

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
31st Legislative Day
Thursday, March 25, 1993

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

Prayer by Reverend Miriam E. Chamberlain, Peoples' United Methodist Church of South Thomaston.
The Journal of Tuesday, March 23, 1993, was read and approved.

SENATE PAPERS

Bill "An Act to Provide for the Issuance of Refunding Bonds of the State" (EMERGENCY) (S.P. 330) (L.D. 1006)

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

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

Bill "An Act to Provide Training for Activity Professionals" (S.P. 329) (L.D. 1005)

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 Increase the Fee for Marriage Licenses" (S.P. 328) (L.D. 1004)

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

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

Bill "An Act to Allow Reimbursement to Local Fire Departments by the Turnpike Authority of Maine" (S.P. 327) (L.D. 1003)

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

Was referred to the Committee on Transportation in concurrence.

Bill "An Act to Enhance Competition in Electric Utilities" (S.P. 331) (L.D. 1007)

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

Was referred to the Committee on Utilities in

concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-37) on Bill "An Act Prohibiting Political Activity by Members of the Workers' Compensation Board" (S.P. 19) (L.D. 9)

Signed:

Senators: BERUBE of Androscoggin
ESTY of Cumberland

Representatives: JOSEPH of Waterville
GRAY of Sedgwick
KILKELLY of Wiscasset
ROWE of Portland
DUTREMBLE of Biddeford
WALKER of Blue Hill

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

Signed:

Senator: BUTLAND of Cumberland

Representatives: AHEARNE of Madawaska
BENNETT of Norway
LOOK of Jonesboro
YOUNG of Limestone

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-37).

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Resolve, to Allow Neal and Linda Chute to Bring an Action against the State (S.P. 17) (L.D. 7)

Signed:

Senators: HANDY of Androscoggin
HALL of Piscataquis

Representatives: DAGGETT of Augusta
GAMACHE of Lewiston

STEVENS of Sabattus
NASH of Camden
ROBICHAUD of Caribou

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment
"A" (S-44) on same Resolve.

Signed:

Senator: CAREY of Kennebec

Representatives: LEMKE of Westbrook
MICHAEL of Auburn
BOWERS of Washington
BENNETT of Norway
TRUE of Fryeburg

Came from the Senate with the Majority "Ought
Not to Pass" Report read and accepted.

Reports were read.

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

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

COMMUNICATIONS

The following Communication: (S.P. 333)

116TH MAINE LEGISLATURE

March 22, 1993

Senator Mark W. Lawrence
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy
and Natural Resources
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan,
Jr. has nominated Abbie McMillen of Harborside for
appointment to the Facility Siting Board.

Pursuant to Title 38, MRSA Section 2152, this
nomination will require review by the Joint Standing
Committee on Energy and Natural Resources and
confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the
Committee on Energy and Natural Resources.

Was Read and Referred to the Committee on Energy
and Natural Resources in concurrence.

The following Communication:

STATE OF MAINE
OFFICE OF SECRETARY OF STATE
AUGUSTA, MAINE 04333

March 24, 1993

Honorable John L. Martin
Speaker of the House
House of Representatives
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to forward to the Maine House of
Representatives the report of the Special Commission
to Review the Electoral Process. The Commission was
formed in January and completed its work on March 23,
with release of this report. I am confident that the
Commission's work will be thoughtfully considered by
the members of the 116th Legislature. Please feel
free to call upon me if I can provide further
information.

Sincerely,

S/Bill Diamond
Secretary of State

Was read and with accompanying report ordered
placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills, Resolve and Resolutions 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:

Aging, Retirement and Veterans

Bill "An Act to Amend the Maine State Retirement
System Laws Related to the Participating Local
Districts Consolidated Plan" (EMERGENCY) (H.P. 755)
(L.D. 1022) (Presented by Representative JALBERT of
Lisbon) (Submitted by the Maine State Retirement
System pursuant to Joint Rule 24.)

Bill "An Act to Extend Burial Eligibility for
Dependent Children" (H.P. 764) (L.D. 1031) (Presented
by Representative HEINO of Boothbay) (Cosponsored by
Representatives: DUTREMBLE of Biddeford, MICHAEL of
Auburn, Senators: McCORMICK of Kennebec, O'DEA of
Penobscot)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide for the Purchase of School Buses" (H.P. 766) (L.D. 1033) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative MITCHELL of Vassalboro, Senators: AMERO of Cumberland, TITCOMB of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend Self-insurance Investment Standards" (H.P. 750) (L.D. 1017) (Presented by Representative ERWIN of Rumford) (Cosponsored by Representatives: KUTASI of Bridgton, PINEAU of Jay, Senator: CAREY of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Education

Resolve, to Continue the Commission to Study the Feasibility of a Capital Cultural Center (EMERGENCY) (H.P. 747) (L.D. 1014) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: DAGGETT of Augusta, PARADIS of Augusta)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Establish a Monthly Average Dissolved Oxygen Standard for Class C Waters" (H.P. 752) (L.D. 1019) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Senator VOSE of Washington and Representatives: GOULD of Greenville, LORD of Waterboro)

Bill "An Act to Amend and Clarify the Solid Waste Management Laws" (H.P. 756) (L.D. 1023) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Senator LUDWIG of Aroostook and Representative: JACQUES of Waterville) (Submitted by the Maine Waste Management Agency pursuant to Joint Rule 24.)

Bill "An Act to Clarify Air Emission Standards" (H.P. 763) (L.D. 1030) (Presented by Representative GOULD of Greenville)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Relating to the Maine Endangered and Nongame Wildlife Fund" (H.P. 748) (L.D. 1015) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representatives: LARRIVEE of Gorham,

NICKERSON of Turner) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.)

Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Establish Open and Closed Seasons on the Hunting of Bear" (H.P. 749) (L.D. 1016) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator HALL of Piscataquis and Representative: FARREN of Cherryfield) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.)

Bill "An Act to Change the Moose Hunting Laws" (H.P. 754) (L.D. 1021) (Presented by Representative BENNETT of Norway)

Bill "An Act to Increase the Number of Moose Permits" (H.P. 758) (L.D. 1025) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representatives: CLARK of Millinocket, DRISCOLL of Calais, GREENLAW of Standish, HUSSEY of Milo, JACQUES of Waterville, LARRIVEE of Gorham, NICKERSON of Turner, RAND of Portland, SWAZEY of Bucksport, TRACY of Rome, Senators: HALL of Piscataquis, LUTHER of Oxford)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Provide Mental Health Services for Children and Youth Who Are Homeless" (H.P. 751) (L.D. 1018) (Presented by Representative MORRISON of Bangor) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: ADAMS of Portland, BRENNAN of Portland, FITZPATRICK of Durham, GEAN of Alfred, MITCHELL of Vassalboro)

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

On motion of Representative Treat of Gardiner, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

On motion of Representative Treat of Gardiner, the House reconsidered its action whereby Bill "An Act to Provide Mental Health Services for Children and Youth Who Are Homeless" (H.P. 751) (L.D. 1018) was referred to the Committee on Judiciary.

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

Judiciary

Bill "An Act to Exclude Certain Financial Contributions from Financial Resources to Justify Deviations from Child Support Guidelines" (H.P. 761) (L.D. 1028) (Presented by Representative PENDLETON of Scarborough)

State and Local Government

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

On motion of Representative Treat of Gardiner, was referred to the Committee on **Judiciary**, ordered printed and sent up for concurrence.

Human Resources

Bill "An Act to Clarify the Requirements of Disclosure of Information Pertaining to Mentally Disabled Clients" (H.P. 759) (L.D. 1026) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: DORE of Auburn, JOHNSON of South Portland, MORRISON of Bangor)

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

On motion of Representative Cote of Auburn, was referred to the Committee on **Human Resources**, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Encourage Mediation Before Litigation" (H.P. 767) (L.D. 1034) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representatives: DEXTER of Kingfield, GRAY of Sedgwick, STEVENS of Sabattus, Senators: HARRIMAN of Cumberland, SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Permit any Licensed Private Investigator or Bonded Security Agency to Serve Civil Process" (H.P. 746) (L.D. 1013) (Presented by Representative NORTON of Winthrop) (Cosponsored by Representatives: DONNELLY of Presque Isle, REED of Dexter, Senators: BERUBE of Androscoggin, LUTHER of Oxford)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Require Possession of a Maine Fishing License to Fish in Coastal Waters" (H.P. 762) (L.D. 1029) (Presented by Representative GREENLAW of Standish)

Ordered Printed.
Sent up for Concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Free Election of the Secretary of State and the Attorney General (H.P. 765) (L.D. 1032) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsored by Representative: AIKMAN of Poland)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature (H.P. 768) (L.D. 1035) (Presented by Representative LENKE of Westbrook) (Cosponsored by Senator CAREY of Kennebec and Representatives: ADAMS of Portland, ANDERSON of Woodland, BAILEY of Township 27, BARTH of Bethel, CLARK of Millinocket, COFFMAN of Old Town, DEXTER of Kingfield, FITZPATRICK of Durham, GRAY of Sedgwick, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KONTOS of Windham, LORD of Waterboro, PARADIS of Augusta, PFEIFFER of Brunswick, PLOURDE of Biddeford, POULIOT of Lewiston, TRACY of Rome, VIGUE of Winslow, YOUNG of Limestone)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Meet the Alcohol Abuse Treatment Needs of Maine Citizens" (H.P. 753) (L.D. 1020) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: CLEMENT of Clinton, HOGLUND of Portland, MORRISON of Bangor, Senator: CONLEY of Cumberland)

Bill "An Act to Amend the Laws Regarding Taxation of Workers' Compensation Self-insurers" (H.P. 757) (L.D. 1024) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: CARON of Biddeford, DUTREMBLE of Biddeford, PLOURDE of Biddeford, REED of Dexter, TARDY of Palmyra, VIGUE of Winslow)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Concerning Liens Against Certain Property for Child Support Arrearages" (H.P. 760) (L.D. 1027) (Presented by Representative PENDLETON of Scarborough)

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

On motion of Representative Dore of Auburn, was referred to the Committee on **Judiciary**, ordered printed and sent up for concurrence.

Utilities

Bill "An Act to Amend the Waldoboro Utility

District Charter" (H.P. 745) (L.D. 1012) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Senator BEGLEY of Lincoln)

Ordered Printed.
Sent up for Concurrence.

ORDERS

Later Today Assigned

On motion of Representative FARREN of Cherryfield, the following Joint Resolution: (H.P. 769) (Cosponsors: Representatives: ANDERSON of Woodland, CLARK of Millinocket, DONNELLY of Presque Isle, JOY of Island Falls, KNEELAND of Easton, MICHAUD of East Millinocket, NICKERSON of Turner, Senators: CAHILL of Sagadahoc, KIEFFER of Aroostook)

JOINT RESOLUTION RECOGNIZING THE MAINE SNOWMOBILE ASSOCIATION ON ITS 25TH ANNIVERSARY OF SERVICE TO MAINE CITIZENS

WHEREAS, the Maine Snowmobile Association was formed in 1968 by a group of concerned sports enthusiasts dedicated to the safe and responsible operation of snowmobiles in the State; and

WHEREAS, these citizens have persevered in maintaining and improving the image of family recreational snowmobiling in the State; and

WHEREAS, the Interconnected Trail System and the grooming and maintenance of its trails have been supported by the members of the Maine Snowmobile Association; and

WHEREAS, the more than 250 snowmobile clubs of the Maine Snowmobile Association represent approximately 12,000 families and 30,000 people; and

WHEREAS, the Maine Snowmobile Association has actively promoted increased tourism by those dedicated to snowmobiling through newspapers and other media and the publication, the "Maine Snowmobiler"; and

WHEREAS, the Maine Snowmobile Association supports the safe and responsible use of snowmobiles in the State through adoption of appropriate legislation and enforcement of the State's laws; and

WHEREAS, the Maine Snowmobile Association celebrates its 25th Anniversary this year; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the First Regular Session, recognize this occasion and offer the Maine Snowmobile Association our heartiest congratulations on this milestone, with continued good wishes for many years of service to the people of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Snowmobile Association in honor of the occasion.

Was read.

On motion of Representative Paradis of Augusta, tabled pending adoption and later today assigned.

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

ORDERED, that Representative Mary R. Cathcart of Orono be excused March 17 and 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Donald H. Gean of Alfred be excused March 22 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Omar P. Norton of Winthrop be excused March 25 for legislative business.

AND BE IT FURTHER ORDERED, that Representative George A. Townsend of Eastport be excused March 24 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ellen Walker of Blue Hill be excused March 22 and 23 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative MELENDY from the Committee on Transportation on Bill "An Act to Prohibit People from Riding in the Back of Open Pickup Trucks" (H.P. 22) (L.D. 24) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-72)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-72) was read by the Clerk and adopted and the bill assigned for second reading Monday, March 29, 1993.

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-68) on Resolve, Creating the Kennebec County Law Enforcement Examination Commission (H.P. 365) (L.D. 468)

Signed:

Senators: BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Representatives: JOSEPH of Waterville
KILKELLY of Wiscasset
GRAY of Sedgwick

AHEARNE of Madawaska
DUTREMBLE of Biddeford
ROWE of Portland
WALKER of Blue Hill
YOUNG of Limestone

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

Signed:

Representatives: LOOK of Jonesboro
BENNETT of Norway

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought to Pass" Report. On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 87) (L.D. 241) Bill "An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents" Committee on Human Resources reporting "Ought to Pass"

(H.P. 445) (L.D. 571) Bill "An Act to Regulate the Safety of Off-system Railroads" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-74)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, March 29, 1993, under the listing of Second Day.

PASSED TO BE ENGROSSED

Bill "An Act to Support the Natural Areas Program" (EMERGENCY) (S.P. 319) (L.D. 972)

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

Representative Erwin of Rumford offered House Amendment "A" (H-73) and moved its adoption.

House Amendment "A" (H-73) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-73) in non-concurrence and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Related to Periodic Justification of

Departments and Agencies of State Government under the Maine Sunset Act" (EMERGENCY) (S.P. 320) (L.D. 973)

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

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

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

SENATE PAPERS

Bill "An Act to Amend the Medicare Supplement Insurance Regulatory Program" (EMERGENCY) (S.P. 337) (L.D. 1011)

Bill "An Act to Reform the Insurance Code Laws" (S.P. 342) (L.D. 1039)

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

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

Bill "An Act to Establish Welfare Eligibility Reform" (S.P. 334) (L.D. 1008)

Bill "An Act to Correct Volume Deficiencies in Hospital Base-year Budgets Administered by the Maine Health Care Finance Commission" (EMERGENCY) (S.P. 339) (L.D. 1036)

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

Were referred to the Committee on Human Resources in concurrence.

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

SENATE PAPERS

Bill "An Act Clarifying Certain Traffic Infraction Provisions of the Motor Vehicle Laws" (S.P. 341) (L.D. 1038)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Exempt Veterans Over 60 Years of Age from the Property Tax" (S.P. 336) (L.D. 1010)

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

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

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

SENATE PAPERS

Bill "An Act to Facilitate Traffic Movement over Bridges and Ways" (S.P. 335) (L.D. 1009)

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

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

Bill "An Act to Cause the Renegotiation of Utility Contracts for Electric Power Generated at Private Facilities" (S.P. 340) (L.D. 1037)

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

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 23, 1993, 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:

Expression of Legislative Sentiment recognizing Elaine Fuller (HLS 186)
TABLED - March 18, 1993 by Representative RYDELL of Brunswick.
PENDING - Passage.

On motion of Representative Rydell of Brunswick, retabled pending passage and specially assigned for Monday, March 29, 1993.

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

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-69) - Committee on **Legal Affairs** on Bill "An Act Concerning Maine Wineries and Microbreweries" (EMERGENCY) (H.P. 190) (L.D. 253)
PENDING - Acceptance of Committee Report.

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-69) was read by the Clerk and adopted and the Bill assigned for second reading Monday, March 29, 1993.

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

SENATE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (S-46) - Committee on **Transportation** on (S.P. 48) (L.D. 70) Bill "An Act to Make Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993" (EMERGENCY) (Governor's Bill) (CONSENT CALENDAR FIRST DAY)
PENDING - Placement upon the Consent Calendar of Monday, March 29, 1993 under the listing of Second Day.

Subsequently, was assigned for the Consent Calendar of Monday, March 29, 1993, under listing of Second Day.

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

(H.P. 286) (L.D. 373) Bill "An Act Regarding Reimbursement for Sand and Salt Storage Facility Construction" (C. "A" H-67) (CONSENT CALENDAR SECOND DAY)
PENDING - Passage to be Engrossed.

Subsequently, L.D. 373 was passed to be engrossed as amended by Committee Amendment "A" (H-67) and sent up for concurrence.

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

Bill "An Act to Increase Unenrolled Voter Participation in Primary Elections" (H.P. 280) (L.D. 367) (C. "A" H-61)
PENDING - Second Reading.

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

Representative Lemke of Westbrook requested a roll call vote on passage to be engrossed.

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 having expressed a desire for a roll call, a roll call was not ordered.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: This is one of those bills that sounds nice in the democracy with a small "d" but if you had a chance to glance at the Statement of Fact on this bill, you would have noticed that the bill

allows unenrolled voters to vote in primary elections without having to enroll in a party. I will give you a very concrete, hard-core, political move. If I got any brains at all, I will show up as an unenrolled voter, pick the weakest candidate that I perceive from the other party, and so be it. Then the next primary, I can do the same thing all over again for the guy I dislike the least. I don't think this is a very good idea.

With that, I would move indefinite postponement of this measure.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, I request a roll call on this.

Mr. Speaker, Men and Women of the House: The last time this came up before you, it in fact got a unanimous vote. I don't know if that was a concern not to hear a speech from me or there were people who did not understand what was included in this.

I appreciate that the Representative from Saco got up when he did because I think this is important enough that it should be laid before the House and the House understand precisely what is in this bill before it gets any kind of vote.

L.D. 367 does allow unenrolled registered voters to vote in state primary elections. This bill would increase potential voter participation in the democratic process. We here in the State of Maine are very proud of the votes that we get during the general election, although I will point out that it falls substantially below that of any industrialized country in the world. The same cannot be even said of the vote in primary elections. It is abysmally low.

Secondly, this bill addresses what I believe to be a built-in inequity in the present primary election system. I believe the present system defies the one person/one vote ruling of the Supreme Court. In effect, our present system allows each person an equal vote if he or she is a member of a political party. It dilutes the vote of an unenrolled or so-called independent voter. That person in effect gets half a vote because that person has no say whatsoever in the final choice that is put before them in November.

When this country was founded — and I know, oh-oh, here it comes — when this country was founded, political parties did not exist, that is something to ponder in itself. Political parties did not exist, but in some states the franchise was limited by religious affiliation; in other states, by property requirements. Those restrictions were eliminated, but apparently replaced by party affiliation. The closed primary, the type of primary we have in the State of Maine would appear to fly in the face of the intent of progressive reformers who pushed the adoption of the primary system at the turn of the century. They meant to widen popular participation, not narrow it in the political process. This brief historical digression — and those of you who know me know it is relatively brief — does point out, if nothing else, that our election laws have changed substantially over the years. They have evolved. This legislation would be simply part of that evolution. I think it is in accord with the demand for greater voter participation in democracy.

There are, with your leave, so we understand exactly what is involved, four types of primary

elections presently practiced in the United States. The first is the type we have in the State of Maine which is a closed primary in which a voter must be affiliated with a political party and vote only that party's ballot in the primary election. Twenty-seven states, barely over half, have that system today.

The second system is what is called the open primary which does allow voters the option that I put before you. Twenty states already practice this.

The third type is the blanket primary which allows voters to participate in the nomination of candidates from multiple parties on the same day. Alaska and Washington State have that type of primary.

Finally, there is the non-partisan primary in which voters and candidates from all parties use a single ballot, Louisiana is apparently the only state with that type of election.

L.D. 367 most closely fits in the second category, the open primary, with two very important qualifications. First, it applies to unenrolled, registered voters who may choose to vote in only one, only one, party primary election. It does not allow unenrolled voters to vote in multiple primary contests as in the blanket primary.

Secondly, it does not allow for cross-over voting between Republicans and Democrats. This practice encourages what is called strategic voting where voters cross over to vote for the weaker opposition candidate. This is not a cross-over primary bill, although a number of states practice this as well.

I am not at all convinced that this legislation would, as some believe, undermine present political parties. Indeed, I believe that the infusion of new people and new ideas into the traditional parties would serve to revitalize and strengthen them. The major parties have proven very adaptive to change. The Democratic party, for example, is the oldest continuing political organization in the world, dating back to the 1790's. It has proven very durable and I am sure as a Democrat personally it would endure this. The Republican party dates back to the 1850's and is hardly a spring chicken itself.

It should also be pointed out that the rise in the number of unenrolled voters, so-called independents, to the point where probably today they are the single largest group and voting block, is a phenomenon that has developed with the existing system in reaction to the existing system. It reflects rightly or wrongly a dissatisfaction with politics as usual. A great deal of this is fueled by a sense of voter cynicism over perceived impotence to effect change. I believe a more open primary system could be one major way of addressing this trend. Give the independents an opportunity to be involved. In effect, let them put their ballot where their mouth is and I think the result will be good for the State of Maine.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with my good friend, the good Representative from Westbrook, Representative Lemke, he being a Lisbon Falls native, his mother lives there — fine lady. But, this increase in enrollment voters in primary elections is a contradiction in terms. How can you be unenrolled and want to decide which candidate will represent which party? That is a contradiction in terms, it doesn't make sense. Either you enroll or you don't.

We passed legislation here that allowed

independent people to get on the ballot that they want to. There have been many candidates on the ballots who are independents but this is not a positive action. This will cause negative action.

People — and I think the good Representative from Westbrook admitted to it, it will cause people to go vote, not for someone, but against someone to make sure that the candidate on the other side, in the other party from an unenrolled point of view, to get the weakest candidate. They have cross-over in primaries in some states. One example is your presidential primary. In Michigan, they allowed it so that people from one party went out and voted on the other side to defeat a particular candidate. If someone wants to vote in a primary, let he or she be enrolled in a party and go vote that day. I don't think it is right for anybody to say I will wait until the day of the primary to go in and decide which one I don't want to see in there.

I would ask that you support the motion of the good Representative from Saco for indefinite postponement.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Representative Lemke makes a good point that when this country was founded, there were not any political parties, there were also no partisan primaries. Primaries are for members of a particular party to choose its candidate for the general election. Today, unenrolled can vote in a partisan primary by enrolling the day of the election and disenrolling the day after. So, if they are not even willing to do that, I don't think that they ought to associate with the party to the extent of voting in the primary.

I encourage you to join the good Representative from Saco, Representative Nadeau, in voting to indefinitely postpone this bill.

I would ask the Clerk to read the Committee Report.

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

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would just like to state briefly why I signed onto the "Ought to Pass" Report.

There are a number of people who feel that allowing unenrolled voters to vote in primaries will cause the demise of the parties. They are concerned about some kind of a conspiracy, that a group of unenrolled voters would get together and support the least worthy candidate in order to undermine the party process.

I just want to remind you that there are a number of states where unenrolled voters participate in the primaries. This has never been shown to be the case. It is my opinion that every one who wants to vote should have an opportunity to vote. I think that could be accomplished with this bill.

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

Representative BOWERS: Mr. Speaker, Men and Women of the House: Almost 50 percent of the people who live in my district are unenrolled voters. When I went door-to-door last summer and last fall, a number of people told me that they didn't want to be enrolled in a party, partly because they didn't want what we call 3rd class mail coming to their doors and

partly because they felt disenfranchised by both parties. They felt that there were party hacks and all that sort of thing. Now, we know that sort of thing doesn't happen but I think this broadens the process, this gets more people involved. I believe as an officer of the Democratic Party in this state that it will increase enrollment in both parties because people will become more involved in the whole process.

I would like to franchise my voters in my district, I would like to have more people voting in the primaries and that is why I urge you to vote against indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I do want to respond to a couple of statements that were made. First of all, I find it equally something I do not like to do to disagree with the good Representative from Lisbon. I will share with the House something the House may not recognize and he may not want it to recognize, but we come from the same town. We agree on many things but on this, I guess Lisbon parts company. I want to stress that this is not a cross-over voter bill such as in Michigan and some midwestern states which allows Republicans to vote in Democratic primaries and vice versa.

Secondly, the good Representative from Norway, which starts to scare me, I am starting to agree with him on some things, but I can set the record straight today, I don't agree with him on this particular point. He pointed out that there were no partisan primaries and that is true. They decided the issue on what they considered to be best one way or another. Whether or not we like that, we cannot go back to that situation.

I would quote a very partisan politician on this particular bill who said, "The only thing you have to fear is fear itself." I honestly believe that members of organized political parties have nothing more than fear to fear on this particular bill. There is an historical track record here and it is not sufficient to argue against this type of bill. I think this would give us a chance to say to the people of the State of Maine that we can move beyond partisan myopia, if you will, that we can look beyond that to the greater good of the State of Maine. That is certainly something which, if nothing else, the people of Maine are looking for from us now. This is not the greatest bill in the world but it is a small step in the direction of moving beyond that way of looking at everything through the political prism, this goes beyond that.

I urge you to vote against the motion by the good Representative from Saco.

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

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: I would just like to bring your attention back to one word in the bill. We are dealing with primaries. So ultimately, we are offering all the people in this state, unenrolled as well as those in parties, the opportunity to cast their vote for the candidate of their choice in a general election.

The purpose of a primary is for a particular group. In this case, we are talking about members of political parties to choose a representative from their group to participate in the general election.

That does not prevent anybody who is unenrolled from participating in the general election, it is just a matter of choosing candidates to represent each of our respective organizations. I believe also that unenrolled voters, if they feel strongly enough about a particular candidate, whether it be one way or another, do have the option within this state to enroll in a party, vote in the primary and then they can remove themselves from the rolls. It is a practice that takes place and is an option to allow the unenrolled voters to participate in the primaries if they so choose. Again, they do ultimately have the right, the opportunity to vote in the general election. Based on this decision, I was on the Majority "Ought Not to Pass" and I urge you to support the good Representative from Saco's motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: Sometimes we take a step forward and then we take a step backward. It seems to me that we are talking about taking a step backward. Maine did have an open primary at one time. The very dangers that have been pointed out by the good Representatives from Saco and Lisbon was one of the reasons why we took a step forward. I think that the proposal here today is a step backward. I hope you will support the gentleman from Saco in his motion to indefinitely postpone.

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 Saco, Representative Nadeau, that L.D. 367 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 17

YEA - Adams, Aikman, Aliberti, Anderson, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Bruno, Cameron, Carleton, Carr, Cashman, Chonko, Clark, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hatch, Heesch, Heino, Hichborn, Hognlund, Holt, Hussey, Jacques, Jalbert, Johnson, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Larrivee, Lemont, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Melendy, Michaud, Morrison, Murphy, Nadeau, Nash, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plowman, Pouliot, Quint, Rand, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Skoglund, Small, Spear, Stevens, A.; Strout, Sullivan, Swazey, Tardy, Taylor, Townsend, L.; True, Tufts, Vigue, Walker, Whitcomb, Zirnkilton.

NAY - Ahearne, Ault, Bowers, Brennan, Campbell, Caron, Carroll, Cathcart, Chase, Clement, Coffman, Daggett, Dexter, DiPietro, Farnsworth, Gean, Gray, Hillock, Joseph, Lemke, Libby James, Michael,

Mitchell, E.; Mitchell, J.; Plourde, Poulin, Richardson, Stevens, K.; Townsend, E.; Tracy, Treat, Wentworth, Winn.

ABSENT - Farnum, Libby Jack, Marsh, Martin, H.; Norton, Saint Onge, Simoneau, Thompson, Townsend, G.; Young, The Speaker.

Yes, 107; No, 33; Absent, 11; Paired, 0; Excused, 0.

107 having voted in the affirmative and 33 in the negative with 11 being absent, L.D. 367 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

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

An Act Regarding Closed Clam Flats (EMERGENCY) (H.P. 18) (L.D. 20) (H. "A" H-48 to C. "A" H-41)
PENDING - Passage to be Enacted.

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

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

An Act to Preserve the Public Advocate's Participation in Residual Market Deficit Proceedings at the Bureau of Insurance (EMERGENCY) (H.P. 50) (L.D. 66) (C. "A" H-31)
PENDING - Passage to be Enacted.

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

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

An Act Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$300,000 for Completion of the Renovation and Expansion of the County Jail Building in Augusta (EMERGENCY) (H.P. 351) (L.D. 454)
PENDING - Passage to be Enacted.

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. 125 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 Chair laid before the House the ninth item of Unfinished Business:

An Act to Repeal the Release Review Advisory Committee (S.P. 144) (L.D. 435)
PENDING - Passage to be Enacted.

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 tenth item of Unfinished Business:

An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers (H.P. 20) (L.D. 22) (C. "A" H-43)
PENDING - Passage to be Enacted.

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 eleventh item of Unfinished Business:

An Act to Amend the Laws Safeguarding Production of Ground Water (H.P. 34) (L.D. 37) (C. "A" H-44)
PENDING - Passage to be Enacted.

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 twelfth item of Unfinished Business:

An Act to Classify the Medomak River (H.P. 70) (L.D. 100) (C. "A" H-45)
PENDING - Passage to be Enacted.

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 thirteenth item of Unfinished Business:

An Act to Continue the Franklin County Budget Committee (H.P. 244) (L.D. 323) (C. "A" H-47)
PENDING - Passage to be Enacted.

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 fourteenth item of Unfinished Business:

An Act to Amend the Procedure for Settling Disputes on Construction Contract Claims (H.P. 361) (L.D. 464) (C. "A" H-46)
PENDING - Passage to be Enacted.

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 fifteenth item of Unfinished Business:

An Act to Require the State to Pay for Mediation Sessions (S.P. 107) (L.D. 310) (C. "A" S-39)
TABLED - March 22, 1993 by Representative RUHLIN of Brewer.
PENDING - Motion of Representative LIBBY of Buxton to Indefinitely Postpone Bill and All Accompanying Papers.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I just want to point out that the other members of the Labor Committee from both parties were looking at the Chair to see if he was awake — I am a little more alert this morning.

This particular piece of legislation could more accurately be called the Municipal Mediation Bill. We have, in this state, a history of bipartisan support for early mediation at the municipal level of supporting that. That support has been over 20 years. That support has come from the belief if once you have a dispute, the quicker you can get to mediation, the more easy it is to ultimately resolve that dispute. So, this bill was put in in an attempt to carry out that policy. That policy was long enforced in this state.

What happened during the 115th when the budget crisis was going on, it was decided to deappropriate \$25,000 from the then budget and deappropriation did not make by itself a policy statement but it just left it unfunded. But, because there was a sunset provision, what happened was, the policy itself lapsed. This particular piece of legislation attempts to restore that policy in the State of Maine, a policy of proven success, a policy, I might add, that was supported in the Labor Committee after thorough study by a 12 to 1 bipartisan report.

We had testimony from the School Management Association, we had testimony from the Maine Teachers Association, usually adversaries on bills before us. We had testimony from labor and their counterparts — as I said, school management, both parties who usually would be involved in these disputes were all supporting this piece of legislation.

There are those who would say to you, well, we can't afford it this year again. That may or may not be. We are a policy-making body at this point. This legislation is a statement of policy. What we are asking you to do this morning is to make that affirmative statement of policy and then this bill, if it is approved by this House, will sit upon the Appropriations table and its fiscal fate will be decided at the appropriate time. This morning we are asking you to make a statement on policy. Thank you very much.

Mr. Speaker, when the vote is taken, I would like

to have a roll call.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: Just a couple of important points to make. Again, I won't take too much of your time because I know we have spoken on it already quite a few times, but when mediation costs show up in the local budget as I mentioned before, I think municipal officials pay real close attention to that. I also wanted to point out that this L.D. 310 then would prevent that from happening.

Also, when two impasse parties share mediation costs, the taxpayers are only responsible for one half, one half of this. There are two parties involved and if this thing goes through, the taxpayer pays twice as much as they would if this bill didn't go through.

I think killing the bill right here in the House sets a very good precedent. We are not going to spend the taxpayers money lightly in this budget year. If somebody brought this bill in front of the Labor Committee in the 117th, I might go for it because I agree that mediation services are very important.

You might have noticed also that I didn't vote on the reconsideration of this bill. I did that probably in respect for my good colleague from Brewer, Representative Ruhlin. I also did it partly because I didn't know really what I was doing in the first place. So, I want you to know that I did have you in mind, Representative Ruhlin.

I think if you vote yes on the motion to indefinitely postpone this bill and we bring this bill back in the 117th, I will take it upon myself to pay very close attention to the situation. I just don't think in this budget year that we should be setting this kind of a precedent.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Men and Women of the House: I would like to point out to you that this received a 12 to 1 "Ought to Pass" bipartisan support of the majority of the Labor Committee. The Labor Committee is made up of many fiscal conservatives. None of us want to splash the state's money around but we cannot discern what is the difference as to which pocket the taxpayers this money comes from. And, if it is state required, and it is, then in fairness, we should return to the initial program that requires the state to pay for the first three days. The cost of any mediation beyond the first three days must be shared equally by the parties. Remember, ladies and gentlemen, mediation is considered by all to be a very successful method for dispute resolution.

I urge you to vote against the indefinite postponement of the bill.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: I also am on the Labor Committee and we deliberated and we listened to all the testimony in this regard. I simply am asking you that we do vote policy here and then not try to second-guess the Appropriations Committee. If it is in their bailiwick to not appropriate, that is their responsibility, but we shouldn't be voting on the premise that somebody else is going to do something. So, please vote against the indefinite postponement

of this bill.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I will be brief. You have heard arguments on this topic before. I would only like to mention two things, one, that mediation is not only a quick resolution, but it is a non-adversarial resolution to a problem and I think this is very important.

The second point is to respond to the good Representative from Buxton, Representative Libby. He made the point that if the cost of mediation showed up in a municipal budget, municipalities would pay attention to it. I am sure they will. However, the same number of cases have been brought to mediation in the year prior to the passage of the change in the funding then in the year prior and in the year passage of the change of funding. I think that the same number of issues will be brought to mediation, it is a question of whether we are going to pass the cost of the mediation on directly to the property taxpayer.

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

Representative VIGUE: Mr. Speaker, Men and Women of the House: I can't for the world of me find support to spend money for mediation when we are cutting aid to education, aid to the poor and many of the advocates of this particular piece of legislation urge support for the poor and education. I think we have to put our priorities in order. Presently, the union and the local communities are paying for these mediations. If we pass this piece of legislation, then we will be sending a mandate to the local communities and we will then have to pay 90 percent of the cost. If I am wrong, then I would like to hear about it.

Ladies and gentlemen, I urge you to support the motion on the floor.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I apologize, I had not intended to speak — we shouldn't be spending a lot of time, we have other things to do but I do have to correct a very definite misstatement, I am not going to let it pass.

The gentleman said that we are creating a mandate with this — nothing, absolutely nothing of the kind. What happens and has happened in the past, the state would pay in behalf of the parties, that is the municipality and we will say the union (the MTA it may be) and the state would pay the cost of the first three days in behalf of those two parties. Then, they would pick up their own cost. What happened by deappropriating that money is we required the two adversarial parties to pick up those first three days of cost. We are restoring a policy that does not create a mandate in any way, shape or manner upon any community in this state. To say so absolutely does not match with the facts in this case.

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 Libby of Buxton that L.D. 310 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 18

YEA - Bailey, R.; Barth, Bennett, Bruno, Cameron, Caron, Chonko, Clukey, Coles, Cross, Dexter, DiPietro, Donnelly, Dutremble, L.; Farnum, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Heino, Hillock, Joy, Ketterer, Kneeland, Kutasi, Lemke, Lemont, Libby James, Look, MacBride, Marshall, Michaud, Murphy, Nash, Plourde, Poulin, Quint, Reed, G.; Reed, W.; Small, Spear, Tardy, Taylor, True, Tufts, Vigue, Winn, Zirnkilton.

NAY - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Beam, Bowers, Brennan, Campbell, Carleton, Carr, Carroll, Cathcart, Chase, Clark, Clement, Cloutier, Coffman, Constantine, Cote, Daggett, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farren, Fitzpatrick, Gean, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Kilkelly, Kontos, Larrivee, Lindahl, Lipman, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plowman, Pouliot, Rand, Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Whitcomb, The Speaker.

ABSENT - Cashman, Libby Jack, Lord, Marsh, Martin, H.; Norton, Simoneau, Thompson, Townsend, G.; Young.

Yes, 49; No, 92; Absent, 10; Paired, 0; Excused, 0.

49 having voted in the affirmative and 92 in the negative with 10 being absent, L.D. 310 and all its accompanying papers were not indefinitely postponed.

Subsequently, L.D. 310 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Amend the Law Pertaining to the Limitations on Simulcasting" (H.P. 691) (L.D. 932) (Committee on Legal Affairs suggested)

TABLED - March 22, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Reference.

Subsequently, was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 344)

Ordered, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills concerning supplemental allocations, transferring positions among funds and making technical corrections for fiscal year 1992-93 to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The Chair laid before the House the following matter: Joint Resolution: (H.P. 769) JOINT RESOLUTION RECOGNIZING THE MAINE SNOWMOBILE ASSOCIATION ON ITS 25TH ANNIVERSARY OF SERVICE TO MAINE CITIZENS which was tabled earlier in the day and later today assigned pending adoption.

Subsequently, H.P. 769 was adopted and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Nadeau of Saco, Adjourned at 11:30 a.m. until Monday, March 29, 1993, at four o'clock in the afternoon.