

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Sixteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
28th Legislative Day
Thursday, March 18, 1993

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

Prayer by Reverend David A. Michaud, Canaan Calvary Church.

The Journal of Tuesday, March 16, 1993, was read and approved.

SENATE PAPERS

Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (S.P. 304) (L.D. 920) (Governor's Bill)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Energy and Natural Resources**.)

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-43) on Bill "An Act to Prohibit Greyhound Racing in Maine" (S.P. 46) (L.D. 68)

Signed:

Senators: CAREY of Kennebec
HALL of Piscataquis
HANDY of Androscoggin

Representatives: MICHAEL of Auburn
BOWERS of Washington
BENNETT of Norway
NASH of Camden
ROBICHAUD of Caribou
TRUE of Fryeburg
LEMKE of Westbrook

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

Signed:

Representatives: DAGGETT of Augusta
GAMACHE of Lewiston
STEVENS of Sabattus

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-43)

Reports were read.

Representative Daggett of Augusta moved that the House accept the Minority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

Non-Concurrent Matter

Bill "An Act to Assist Low-income Families with Children to Meet Their Winter Energy Costs" (H.P. 676) (L.D. 914) which was referred to the Committee on **Human Resources** in the House on March 15, 1993.

Came from the Senate referred to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

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

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolve were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Business Legislation

Bill "An Act to Require Sellers of Mobile Homes to Make Specific Disclosures Regarding Formaldehyde When the Purchase Agreement is Executed" (H.P. 690) (L.D. 931) (Presented by Representative KETTERER of Madison)

Bill "An Act to Allow Home Buyers to Conduct Inspections for Asbestos, Lead Paint, Radon and Other Hazardous Conditions" (H.P. 692) (L.D. 933) (Presented by Representative BRENNAN of Portland) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Bill "An Act to Require That Professional Boards Set Copying Fees for Members of the Professions They Regulate" (H.P. 695) (L.D. 936) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative: CARON of Biddeford, Senator: CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Protect the Allagash Wilderness

Waterway" (H.P. 702) (L.D. 954) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: ADAMS of Portland, DONNELLY of Presque Isle, PLOWMAN of Hampden, Senators: HALL of Piscataquis, KIEFFER of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act Concerning Suspension of Registrations under the Operating-under-the-influence Laws" (H.P. 694) (L.D. 935) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representatives: KETTERER of Madison, OTT of York, Senator: CONLEY of Cumberland)

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

On motion of Representative Cote of Auburn, tabled pending reference and later today assigned.

Judiciary

Bill "An Act Regarding Law Court Staffing" (H.P. 699) (L.D. 951) (Presented by Representative FARNSWORTH of Hallowell) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Limit the Physical Presence of Candidates at Voting Places on Election Day" (H.P. 689) (L.D. 930) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative: PLOURDE of Biddeford)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Amend the Law Pertaining to the Limitations on Simulcasting" (H.P. 691) (L.D. 932) (Presented by Representative TARDY of Palmyra)

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

On motion of Representative Daggett of Augusta, tabled pending reference and later today assigned.

Legal Affairs

Bill "An Act to Amend the Liquor Laws" (H.P. 696) (L.D. 937) (Presented by Representative BARTH of Bethel) (Cosponsored by Representatives: BENNETT of Norway, BOWERS of Washington, GRAY of Sedgwick, LEMKE of Westbrook, MICHAEL of Auburn, PLOWMAN of Hampden, STEVENS of Sabattus, TRUE of Fryeburg, VIGUE of Winslow, Senator: CAREY of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Increase Access to Clam Flats for Nonresident Clam Diggers" (H.P. 701) (L.D. 953) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representatives: BOWERS of Washington, TRACY of Rome, Senator: BUSTIN of Kennebec)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Compensate Towns and Counties for Time Police Officers Spend in Court" (H.P. 693) (L.D. 934) (Presented by Representative LEMONT of Kittery) (Cosponsored by Senator GOULD of Waldo and Representatives: CAMERON of Rumford, CARR of Sanford, DONNELLY of Presque Isle, JOY of Island Falls, LINDAHL of Northport, MARSHALL of Eliot, MURPHY of Berwick, NORTON of Winthrop, Senator: LAWRENCE of York)

Bill "An Act to Increase the Number of Cumberland County Commissioners" (H.P. 700) (L.D. 952) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representatives: COLES of Harpswell, LARRIVEE of Gorham)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Amend the Circuit Breaker Program Laws" (H.P. 687) (L.D. 928) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representative: MARSHALL of Eliot)

Bill "An Act to Require That Sales Tax on Extended Warranties and Extended Protection Plans Be Paid at the Time of Sale" (H.P. 697) (L.D. 949) (Presented by Representative TARDY of Palmyra)

Bill "An Act to Enhance Public Recreational Opportunity" (H.P. 698) (L.D. 950) (Presented by Representative REED of Falmouth)

Bill "An Act to Clarify the Laws Related to State Tax Increment Financing" (H.P. 704) (L.D. 956) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: ADAMS of

Portland, BAILEY of Township 27, DiPIETRO of South Portland, FARNSWORTH of Hallowell, HOGLUND of Portland, KUTASI of Bridgton, MARTIN of Eagle Lake, MURPHY of Berwick, NADEAU of Saco, RAND of Portland, SIMONEAU of Thomaston, TARDY of Palmyra, VIGUE of Winslow, YOUNG of Limestone, Senators: CAREY of Kennebec, CONLEY of Cumberland, SUMMERS of Cumberland)

Resolve, Authorizing the Bureau of Taxation to Make Certain Reimbursements for Inheritance Taxes Collected in Error (H.P. 688) (L.D. 929) (Presented by Representative BAILEY of Farmington) (Cosponsored by Representatives: DEXTER of Kingfield, DiPIETRO of South Portland, LORD of Waterboro, MURPHY of Berwick, VIGUE of Winslow, Senator: WEBSTER of Franklin)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Allow Disclosure of Residential Electrical Costs" (H.P. 685) (L.D. 926) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: BOWERS of Washington, CASHMAN of Old Town, COFFMAN of Old Town, HEESCHEN of Wilton, JOSEPH of Waterville, KONTOS of Windham, STEVENS of Orono, TOWNSEND of Canaan, WINN of Glenburn, Senators: PINGREE of Knox, VOSE of Washington)

Bill "An Act to Include a Waiver Provision for the Advance Notice Required by the Public Utilities Commission for Energy Agreements and Contracts" (H.P. 686) (L.D. 927) (Presented by Representative HOLT of Bath) (Cosponsored by Representative: MORRISON of Bangor) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Bill "An Act to Provide Lower Electricity Costs to Utility Ratepayers" (EMERGENCY) (H.P. 703) (L.D. 955) (Presented by Representative KONTOS of Windham) (Cosponsored by Representatives: CASHMAN of Old Town, CLARK of Millinocket, DONNELLY of Presque Isle, Senator: VOSE of Washington)

Bill "An Act to Amend the Charter of the Newport Water District" (EMERGENCY) (H.P. 705) (L.D. 957) (Presented by Representative TARDY of Palmyra)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative TOWNSEND of Eastport, the following Joint Resolution: (H.P. 706) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: ADAMS of Portland, AHEARNE of Madawaska, BAILEY of Township 27, BOWERS of Washington, CARROLL of Gray, CASHMAN of Old Town, CATHCART of Orono, CLARK of Millinocket, CLEMENT of Clinton, CLOUTIER of South Portland, COFFMAN of Old Town, CONSTANTINE of Bar Harbor, DAGGETT of Augusta, DONNELLY of Presque Isle, DRISCOLL of Calais, ERWIN of Rumford, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FARREN of Cherryfield, GEAN of Alfred,

GOULD of Greenville, GRAY of Sedgwick, GWADOSKY of Fairfield, HALE of Sanford, HATCH of Skowhegan, HICHBORN of Howland, HOLT of Bath, HUSSEY of Milo, JACQUES of Waterville, JOSEPH of Waterville, KILKELLY of Wiscasset, KONTOS of Windham, LEMKE of Westbrook, LIPMAN of Augusta, LOOK of Jonesboro, MARSH of West Gardiner, MARTIN of Van Buren, MARTIN of Eagle Lake, MELENDY of Rockland, MICHAEL of Auburn, MICHAUD of East Millinocket, MITCHELL of Freeport, MORRISON of Bangor, NADEAU of Saco, NORTON of Winthrop, O'GARA of Westbrook, PARADIS of Augusta, POULIN of Oakland, POULIOT of Lewiston, RAND of Portland, RUHLIN of Brewer, ST. ONGE of Greene, SAXL of Bangor, SIMONDS of Cape Elizabeth, SKOGLUND of St. George, SWAZEY of Bucksport, TOWNSEND of Portland, TOWNSEND of Canaan, TRACY of Rome, TREAT of Gardiner, VIGUE of Winslow, WALKER of Blue Hill, WHITCOMB of Waldo, WINN of Glenburn, ZIRNKILTON of Mount Desert, Senators: BALDACCI of Penobscot, BRANNIGAN of Cumberland, CAREY of Kennebec, CARPENTER of York, CONLEY of Cumberland, DUTREMBLE of York, FOSTER of Hancock, GOULD of Waldo, HANDY of Androscoggin, LAWRENCE of York, PEARSON of Penobscot, PINGREE of Knox, TITCOMB of Cumberland, VOSE of Washington)

JOINT RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE MAINE STATE EMPLOYEES ASSOCIATION

WHEREAS, the Maine State Employees Association began when 200 employees of the State of Maine gathered in the House of Representatives on March 18, 1943 to establish a labor organization that would represent their interests before the Legislature; and

WHEREAS, throughout its history, the Maine State Employees Association has been a strong advocate on behalf of state workers and other public employees; and

WHEREAS, the Maine State Employees Association was a pioneer in gaining collective bargaining rights for workers in the executive and judicial branches of State Government; and

WHEREAS, the citizens of the State benefit daily from the hard work and conscientious service of Maine State Employee Association members; and

WHEREAS, March 18, 1993 marks the 50th anniversary of the founding of the Maine State Employees Association; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature now assembled in the First Regular Session, take this occasion to recognize the Maine State Employees Association, a member of the Service Employees International Union and the AFL-CIO, on its 50th anniversary and commend the union for its dedicated representation of public employees; and be it further

RESOLVED: That when the Legislature adjourns for the day, it does so in honor of the Maine State Employees Association, a member of the Service Employees International Union and the AFL-CIO; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President and Executive

Director of the Maine State Employees Association.

Was read.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I am very proud to stand before you today as the first and only active member of the Maine State Employees Association to be elected to the House of Representatives of Maine.

Very briefly, I am very, very pleased to be able to wish the MSEA a 50th birthday anniversary. Their union has touched all our lives and, as a working person that has beget from a long line of working people in the State of Maine, I want to thank them for their 50 years of service to the people of the State of Maine and wish them a very happy 50th anniversary.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I am not getting up today to oppose this Resolution but I am upset. I am one Republican who has served here for 21 years and I have always supported the Maine State Employees Association. I am upset today that this Resolution doesn't include all the members of this body.

I understand that the sponsor could not get around to see everybody but I want to make it very clear that I stand here today endorsing this Resolution but I repeat that this multiple signing of these legislative bills and these resolutions — you know, that is why I don't know that it is really a good idea. I think when we have a Resolution of this type that every member of this body should have a chance and specifically this member, because as one Republican, I have always been a strong supporter of the Maine State Employees Association and I am upset.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly and honestly, I offer an apology to Representative Strout; however, the last two days I have hounded these halls most all day getting signatures. I was at the Minority Office four different times, in both the Senate and the House, and I got just as many names on as I possibly could. I obviously missed Representative Strout and he is absolutely correct, he is a very strong supporter of the MSEA, I apologize to him for that oversight; however, it was not intended. We admire your support and we very much want it. Representative Strout is a very good friend and I have a lot of respect for him and I am duly chastised, and rightfully so, for missing him. Thank you very much for bringing that up, Representative Strout.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Men and Women of the House: I would like to simply correct the good Representative Townsend — he may be the first active MSEA employee in the House of Representatives but he is not the only one.

My name is not on this Resolution either, and with Representative Strout, I would like to wish MSEA a very, very happy 50th anniversary and hope those feelings come from the entire House of Representatives.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I understand Representative Townsend's explanation to Representative Strout and the young lady that just made her wishes known but what I find difficult to understand is, I have run into Representative Townsend at least seven or eight times during the past two or three days, one time I tripped over him — and the whole city of Lewiston — no one from the city of Lewiston appears on that Resolution. I find that very unacceptable where we have been very supportive as the Record will show. I feel a little bit left out here on the basis of his ignoring the complete delegation from Lewiston.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: Talk about walking into an airplane propeller — I apologize to those folks whose feelings are hurt. Perhaps they feel they have been slighted but that certainly was not the intent. In that light, I will ask that this be tabled and that those who wish to sign onto this Resolution, please do so after the session. Thank you very much.

I wish to withdraw the Order at this time.

The SPEAKER: The Order is withdrawn.

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

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

ORDERED, that Representative Joseph G. Carleton, Jr. of Wells be excused March 15 to 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward L. Caron, Jr. of Biddeford be excused March 4, 9 and 10 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gail M. Chase of China be excused March 2 and 3 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Susan E. Dore of Auburn be excused March 15, 16 and 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald H. Gean of Alfred be excused March 4 and 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard Kneeland of Easton be excused March 4 and 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James D. Libby of Buxton be excused March 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert W. Spear of Nobleboro be excused March 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph B. Taylor of Cumberland be excused March 18 for legislative business.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Leola Guerrette, honored recipient of the "1993 Caribou Outstanding Citizen of the Year Award," for her exemplary public service work. Among her numerous contributions are: 6 years on the Caribou City Council; 7 years as member and 3 years as chair on the Caribou Planning Board; current member of the Board of Directors, Maine Sports Hall of Fame; 9 years' service to the Maine Loring Association as secretary, vice president and president; chair of Dirigo Girls State, Caribou area; church organist for 15 years; and many other positions reflecting her dedication and service to all; (HLS 180) by Representative ROBICHAUD of Caribou. (Cosponsors: Representative ANDERSON of Woodland, Senator KIEFFER of Arostook)

On motion of Representative Robichaud of Caribou, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud. Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to draw your attention to Item 5-6 and state publicly how proud I am that Caribou has nominated and given the Outstanding Citizen of the Year Award to Leola Guerrette.

Lee has been actively involved in community, political and civic activities and I am very proud to have her as a member of my community.

I would also like to make a note that Lee has been active in state politics. Those of you who know her, she will be receiving the award this evening, she does not yet know that she has been elected Citizen of the Year so anyone who wishes to extend their congratulations, please hold them until this evening.

Subsequently was passed and sent up for concurrence.

Recognizing:

the Hampden Academy Football Team, recipient of the 1992 Football Officials' Good Sportsmanship Award; (HLS 177) by Representative PLOWMAN of Hampden. (Cosponsor: Senator CIANCHETTE of Somerset)

On motion of Representative Plowman of Hampden, was removed from the Special Sentiment Calendar.

Was read, passed and sent up for concurrence.

Recognizing:

the Hampden Academy Field Hockey Team, recipient of the 1992 Field Hockey Officials' Good Sportsmanship Award; (HLS 178) by Representative PLOWMAN of Hampden. (Cosponsor: Senator CIANCHETTE of Somerset)

Was read, passed and sent up for concurrence.

Recognizing:

Christopher Philbrick, of the Hampden Academy Football Team, individual recipient of the 1992 Hampden Coaches' Good Sportsmanship Award; (HLS 179) by Representative PLOWMAN of Hampden. (Cosponsor: Senator CIANCHETTE of Somerset)

On motion of Representative Plowman of Hampden, was removed from the Special Sentiment Calendar.

Was read.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I would like to take this opportunity to recognize the outstanding students of Hampden Academy. This past year, two of our teams were awarded the Good Sportsmanship Award from the officials for their teams' performance during competition. It truly makes me proud that our student athletes, while striving to win, accord themselves with a healthy respect for each other and their performance in a true sportsmanlike manner. I applaud their ability to compete with honor.

Subsequently was passed and sent up for concurrence.

Recognizing:

the John Bapst Memorial High School Basketball Team, of Bangor, winners of the State Class B Basketball Championship; (HLS 175) by Representative CAMPBELL of Holden. (Cosponsors: Representative SULLIVAN of Bangor, Senator BALDACCI of Penobscot, Representative FAIRCLOTH of Bangor)

On motion of Representative Campbell of Holden, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Members of the House: It is with great pride that I sponsored the acknowledgment of the accomplished individuals from the John Bapst Memorial High School's 1993 Class "B" championship basketball team.

Before I talk about the team, I would like to

share a little history with you about this fine school.

In the Spring of 1980, a communication from the Catholic Diocese explained that John Bapst High School would close the following June. Devastated by the news, Principal Joe Sekera and a small group of interested citizens set out to determine the feasibility to exist as a non-secular high school. The newly formed board of trustees, with a few loyal supporters, was faced with a harsh reality and bad economic times; they had no money. The board established tuition equal to the state legal tuition and with the help of a couple of citizens willing to personally sign for a bank loan, they bought the 50 year old school. They started the first year with 35 Freshman and a few upper class students. This was the beginning of the "John Bapst family." Enrollment grew over the next 12 and now 13 years to a point of over 425 students with a 1992 Freshman class of 130. Next year's application has already exceeded 190.

The success of the new John Bapst rested completely on the hard working and dedicated faculty and staff with commitment to high quality education using only the basic resources. People like the fine Representative from Bangor, Representative Mary Sullivan, a pillar of the John Bapst family for many years, have led the enthusiastic students to academic excellence for which no other high school in the state can boast.

John Bapst students have finished first in the Maine Educational Assessment Test, four of the seven years that this test has existed.

Included in the extra curricular activities are all the major sports plus three new sports, hockey, field hockey and a ski team supported totally by boosters due to the shortage of funding.

Some of you may have seen members of the school band on national news after being called out at 3:00 a.m. to greet the returning troops from Desert Storm and you probably remember the emotional rendition of our national anthem by Sergeant Tillman who borrowed a student's saxophone. Incidentally, the band has over 145 members.

This brings me to the John Bapst Families shining stars of the moment, the 1993 Class B Boys Basketball Champions.

The gold ball is not new to John Bapst. Since 1980, they have captured the state championship four times. In 1982, they won the Class D; in 1989 and 1990, Class C; and in 1993, they are the new Class B State Champions with a 22/0 record. Led by their coach, the most respected Bob Cimbollek, also no stranger to the allusive gold ball, I believe he has attained 5 in his career, this team has achieved many state and personal honors. They have the first undefeated season for the boys, the girls had done it before, I guess. They had the longest, consecutive win streak, the first school to win the Eastern Maine Championships in all four classes, A, B, C & D. They were the first school to win state championships in three classes, B, C, & D.

Ken Rosse received the Gatorade Player of the Year for Maine, also All Tournament and Most Valuable Player in the Eastern Maine B League.

Dorian LeBlanc was All Tournament and second team All Eastern B League.

Jason Webster, All Eastern B League, second team.

Peter Murray was honorable mention for the tournament.

All these seniors are going on to play at another

level.

As a Representative of District 121, which sends a significant number of its students to Bapst and as a member of the John Bapst Board of Trustees, I am proud to acknowledge the accomplishments of the 1993 Class B Boys Basketball Champions.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: You have just heard Representative Campbell as a member of the Board of Trustees of John Bapst Memorial High School laud the school and gave you somewhat its history in its years since it has been private, non-sectarian.

I can say that I have been involved with the school for many years. First of all, six of my children graduated from the school, three when it was Catholic and three after it became private, non-sectarian. I have been fortunate to be a member of the faculty at John Bapst for the past 12 years and I have to tell you quite honestly, the hardest thing I had to do when I took this job as a legislator, was to take a leave of absence from John Bapst.

I am very proud of all of my students but particularly of course this basketball team which you see sitting in the balcony. I am certainly so proud of many of them, I have had them in class and if I haven't had them in class, I have had them in study hall or have just known them in the hallways of the school. They are exemplary students as well as being exemplary athletes. They know my heart is with them and I wish them all the luck and best wishes, many of them going on beyond high school to their college careers and I wish them love and luck.

Subsequently was passed and sent up for concurrence.

Recognizing:

Jason Johnston, member of the National Organization for Students of Agricultural Education, Presque Isle Chapter, winner of the Marketing Plan Project National Competition; (HLS 181) by Representative DONNELLY of Presque Isle. (Cosponsors: Representative MacBRIDE of Presque Isle, Senator KIEFFER of Aroostook)

On motion of Representative Donnelly of Presque Isle, was removed from the Special Sentiment Calendar.

Was read, passed and sent up for concurrence.

Recognizing:

Cory Johnston, member of the National Organization for Students of Agricultural Education, Presque Isle Chapter, winner of the Marketing Plan Project National Competition; (HLS 182) by Representative DONNELLY of Presque Isle. (Cosponsors: Representative MacBRIDE of Presque Isle, Senator KIEFFER of Aroostook)

On motion of Representative Donnelly of Presque Isle, was removed from the Special Sentiment Calendar.

Was read, passed and sent up for concurrence.

Recognizing:

Scott Pangburn, member of the National Organization for Students of Agricultural Education, Presque Isle Chapter, winner of the Marketing Plan Project National Competition; (HLS 183) by Representative DONNELLY of Presque Isle. (Cosponsors: Representative MacBRIDE of Presque Isle, Senator KIEFFER of Aroostook)

On motion of Representative Donnelly of Presque Isle, was removed from the Special Sentiment Calendar.

Was read.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I felt it was important to object to these three items today when this week we have all week been swamped with kids from the agricultural industry so I thought it was very important to recognize three young men who have worked independently and on their own time very, very hard to achieve national recognition on a marketing project. I also felt it necessary to stand up and object to these because the father of one of these young men is in the audience today and he a member of the Soil and Water Conservation District for Central Aroostook County and I just thought it was very important for us to recognize the achievements of people involved in the the agricultural industry. I would like to thank you for helping me welcome and honor Mr. Gary Pangburn, his son Scott, and the two young Johnston gentlemen who worked very hard on this project.

Subsequently was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative STROUT from the Committee on Transportation on Bill "An Act to Extend the Deadline for Construction of Salt and Sand Storage Buildings" (H.P. 422) (L.D. 541) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-62)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-62) was read by the Clerk and adopted and the bill assigned for second reading Monday, March 22, 1993.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Legal

Affairs reporting "Ought Not to Pass" on Bill "An Act to Increase Unenrolled Voter Participation in Primary Elections" (H.P. 280) (L.D. 367)

Signed:

Senators: CAREY of Kennebec
HANDY of Androscoggin
HALL of Piscataquis

Representatives: MICHAEL of Auburn
GAMACHE of Lewiston
STEVENS of Sabattus
BENNETT of Norway
NASH of Camden
ROBICHAUD of Caribou
TRUE of Fryeburg

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-61) on same Bill.

Signed:

Representatives: DAGGETT of Augusta
LEMKE of Westbrook
BOWERS of Washington

Reports were read.

Representative Daggett of Augusta moved that the House accept the Minority "Ought to Pass" Report.

On motion of the same Representative, tabled pending her motion that the House accept the Minority "Ought to Pass" Report and specially assigned for Monday, March 22, 1993.

CONSENT CALENDAR

First Day

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

(H.P. 428) (L.D. 547) Bill "An Act to Correct Inconsistencies in the Shoreland Zoning Laws" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 359) (L.D. 462) Bill "An Act to Provide Greater Access to Private Roads during Emergencies" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-63)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, March 22, 1993, under the listing of Second Day.

(H.P. 356) (L.D. 459) Bill "An Act Regarding Seating on a Motorcycle or Motor-driven Cycle" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-64)

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

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I wish to indefinitely postpone this bill and all its accompanying papers.

I apologize to the Transportation Committee for not being there and testifying in front of them when this bill came up. Sometimes we get caught up in our own little world and always seems to be in 120 and lately I have spent most of my time there.

I would like to go on to tell you why I object to this bill. If you will allow me I will tell you that my first motorcycle I bought was for \$35 and I had two engines, one in the potato burrow and one in the motorcycle. I worked most all summer to get that to run. As a matter of fact, I lost my girlfriend while I was working on the motorcycle but you've got to understand, if you had a Harley-Davidson motorcycle, you could always get another girlfriend.

I was the eldest son of 11 children. Eventually, I went on to get a better motorcycle and when I did, many of my Sunday afternoons were spent riding my brothers and sisters around the neighborhood, one in front and one behind. What this bill says that we can't do, definitely says we can't do, is ride somebody in front on a motorcycle.

Well, I would like to explain to you why I object to this — most all of my brothers learned to ride a motorcycle riding in front of me. Sometimes before they were able to reach the ground with their feet, they were able to control the motorcycle with their hands. I think one of the biggest reasons today we have accidents from motorcycles is because people ride motorcycles and are not able to react to the controls of the motorcycle. If you can react to the controls of the motorcycle the same way you do a car and not have to stop and think where the brake is or the clutch is and do it automatically, like we do with automobiles, it would solve a lot of our problems. I think maybe we should have more education in that direction.

As I went on to get married, my wife and I had three daughters and all three of my daughters learned to ride a motorcycle riding in front of me. None of them have motorcycle scars, they all got their license and I think two of them still have one.

When I was in the process of riding my family, I was very busy trying to make a living and develop my business and some of the most quality parts of my life was spent with my family on the motorcycle, which worked out very well because it was some of the only time I wound up spending with my daughters as they grew up.

People are going to say, well, there is a great risk to riding a motorcycle and there is a lot of danger — I agree that there is a lot of risk in a lot of things that we do in life. As a matter of fact, I think I am taking quite a risk to stand up here this morning and move to indefinitely postpone a bill that came unanimously out of the Transportation Committee. We take risks every day. We take risks when we drive our automobiles so I would like to ask this House to support my motion for indefinite postponement of this bill and all its accompanying papers.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: This happened to be a bill that I put in before Transportation. No one spoke against it, it is just a safety issue. It only says that you can't ride in front before and after out on the

highway. You get into the fields or in the dooryards, you can do a lot of training there.

I also had a motorcycle when I was a young man. It was a 1941 Harley, a retired State Police model, and my two older brothers started out with it first in a 10 acre field. We do need some training on a motorcycle before we go out onto the highway but I don't think we should do away with this bill and all its accompanying papers.

I would like a roll call, please.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Before I make a brief comment about this bill, I cannot resist saying to the Representative from Woodland that I want him to remind me to include on my list of things not to say, the reference to getting another wife instead of — or another girlfriend, but I appreciate his sentiments.

Representative Stevens really has said what I wanted to say. This was a unanimous committee "Ought to Pass" Report. It makes a lot of sense and everybody who has talked to me about the bill understands its purpose. The amendment just changes it to a traffic infraction rather than a misdemeanor and I would urge you to accept the "Ought to Pass" Report and second the idea of a roll call.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I had no intention of speaking on this bill but seeing it on the Calendar this morning, it ruffled a little feathers. I wasn't fortunate enough to have a Harley, (I did have a girlfriend) but I did have a lot of motorcycles.

Anyone who knows anything about motorcycles and safety riding, even if you ride on the back fields, you are riding on the road and that is where the road itself has to come into place. You talk about safety, if I am going to ride any of these young children in front of me on a motorcycle with their helmet, I surely would want them on the front of my bike, not on the back. Think of the safety of the young children you've got on that motorcycle and the riding yourself is going to be on the road, most of the time or 90 percent of its on the road, think of the young children down in front of you today — you want them on the back of your bike or the front of your bike? I would rather have them on the front.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I am from Buxton and one of my constituents is the largest seller of motorcycles and motor driven recreational vehicles here in the State of Maine. I would like you to know that they are vehemently opposed to this bill and so am I. As an owner of a motorcycle and as a driver of a motorcycle for the past (I believe) seven years — when I do have a young son or daughter, I don't know when that is going to be, I would like to be able to teach them how to drive that motorcycle by having them on the front of that motorcycle so they can learn how to shift the gears, they can learn how to move the levers and so on and so forth. It is very important.

As a legislator, I am bound to uphold the laws of the State of Maine so I would hope that this bill would not pass and I won't have to be subject to it.

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 Woodland, Representative Anderson, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 14

YEA - Ahearne, Aikman, Aliberti, Anderson, Barth, Beam, Bennett, Bowers, Bruno, Cameron, Campbell, Carleton, Cashman, Chonko, Clark, Coles, Constantine, Cross, Dexter, Donnelly, Dutremble, L.; Erwin, Farren, Fitzpatrick, Gould, R. A.; Gray, Greenlaw, Hale, Heeschen, Hillock, Holt, Jacques, Jalbert, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kutasi, Lemont, Libby James, Look, Lord, Marshall, Michael, Michaud, Mitchell, E.; Murphy, Nash, Pendleton, Plowman, Poulin, Quint, Robichaud, Rotondi, Ruhlin, Rydell, Saint Onge, Saxl, Small, Sullivan, Tardy, Thompson, Townsend, L.; Tracy, True, Tufts, Vigue, Walker, Young, Zirkilton.

NAY - Adams, Ault, Bailey, H.; Bailey, R.; Brennan, Carroll, Chase, Clement, Cloutier, Clukey, Coffman, Cote, Daggett, Driscoll, Faircloth, Farnsworth, Foss, Gamache, Gean, Gwadosky, Hatch, Heino, Hichborn, Hogle, Hussey, Johnson, Kontos, Larrivee, Lindahl, MacBride, Martin, H.; Melendy, Mitchell, J.; Nadeau, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Rowe, Simonds, Simoneau, Spear, Stevens, A.; Stevens, K.; Strout, Swazey, Townsend, E.; Townsend, G.; Treat, Wentworth, Whitcomb.

ABSENT - Caron, Carr, Cathcart, Dipietro, Dore, Farnum, Lemke, Libby Jack, Lipman, Marsh, Morrison, Norton, Skoglund, Taylor, Winn, The Speaker.

Yes, 72; No, 63; Absent, 16; Paired, 0; Excused, 0.

72 having voted in the affirmative and 63 in the negative with 16 being absent, L.D. 459 and all its accompanying papers were indefinitely postponed. Sent up for concurrence.

(H.P. 128) (L.D. 169) Bill "An Act to Amend the Laws Concerning Beano and Games of Chance" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-65)

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, March 22, 1993, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 363) (L.D. 466) Bill "An Act Allowing the Bureau of Labor Standards to Enter into Reciprocal Agreements in the Area of Employment Standards with Other States" (C. "A" H-58)

(H.P. 394) (L.D. 507) Bill "An Act Regarding the Selection of Arbitrators in Labor Disputes"

(H.P. 346) (L.D. 449) Bill "An Act to Amend the Laws Regarding Motor Vehicle Air Conditioning" (C. "A" H-59)

(S.P. 144) (L.D. 435) Bill "An Act to Repeal the Release Review Advisory Committee"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Regarding Motorized Wheelchairs" (H.P. 202) (L.D. 264) (C. "B" H-52)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, and sent up for concurrence.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (1) "Ought to Pass" - Committee on Business Legislation on Bill "An Act to Amend the Credit Reporting Laws" (H.P. 131) (L.D. 172)

TABLED - March 16, 1993 by Representative DONNELLY of Presque Isle.

PENDING - Acceptance of the Majority "Ought Not to Pass" Report.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: This bill relates to credit reports and consumer access to them. Under present law, a person who wants to get a copy of their credit report has to pay \$2 to the credit reporting agency in order to receive a copy of that report. The cost is free if you have been turned down for credit. If you happen to request a copy of your report from one credit reporting agency out of the three national, that's TRW, you already get a free copy of your report.

This bill, as I said, will reduce the cost from \$2 to nothing. You could get a free copy of your credit report once per year. I think this is a good idea because it encourages people to go and get a copy of their credit report. I see this as a consumer issue. There are significant numbers of people who, when they order their credit report, find that there are errors in them. In fact, three members of the committee that considered this legislation found that they themselves had an error in their credit report when they got the copy of it.

Several other states have made laws similar to this one. I believe that it is a consumer issue. I also think that if you have an agency that goes out and gathers information from you and intends to sell that information to someone else, you should have the right to see a copy of that report that they are selling.

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

Representative HOGLEUND: Mr. Speaker, Men and Women of the House: I would like you to vote in favor of the "Ought Not to Pass" Report simply because this bill would be too costly for the credit bureau to handle. They had 900,000 requests last year and, if they were to give those away free, they would no longer be in business.

If you are denied credit, you will automatically get a copy of what you have been denied and you are told why. If you want a copy of your credit report, you pay \$2 and you are allowed to have it.

We felt that the committee on an 11 to 1 report, that that was fair right now.

Representative Donnelly of Presque Isle requested a Division.

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

Representative CAMERON: Mr. Speaker, Men and Women of the House: I, too, serve on the Business Legislation Committee and I voted that this bill "Ought Not to Pass" simply for some of the reasons that our Chairman just gave.

I would like to emphasize that credit reports are still available to you as an individual, they are only \$2. But, if we require the credit reporting agency to give them away, it is a small imposition on us to pay the \$2, it could well become a very costly event to the reporting agency if they even had, let's say 20,000 requests in one year, that is a \$40,000 penalty to them for doing business. We all say we want to help business in Maine and I think this is an opportunity to prove that we do.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I stand here as a victim of just exactly the way the credit reporting companies operate. The only way I was able to straighten out my credit rating was when I went down to the office that we have down in Gardiner. It took a year and a half. Something has got to be done to put these credit reporting companies on the ball.

I applied for a credit card, which I was not in favor of doing, but I found out you can't get a hotel room in some places without one. The report came back, I was turned down. I called up an outfit in New Jersey somewhere, she put me on hold and they had music in the background, it sounded like two automobile pistons had come apart. I wouldn't have minded if they played the music of the fellow that

plays the Hawaiian music on the radio or TV, that would have been good to listen to. In the meantime, I am paying for this call.

Finally, I wrote and asked for a report. I have the report in my files if you want to see it, it is 22 pages long. I owed something like \$175,000, my monthly payments were over \$2,000. I don't make that much. They even had somebody from California who came out and told us all sorts of stories and, come to find out, I looked at the credit report and there were three other John Jalbert's on the same report. I called the lady from Auburn and she was shocked. Apparently, according to that report, I have five mortgages on my house, totaling a \$175,000 and it is only assessed at about \$80,000. I wish I could make that kind of money, owe that kind of money, I would beat Trump.

Something has got to be done and there is only one way that these companies are going to keep their records straight. TRW, whatever the company call themselves, they said, well you know some things are going to go wrong, bound to — not at my expense. It took a year and a half before I got that miserable credit card. In there is a little note that said, if you will pay us a dollar, we will give you a report every month. I don't have to, I know what it is.

At the time that I applied for it, I had three accounts, one was a small equity mortgage on my house, one was a loan at the Credit Union for my car and one was for a personal loan, which I use around Christmas time. That is all that I owed except for the light bill and the telephone bill but it was 22 pages long.

I even went before the committee last year and we tried to get something done. I say that it is about time that these credit reporting companies clean up their act and there is only one way to do it and that is to report every year.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I sit on Business Legislation and I can tell you what we have done in past years. Two years ago, we required the credit reporting companies to give a free report if you were rejected, which corrected some of the problems that Mr. Jalbert referred to.

This is a cost that they must cover through their normal operations. There is no reason in the world why everyone should be given a free report annually and, therefore, adding the cost to the reporting companies, the credit bureaus and the banks.

I think we should stay with the Majority Report on this and vote "Ought Not to Pass."

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

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

From the debate, I understand that there is only a \$2 charge — all I want to know, are other companies able to ask more, companies that are not Maine companies? The reason I ask is that I have a constituent call and tell me that they had to pay \$50 for their report and it was a young couple trying to buy their first home. They were just shocked to learn that they owed money because they didn't have any accounts outstanding that they knew of or anything so I just want to know, is it a fact that it is only a \$2 charge and no company can ask for more than that?

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

The Chair recognizes the Representative from Portland, Representative Hوجلund.

Representative Hوجلund: Mr. Speaker, Men and Women of the House: To answer the good Representative from Rockland, these companies purchase a credit type report from the Credit Bureau. What we are saying to the consumer is, when you are given a report on, you can have a copy of that if you are denied or whatever. If you call in as a consumer or a person and want your report, you can pay \$2 and have a copy. It does not cost you \$50.

What this came down is, do we ask the Credit Bureau to mail out 900,000 copies of reports every year?

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

Representative CAMERON: Mr. Speaker, Men and Women of the House: I would guess that the \$50 charge, recalling what happened in the committee hearings, the \$50 charge was probably charged through a bank, that is typical of the bank to pay \$2 for the report and charge the customer \$50, so that very well may have happened. It may have been a \$50 charge but it would not have been from the credit reporting company.

The good Representative Carleton referred to three members of the committee who had been infringed upon by bad credit reports, I was one of those. I am opposed to this bill because this bill will do absolutely nothing to solve that problem nor will it solve any of the problems that Representative Jalbert pointed out.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am the lone legislator on the Minority side and I would like to explain why.

I agree with all of the members of my committee that everyone on this floor should do their level best to reduce costs to the small business people in the State of Maine and that is why I am on the Minority side. I just happen to have a different view of this.

We talk about \$2 for a request for a report, certainly that is a modest fee. Philosophically, I have a problem with even that. They are selling information on every individual in here and we, as individuals, should have a right to collect that information that is being sold for profit by a third party on us, free. That is the way it is in the State of Vermont. To my knowledge, there was no information in Vermont that businesses were going out of business.

As far as 900,000 requests in the State of Maine, that may very well be true. It is hard for me to believe that there will be 900,000 people initiating requests for credit reports on themselves next year. That's a stretch.

Now let's get down to the real issue where I think by having it gratis the report to the individual why it would save costs. It is a motivation here, I think people would be more motivated to seek a credit report before they entered into a credit application. In one of my other professions, I am a licensed real estate broker and I have seen the difficulty in preparing people for a closing and have their credit refused. Some is

legitimate and some is not. But, once a bank refuses you credit, it is very difficult and expensive to overturn that ruling by that bank. Now who is paying that cost? Well, the poor consumer is because they have lost their opportunity for their home, the shelter for their family. There is a definite cost there. They still have to pay for the credit report, the banks are charging \$50 to \$75 for these reports and who is paying that? The consumer is paying that and there is a definite cost there.

I feel that if the consumer was even more motivated upfront to check out on their individual credit report before they went to the bank and if, like Representative Jalbert, knew that there were problems, get them resolved before they go through the credit process. That is where the savings is going to be, that is where the heartache is going to be avoided and the transaction for property that's leveraged by credit would be much smoother. Any of you who have had trouble with problems with their credit reporting will certainly realize how difficult it is to go against that bureaucracy. I am just saying that if we get more people applying and checking their credit before they enter into a transaction, it is going to be less of a headache for them, less suffering for the consumer, and better off for everyone, including the businessman.

I wish you would vote against the pending motion of "Ought Not to Pass" and pass this bill for all businesses and consumers of Maine.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: Information in a computer age is critically important to the individual and to society. Information, as we know, can even be used as a weapon. Who controls that information, how it is controlled, that is a very important issue and a question that we are right to discuss here.

As has been noted, there are frequently people who find there are problems with their credit records that they have, the reports that the agencies maintain on you. There are errors a lot of times in these reports. Often they are unintentional errors but sometimes it is difficult to get errors corrected, even when you know the errors exist and they have been pointed out.

You also have the problem again in a computer age of mixed identities. The Social Security Agency has been known to give out the same number to two different people. This obviously causes problems in people's credit records. There is also increasing incidents of what is called "identity fraud" where someone deliberately chooses someone else's Social Security number and then goes ahead and racks up a lot of bills. Really, the problem is more than just not getting credit at a bank or wherever, the problem is that you can be hounded and be the target of long periods of legal action where they are trying to hold you responsible for things that you have nothing to do with.

I think the question of cost of this to the agencies has been brought up — I think in regard to the critical importance of information to us all as individuals, I think this not a question of cost, it is a question of accountability. As I mentioned, a lot of times it is very difficult to get things corrected.

If we have to pay to make sure that they have accurate information that they are trading on and

making money on, I think that is not an appropriate thing.

I think we should ask and require these agencies to be accountable and one way is to make sure that people can get access to their credit records.

I, too, urge you to vote against the Majority "Ought to Pass" Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Let's face it, these credit reporting companies are in this business to make money. They are going to bid with the different companies to get their business and they are going to try to do it as cheap as they can. They are going to cut corners if they have to. There is only one person that I care for right now. Let's take the young man or the young lady who are working, they have got a car that is probably 3 or 4 years old and likely that vehicle will break down and that young man or that young woman who has a family to support may have only two or three days to get another car. Their credit rating is way off base, they get a report, they can't afford to wait a month or two months to get it straightened out.

If you place this restriction and say you will give a report to everyone, mark my words, these companies will think twice before they start sending out reports that they are not too sure of. That is all we care about. I don't care about the big companies that can afford to turn around or somebody who has plenty of money, which I don't have, but how many people can they get mixed up? There is only one John Jalbert that lives in Lisbon. My wife has said more than once, thank God for that, but when the report came back and said there must two or three John Jalbert's at the same post office, there has never been anybody else by that name living in that town. But those are the excuses they give.

Now if we want to talk about how they operate — in the 115th when they had a hearing on one of these bills to crack down on it, of which I testified, they had their beautiful, high-priced, lobbyists there and they did quite a job. That is what I am concerned about. If we are going to be concerned about the consumer, it is time that these companies were brought to task.

These young people who are working cannot afford to fight these companies. As someone said, why should they be punished? I think the young man from Gorham did say, talk about bureaucracy, no government bureaucracy has got anything as messed up as some of those reporting companies.

I say again that they should be brought to task.

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

Representative Hوجلund: Mr. Speaker, Men and Women of the House: I apologize for getting up again. I would just like to make it clear, if you the consumer have a credit report or want a credit report, all you have to do is pay \$2 and that takes care of the mailing, copying, and that is a modest fee.

If someone is checking out your credit, upon request, you can have it. If you are denied request of credit, you can have it. To answer some of these people's problems — if you have bad credit, I would suggest you go in and straighten it out. If you have a problem, you have a right to straighten it out. If you are applying for a car loan or a refrigerator or

whatever, you should check your credit before you apply for an application for a loan or buy or purchase. It is as simple as that. This is just a small bill that came before us which asks, do we give them away free? And if you feel like they should, that's \$2 for 900,000 people. That's unaffordable. All they ask is for you to pay for the stamps and the photocopying and that is all. Two dollars is a modest charge for what they are already doing.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up again but this is an anti-business piece of legislation. We don't need that kind of an image to continue coming from the House. I think we should go along with the Majority on this, vote "Ought Not to Pass."

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

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to remind you that this is more than just about credit. This is about information and your privacy and your life and all of your constituents.

It has been said here that this is an anti-business bill, that's a red herring.

I subscribe to a publication called "Privacy Journal" and I have done so for several years. There is an incredible number of stories, articles, in here regarding problems of credit. I am just going to quote a small piece of the January, 1993 issue. "The infiltration of the credit files of at least 17 volunteers in the Perot political campaign illustrates how the major credit bureaus are vulnerable to easy access by outsiders, either by computer hacking, through information brokers, or through false pretenses." We are talking about the integrity of a system here and if there is not very easy access to this system by individuals whose vital information is part and parcel of these companies making money on us, then there will not be accountability in this system.

Again, I urge you to vote against the Majority Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is acceptance of 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.

70 having voted in the affirmative and 39 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

Bill "An Act to Amend the Workers' Compensation Laws for Workers in Certain Marine Resources Industries" (S.P. 290) (L.D. 860)

— In Senate, Referred to Committee on Banking and Insurance.

TABLED — March 16, 1993 by Representative MITCHELL of Freeport.

PENDING — Reference in concurrence.

On motion of Representative Mitchell of Freeport, was referred to the Committee on Labor in

non-concurrence and sent up for concurrence.

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

Bill "An Act to Improve Access of Injured Workers to Medical Care" (H.P. 644) (L.D. 875)
(Committee on Banking and Insurance suggested)
TABLED - March 16, 1993 by Representative RUHLIN of Brewer.
PENDING - Motion of Representative ERWIN of Rumford to refer to Committee on Banking and Insurance.

Representative Erwin of Rumford withdrew her motion that L.D. 875 be referred to the Committee on Banking and Insurance.

On motion of the same Representative, was referred to the Committee on Labor, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-43) on Bill "An Act to Prohibit Greyhound Racing in Maine" (S.P. 46) (L.D. 68) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill; 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-43) which was tabled earlier in the day and later today assigned pending the motion of the Representative from Augusta, Representative Daggett, that the House accept the Minority "Ought Not to Pass" Report.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this L.D., "An Act to Prohibit Greyhound Racing in Maine", there are two things that I wish to put on the Record.

One, I am not in favor of greyhound racing.

Two, it is already illegal to race greyhounds in the State of Maine and have related betting.

I apologize for being a part of raising this issue, non-issue in my opinion to issue status, and I only wish to lay out in front of you the reasons why I am not in favor of this L.D. passing.

I have gotten letters from all over this state from school children. I have gotten calls from constituents, I have seen columns in the newspaper, all talking about this serious and disturbing mistreatment of greyhounds. It is unfortunate that none of this information has included the piece that it is already illegal to race greyhounds in the State of Maine with related betting.

I think that those people who are interested in having this piece of legislation passed feel that somehow this will create an additional barrier to greyhound racing in the State of Maine. Your current law states that everything in every gambling activity in the State of Maine is illegal except those which have been specifically authorized in law. Greyhound racing is not authorized; therefore, it is illegal.

The people who want to see this passed would like to see a statute that says it is illegal, we were prohibiting greyhound racing in Maine, they want to see greyhound racing listed separately by itself. We could list everything we could possibly think of that might be bet on and make it illegal but we have chosen to encompass everything by outlawing everything unless we specifically authorize it, simply a method of taking care of everything at once.

There is the possibility that greyhound racing could be put on in the State of Maine for exhibition purposes. That is a possibility. Now I will tell you that I have talked with numerous people and there are few that really — I found no one that really thinks this is going to happen, largely because there really is not any constituency in the State of Maine for greyhound racing. Those people who want to see this pass know, and probably have told you that Old Orchard Beach was approached and the town council unanimously turned it down. We are a strong horse racing state, all those horse racers are adamantly against greyhound racing. I have not been able to find any constituency here for greyhound racing.

We cannot pass a law that says — I suppose we could — no one may ever ask to have greyhound racing in the State of Maine, but we can't prohibit people from coming in and asking. This bill will not prohibit another bill coming in saying we would like to allow greyhound racing. We have bills that come in year after year, over and over again, that we continue to have to say no to. My total concern with this is that it is a way to glut the statutes, it trivializes that process by putting redundant language in the statutes. It is not any great issue, it is not a great issue, no harm is going to be done if it passes. I feel it is a terrible precedent to pass legislation that has no need and that is solely why I voted against this.

I just want to reiterate, it is currently illegal in the State of Maine to race greyhounds and have related betting and I am not in favor of greyhound racing.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I want to first state for the Record that I am convinced that the three members of the Committee on Legal Affairs, of which I am proud to be a member, who did decide to vote the "Ought Not to Pass" recommendation on this bill are not in favor of greyhound racing. I do not believe that there are very many people in this State of Maine who are in favor of greyhound racing.

Let me tell you why I support this bill and why I think it is very important and necessary.

First of all, there are a couple of truths that I want to share with you regarding this issue. The first is that there is only so many gambling dollars within the State of Maine. Gambling on greyhound racing would bound to impair our harness racing industry as it has in other states and it may impact other receipts in state revenues such as the lottery and Megabucks. This state can ill afford an impact in these areas.

The second truth that I would like to share is the cruelty that exists in this industry. I have distributed a yellow sheet to you today that you should have received and it talks about, just in raw numbers without the stories behind each number and there are many — about the number of dogs that are

born, raised and bred in this country for the purposes of racing them and the large numbers of them which every year are culled either as puppies or culled after the fact because they are not performing well on the racetrack or their 18 month career has ended as a racer, something in the neighborhood of 46,500 dogs are killed in a typical year, despite adoption efforts which put dogs into the homes of 7,000 every year.

As I said, these racing careers are very short. After 18 months, the dog is often shunted aside, too often they are simply shot or starved to death. The problem with the cruelty in this sport, if you want to call it that, is the history of it and the tradition that, unlike harness racing where there may be only one or two animals born to a mare, there are many dogs born to a dog. Too often, just because of the size of the feet or the length of the legs, they decide to cull the animal and kill it at a young age. So, it becomes kind of a random sampling of dogs through the breeding process. Many of you may have seen National Geographic Explorer which had a piece on the treatment of greyhounds or you may have read it in the Reader's Digest or seen it on local television.

I think Representative Daggett raises a central issue here today which is — why is this bill necessary? The opponents to this bill say that greyhound racing is not allowed now. Well, it is true that greyhound racing is not allowed if gambling is associated with it, as Representative Daggett has stated. Let me respond to this basic and elemental criticism. First of all, the national interests who are involved in this industry look very carefully at where they are going to target for their next state to enter. Every other New England state currently allows greyhound racing. Pressure is growing in Maine. We have seen efforts in Scarborough for simulcasting. We have seen an effort in Old Orchard Beach. There was talk before the racetrack in Lewiston was developed for other purposes that perhaps that would be a good track for greyhound racing. Nineteen other states have allowed greyhound racing and many of those in recent years. Vermont is one of those states and their experience is that it didn't work financially.

By enacting this bill, we are putting an important statement to these national interests that before they even target Maine that we have already (as a legislature) dealt with this and decided to reject it.

Secondly, the amended version of this bill provides an important prosecutorial tool to those who might run greyhound racing. Currently if they do so for gambling purposes, they are subject to a Class D crime for unlawful gambling. If they inflict cruelty to animals, they are subject also to a Class D crime for that offense. If they run greyhounds, perhaps they could be charged on those grounds for a Class D crime and the average stay in prison is 144 days which costs the state \$7,438. This bill would make greyhound racing a civil offense of \$7,500 so perhaps you would be giving an extra tool to prosecutors who could then and the State could use that money if in fact they convicted on one of the other grounds of unlawful gambling or on cruelty to animals.

Third and the most compelling reason for passing this bill is that this bill would prohibit even exhibition racing. The opponents say that no one would race exhibitions in Maine without gambling.

But, it seems logical to me and I think to all of us that as part of a public relations campaign to change the legislation and allow gambling on greyhound racing that that would be a logical step to have exhibition racing. How probable is this? I contend that it is not only probable but it is extremely likely.

The history of this sport, when greyhound racing came to North America from England in the 1800's, exhibition racing was common to get up people's enthusiasm and interest. Today, exhibition racing is common in South American countries like Venezuela as a means of getting enthusiasm for the sport and, more close to home, in Kansas, just within the past few years, racing and gambling interests ran exhibition racing around the state in various parts of the state before they went to the legislature to ask them to legalize gambling for greyhound racing.

Friends, as I said, 19 other states allow greyhound racing, the monied interests are watching today to see if Maine will be next. Let's reject greyhound racing now, upfront, and send them a clear message.

Please vote against the Minority Report so we can accept the Majority Report and go on to enact this bill.

Mr. Speaker, I ask for a Division.

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

Representative ROBICHAUD: Mr. Speaker and Colleagues of the House: As a member of the Majority "Ought to Pass" Report, I would like to tell you one of the reasons that I based my decision in going with the majority and that is, what we have done with this legislation is created a comprehensive package in relation to greyhound racing.

Representative Daggett is correct in her statement that currently any gambling activities that are not already sanctioned specifically by the legislature are not allowed in this state. That would relate to gambling in association with greyhound racing. But, as Representative Bennett did say, that does not include greyhound racing as an activity without gambling. Now, you could have exhibitions where someone chooses to charge a gate fee. That is not gambling, that would be statutorily correct as an activity. What we are trying to do is take the activity of greyhound racing and make it one complete package saying that anyone who wishes to engage in that endeavor has to come before the legislature to receive approval if they want to enter into that particular activity in any way, shape, or form. It is a comprehensive well-rounded piece of legislation that makes a very strong, cohesive, statutory statement.

I ask that you oppose the Minority "Ought Not to Pass" so we can accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Members of the House: I, too, sit on the Legal Affairs Committee. I, too, agree with Chairman Daggett that gambling on greyhound racing is not allowed at this point but I think we have to go another step further. We all know that greyhound racing is inhumane, it's cruel, the use of live bait is cruel. I won't get into the gory details of how many thousands of dogs are murdered every year but I think we have got to discourage it. I agree with

Representative Bennett that right now there is a toe-hold attempt going on. In Kansas, we also saw almost a year of exhibition racing that led to the legalization of gambling and greyhound racing.

Somebody could come into this state and have greyhound racing right now and they could simulcast to other states. That is where the money is in this industry, in the simulcasting. They wouldn't have to have to have any wagering in this state. I would like to put a stop to it right now, so I urge you all to vote no, I urge you all to press the red button.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Daggett of Augusta that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 80 in the negative, the Minority "Ought Not to Pass" Report was not accepted.

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

Committee Amendment "A" (S-43) was read by the Clerk and adopted and the bill assigned for second reading Monday, March 22, 1993.

The Chair laid before the House the following matter: Bill "An Act to Assist Low-income Families with Children to Meet Their Winter Energy Costs" (H.P. 676) (L.D. 914) (referred to the Committee on Human Resources in the House on March 15, 1993; came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence) which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 316)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 22, 1993, at four o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

SENATE PAPERS

Bill "An Act to Provide Equitable School Funding" (S.P. 306) (L.D. 939)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Expand the Rights of People with Mental Illness or Mental Retardation" (EMERGENCY) (S.P. 314) (L.D. 947)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Amend the Adoption Laws" (S.P. 309) (L.D. 942)

Bill "An Act Regarding Appeal Periods in District Court Civil Cases" (EMERGENCY) (S.P. 312) (L.D. 945)

Bill "An Act to Authorize Trustees to Make Trust Investments in Certain Affiliated Securities and Bonds" (S.P. 313) (L.D. 946)

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

Were referred to the Committee on Judiciary in concurrence.

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

SENATE PAPERS

Bill "An Act Regarding Visually Impaired Voters" (S.P. 305) (L.D. 938)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to the Portland Harbor Commission and Portland Harbor" (S.P. 315) (L.D. 948)

Came from the Senate, referred to the Committee on Marine Resources and Ordered Printed.

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Promote Fair Contract Bidding" (S.P. 310) (L.D. 943)

Bill "An Act to Amend the Composition of the Port Authority for the Town of Kittery" (S.P. 311) (L.D. 944)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

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

SENATE PAPERS

Bill "An Act to Clarify the Tax-exempt Status of Campgrounds Owned and Operated by Religious or Nonprofit Organizations" (S.P. 308) (L.D. 941)

Came from the Senate, referred to the Committee on **Taxation** and Ordered Printed.

Was referred to the Committee on **Taxation** in concurrence.

Bill "An Act to Minimize Electric Rates" (S.P. 307) (L.D. 940)

Came from the Senate, referred to the Committee on **Utilities** and Ordered Printed.

Was referred to the Committee on **Utilities** in concurrence.

Recognizing:

Elaine Fuller, upon her retirement as Director of the Bureau of Medical Services and for a career spanning 32 years of dedicated state service. Among her numerous accomplishments have been the development and implementation of home-based care for the elderly and her thoughtful guidance of the bureau through trying economic times. Her integrity is, perhaps, best reflected by the fact that she never forgot about the people she was serving through her agency. We extend our best wishes to her in her future endeavors; (HLS 186) by Speaker MARTIN of Eagle Lake. (Cosponsors: Representative RYDELL of Brunswick, Senator McCORMICK of Kennebec, Representative NORTON of Winthrop)

On motion of Representative Rydell of Brunswick, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for Monday, March 22, 1993.

The Chair laid before the House the following matter: Bill "An Act Concerning Suspension of Registrations under the Operating-under-the-influence Laws" (H.P. 694) (L.D. 935) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Cote of Auburn, was

referred to the Committee on **Legal Affairs**, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Lord of Waterboro, Adjourned at 12:15 p.m. until Monday, March 22, 1993, at four o'clock in the afternoon pursuant to Joint Order (S.P. 316) in memory of the Maine State Employees Association, a member of the Service Employees International Union and the AFL-CIO.