would take the time to talk with them that when we don't have enough to go around, we have to give to those things that are more important. We don't have the money for the homeless when we do things like this.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I would ask you to support enactment this noon. Back last year, I supported, regretfully, the tax package that we passed but it was an unintended consequence as far as I was concerned and I think as far as many of you were concerned to find out that the so-called snack tax portion of that package taxed the Girl Scouts on their immediate inventory of cookies for sales. As a person who buys Girl Scout cookies, I imagine everyone in the room does, I have no objection as an ultimate consumer of paying that tax. I think it should be paid but what we did in that unintended consequence is charge the Girl Scouts on their inventories for sales during that first year and this bill simply asks that they be exempted for one year only and then the tax will be charged, hopefully and ultimately, to the consumer. I don't think that that is going to create a problem on any of us who like Girl Scout cookies or Boy Scout popcorn for that matter.

So, I would ask you, rather than blindsides the Girl Scouts economically for one year, that you please go along with the enactment for this special purpose.

The SPEAKER: Pursuant to House Rule 1, the Chair would advise members that if this bill becomes law and is adopted by the other body, we will be remaining in session until we find the necessary \$170,000 that will be missing in order to balance this budget before we leave. You may choose to do whatever you want.

I know that it is a difficult decision but those are the facts, we do not have the money in the budget. If you look at what is before you and what has been given to you, I would point out that there isn't any item left, we had one that was enacted by the other body during the night, and there was one for the State Retirement System, one large item, and the other item was on gun permits and that \$115,000 item was enacted by this body this morning.

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. 437

YEA - Aikman, Aliberti, Ault, Barth, Cahill, M.; Clark, H.; DiPietro, Duffy, Farnum, Gould, R. A.; Gray, Hanley, Hepburn, Hichens, Jalbert, Kutasi, Lawrence, Lebowitz, Look, Manning, Martin, H.; Mayo, McHenry, Merrill, Morrison, Murphy, Nash, Norton, Paradis, J.; Pendexter, Plourde, Powers, Reed, W.; Rotondi, Ruhlin, Salisbury, Savage, Simpson, Spear, Tamaro, Tracy, Tupper, Waterman.

NAY - Adams, Anderson, Anthony, Bell, Butland, Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Cote, Crowley, Daggett, Donnelly, Dore, Dutremble, L.; Erwin, Farnsworth, Farren, Foss, Gean, Greenlaw, Hale, Handy, Hastings, Heeschen, Heino, Hichborn, Hogle, Jacques, Joseph, Kerr, Ketover, Kontos,

Larrivee, Lemke, Libby, Lipman, Lord, Luther, MacBride, Mahany, Marsano, Marsh, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nutting, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pines, Poulin, Pouliot, Reed, G.; Richardson, Ricker, Rydell, Saint Onge, Sheltra, Simonds, Skoglund, Stevens, A.; Stevens, P.; Stevenson, Swazey, Townsend, Treat, Vigue, Wentworth, The Speaker.

ABSENT - Bailey, H.; Bailey, R.; Bennett, Boutillier, Bowers, Cathcart, Clark, M.; Coles, Constantine, Duplessis, Garland, Goodridge, Graham, Gurney, Gwadosky, Holt, Hussey, Ketterer, Kilkelly, Macomber, McKeen, Nadeau, O'Dea, Parent, Paul, Rand, Richards, Small, Strout, Tardy, Whitcomb.

Yes, 43; No, 77; Absent, 31; Paired, 0; Excused, 0.

43 having voted in the affirmative and 77 in the negative with 31 being absent, L.D. 2005 failed of enactment. Sent up for concurrence.

ENACTOR

Later Today Assigned

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs (H.P. 1749) (L.D. 2438) (S. "C" S-758)

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

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

PASSED TO BE ENACTED

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) (H. "A" H-1334 to C. "A" H-884)

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

PASSED TO BE ENACTED

An Act to Encourage the Development of Business and Infrastructure through the Extension of State Tax Increment Financing (S.P. 974) (L.D. 2460) (S. "A" S-750 and H. "B" H-1328)

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

Representative Kutasi of Bridgton requested a roll call.

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



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

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

ROLL CALL NO. 438

YEA - Aliberti, Anderson, Anthony, Barth, Bell, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Dutremble, L.; Farnum, Farren, Gean, Gould, R. A.; Handy, Heino, Hichborn, Hichens, Kerr, Ketover, Kontos, Larrivee, Lawrence, Lebowitz, Libby, Lipman, Look, MacBride, Mahany, Manning, Marsano, Marsh, Melendy, Michael, Michaud, Mitchell, E.; Morrison, Murphy, Nash, Norton, Nutting, Oliver, Ott, Paradis, J.; Paradis, P.; Pendleton, Pineau, Pines, Plourde, Pouliot, Powers, Reed, W.; Ricker, Ruhlin, Saint Onge, Savage, Sheltra, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Swazey, Tardy, Townsend, Waterman, The Speaker.

NAY - Adams, Aikman, Ault, Bailey, R.; Chonko, Erwin, Farnsworth, Foss, Gray, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Heeschen, Hepburn, Hoglund, Jacques, Jalbert, Joseph, Kilkelly, Kutasi, Lemke, Lord, Luther, Martin, H.; Mayo, McHenry, Merrill, Mitchell, J.; O'Gara, Pendexter, Pfeiffer, Poulin, Reed, G.; Richardson, Rotondi, Rydell, Salisbury, Simonds, Small, Stevenson, Tammaro, Tracy, Treat, Tupper, Vigue, Wentworth.

ABSENT - Bailey, H.; Bennett, Boutilier, Bowers, Cathcart, Clark, M.; Coles, Constantine, Duffy, Duplessis, Garland, Goodridge, Graham, Gurney, Holt, Hussey, Ketterer, Macomber, McKeen, Nadeau, O'Dea, Parent, Paul, Rand, Richards, Strout, Whitcomb.

Yes, 76; No, 48; Absent, 27; Paired, 0; Excused, 0.

76 having voted in the affirmative and 48 in the negative with 27 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Look of Jonesboro, having voted on the prevailing side, the House reconsidered its action whereby An Act to Amend the Animal Welfare Laws (Emergency) (S.P. 696) (L.D. 1861) (S. "A" S-647; S. "D" S-681; S. "E" S-685; H. "A" H-1247; H. "B" H-1278 and S. "H" S-783 to C. "A" S-639) failed of enactment.

The same Representative requested a roll call.

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

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

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: Now that it is on the board, it is okay but people were asking, what is it? I

would like to make a short explanation.

We sent the Animal Welfare out to privatization a couple of years ago and we messed it up. This vote would bring it back to the Department of Agriculture with control. We have put a lot of months on this bill and the committee feels that we have an excellent bill. It takes care of all the headaches and the problems that we have had presented to us that we think are in the bill. I urge you to vote for this bill.

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

ROLL CALL NO. 439

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Barth, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hoglund, Hussey, Jacques, Jalbert, Kerr, Ketover, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Pouliot, Powers, Reed, G.; Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

ABSENT - Bailey, H.; Bell, Bennett, Boutilier, Bowers, Cathcart, Clark, M.; Coles, Constantine, Duffy, Duplessis, Garland, Goodridge, Graham, Gurney, Holt, Joseph, Ketterer, Lemke, Macomber, McKeen, Nadeau, O'Dea, Paradis, P.; Parent, Paul, Poulin, Rand, Richards, Stevens, P.; The Speaker.

Yes, 120; No, 0; Absent, 31; Paired, 0; Excused, 0.

120 having voted in the affirmative and none in the negative with 31 being absent, 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 following item appearing on Supplement No. 68 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State

(H.P. 1669) (L.D. 2345) (S. "A" S-688 and S. "B" S-773 to C. "A" H-1174) which was passed to be enacted in the House on March 31, 1992.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Insist.

The following item appearing on Supplement No. 78 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act Concerning the Early Establishment of Counseling for Children in Foster Care (H.P. 1543) (L.D. 2176) (S. "A" S-780 to C. "A" H-1179)

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

The following item appearing on Supplement No. 80 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Relating to Ordinary Death Benefits under the Maine State Retirement System (H.P. 1554) (L.D. 2192) (S. "B" S-788)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none 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. 82 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring (S.P. 910) (L.D. 2330) (S. "B" S-785 to C. "A" S-725)

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

The following item appearing on Supplement No. 83 was taken up out of order by unanimous consent:

**SENATE PAPER**

The following Communication:

Maine State Senate

Augusta, Maine 04333

March 31, 1992

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

Dear Clerk Pert:

Please be advised that the Senate today appointed the following conferees to the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337):

Senator PEARSON of Penobscot  
Senator BALDACCI of Penobscot  
Senator GILL of Cumberland

Sincerely,

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

Was read and ordered placed on file.

The following item appearing on Supplement No. 77 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act Concerning the Maine State Retirement System (S.P. 958) (L.D. 2462)

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

The following item appearing on Supplement No. 40 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Bond Issue**

An Act to Authorize A General Fund Bond Issue in the Amount of \$8,000,000 for Capital Repairs to State Facilities (H.P. 1743) (L.D. 2432) (C. "A" H-1333)

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

Representative Small of Bath requested a roll call.

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

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

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

Representative MANNING: Mr. Speaker, Men and Women of the House: When this discussion was going around the halls yesterday, I happened to bump into the Commissioner of Corrections and the Deputy Commissioner of Corrections. They were concerned about this Bond Issue not being passed because they were afraid that if it wasn't passed, they would be in violation of some OSHA statutes. Apparently they had been cited in a number of the institutions in this state and some of this money will go to help deal with some of the problems that OSHA has cited the Department of Corrections. Apparently the Department of Corrections has held off OSHA for a period of time and said that they had to go out to a Bond Issue and when that Bond Issue is passed, they would be able to spend this money to deal with such things as locks and other things in the institutions.

Apparently, if we don't do this and we don't get money into that account, there is a possibility of a \$1,000 a day fine. I am assuming that we don't want to put the state in that predicament. I think we want to be able to try to at least get it out to the voters and let the voters decide. I would hope that we would not kill it here, because if that is the case, I would hate to have OSHA come back onto the Department of Corrections and somehow we would either have to come up with the money within the budget or we would be fined. The only thing I know on this thing is on Corrections and I think that is an important issue. If OSHA is going to fine us, we ought to be looking at this.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Portland, Representative Manning, is correct. Part of the money is to go to correct the situations of OSHA citations at the Department of Corrections.

There is also money in here because of Bangor Mental Health Institute. There is a safety problem due to fire where they have got to close some pipes, fix some lighting — there are roofs that have PCB, there is leaky PCB transformers that have to be replaced, there are some roofs that are leaking that have to be replaced. I have a list here, part of it is for fire and safety at the Maine Youth Center and part of it is for removal of the fuel oil tanks. These are all essential items that we need for the safety of the state. These are capital improvements. If anyone wishes a detailed list, I have the list.

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

ROLL CALL NO. 440

YEA - Adams, Aliberti, Anthony, Ault, Bailey, R.; Bell, Cahill, M.; Carroll, D.; Cashman, Chonko, Clark, H.; Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Gould, R. A.; Greenlaw, Hale, Handy, Heeschen, Heino, Hichborn, Hoglund, Jacques, Jalbert, Kerr, Ketover, KilKelly, Larrivee, Lemke, Lipman, Luther, Mahany, Manning, Marsh,

Martin, H.; Mayo, McHenry, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Barth, Butland, Carleton, Carroll, J.; Farren, Foss, Gray, Gwadosky, Hanley, Hastings, Hepburn, Hichens, Hussey, Joseph, Kontos, Kutasi, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Nash, Reed, G.; Salisbury, Savage, Small, Stevens, A.; Stevenson.

ABSENT - Bailey, H.; Bennett, Boutilier, Bowers, Cathcart, Clark, M.; Coles, Constantine, Duplessis, Garland, Goodridge, Graham, Gurney, Holt, Ketterer, Macomber, McKeen, Nadeau, O'Dea, Parent, Paul, Rand, Richards, Whitcomb.

Yes, 95; No, 32; Absent, 24; Paired, 0; Excused, 0.

95 having voted in the affirmative and 32 in the negative with 24 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Provide Equitable Insurance Coverage for Mental Illness (H.P. 1064) (L.D. 1553) (S. "A" S-775) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby L.D. 1553 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-775) was adopted.

The same Representative offered House Amendment "A" (H-1336) to Senate Amendment "A" (S-775) and moved its adoption.

House Amendment "A" (H-1336) to Senate Amendment "A" (S-775) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: A brief explanation, this is a technical amendment to prevent any possible ambiguity in the language. Each time the word "mental illness" is used, we have substituted "for any mental illness" listed in paragraph A.

Subsequently House Amendment "A" (H-1336) to Senate Amendment "A" (S775) was adopted.

Senate Amendment "A" (S-775) as amended by House

Amendment "A" (H-1336) thereto was adopted.

The bill was passed to be engrossed as amended by Senate Amendment "A" (S-775) as amended by House Amendment "A" (H-1336) thereto in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 76 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act to Provide More Affordable Health Insurance for Small Businesses and Community Rating of Health Insurance Providers (H.P. 507) (L.D. 701) (S. "B" S-774 to C. "A" H-1007)

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

The following item appearing on Supplement No. 84 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

An Act Regarding Special Plates (EMERGENCY) (H.P. 1437) (L.D. 2049) (S. "A" S-779 to C. "A" H-980) which failed of passage to be enacted in the House on March 31, 1992.

Came from the Senate passed to be enacted in non-concurrence.

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.

The following item appearing on Supplement No. 86 was taken up out of order by unanimous consent:

**ORDERS**

On motion of Representative GRAY of Sedgwick, the following Joint Order: (H.P. 1782)

Ordered, the Senate concurring, that Bill, "An Act to Strengthen the Public Disclosure of Lobbying Activities," H.P. 1591, L.D. 2245, and all its accompanying papers, be recalled from the legislative files to the House.

Representative Gray of Sedgwick requested a roll call vote.

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

A vote of the House was taken and more than

one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage of the Joint Order, a two-thirds vote required. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 441**

YEA - Adams, Aikman, Aliberti, Anthony, Ault, Bailey, H.; Bailey, R.; Bell, Bennett, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Cote, Crowley, Daggett, DiPietro, Donnelly, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Handy, Hanley, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hoglund, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, O'Dea, O'Gara, Ott, Paradis, J.; Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richardson, Ricker, Ruhlman, Rydell, Saint Onge, Savage, Simonds, Skoglund, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Anderson, Barth, Clark, H.; Dore, Hussey, Jalbert, Ketterer, Lipman, Rotondi.

ABSENT - Boutilier, Bowers, Cathcart, Clark, M.; Coles, Constantine, Duffy, Duplessis, Farnsworth, Gean, Graham, Gurney, Hastings, Holt, Kontos, Macomber, McKeen, Merrill, Nadeau, Oliver, Parent, Paul, Pines, Rand, Richards, Salisbury, Sheltra, Simpson, Small, Stevens, P..

Yes, 112; No, 9; Absent, 30; Paired, 0; Excused, 0.

112 having voted in the affirmative and 9 in the negative with 30 being absent, the Joint Order was passed and sent up for concurrence.

The following item appearing on Supplement No. 79 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency**

An Act to Amend the East Pittston Water District Charter (H.P. 1769) (L.D. 2452) (H. "A" H-1335)

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. 118 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 item: An Act to Create Job Opportunities for Unemployed Maine People (H.P. 1781) (L.D. 2463) (Bond Issue) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: Before we take this bond issue up, I want to make a couple of comments for the Record. This got a little bit ahead of us last night and we are still in the process of informing people as to what it was and where it was and what many people had hoped to accomplish with this when the myriad of supplements appeared before us.

Just to reiterate once again, I know most of you are familiar with the proposal that had been advanced and debated on this floor and described by the Maine Technical College System to set aside 3,000 or 4,000 positions for unemployed workers. We were originally unable to find the necessary funding from Appropriations because of the difficulty in funding anything this year.

There were some other things that were bantered about and considered but it was felt that it was better not to use those types of exemptions. We had conversations last week about the possibility of being able to bond for this and those discussions continued into yesterday and into the evening as to the ability to bond for this type of program. We had extensive discussions with the Attorney General's Office to see what you can and can't bond for. There are certain provisions in the Constitution that say you cannot bond for current services. If we are to run out of money in the legislature or state government is to run out of money, you can't bond for current services. There is, however, a provision that allows you to bond for tuition.

There has been a letter distributed, hopefully on your desks, from the Attorney General's Office from Crombie Garrett that deals with this issue. What we are envisioning in this is the availability of the Maine Technical Colleges — this is a \$9,900,000 bond, it sets aside for the Technical Colleges and authorizes the Treasurer of the State to use a tax exempt bond. Money would then flow from that bond to the Technical Colleges and would be distributed among the various campuses. We are charging the system itself with the responsibility to develop criteria for the eligibility for individual unemployed people to be able to use these proceeds. I think the comments that were brought up last night were accurate and I am sorry that anybody had to vote on this prior to having some background information on this.

The letter that I hope is on your desk now deals with the issue of bonds and I just want to read this into the record for that purpose. This is once again from Crombie Garrett, the Deputy Attorney General. "I have reviewed L.D. 2463, An Act to Create Job Opportunities for Unemployed Maine People and am of the opinion that the proposed Act conforms to all requirements of state law in the Maine Constitution for the issuance of bonds if approved by the public and am further of the opinion that bonds issued for

the purposes set forth in the Act may be issued on a tax exempt basis for Federal Income Tax purposes. I do believe it will be wise to make it clear in the Statement of Fact that the funds will be used to provide tuition assistance to qualified applicants in eligible training programs offered by Maine's Technical Colleges. The purpose of this clarification is to make it clear that monies are being provided to defray expenses of individuals qualified to receive training who would otherwise have to pay tuition from their own resources. Thus the program is providing the equivalent of scholarships to qualified individuals. The proposed Act serves a legitimate governmental and public purpose. Such a purpose may be funded through the issuance of taxes and bonds by the state. I am aware of no federal statute, rule, or case that would suggest the state cannot issue such tax exempt debt."

So once again, the money is going to flow to the Technical Colleges. Individuals never receive the money, the money stays at the Technical Colleges on the individual campus to provide the assistance to the applicants based on the criteria that is established by the college system itself.

You have heard stated on this floor that within three to four years, the graduates from these colleges will, and keep in mind they have 80 percent placement and 97 percent of those go back to work within the State of Maine, the dollars that are created in that period of time by the graduates is in the vicinity of \$194 million. It generates enough in sales tax and income taxes to completely pay off this investment that we are making at this point in time.

You know that there are some 55,000 people who are currently unemployed. Sadly, half of those do not receive unemployment compensation benefits at this time. For many it is impossible to get into any type of training program because they simply do not have the money to get involved and to get a new life. This proposal speaks well for empowering these people and I think it allows us to take the opportunity to provide an economic recovery plan that gives hope and opportunity to these people who are losing hope and are clearly losing opportunity.

I don't have to tell this body what Technical Colleges mean to you, you have always supported them over the years. I completely understand the reluctance earlier of many to consider exemptions to be able to pay for this program. We are very excited about the prospect of being able to bond for it. I am glad people were able to work together to put the pieces together.

There has been some talk — and we did play around with the possibility of using some sort of revolving loan — however, pursuant to the Constitution, we would have to use taxable bonds for that purpose which drives the interest rate up and the concern was that many people who were unemployed would be unable to pay the necessary fees and would be unable to afford the costs to run those programs. It is a tremendous exciting program and I can't think of anything we could do more to invest in. We are talking about investing in piers today, we have been talking about investing in railroad tracks, in buildings and infrastructure and this is an opportunity to invest in people, people who desperately need some help. I think it is a wonderful proposal, it has been embraced by the Technical College System and their community and I would certainly urge your support.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly share Representative Gwadosky's commitment to the VTC's but I also think as we discussed at about two o'clock this morning when this bill first came to our desks that we need to preserve the integrity of our bonding process. I have read the opinion that came over a short while ago. I find it a little curious that there isn't even a reference to the Articles in the Constitution which would be relevant to this.

I do want to reread Article V, Part third, Section V of the Constitution which to me is very clear that "The Legislature shall enact general law prohibiting the use of proceeds from the sale of bonds to fund current expenditures." It seems to me even the Deputy Attorney General refers to eligible training programs, that programs are ongoing current expenditures, and that this proposal (while I totally agree with what it is trying to achieve) would be a violation of the intent of the Constitution.

In our committee, it has always been our understanding that ongoing current expenses or programs are clearly prohibited from bonding and that anything we choose to bond must at least have a useful life as long as the length of the bond issue. For example, if a bond for a building is for ten years, the building should be expected to survive at least that length and that is the problem with bonding programs and that this this would be a major departure from our bonding policy. Therefore, I find that I cannot support it.

I request a roll call.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I recognize that the Representative from Yarmouth has a position with respect to an Article of the Constitution and I don't disagree with her suggestions about that. It seems to me that it is even more compelling that we consider Article VIII, Part First, Education, Section I and II and especially Section II of the Maine Constitution. I would urge you to look at that carefully.

Let me read into the Record what it amounts to that this Section II deals with. It says, "For the purposes of assisting the youths of Maine to achieve the required levels of learning and to develop their intellectual and mental capacities, the Legislature, by proper enactment, may authorize the credit of the State to be loaned to secure funds for loans to Maine students attending institutions of higher education, wherever situated, and to the parents of these students. Funds shall be obtained by the issuance of state bonds when authorized by the Governor, but the amount of bonds issued and outstanding shall not at any one time exceed the aggregate amount of \$4,000,000. Funds loaned shall be on such terms and conditions as the Legislature shall authorize."

The question of whether or not this bill complies with the requirements set out specifically in Section II of Article VIII, I leave to your deliberations. I suggest to you that if you look at it carefully, you cannot conclude that this bill meets that constitutional mandate. Accordingly, I would urge you to reject it, not because it is not a good idea, but because it was drafted in haste and, in my opinion, woefully inadequately to address the

requirements of this portion of the Constitution.

Let me make it clear again that this provision of the Constitution prescribes that it may be only for loans to Maine students that the amount of the bonds issued in outstanding may not exceed \$4 million and that is all bonds. We have had no information as to whether or not any other bonds have been issued. We don't know what the aggregate outstanding amount is and finally, the loan conditions are to be as the Legislature shall authorize. I suggest to you that we have dealt inadequately in lines 14 through 26 when we described what we want them to do and try and abandon the mandated Constitutional authority which is given to this body to the Vocational Technical Institutes. Accordingly, I, like the Representative from Yarmouth, will vote against this measure for those reasons and I urge you to do the same.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will take the time to read the letter on your desk from the Attorney General's Office and, hopefully, they too have some knowledge of the Constitution.

I think this is an excellent, excellent investment. It will help the Maine Technical College Systems in its mission of preparing unemployed people in high skilled, high paid jobs. We need this in Maine, it is an economic development tool. It will help thousands of unemployed men and women get on with productive lives. It will also help offset the \$3 million that we took out of the Vocational Technical Schools that we say are important. It will help get some of that money back and help get students back into the classrooms and maybe help the Technical Colleges maintain some kind of balance where they have been cut some 14 percent. I think we will be helping ourselves by helping these people who are unemployed through no fault of their own. This is an emergency and, if the Attorney General's Office says it is okay, then I will have to vote for it being okay. I hope you stay with this bond issue, it is very, very important that we help these people that are unemployed through no fault of their own.

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

Representative RICHARDSON: Mr. Speaker, I would like to pose a question to Representative Gwadosky of Fairfield.

Although it is true that this body can base decisions on public policy using Constitutional arguments, is it not true that once this is passed, the final and definitive opinion as to whether it is Constitutional will be made in a court of law?

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

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The quickest answer to that question is yes. Obviously, that is what the courts are for and they are to rule in those circumstances.

I don't necessarily disagree with the section of the Constitution that Representative Marsano referenced. However, that does deal with loan programs and those are taxable bonds. There is a distinction between taxable bonds versus tax exempt

bonds. I think it is important to separate those issues.

I know that there may be some who are concerned less about the specific dimensions of the Constitution and perhaps there are some who are concerned about the magnitude of bonds altogether and I share that as well. I voted for some of the bonds and I voted against some of the bonds in the last two days as have many of you. I just happen to think this is an outstanding opportunity for Maine people and I would hope that you embrace it as your own.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: How often have I heard in the last few years of how we must support education on all levels. That includes, of course, the education provided at the Technical Colleges in order to be able to compete with places like Japan and West Germany (now simply Germany).

I submit to you, ladies and gentlemen, that in the past couple of years, we have been heading in the wrong direction if that is what we really want to do. I know for sure because I spent many years there that in Germany all kinds of education is made readily accessible to their young people and older people coming along and that the income of the family is no barrier. At least this step here is a step in the right direction to really help us to create a work force able to compete with Germany, for example. I don't think it is enough but it is at least a step in the right direction. Not only will it help us to compete, it will help Maine citizens to obtain the skills and training they need to earn a living which we all know has a positive impact on the coffers of the state.

Let me say this, if the Attorney General's Office says that this meets the requirements of the Constitution and if we are really interested in creating an educational atmosphere that will permit us to compete with those very, very well educated and well trained people in countries like Germany and Japan, then we will vote for this proposal and I hope you will support it.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I would like to remind you that retraining our Maine workers, people with great work ethics who have lost their jobs because so many of the businesses in Maine have closed, is the first priority of the Housing and Economic Development Committee for the long-range plans of improving our economy. It was also the recommendation of the Jobs Commission Report and Jobs for Today, Jobs for Tomorrow plan for any hope of moving our state in the right direction for the future economic growth with good paying or quality jobs for our Maine people.

Information from business representatives and from Occupational Supply and Demand Data tell us that there is a severe shortage of skilled workers, a shortage that is likely to continue through the 1990's unless we take some type of immediate action to remedy the situation. The sad truth is that these skilled jobs are currently going to out-of-state workers. Businesses are putting ads in the newspapers and it is people from out-of-state that are responding because our people do not have the proper training. We need to train machinists, occupational therapists, medical transcriptionists,

biomed electronic technicians, environmental technicians, agriculture technicians and the list goes on and on. The technical centers are prepared to train these unemployed people to upgrade their skills and to help them move themselves into better paying jobs.

I urge you to support this. I think that we can put a little bit of trust in what the report is coming out of the Attorney General's Office. Let the people of this state make a statement when they pass this because I am sure they will be supporting this bond issue and I hope you can too.

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

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

It seems to me that if we are going to be having several thousand people going into our Technical College System, it would be appropriate to ask the question of how the Technical College System is going to accommodate these people. Are there going to need to be new facilities, new teachers, what kind of planning has gone into that particular aspect of this question?

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

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

Representative CROWLEY: Mr. Speaker, Men and Women of the House: I will try to answer that. The former Commissioner of Labor, now President of the Maine Technical Colleges just came back from Denmark with the Governor and they looked into all these possibilities. They came back and came up with this idea that, if we could come up with the money for tuition, then the Technical Colleges with the tuition money could supply all the classes and so forth that they would need. They already have the equipment, they already have the jobs that are needed and with this tuition money, they could expand the college because that would give them the money they need to hire the professors to teach the various courses. So, I hope this answers your question.

I think the monies are going to be there for them to conduct this. The school is there, the equipment is there, they just need to be able to bring on or expand the instructors to handle these courses. So, there would be no problem to the colleges. Where we have just cut \$3 million from the Technical Colleges, this money might come along and fill up some of the holes and they wouldn't have to fire some of those outstanding technical instructors they have.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: If I could also do a follow-up to the question posed by Representative Carleton — the VTI's actually put together a proposal and it came out in December. It did come across your desk and I think if you will look, you will see how the planning was to deal with these 4,000 slots. It is a very thorough job and it actually comes down from President Fitzsimmons. It was his brain child, so it is not like we are dumping on his institution to come up with this — we had an idea now you figure it out — he actually figured it out, came to us and said, "What do you think?"

In earlier debate on this, one of the previous speaker's said they were appreciative of

Representative Gwadosky's commitment to the VTC's. Well, what this bill in front of you is is a commitment to the people of Maine, it is not to the VTC's, it is to 4,000 unemployed Mainers who, through no fault of their own, find themselves on the street without being able to meet a mortgage payment, without being able to pay their loans, without being able to put their kids through secondary education. That is what this is all about. It is not a bonus for the VTC's, what it is is a bonus for the people of Maine.

I think what we have to do is look back a little deeper on this proposal and see who backed it. We had business community coming out saying the problem with the unemployed people of Maine is they are not trained for the year 2000, they don't have the technical training they need. We had the labor people say the jobs we know how to do are gone, we need retraining.

Yes, ladies and gentlemen of the House, this is a chance. This might even be called, believe it or not, creative thinking. It is a scary thought that sometimes it happens in these halls.

I think we have to build on ideas for we all know that if Columbus had perceived the earth flat, the good Representatives that sit beside me would still be here unaided by our presence.

A public/private partnership is what everybody is screaming for, whether you be labor, business or a policy maker. This is a public/private endeavor. What it is is using public funds, the bonded indebtedness of the state, to help our businesses to fill the jobs, to help our laborers to get those jobs to put Maine back to being productive. You can scream economic development and that we have got to do something, well this is the thing to do. If you choose to vote nay on this, you are voting nay for economic development — know that. Trying to shroud it in constitutionality doesn't work. It is obviously pretty clear, we have the opinion in front of us, we have the court proceedings that will happen after. A vote nay means no to 4,000 unemployed people in Maine. A vote nay, no to business, we don't want our workers to compete, a vote nay simply means that we the policy makers here don't want to break the trend we are in.

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

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

I am supportive of this bond but I am puzzled or confused because of Article VIII, Section II where it does say, "the amount of bonds issued and outstanding shall not at one time exceed in the aggregate of \$4,000,000" and this bond is for \$9.9 million. Could someone please explain that process to me? I do like the idea but I am bothered by that.

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

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I would be happy to respond to the question from Representative MacBride who has been a long-term supporter of the Technical Colleges. That section deals, once again, with the loan program. It deals with taxable bonds. The proposal before us is distinct from that section

because this is a one-time effort dealing with tax exempt bonds to fund this project. It is a one-time economic boost, it is not an ongoing revolving loan type of program in which you normally would use taxable bonds in which you would have the revolving funds loaned that may be described in that section of the Constitution. We are talking about a separate area here. We are talking about the ability of the State of Maine, specifically the Treasurer, to issue tax exempt bonds. They are not private, so they don't come under the bond ceiling, they are a private tax exempt bond for public purposes. That is why the distinction from the Attorney General is that indeed these are Constitutional and in fact conform to any IRS provisions currently that exist in the code.

I deeply sympathize with those who have concerns. I hope you feel comfortable, I do because I have looked at it enough and I know others have looked at it enough in terms of that constitutional area. I have to rely on the Attorney General people and, frankly, they had to explain it to me about three times over the phone before I really understood what they were getting at and I am probably not explaining it nearly as well as they could. Obviously our rules don't permit that to happen but I have got to believe they have taken the necessary precautions to ensure that this is appropriate and it is just a wonderful opportunity for us all that I hope we embrace.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: Assuming that the proscription against more than \$4 million were applicable, as I had suggested to the House it was under Article VIII, Part First, Section II, it would not mean that the authorization would be circumscribed, that is, \$4 million can be authorized. It would seem that would be the case even if we passed \$9 million and if this section applied. Therefore, the problem which Representative MacBride advances with respect to that section, if it applied, can be answered without a great deal of difficulty in my view. I cannot adopt, however, the representations made to you about the distinction between the types of bonds, interest tax free and all the rest of it that are included in Representative Gwadosky's suggestions to the House. In fact I cannot agree that this letter, dated March 31, 1992 from Deputy Attorney General, Crombie J. Garrett, represents either an exhaustive or even an incisive analysis of what was before him.

I am sure you have had in the course of your legislative experience, as I had, the opportunity to review Attorney General's opinions. It is incredible to me that without addressing the distinctions between Article VIII, Sections I and II and Article IX, Sections 1 through 14 and especially Section 14 which is incorporated by reference in the preamble to this bill on page 1, it would seem to me it would require some sort of distinction. But with respect to the Representative from Fairfield's position with regard to interest, I would point out to the House that the things which he says about taxability or non-taxability are not addressed in the slightest in Article VIII, Part First, Education, Sections 1 and 2. It is for that reason that I suggest to you that there is some kind of quandary which exists here.

The Representative from Portland, Representative Richardson, asked an easy question for the



Representative from Fairfield to answer and that is, won't some bond counsel at some point tell us what to do? I do hope that the deliberations of this House will not be based upon what some group of lawyers or a lawyer at some other place, at some point in time, will or will not do. I do think that we come here and take an oath to abide by this Constitution and that in our deliberations, we ought to have always in mind what it mandates and allows us to do and what it prevents us from doing. In this case, I suggest to you that notwithstanding how good an idea this may be, it is not something which is ordained or suggested by our Constitution. Accordingly, I will vote against it.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for rising again. I am not going to debate the legal implications of this with the attorney in the corner, someone who studied law far more than I. But let me make the suggestion that I never said that this position was ordained. We asked the Technical College for some ideas. The idea of bonding came up. When that came up, we presented the issue to the Attorney General's Office, they gave us their interpretation. We sat on that for several days, thought about it, asked them again and again and again and they said it is appropriate. They said you can clearly bond for tuition. Now, I know there are some members of this body who simply don't want this to pass because the Governor has created — maybe each of us have created in our minds a fixed limit of how many bonds we want to put out — I am not sure if that is the play here or not. I don't know what else to say and, frankly, I don't have any other constitutional responses to give to you other than the Attorney General of this state has indicated through their knowledge and people who deal with this section and deal with financing on a regular basis that it is appropriate, that it is responsible. I have to go with that. If there are people who disagree with that interpretation, then I understand how you have to vote.

I think it is a wonderful opportunity for Maine people and I would hate to have it clouded in this shroud of constitutionality that we just can't explain and we will never be able to decide it on this House floor whether we like it or not. We are never going to be able to decide that between you and I. That is going to be determined at some other point. I think it is a great proposal and I would urge you to support it.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: With regard to Section II of Article VIII, Part First, I have a question for Representative Gwadosky. If this does apply and I have a question about how much do we currently have in standing debt that would fall under here and if it is under the \$4 million, why not amend this bill to \$4 million and relax everyone's fears about the constitutionality of this bill? That way we can all vote for it and not feel that we are in violation of our constitutional requirement.

The SPEAKER: Pursuant to House Rule 1, the Chair again must advise members that the question of

constitutionality is not one that is to be decided by this body. It is not the first time, nor the last time, that this body will choose to vote for legislation which might not be constitutional. That is a matter for the third branch of government to decide as to whether or not something meets the constitutional test.

The Chair appreciates the many members in this body who believes that they know the constitution well and I feel I do as well, but the courts will make the final determination.

The issue before us is on passage of the bond issue, you are either for it or you are against it. The question of the constitutionality will be decided elsewhere and the Chair will now restrict all remarks to the question of whether or not this legislation should be passed.

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I think our bonding policy is critical to this state and I want to explain to you my concerns for changing the way we bond. If we didn't have the bonding policy and if we ignored the Constitution, we wouldn't have had to do a \$150 million budget this year, we could simply have gone out and borrowed. We could have borrowed a line of credit and made it go away. I think we do have a responsibility to our constituents that we don't endorse bond issues that we believe are unconstitutional. It seems to me that paying salaries is clearly an ongoing current expenditure.

There was reference earlier today to the AG's opinion which I think obviously has relevance, it was relevant right to this L.D. before us. I also have just been given a copy of then Attorney General James Tierney's opinion on December 21, 1990 when asked if we could borrow then by Treasurer Shapiro to offset what we might have to cut in General Purpose Aid and it clearly states, "It is clear that payment of education aid or similar statutorily required payments constitute current expenditures within the meaning of Section 5 and thus may not be funded through issuance of bonds." I think we need to think very strongly about what this bonding policy of the state is. If we move from doing capital projects into current expenditures, it changes forever our fiscal policy.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I would like for it to be on Record that I have been a long time supporter of the vocational schools and I continue to be a supporter.

I do have two questions. Do I understand it correctly that if this bond is passed by the voters it is only for tuition? My second question is, if the unemployed are still on unemployment compensation, can they continue to go to school and draw that? If not, are they responsible for sustaining themselves?

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

The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: First, I will answer the second question. The answer is yes and no depending on

circumstances. Some of these positions that are going to be filled are workers that have already expired their unemployment benefits. If they are unemployed, however, they have no benefits coming. That is why this is needed so much. Those that do have, we have been working with the Majority Leader's Office in Washington.

The second answer to that is yes, in the bill that we all voted for — as a matter of fact, the UI bill, you will see a clause in it that went through, I think the number was L.D. 2098, we had that language put in so that those who are seeking training and schooling can continue their benefits while they are doing that.

What this does is get people off the rolls of General Assistance, gets them on line where they are going to be back to being a productive member of society.

While I am on my feet, Representative Foss of Yarmouth in her speaking on it, one of her quotes was "changing the way", she feared changing the way we bond. If I could ask the members within the sound of my voice in this body, as I know the hour is late, it has been quite a week, I think it is time we have to change the way we think. I think it is time to be a little bit pro-active. It comes down to a very simple question, are you for our work force being properly trained or are you not? It is a very simple question. We can mire it in mud, we can put it in political rhetoric, but the question is, do we favor finding a new way for new techniques from our Technical Colleges to retrain our work force to make us competitive?

For four years on the Labor Committee, all I have heard is business saying, you guys have got to do something so we can be competitive. We are on the end of the east coast, we don't count. We are not on one end of this country. We are in the middle. If you look to our east, Europe is open to us. That puts us as the trading spot for this country to Europe and from Europe but narrow thinking won't get us there. Narrow thinking will make us remain a state somewhere in the northeast corner of the country. It is a simple question, do you want to be creative, do you want to support our workers, do you want to give business the advantage they need or don't you? Let me make that (as a gentleman in the 1960's said) "perfectly clear." Get it out of the rhetoric, stop trying to bury the issue. You support it or you don't.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the good Representative for answering the last question. I have not received an answer to the first question which I will state again. Is the money from this bond issue strictly for tuition?

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

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I would be very happy to answer the question. In that question is the key to this entire debate because I agree with Representative Foss and Representative Marsano when they say that the Constitution doesn't allow you to bond for

current expenditures. What this bill will do is it allows you to bond for tuition. If there is an error, it is perhaps that the AG wasn't as clear in the description in the letter to clearly state that tuition is not a current expenditure. That is the issue here. When you boil it all down, I agree that we can't bond for current expenditures but you can bond for tuition. That is what makes this work and that is why in the actual description of the bill, you have to state that it is for tuition, not for current expenditures, because you are only allowed to do it for tuition, so the answer to the question is yes, you are right, you can only do it for tuition.

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

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

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

ROLL CALL NO. 442

YEA - Adams, Aliberti, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Clark, H.; Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hoglund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Lord, Luther, MacBride, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michael, Mitchell, E.; Morrison, Murphy, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, The Speaker.

NAY - Aikman, Anderson, Bennett, Butland, Chonko, Donnelly, Foss, Garland, Gray, Greenlaw, Hanley, Hastings, Hepburn, Hichens, Libby, Marsano, Michaud, Mitchell, J.; Nash, Ott, Pendexter, Reed, G.; Rydell, Savage, Small, Stevens, P.; Tupper, Wentworth, Whitcomb.

ABSENT - Boutilier, Bowers, Cashman, Clark, M.; Coles, Constantine, Duplessis, Graham, Gurney, Holt, Kilkelly, Macomber, McKeen, Nadeau, Parent, Paul, Rand, Richards, Salisbury.

Yes, 103; No, 29; Absent, 19; Paired, 0; Excused, 0.

103 having voted in the affirmative and 29 in the negative with 19 absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 87

was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act Concerning Fuel Oil and Coal Used in Manufacturing Processes" (H.P. 1755) (L.D. 2441) on which the House insisted on its former action whereby the Bill was passed to be engrossed in the House on March 31, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-786) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 90 was taken up out of order by unanimous consent:

**Committee of Conference**

Report of the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the House of Representatives (H.P. 1660) (L.D. 2337) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Senator PEARSON of Penobscot, Senator BALDACCI of Penobscot, and Senator GILL of Cumberland - of the Senate

Representative LEMKE of Westbrook, Representative MAHANY of Easton, and Representative LORD of Waterboro - of the House.

Came from the Senate with the Committee of Conference Report read and accepted.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I move that the House accept the Committee of Conference Report.

I will be short and to the point. I do believe it is important to put on the Record, not only the result of the two Committees of Conference on this subject, but also the reasons for the results which is non-concurrence.

The House members, not only spoke to the rationale for this body's support of a unicameral legislature, we also offered in the spirit of compromise a series of constructive proposals, counter proposals. I will not reiterate them now except to say that they did balance the arguments for size reduction and basic structural reform. The House members made a serious effort to appreciate and accommodate anticipated Senate concerns. While our discussion was firm, it was entirely amicable, we didn't throw things at each other, no naughty words were used, anything like that. Nevertheless, I must report that it did not appear that either team from the Senate, and there were two, displayed the same

desire for compromise which the single House team did. They did not present comparably serious counter proposals. In fact, they offered none. They did not really appear to seriously try to listen to this body's concerns. They would not even support a proposal to create a mechanism to simply continue to discuss the issues of legislative size and structure. We find that to be most regrettable. The people of Maine are very interested in this subject, it is an important subject, I think the people expect and deserve much, much better than what is reflected by this type of non-concurrence.

If for the present this issue is not further discussed, we, the House members of the Conference Committees, wish the public to understand that we did our full best. This whole experience, ironically seems to me, to underline again the need for real fundamental structural change in the way this legislature does business.

Before I sit down, I want to thank the Speaker for not commenting on my attire today. I would like to mention that this Representative literally has lost his shirt and that is the reason for it.

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

Representative HANLEY: Mr. Speaker, I would like to pose a question of parliamentary inquiry? Would a motion to substitute the Resolution for the Committee Report be in order?

The SPEAKER: The Chair would answer in the negative.

Representative HANLEY: Mr. Speaker, I would pose another question of parliamentary inquiry.

Would it be appropriate if the report was to be not accepted by this body for then a motion to be proposed to substitute the Bill for the Committee Report?

The SPEAKER: The Chair would answer in the negative. The only pending motion under the rules that are allowable is the motion to accept or to reject the Committee of Conference.

Subsequently, the Committee of Conference Report was accepted in concurrence.

The Chair laid before the House the following matter: An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 to Help Municipalities Pay for the Repair and Improvement of Publicly Owned Port Facilities (S.P. 818) (L.D. 2017) (C. "A" S-760) which was tabled earlier in the day and later today pending passage to be enacted.

Representative Bennett of Norway requested a roll call.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those

opposed will vote no.

ROLL CALL NO. 443

YEA - Adams, Aliberti, Anthony, Butland, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Cote, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Gray, Greenlaw, Hale, Handy, Heesch, Heino, Hichborn, Hoglund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lipman, Look, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Michael, Michaud, Mitchell, E.; Mitchell, J.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Carleton, Carroll, J.; Farren, Foss, Garland, Hanley, Hastings, Hepburn, Hichens, Kutasi, Lawrence, Lebowitz, Libby, Lord, Luther, MacBride, Marsano, Merrill, Morrison, Murphy, Nash, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Savage, Small, Stevens, A.; Strout, Tracy, Treat, Wentworth.

ABSENT - Boutilier, Bowers, Cashman, Clark, M.; Coles, Constantine, Crowley, Donnelly, Duplessis, Graham, Gurney, Gwadosky, Holt, Macomber, McKeen, Melendy, Nadeau, Parent, Paul, Rand, Richards, Salisbury.

Yes, 87; No, 42; Absent, 22; Paired, 0; Excused, 0.

87 having voted in the affirmative and 42 in the negative with 22 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 93 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home (S.P. 973) (L.D. 2459) (S. "A" S-754) which was finally passed in the House on March 30, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-754) and "B" (S-789) in non-concurrence.

The House voted to recede and concur.

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

The following item appearing on Supplement No. 92 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Joint Order (H.P. 1782) relative to recalling Bill, "An Act to Strengthen the Public Disclosure of Lobbying Activities," H.P. 1591, L.D. 2245, and all its accompanying papers to the House which was passed in the House on March 31, 1992.

Came from the Senate failing of passage in non-concurrence.

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

Representative GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House Insist.

I will try to be brief and I will also try to be nice.

The lobbying that goes on here is strong and hard. Ever since I have been here, I have seen a lot of problems with what is really implemented and how it is implemented.

I want to thank the House for supporting me in recalling this and I guess that is all I have to say. Thank you.

Representative Marsano of Belfast moved that the House recede and concur.

Representative Gwadosky of Fairfield requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Belfast, Representative Marsano, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 56 in the negative, the motion did not prevail.

Subsequently, the House voted to Insist.

On motion of Representative Gwadosky of Fairfield, having voted on the prevailing side, the House reconsidered its action whereby the Governor's veto on Bill "An Act to Improve and Expand the Operation of the Risk Management Division" (H.P. 1449) (L.D. 2061) was sustained.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I debated on whether or not I was going to get up again today but I know there were many, many House members that were absent yesterday.

This is a bill that was passed in this body 119 to 18 earlier. We, the sponsors of the bill, Representative Norton, Representative Mitchell, Representative Luther and myself have attempted in the last week or so to see if the Governor had any concerns or try to answer any questions. There has not been any meeting.

I just want to relay briefly a few things about this bill and why I think it is so important that we do override this veto. First of all, there are about a dozen states who do this and have done so for years — allow the schools to self-insure with a state-run self-insurance fund. West Virginia, Virginia and

Wyoming, three rural states like ours, have done it for the longest. In talking to those people that run those programs, they estimate (and I didn't have much time with them) that they have save countless millions of dollars over the years.

I think a statement was made yesterday that there might have been a savings from one year but that is not really guaranteed. In FY'90, the schools paid (really your property tax and our state dollars) \$3.8 million with claims of \$450,000. If you go back to 1988, the schools saved almost \$3.8 million and claims were only \$174,000. Go back to 1986, the state paid almost \$3 million with claims of \$260,000 and I can go back year after year after year. This agency has already insured all the schools in the unorganized territory, all the elementary and secondary schools, they have experience in helping to rate us. If a school burns to the ground, a different state law as Representative Norton has relayed to you, when this bill was first up for passage comes into effect, the state will place that school number one on the school construction list and pays for its reconstruction.

I realize that the independent insurance agents and the insurance companies oppose this bill but I want to relate to you that, both the Department of Education and the Department of Administration, support this bill but I guess the thing that bothers me the most is the process. Yesterday, at three o'clock the Governor's Office approached the Senate Chair of the Banking and Insurance Committee saying that the Governor had some technical problems with the bill. We immediately offered again to meet and their response was that they wanted to address these technical problems in a Special Session in September. We asked why and by 10:00 p.m., the Governor didn't like the bill because it was not actuarially sound. Representative Rydell met with a number of the Governor's staff and pointed out that the bill is actuarially sound and at 11:56 p.m., we got a veto message talking about not wanting to include schools. It concerns me and I have had many legislators here today ask that the effort to sustain the Governor's veto is being led, and they have every right to, by legislators that aren't even on the Banking and Insurance Committee.

In closing, I would just ask if the Assistant Clerk would read the Committee Report.

Subsequently, the Assistant Clerk read the Committee Report in its entirety.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill is very worthwhile but there is another issue in this bill. Another bill, L.D. 2175, which would have allowed homes for the mentally retarded and homes for homeless boys to also be insured under Risk Management was rolled into this bill because it is a short session so they wouldn't have to come out with an Error's Bill. In vetoing this bill, the Governor has also vetoed the other bill.

The problem that we are having is — when we did the cuts and wanted everyone to feel the pain, apparently we didn't make our point well enough that a lot of places were already in severe pain. We have a home in Rumford where they are really having a hard time making their budget meet. This would save them perhaps \$3,000 or \$4,000 and \$3,000 or \$4,000 would make the difference to whether or not they might be

able to stay open.

We now come to veto time and nobody looks anymore at what we are doing but we start playing party politics. It is almost as if government a prisoner of partisan politics.

I would ask you in this one instance to look at what is best for the people of the State of Maine and please override this veto because it is so very important.

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

Representative LIPMAN: Mr. Speaker, I would like to pose a parliamentary inquiry?

Is it proper to vote on a veto twice, having voted on it once before this morning and the veto being sustained?

The SPEAKER: The Chair would advise the Representative that the motion to reconsider is always in order on any motion as long as the body wishes to make them.

History and precedence clearly establishes that and it is provided in both our rules as well as in the Constitution.

Representative LIPMAN: Thank you, Mr. Speaker. I would now like to address the veto itself and I want to indicate initially that the idea behind this bill is not a bad idea and don't disagree with it and that there are many good parts to this bill. The problem comes in the area where we are talking about insuring non-state owned property, whether there are sufficient safeguards to the taxpayers of the State of Maine. When the state becomes an insurance company rather than having the benefit of an independent insurance company, the state has to make sure that it has adequate safeguards, just like we require of independent insurance companies under Title 24a.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would like to remind the House that the members of the Banking and Insurance Committee who worked very hard and long in a bipartisan way believe that we had put together a very secure mechanism to allow schools to participate in the Risk Management Fund.

Representative Lipman doesn't seem to be aware of Title 30a, I hope that he will have an opportunity to read it. It certainly provides all the necessary safeguards for public entities.

The question again is very simple, schools are not private entities, we are not asking the state to help you insure your car, boat, camp, summer home or anything else that you might know. Schools are paid for exclusively (maybe you might have a bake sale sometimes) by taxpayer dollars. Who do you think pays the insurance premiums? Local taxpayers and state taxpayers. Frankly, this is the only contentious part and it is unfortunate that so much of the good bill is being ignored because of this part. We are simply saying that in a very responsible and actuarially sound manner, schools can have the option, and I repeat option, to purchase insurance more cheaply than they can in another market. If they can't, I am sure they will stay with their friendly local agent. That is the only issue before you.

I implore you to vote to reconsider so that our school dollars can go to educating our children

rather than paying premiums to agents.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: In the intervening hours this morning since this matter was raised, I have had the opportunity to do a bit of investigation and exploration of this. I am aware of the fact that the reading of the Committee Report in this House was of significance since some members of my party for whom I have the greatest respect signed onto that and I am in the position of having spoken with both the Governor and with the House Chair of the Committee and the sponsor of the bill as well, Representative Nutting. I can only apologize for what I now understand to have been the circumstances which were, that the person who was working on behalf of the Administration, made some commitments which that person was not authorized to do and when the Governor discovered what had occurred, had objections to the bill. Now I make apology for that in the most limited way because I recognize that ultimately the power of our constitutional system creates a devolution of power through to the Governor who must finally act with respect to those bills on his own notwithstanding good advice or bad advice. But when he acted with good advice, he signed the bill and said then, "I will be introducing legislation which addresses these important issues during the Special Session." I have made a commitment to work on that bill and I continue to make that commitment. I do not know still what the exact parameters of the problem are. I know there are problems and I know that the matters which you have heard are difficult in some ways to understand but it is not, in my view, a simple measure. I disagree respectfully with the Chair of the Banking and Insurance Committee.

There are questions which run all through this. How is the capital structure of any organization going to be created? Is the state going to pay any kind of premium tax? Probably not. Has that been considered? Probably so, I don't know. All those things are matters which need to be addressed and will be addressed in a bill, once the Governor's veto is sustained.

I think that this is unfortunate, I know that the Representative from Leeds, like myself is leaving, I hope once this veto is sustained that he and I will have an opportunity to collaborate on a bill which will do for the people of Maine what should be done but I have the greatest respect for the caution which the Governor urges us to consider. I urge you, as he did, to sustain his veto.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't planning on getting up again but have to clarify for everybody in this body, from my conversations today, it is clear to me that the Governor will indeed be putting in a bill in the September session, if the veto is not overridden. It is also extremely clear to me that schools will not be included in that bill.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: As the Representative from the town of Rumford, I am very concerned about the Rumford Group Home but more importantly, I am concerned about the \$2.5 million savings to schools

and school districts. In this bad economy that we have in having to cut education as we have, this is something that we ought to offer our schools over the State of Maine.

I urge you to override the Governor's veto.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: With respect to the comment made by Representative Nutting, I would say this, I have spoken with the Governor and I have spoken with Representative Nutting — I do not know whether he has spoken with the Governor. I can tell you that I think that the bill which the Governor puts in with respect to schools will not be the same as that which is presently before you but I reject what he has suggested to you will occur; that is, I do not think that it is out of the question that this bill will include schools. How they will be included and under what circumstances is something which I think the future holds.

I would urge you to sustain the veto.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: The fact that this bill would help to relieve that pressure on the schools, I don't understand how anybody in this body could oppose this bill. We need to enact this legislation without delay and I hope that you will support it.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 444V

YEA - Adams, Aliberti, Anthony, Bell, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Gray, Gwadosky, Hale, Handy, Hastings, Heeschen, Heino, Hichborn, Hogle, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lord, Luther, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Poulin, Pouliot, Powers, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Ott, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - Boutilier, Bowers, Cashman, Clark, M.; Coles, Constantine, Duplessis, Graham, Gurney, Holt, Macomber, Nadeau, Parent, Paul, Rand, Richards, Salisbury.

Yes, 88; No, 46; Absent, 17; Paired, 0; Excused, 0.

88 having voted in the affirmative and 46 in the negative with 17 being absent, the veto was sustained. Sent up for concurrence.

The following item appearing on Supplement No. 94 was taken up out of order by unanimous consent:

**FINALLY PASSED**

Resolve, to Transfer Certain State Lands to the Maine Veterans' Home (S.P. 973) (L.D. 2459) (S. "A" S-754 and S. "B" S-789)

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

The following item appearing on Supplement No. 88 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act Concerning Fuel Oil and Coal Used in Manufacturing Processes (H.P. 1755) (L.D. 2441) (S. "B" S-786)

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

The Chair laid before the House the following matter: An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs (H.P. 1749) (L.D. 2438) (S. "C" S-758) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 85 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act to Provide Equitable Insurance Coverage for Mental Illness (H.P. 1064) (L.D. 1553) (H. "A" H-1336 to S. "A" S-775)

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.

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

The following item appearing on Supplement No. 96 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

An Act Concerning the Maine State Retirement System (S.P. 958) (L.D. 2462) which was passed to be enacted in the House on March 31, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-791) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 98 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Divided Report**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-673) on Bill "An Act to Rescind Changes in the Driver Education Evaluation Program" (EMERGENCY) (S.P. 931) (L.D. 2386)

Signed:

Senators: CONLEY of Cumberland  
BOST of Penobscot  
GILL of Cumberland

Representatives: SIMONDS of Cape Elizabeth  
WENTWORTH of Arundel  
GEAN of Alfred  
MANNING of Portland

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

Signed:

Representatives: CLARK of Brunswick  
PENDEXTER of Scarborough  
PENDLETON of Scarborough  
GOODRIDGE of Cornville  
TREAT of Gardiner  
DUPLESSIS of Old Town

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

Reports were read.

Subsequently, L.D. 2386 and all accompanying

papers were indefinitely postponed in concurrence.

The following item appearing on Supplement No. 97 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act Concerning the Maine State Retirement System (S.P. 958) (L.D. 2462) (S. "A" S-791)

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

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

**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON AGING, RETIREMENT AND VETERANS

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	9
Unanimous reports	7
Leave to Withdraw	1
Ought to Pass	0
Ought Not to Pass	1
Ought to Pass as Amended	4
Rereferred	1
Divided reports	2

Respectfully submitted,

S/Senator Dale McCormick      S/Rep. John Jalbert  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Agriculture during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	13
Unanimous reports	11
Leave to Withdraw	1
Ought to Pass	0
Ought Not to Pass	3
Ought to Pass as Amended	4
Rereferred	1
Divided reports	2

Respectfully submitted,

S/Senator R. Donald Twitchell      S/Rep. Robert J. Tardy  
Senate Chair                              House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

March 30, 1992

The Honorable John L. Martin  
Speaker of the House  
115th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	34
Unanimous reports	27
Ought Not to Pass	18
Ought to Pass as Amended	4
Re-referred	5
Divided reports	7
Bills reported out Pursuant to Joint Order	2
Unanimous	1
Divided report	1

Respectfully submitted,

S/Joseph C. Brannigan                      S/Lorraine N. Chonko  
Senate Chair                                      House Chair



Was read and ordered placed on file.

Ought to Pass as Amended 20  
Carry Over 3

Divided reports 11

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON AUDIT AND PROGRAM REVIEW

March 27, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	4
Unanimous reports	4
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	2
Ought to Pass as Amended	2
Divided reports	0

Respectfully submitted,

S/Senator Beverly M. Bustin      S/Rep. Phyllis R. Erwin  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE

March 29, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	57
Unanimous reports	46
Leave to Withdraw	0
Ought to Pass	1
Ought Not to Pass	22

Respectfully submitted,

S/Senator Judy C. Kany      S/Rep. Elizabeth H. Mitchell  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON BUSINESS LEGISLATION

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Business Legislation during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	26
Unanimous reports	24
Leave to Withdraw	1
Ought to Pass	2
Ought Not to Pass	6
Ought to Pass as Amended	15
Divided reports	2

Respectfully submitted,

S/Senator John E. Baldacci      S/Rep. Carl F. Sheltra  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

March 26, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Education during the Second Regular Session of the 115th Legislature

has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	24
Unanimous reports	22
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	6
Ought to Pass as Amended	15
Rereferred	1
Divided reports	2

Respectfully submitted,

S/Sen. Stephen C. Estes      S/Rep. Nathaniel J. Crowley  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES

March 30, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Energy and Natural Resources during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	60
Unanimous reports	56
Leave to Withdraw	2
Ought to Pass	2
Ought Not to Pass	20
Ought to Pass as Amended	32
Divided reports	4

Respectfully submitted,

S/Senator Bonnie L. Titcomb      S/Rep. Paul F. Jacques  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	7
Unanimous reports	6
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	4
Ought to Pass as Amended	2
Divided reports	1

Respectfully submitted,

S/Sen. Michael D. Pearson      S/Rep. Dorothy A. Rotondi  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

March 27, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Housing and Economic Development during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	8
Unanimous reports	7
Leave to Withdraw	0
Ought to Pass	2
Ought Not to Pass	2
Ought to Pass as Amended	2
Carry Over	1
Divided reports	1

Bills reported out pursuant to Joint Order 4

Resolutions reported out pursuant to Joint Order 1

Resolutions reported out pursuant to Joint Order 1

Respectfully submitted,

S/Senator Zachary E. Matthews S/Rep. Rita B. Melendy  
Senate Chair House Chair

Was read and ordered placed on file.

Ought to Pass	7
Ought Not to Pass	26
Ought to Pass as Amended	32
Rereferred	1
Carry Over	1

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES

March 26, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Human Resources during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	38
Unanimous reports	32
Leave to Withdraw	0
Ought to Pass	1
Ought Not to Pass	11
Ought to Pass as Amended	20
Divided reports	6

Respectfully submitted,

S/Sen. Gerard P. Conley, Jr. S/Rep. Peter J. Manning  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

March 27, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Judiciary during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	82
Unanimous reports	72
Leave to Withdraw	5

Divided reports 10

Respectfully submitted,

S/Sen. N. Paul Gauvreau S/Rep. Patrick E. Paradis  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON LABOR

March 29, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	24
Unanimous reports	19
Leave to Withdraw	1
Ought to Pass	0
Ought Not to Pass	11
Ought to Pass as Amended	6
Carry Over	1

Divided reports 5

Respectfully submitted,

S/Senator Donald E. Esty S/Rep. Edward A. McHenry  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AFFAIRS

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Legal Affairs during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	34
Unanimous reports	26
Leave to Withdraw	2
Ought to Pass	1
Ought Not to Pass	9
Ought to Pass as Amended	13
Rereferred	1
Divided reports	8

Respectfully submitted,

S/Senator Jeffery N. Mills      S/Rep. Mark W. Lawrence  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	11
Unanimous reports	10
Leave to Withdraw	1
Ought to Pass	0
Ought Not to Pass	3
Ought to Pass as Amended	6
Divided reports	1

Respectfully submitted,

S/Senator Harry L. Vose      S/Rep. James Mitchell  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE

COMMITTEE ON STATE AND LOCAL GOVERNMENT

March 29, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	66
Unanimous reports	56
Leave to Withdraw	2
Ought to Pass	5
Ought Not to Pass	23
Ought to Pass as Amended	25
Carry Over	1

Divided reports 10

Bills reported out pursuant to Joint Order 1

Resolves reported out pursuant to Resolve 8

Respectfully submitted,

S/Sen. Georgette B. Berube      S/Rep. Ruth Joseph  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON TAXATION

March 26, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	25
Unanimous reports	20
Leave to Withdraw	1
Ought to Pass	1
Ought Not to Pass	9
Ought to Pass as Amended	9

Divided reports 5

Respectfully submitted,

S/Senator Stephen M. Bost      S/Rep. John A. Cashman  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	23
Unanimous reports	20
Leave to Withdraw	1
Ought to Pass	0
Ought Not to Pass	7
Ought to Pass as Amended	12
Divided reports	3

Respectfully submitted,

S/Sen. R. Donald Twitchell      S/Rep. Harold M. Macomber  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Utilities during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	28
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Unanimous reports	26
Leave to Withdraw	0
Ought to Pass	5
Ought Not to Pass	5
Ought to Pass as Amended	16

Divided reports	2
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Respectfully submitted,

S/Sen. John J. Cleveland      S/Rep. Herbert E. Clark  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE  
JOINT SELECT COMMITTEE ON CORRECTIONS

March 25, 1992

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

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Select Committee on Corrections during the Second Regular Session of the 115th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	9
Unanimous reports	8
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	3
Ought to Pass as Amended	5
Divided reports	1

Respectfully submitted,

S/Sen. Beverly M. Bustin      S/Rep. Cushman D. Anthony  
Senate Chair                      House Chair

Was read and ordered placed on file.

**ORDERS**

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

ORDERED, that Representative Charlene B. Rydell of Brunswick be excused March 9 to 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative George A. Townsend of Eastport be excused March 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative

Christopher S. Gurney of Portland be excused March 23 to 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Fred L. Richardson of Portland be excused March 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Peter Hastings of Fryeburg be excused March 30 for personal reasons.

Was read and passed.

At this point, a message came from the Senate borne by Senator DUTREMBLE of York informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Speaker appointed Representative GWADOSKY of Fairfield on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative GWADOSKY reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor John R. McKernan, Jr., to inform him that the House had transacted all business before it and was ready to adjourn without day.

Representative JACQUES of Waterville  
Representative KETOVER of Portland  
Representative MAHANY of Easton  
Representative MARTIN of Van Buren  
Representative PFEIFFER of Brunswick  
Representative SWAZEY of Bucksport  
Representative DONNELLY of Presque Isle  
Representative HEINO of Boothbay  
Representative PENDLETON of Scarborough  
Representative SAVAGE of Union

Subsequently, the Committee reported that they had delivered the message with which they were charged.

The Chair recognizes the Representative from Howland, Representative HICHBORN.

Representative HICHBORN: Mr. Speaker and Members of the House, I move that the House stand adjourned without day.

The SPEAKER: The Representative from Howland, Representative Hichborn, moves that the House adjourn

sine die. Is this the pleasure of the House?

The motion prevailed and at 6:21 p.m., Eastern Daylight Savings Time, Tuesday, March 31, 1991, the Speaker declared the House adjourned without day.