

# 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  
40th Legislative Day  
Thursday, April 15, 1993

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

Prayer by Pastor Regginal H. Adams, Patten Pentecostal Church.

The Journal of Tuesday, April 13, 1993 was read and approved.

Under suspension of the rules, the following item appearing on the Special Sentiment Calendar was taken up out of order by unanimous consent:

**SPECIAL SENTIMENT CALENDAR**

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

Recognizing:

the members and coaches of the Lewiston High School Ice Hockey Team, winners of the 1993 State Class A Ice Hockey Championship for the second consecutive year; (HLS 247) by Representative ALIBERTI of Lewiston. (Cosponsors: Representative POULIOT of Lewiston, Representative ST. ONGE of Greene, Representative RICKER of Lewiston, Representative GAMACHE of Lewiston, Representative BEAM of Lewiston, Senator BERUBE of Androscoggin, Senator HANDY of Androscoggin)

On motion of Representative Aliberti of Lewiston, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.  
Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I think it should be obvious to us by this time that something has happened in the State of Maine as far as traditional hockey is concerned. We had that beautiful experience just a couple of days ago and now the competition is different in high school hockey. It used to be traditionally centered in one community and I don't have to mention which one that is, but today, it is so competitive and requires a great deal of athletic competition that it is entirely different than what it used to be, the contenders being not only Lewiston and St. Dom's, but Waterville, Bangor, Cony, Yarmouth — any one of these teams could have the honor that this team has here today.

I am so happy and pleased to acknowledge this great hockey team and their coach Tom Lalonde and the cheerleaders under their coach Judy Albert and the Director of Athletics. They have brought honor to the community, to the state, to the many parents, and especially to the school system.

Subsequently, was passed and sent up for concurrence.

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

**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

April 13, 1993

The Honorable John L. Martin  
Speaker of the House  
116th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the following to the Harness Racing Commission:

John H. Cox of Bangor for reappointment

Gerard M. Lamarre of Brunswick for reappointment.

Sincerely,

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

Was read and ordered placed on file.

**Non-Concurrent Matter**

Bill "An Act to Require Legislative Confirmation of the Director of the Maine Drug Enforcement Agency" (H.P. 358) (L.D. 461) on which the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-110) in the House on April 12, 1993.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

On motion of Representative Joseph of Waterville, the House voted to Insist.

**COMMUNICATIONS**

The following Communication: (S.P. 407)

116TH MAINE LEGISLATURE

April 13, 1993

Senator John J. O'Dea  
Rep. Elizabeth H. Mitchell  
Chairpersons

Joint Standing Committee on Education  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Natalie C. Graceffa of Augusta for appointment to the Maine Educational Loan Authority.

Pursuant to Title 20A, MRSA Section 11415, this nomination is currently pending before the Joint Standing Committee on Education.

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 Education.

Was Read and Referred to the Committee on Education in concurrence.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON AGING, RETIREMENT AND VETERANS

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Aging, Retirement & Veterans has voted unanimously to report the following bills out "Ought Not to Pass":

- |          |   |
|----------|---|
| L.D. 135 | An Act to Reinstate the Secretary of the Veterans' Counselor in Washington County   |
| L.D. 425 | An Act to Allow Retirement Credits for Previous Municipal Employment  |
| L.D. 622 | An Act to Repeal the Laws Allowing Legislators to Participate in the Maine Legislative Retirement System and to Receive State Employee Benefits |
| L.D. 655 | An Act Concerning Service-related Retirement for Certain Teachers   |

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bonnie L. Titcomb  
Senate Chair

S/Rep. John Jalbert  
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture has voted unanimously to report the following bills out "Ought Not to Pass":

- |          |  |
|----------|--|
| L.D. 419 | An Act to More Fully Regulate the Sale of Pets |
|----------|--|

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis  
Senate Chair

S/Rep. Robert J. Tardy  
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking & Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- |          |   |
|----------|---|
| L.D. 441 | An Act Relating to Uninsured Vehicle Coverage |
|----------|---|

LEGISLATIVE RECORD - HOUSE, APRIL 15, 1993

- L.D. 481 An Act to Provide Consumers with the Opportunity to Acquire an Estimate of Health Care Costs
- L.D. 532 An Act to Ensure an Option for Complete Recovery for Injuries to Minors
- L.D. 625 An Act to Amend the Laws Regarding the Purchase of Insurance
- L.D. 719 An Act Regarding Employee Benefits for School Employees
- L.D. 732 An Act to Facilitate Disclosure of Insurance Coverage
- L.D. 900 An Act to Change the Fees Payable to the Bureau of Consumer Credit Protection

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
JOINT SELECT COMMITTEE ON CORRECTIONS

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Select Committee on Corrections has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 58 An Act to Require the Department of Corrections to Provide Certain Services to Juveniles
- L.D. 76 An Act Concerning Incarceration of Sex Offenders
- L.D. 192 An Act to Establish a Shock Incarceration Program
- L.D. 242 Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates
- L.D. 333 An Act to Restore Funding to the Maine Youth Center and to Establish a Task Force on Funding
- L.D. 456 An Act to Ensure Reimbursement for Counties under the Community Corrections Programs

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly M. Bustin S/Rep. Anne M. Larrivee  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dale McCormick S/Rep. Edward L. Pineau  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON BUSINESS LEGISLATION

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business Legislation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 603 An Act to Allow All Retailers to Obtain Cigarettes at the Same Price
- L.D. 864 An Act to Allow Amateur Mechanics to Make Certain Repairs to Motor Vehicles

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Alton E. Cianchette S/Rep. Annette M. Hoglund  
Senate Chair House Chair

116th Maine Legislature  
State House  
Augusta, Maine 04333

and Office of the Chancellor of  
the University of Maine System

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 152 An Act to Amend the Laws Governing Certification of Professional Speech and Language Therapists
- L.D. 212 An Act to Appropriate Funds for the Maintenance and Restoration of the Landmark Site "Montpelier" in Thomaston
- L.D. 266 An Act Regarding Career Counseling of High School Students
- L.D. 306 An Act to Establish Uniform Building Designs for Public Schools
- L.D. 363 An Act to Require the Bureau of General Services to Purchase School Buses in Lots
- L.D. 403 An Act to Provide for Middle School Teacher Certification
- L.D. 457 An Act to Establish a Fuel Efficiency Savings Program in the University of Maine System
- L.D. 553 An Act to Establish a School Choice Program
- L.D. 579 An Act to Amend Teacher Certification Laws
- L.D. 584 Resolve, to Reduce the Cost of Administration for Public Primary and Secondary Education
- L.D. 586 An Act to Allow Elementary and Secondary Schools to Obtain Insurance Coverage through the Bureau of General Services
- L.D. 593 An Act Related to Parenting Education
- L.D. 640 An Act to Provide Funding for School Bus Purchases
- L.D. 679 An Act Concerning School Building Plans
- L.D. 838 An Act to Establish a Professional Standards Board for Maine Educators
- L.D. 849 Resolve, to Create the Commission on Education Rules
- L.D. 1000 An Act to Eliminate the Position

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Energy & Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 216 An Act to Extend the Municipal Landfill Closure Mandate
- L.D. 330 An Act Regarding Energy Standards for Electrically Heated Residential Buildings
- L.D. 384 An Act Regarding Noncomplying House and Camp Lots
- L.D. 413 An Act to Extend the Deadline for Landfill Closures
- L.D. 506 An Act to Exempt Permitted Borrow Pit Operations from Municipal Shoreland Zoning Review
- L.D. 527 An Act to Eliminate the Necessity to License Gravel Pits
- L.D. 624 An Act to Limit Conflicts of Interest and Ensure Objective and Qualified State Consultants
- L.D. 653 An Act to Amend the Shoreland Zoning Laws
- L.D. 785 Resolve, Directing the Office of Waste Reduction and Recycling to Study the Recycling of Incinerator Ash
- L.D. 886 An Act to Amend the Municipal Subdivision Laws

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mark W. Lawrence            S/Rep. Paul F. Jacques  
Senate Chair                            House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 175      An Act Regarding Low-cost Drugs for the Elderly
- L.D. 178      An Act to Allocate Funds to a Teenage Homeless Shelter in Bangor
- L.D. 223      An Act to Enhance Resources of the Division for the Blind and Visually Impaired
- L.D. 233      An Act to Expand the Shelter Operating Subsidy Program
- L.D. 268      An Act to Facilitate the Transport of Bodies Out of State by Funeral Directors

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis            S/Rep. Sharon Anglin Treat  
Senate Chair                            House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 227      An Act to Increase the Days on Which Protective Custody Hearings Are Held
- L.D. 380      An Act to Amend the Laws Governing Visitation Rights
- L.D. 430      An Act to Encourage Good Samaritan Drug and Medical Supply Donations
- L.D. 447      An Act to Amend the Maine Tort Claims Act
- L.D. 453      An Act to Continue Health Insurance Coverage for Spouses and Ex-spouses
- L.D. 528      An Act to Amend the Laws Concerning Immunity from Civil Liability
- L.D. 560      An Act to Provide Probation Periods to Facilitate Payment of Restitution
- L.D. 617      An Act to Abolish All Concurrent Sentences
- L.D. 623      An Act Relating to the Evaluation of Juveniles Prior to Court Placement Out of Their Homes
- L.D. 632      An Act to Protect the Identity of Minor Witnesses in Criminal Trials
- L.D. 712      An Act Concerning Disclosure of the Names of Criminal Suspects
- L.D. 721      An Act Concerning Financial Contributions Made by a Nonparent Regarding Child Support Obligations
- L.D. 722      An Act Excluding Certain Income and Higher Education Savings of Minors from Consideration under the Child Support Guidelines
- L.D. 723      An Act to Increase the Penalty for the Writing of Certain Bad Checks
- L.D. 752      An Act to Allow Courts to Allocate between Divorced Parents the Costs of Postsecondary Education
- L.D. 782      An Act Regarding the Writing of

Bad Checks

L.D. 821 An Act Regarding Supervision of Foster Children during Visitation

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Constance D. Cote  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON LABOR

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 301 An Act to Establish the Definition of Week for Purposes of Unemployment Compensation
- L.D. 688 An Act Requiring Certification for the Payment of Subminimum Wages to Disabled Workers
- L.D. 701 An Act to Require Good Cause for Employment Termination

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. James R. Handy S/Rep. Richard P. Ruhlin  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AFFAIRS

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 80 An Act to Permit the Saco River Corridor Commission to Adopt Ordinances Governing Alcohol Use within the Corridor
- L.D. 529 An Act to Improve Zoning Authority over the Retail Sale of Liquor
- L.D. 564 Resolve, to Direct the Commission on Governmental Ethics and Election Practices to Study Accountability and Truth in Campaign Advertising
- L.D. 636 An Act to Prohibit the Charging of Rents in Advance
- L.D. 812 An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey S/Rep. Beverly C. Daggett  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 13 Resolve, Directing the Commissioner of Marine Resources



LEGISLATIVE RECORD - HOUSE, APRIL 15, 1993

- L.D. 48 to Mediate a Conflict between Those Fishing for Lobster with Short Trawls and Those Using Long Trawls in the Harraseeket River
- L.D. 308 Resolve, Directing the Department of Environmental Protection to Study the Safety of Seafood in Maine Waters
- L.D. 328 An Act to Prohibit Persons Harvesting Sea Urchins from Harvesting Lobsters
- L.D. 352 An Act to Establish a Season for Sea Urchin Fishing in a Restricted Area
- L.D. 682 An Act to Amend the Lobster Dealer License Fee
- L.D. 774 An Act to Require Safety Identification for Sea Kayaks
- L.D. 774 An Act to Prohibit the Sale of Menhaden Caught in Penobscot Bay to Foreign Processors in Internal Waters

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose Senate Chair S/Rep. James Mitchell House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE ONE HUNDRED AND SIXTEENTH LEGISLATURE COMMITTEE ON STATE AND LOCAL GOVERNMENT

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate Honorable John L. Martin, Speaker of the House 116th Maine Legislature State House Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State & Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 583 An Act to Ensure Continuity of State-contracted Services
- L.D. 610 An Act to Establish an Advisory Board to Ensure That the State Maximizes the Use of Available Federal Funds

- L.D. 710 An Act to Permit a Municipality to Reset Land Monuments Dislocated by the Municipality
- L.D. 716 An Act Relating to the Omnibus Drug Policy Reform Act
- L.D. 726 An Act to Provide State Government with Independent Cost Assessment of Federally Mandated and Regulated Programs
- L.D. 783 An Act to Change the Composition of the Board of Directors of the Maine Criminal Justice Academy
- L.D. 827 An Act to Amend the Kennebec County Budget Process
- L.D. 934 An Act to Compensate Towns and Counties for Time Police Officers Spend in Court

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Georgette B. Berube Senate Chair S/Rep. Ruth C. Joseph House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE ONE HUNDRED AND SIXTEENTH LEGISLATURE COMMITTEE ON TAXATION

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate Honorable John L. Martin, Speaker of the House 116th Maine Legislature State House Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 252 An Act to Create a Presumption of Domicile for Income Tax Purposes
- L.D. 276 An Act to Repeal Point-of-sale Fees for Future Disposal of Certain Items
- L.D. 347 An Act to Fund the Investment Tax Credit for Solid Waste Reduction
- L.D. 525 An Act to Amend the Circuit Breaker Program
- L.D. 549 An Act to Revise the Boat Excise

Tax Law

- L.D. 557 An Act to Further Define the Just Value of Residential Property
- L.D. 565 An Act to Exclude Income of Certain College Students from Household Income for Purposes of Determining Eligibility in the Circuit Breaker Program
- L.D. 572 An Act to Adjust Property Tax Levies Based on Household Income
- L.D. 797 An Act to Conform the Sales Tax on Meals and Liquor to the Rate of the General Sales Tax

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John E. Baldacci                      S/Rep. Susan E. Dore  
Senate Chair                                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 570 An Act to Increase Driver Safety in Inclement Weather
- L.D. 753 An Act to Ensure Complete Motor Vehicle Accident Reports
- L.D. 876 An Act to Change the Wording on Maine State Automobile License Plates BY REQUEST

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan                      S/Rep. William B. O'Gara  
Senate Chair                                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES

April 13, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 176 An Act Regarding the Removal of Public Utility Commissioners

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose                                      S/Rep. Herbert E. Clark  
Senate Chair    House Chair

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills, Resolve and Resolution 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:

**Banking and Insurance**

Bill "An Act to Provide Family Security through Quality, Affordable Health Care" (H.P. 956) (L.D. 1285) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator McCORMICK of Kennebec and Representatives: ADAMS of Portland, BRENNAN of Portland, CARROLL of Gray, CATHCART of Orono, CHASE of China, CHONKO of Topsham, CLOUTIER of South Portland, COLES of Harpswell, CONSTANTINE of Bar Harbor, COTE of Auburn, DORE of Auburn, ERWIN of Rumford, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FITZPATRICK of Durham, GEAN of Alfred, GOULD of Greenville, GWADOSKY of Fairfield, HICHBORN of Howland, HOGLUND of Portland, HOLT of Bath, JOSEPH of Waterville, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KONTOS of Windham, MARTIN of Eagle Lake, MELENDY of Rockland, MICHAUD of East Millinocket, MITCHELL of Vassalboro, MITCHELL of Freeport, MORRISON of Bangor, NADEAU of Saco, PARADIS of Augusta, PFEIFFER of Brunswick, PINEAU of Jay,

PINETTE of Fort Kent, POULIOT of Lewiston, RAND of Portland, ROWE of Portland, SAXL of Bangor, SIMONDS of Cape Elizabeth, STEVENS of Orono, TOWNSEND of Portland, TOWNSEND of Canaan, TRACY of Rome, TREAT of Gardiner, WALKER of Blue Hill, Senators: CONLEY of Cumberland, DUTREMBLE of York, ESTY of Cumberland, HANDY of Androscoggin, LAWRENCE of York, PARADIS of Aroostook, PEARSON of Penobscot, TITCOMB of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

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**Business Legislation**

Bill "An Act to Amend the Maine Pharmacy Act" (H.P. 944) (L.D. 1273) (Presented by Representative PFEIFFER of Brunswick) (Cosponsored by Representative: MITCHELL of Vassalboro)

Ordered Printed.  
Sent up for Concurrence.

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**Education**

Resolve, to Survey Nonionizing Radiation Exposure in Schools (H.P. 946) (L.D. 1275) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: ADAMS of Portland, MARSH of West Gardiner, MITCHELL of Vassalboro, TOWNSEND of Portland, Senators: HANDY of Androscoggin, LAWRENCE of York)

Ordered Printed.  
Sent up for Concurrence.

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**Energy and Natural Resources**

Bill "An Act to Amend the State Contribution to Pollution Abatement and Overboard Discharge Replacement Laws" (H.P. 941) (L.D. 1270) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Representative: COLES of Harpswell) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

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**Fisheries and Wildlife**

Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Establish Open and Closed Seasons on the Hunting of Deer" (H.P. 940) (L.D. 1269) (Presented by Representative GREENLAW of Standish) (Cosponsored by Representative: HEINO of Boothbay) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

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**Human Resources**

Bill "An Act to Maintain Confidentiality of Medical Information Reported to the Department of Human Services" (H.P. 945) (L.D. 1274) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representative: TREAT of Gardiner, Senators: CONLEY of Cumberland, HARRIMAN of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Bill "An Act to Amend the Bill of Rights for Persons with Mental Retardation" (H.P. 955) (L.D. 1284) (Presented by Representative GEAN of Alfred) (Cosponsored by Representative: FITZPATRICK of Durham, Senator: BUSTIN of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

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**Judiciary**

Bill "An Act to Permit the Entry of a Not Guilty Plea on Arraignment without the Physical Presence of the Defendant" (H.P. 938) (L.D. 1267) (Presented by Representative KETTERER of Madison)

Bill "An Act Regarding the Collection of Medical Payments for an Absent Parent When a Court Order Exists" (H.P. 939) (L.D. 1268) (Presented by Representative HOGLUND of Portland) (Cosponsored by Representatives: ADAMS of Portland, BRENNAN of Portland, CAMERON of Rumford, CARROLL of Gray, CATHCART of Orono, CLEMENT of Clinton, COTE of Auburn, DiPIETRO of South Portland, DORE of Auburn, FAIRCLOTH of Bangor, GEAN of Alfred, GRAY of Sedgwick, GWADOSKY of Fairfield, HATCH of Skowhegan, HOLT of Bath, JACQUES of Waterville, KILKELLY of Wiscasset, KONTOS of Windham, LARRIVEE of Gorham, LORD of Waterboro, MITCHELL of Vassalboro, MURPHY of Berwick, NADEAU of Saco, OLIVER of Portland, PARADIS of Augusta, PINEAU of Jay, RAND of Portland, REED of Falmouth, ROTONDI of Athens, SAXL of Bangor, SIMONDS of Cape Elizabeth, SPEAR of Nobleboro, TARDY of Palmyra, TOWNSEND of Portland, TREAT of Gardiner, WALKER of Blue Hill, Senators: BALDACCI of Penobscot, BRANNIGAN of Cumberland, BUSTIN of Kennebec, CIANCHETTE of Somerset, ESTY of Cumberland, MARDEN of Kennebec, PARADIS of Aroostook)

Bill "An Act to Improve the Operation of Prelitigation Screening Panels" (H.P. 947) (L.D. 1276) (Presented by Representative CATHCART of Orono) (Cosponsored by Representative: SAXL of Bangor)

Bill "An Act Related to Sentencing for Aggravated Trafficking and Furnishing Scheduled Drugs" (H.P. 952) (L.D. 1281) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: CARON of Biddeford, DUTREMBLE of Biddeford, PLOURDE of Biddeford, VIGUE of Winslow)

Ordered Printed.  
Sent up for Concurrence.

**Legal Affairs**

Bill "An Act to Allow Agency Liquor Stores to Remain Open Past 5:00 P.M. on Sundays" (EMERGENCY) (H.P. 943) (L.D. 1272) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representatives: CAMERON of Rumford, CARON of Biddeford, DiPIETRO of South Portland, JACQUES of Waterville, JALBERT of Lisbon, KERR of Old Orchard Beach, MICHAUD of East Millinocket, PLOURDE of Biddeford, REED of Dexter, TARDY of Palmyra, Senator: BERUBE of Androscoggin)

Bill "An Act to Amend the Laws Related to Concealed Weapon Permits" (H.P. 951) (L.D. 1280) (Presented by Representative STEVENS of Sabattus) (Cosponsored by Representatives: DEXTER of Kingfield, HUSSEY of Milo, MARSH of West Gardiner)

Ordered Printed.  
Sent up for Concurrence.

**State and Local Government**

Bill "An Act to Create the Tax-exempt Organization Sunshine Act of 1993" (H.P. 942) (L.D. 1271) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: CARON of Biddeford, DiPIETRO of South Portland, PLOURDE of Biddeford, SULLIVAN of Bangor)

Resolve, Creating the New England Regional Commission on Fiscal and Public Policy (H.P. 950) (L.D. 1279) (Presented by Representative RICHARDSON of Portland)

Ordered Printed.  
Sent up for Concurrence.

**Appropriations and Financial Affairs**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto (H.P. 948) (L.D. 1277) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsored by Representative: HILLOCK of Gorham)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government)

On motion of Representative Joseph of Waterville, was referred to the Committee on Appropriations and Financial Affairs ordered printed and sent up for concurrence.

**Taxation**

Bill "An Act to Adjust the Taxation of Public Pensions and Social Security Benefits" (H.P. 949) (L.D. 1278) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: CARROLL of Gray, CATHCART of Orono, DORE of Auburn, GWADOSKY of Fairfield, PARADIS of Augusta)

Bill "An Act to Allow for Regional Local Option Taxing Districts" (H.P. 953) (L.D. 1282) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Senator: BUSTIN of Kennebec)

Bill "An Act to Authorize an Optional Regional Sales Tax" (H.P. 954) (L.D. 1283) (Presented by Representative HUGLUND of Portland) (Cosponsored by Representatives: ADAMS of Portland, BRENNAN of Portland, CAMERON of Rumford, CARROLL of Gray, CATHCART of Orono, CLOUTIER of South Portland, DAGGETT of Augusta, DiPIETRO of South Portland, FITZPATRICK of Durham, GEAN of Alfred, HOLT of Bath, KERR of Old Orchard Beach, KILKELLY of Wiscasset, MELENDY of Rockland, MITCHELL of Freeport, NADEAU of Saco, O'GARA of Westbrook, OLIVER of Portland, POULIOT of Lewiston, RAND of Portland, ROWE of Portland, SAXL of Bangor, SIMONDS of Cape Elizabeth, SIMONEAU of Thomaston, SULLIVAN of Bangor, TARDY of Palmyra, TOWNSEND of Portland, Senators: BRANNIGAN of Cumberland, CONLEY of Cumberland, HARRIMAN of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

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

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

**SENATE PAPERS**

Bill "An Act to Amend the Laws Governing Aseptic Containers" (S.P. 410) (L.D. 1286)

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

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

Bill "An Act to Provide for the Combination of Cary Medical Center and The Aroostook Medical Center in Central Aroostook County" (EMERGENCY) (S.P. 411) (L.D. 1287)

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

Was referred to the Committee on Human Resources in concurrence.

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

**SENATE PAPERS**

**Later Today Assigned**

Bill "An Act to Allow a Casino to be Constructed by the Passamaquoddy Tribe in Calais for the Purpose of Gambling" (S.P. 409) (L.D. 1266)

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

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

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Resolve, Authorizing Philip E. Wolley to Bring Suit against the State (S.P. 408) (L.D. 1265)

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

Was referred to the Committee on **Legal Affairs** in concurrence.

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Bill "An Act to Clarify the Responsibilities of Property Assessment Review Boards" (S.P. 412) (L.D. 1288)

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

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

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**ORDERS**

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

ORDERED, that Representative Peter A. Cloutier of South Portland be excused April 5 to 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James O. Donnelly of Presque Isle be excused April 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lucien A. Dutremble of Biddeford be excused April 8 and 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John F. Marsh of West Gardiner be excused April 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Sophia Douglass Pfeiffer of Brunswick be excused April 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charlene B. Rydell of Brunswick be excused April 2 for legislative business and April 6 for personal reasons.

Was read and passed.

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

**ORDERS**

On motion of Representative COTE of Auburn, the following Joint Order: (H.P. 957) (Cosponsor: Senator CONLEY of Cumberland)

Ordered, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill, "An Act Concerning Stalking."

Was read and passed and sent up for concurrence.

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

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**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative HEINO from the Committee on **Marine Resources** on Bill "An Act to Change the Scallop Harvesting Season" (H.P. 117) (L.D. 158) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-146)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-146) was read by the Clerk and adopted and the bill assigned for second reading Monday, April 26, 1993.

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**Ought to Pass as Amended**

Representative HUSSEY from the Committee on **Agriculture** on Bill "An Act to Define Farmers' Market" (H.P. 265) (L.D. 343) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-168)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-168) was read by the Clerk and adopted and the bill assigned for second reading Monday, April 26, 1993.

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**Ought to Pass as Amended**

Representative AHEARNE from the Committee on **Agriculture** on Bill "An Act to Continue the Maine Dairy Farm Stabilization Act" (H.P. 381) (L.D. 494) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-169)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-169) was read by the Clerk and adopted and the bill assigned for second reading Monday, April 26, 1993.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 582) (L.D. 786) Bill "An Act to Authorize Modifications to Tolls on the Maine Turnpike" Committee on Transportation reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, April 26, 1993, under the listing of Second Day.

#### LATER TODAY ASSIGNED

(H.P. 108) (L.D. 150) Bill "An Act to Increase the Effectiveness of Child Support Enforcement" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-144)

On motion of Representative Heeschen of Wilton, was removed from Consent Calendar, First Day.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: While the goal of this legislation is laudable, going after delinquent parents in the case of child support, I sincerely question both the means and the need for this. We had this bill before us three years ago with a different title. At that time, it was "An Act to Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth." This is exactly the same bill that we were dealing with then.

The problem isn't going to be resolved by getting every parent's Social Security Number at the time of birth and recording that on a birth certificate. Social Security Numbers are ridiculously easy to obtain. They are also easy to fake.

As you recall, we had considerable discussion and I and several others expressed concern about the problem of not having access to your credit report so you can deal with problems of Social Security Numbers. That is why it was also a great concern about the proliferation of use of Social Security Numbers. There is concern that this will eventually lead to a national identity card.

I mentioned that this really isn't going to solve our problems. The women who have spoken to me about child support haven't had any problems in finding their ex-husbands, they know just where they are and they can point out the new car, the new garage, the new house and so forth. They can also point out that for some reason there is no apparent income when they try to modify their child support order. There is a problem with someone working under the table and of compliance of employers with information disclosure to the office.

It is not the lack of a Social Security Number that is going to help solve this problem. These women are getting a monthly 24 cent check that costs the state 29 cents to mail, but if that is all the ex-husband sends, well, DHS is required to send it along. It is sort of an insult, the people I have talked to really are upset about it.

It is not the lack of a Social Security Number in

that case that is causing the problem. There is a problem where a woman feels like they have been humiliated in front of a whole office when they have gone into child support with their current husband to try to resolve a problem that they have been trying to resolve for close to a year without success.

Having this problem, even though a hearing officer has just told them that it never should have had to reach a hearing stage and should have been resolved in the department, these kinds of problems aren't going to be resolved by having every parent in the state put up their Social Security Number at the time of birth and having it recorded on the birth certificate.

Now, what is the number really for? Who is asking for it? It is really the federal government's idea. The Social Security Administration letter — let's see, this is to the President of the Association for Vital Records and Health Statistics in Michigan, commented that "regulations are currently being drafted that will allow the states to capture the Social Security Numbers of parents as part of the birth registration process." As I mentioned, Social Security Numbers are easy to get, they are easy to fake. Are we going to be having cross-checking at the time of birth with the Social Security Administration, with IRS, with law enforcement?

You know, the federal government, other governments and agencies and even private data bases like WACKENHUT or even LOTUS would love to have the same number appearing on as many different pieces of data as humanly possible. They would like to have each and every type of transaction marked by a number. I ask, have we built in adequate safeguards in this age of computer technology?

It is not enough that the federal government is requiring that a child have a Social Security Number in order to be claimed on a tax form. Now, they want to have an additional set of Social Security Numbers to add to that. I think there is a presumption here that you are probably going to need to be tracked down sometime, just in case. As I say, it is easy to sell this as a good cause because we are going after those deadbeat dad's and those missing mom's. It is easy to sell the idea because generally we think, it isn't going to be us, it is going to be someone else. Of course, we do want to be responsible so we will consent to this diminution of our privacy.

I would note that the original bill or the original intent was that the Social Security Number was not actually going to be on the birth certificate at all. As it was amended and as the federal government changed it, even three years ago, it turned out that it actually would be on the birth certificate but it wouldn't be allowed to be put on copies.

There was also originally in the Family Security Act of 1988, which is driving this, again the federal government saying to all states, you've got to do this, there was an absolute prohibition in there about use of the Social Security Number but they did change that. So, now registrar's are going to be able to use these numbers for "internal statistical and health purposes." Where does this take us? Well, a letter in 1990 to the then Chair of the Human Resources Committee from Colburn Jackson of DHS said that, "moreover, the strict usage provisions will ensure that the Social Security Numbers will only be used for child support enforcement purposes" and it

goes on, "unless some other use is required by federal law."

If you look at the summary of the Congressional Conference Agreement on the Family Security Act, they say it is not going to be used for anything other than this "except under certain circumstances." Now, those are somewhat vague assurances. Again, I am wondering where this takes us?

This number, it is going to be somewhere, even if it is physically on a birth certificate or there is going to be two — generally, I would imagine — they are also going to be on electronic data base. As I asked before, have we built in adequate safeguards? I submit to you that we have not. I also submit that we should avoid a proliferation of use of identical numbers unless you are willing to go down the road of universal I.D. in which case why not require each and every one of us to carry a satellite locator.

Therefore, I would move that this bill and all its accompanying papers be indefinitely postponed and I would appreciate your support of the motion.

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

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: Just briefly about this legislation, L.D. 150, it is a unanimous "Ought to Pass" Report from the Human Resources Committee. I would submit to you why Democrats and Republicans came together on this piece of legislation is that it is one of the limited opportunities that you will have to do something that will help children and help save tax dollars. It is not a panacea, it is not going to save the world, but it will help in helping children and in saving tax dollars of the State of Maine.

As the sponsor of this bill, I consulted with the Attorney General's Office about this matter and requested whether or not they thought there might be any civil liberties concerns and they felt that there were not. I certainly would not support this legislation if I thought it would infringe on civil liberties. The statute specifically prohibits the use of Social Security Numbers for any purpose other than support enforcement.

There are thousands of Maine children who are going without support in the State of Maine. AFDC is not a happy life-style and many of these kids are on AFDC. This also applies to kids who aren't on AFDC that Support Enforcement Services could be used to track parents. There are many parents who light out for other territory and don't care for their children while taxpayers do care for the children. That concerns me. I mean, I am willing to pay more taxes if necessary to take care of kids but it is somewhat galling to have taxpayers taking care of children when their own parents are not doing so. But, the most important reason for supporting this legislation is that it can provide some support for children that will really be beneficial to them and, at the same time, save tax dollars for the State of Maine.

This is in place in Arkansas — President Clinton, when he was Governor of Arkansas, instituted it there. We had contact with the State of Arkansas and the State of Georgia, it is working there and it is helpful there.

I just hope that you would be willing to support this unanimous "Ought to Pass" Report so that we can work toward a sense of responsibility in our society when particularly it is absent parents, absent fathers who don't pay to support their children.

This is one reasonable step to help solve that problem and I hope you will support the unanimous "Ought to Pass" Report.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I would just mention that there is federal precedence for this to occur. In fact, the Department of Human Services has already promulgated rules and this practice is indeed actually happening. All this does is put it into state law.

I would urge you to vote against the motion to indefinitely postpone.

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

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

How are parents going to be apprised of their right not to disclose a Social Security Number should they so choose?

Secondly, is the department at this time going to deny a birth certificate to anyone who chooses for conscientious reasons not to disclose a Social Security Number?

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

The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: Representative Heesch poses a good question. It is my understanding and I have to admit, first of all, that this is my understanding from other states that have used this policy that their method is not to throw parents up against a wall and demand their Social Security Number. In fact, in the vast majority of cases, it is simply requested on a form and they understand that it can only be used for the purpose of support enforcement. In the vast, huge majority of cases, people are perfectly willing to provide those Numbers and that the states, at least Arkansas and Georgia, haven't made some effort to mandate that the Numbers are provided. In fact, they have been forthcoming.

The real problem you see in support enforcement is a lot of time the father will be there or the mother will be there early on, obviously the mother will in most of the cases, the problem is with the father, and many months down the line, they won't be able to find them. If they are working off a fishing boat in Alaska or wherever and they don't have a Social Security Number, it makes it more difficult to find them. This is just one method through the Federal Locator Service that can accomplish this goal. That is how it has been used and it has been very effective for Arkansas and Georgia in that respect. So, that is how I understand that it is being used.

I would note, as Representative Pendexter pointed out, apparently the Vital Statistics Office has been doing this in the State of Maine now which I think is inappropriate since it was rejected in this House some years ago. But, now that it would be passed, I think that the method used would make clear that the only purpose that this could be used for is for support enforcement. That is the limited function of the Social Security Number usage. With that proviso, it is the only reason I am supporting it. I think

given that, it will be very helpful to the children and taxpayers of the State of Maine.

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

Representative POULIN: Mr. Speaker, I would request that the Clerk read the Committee Report.

The SPEAKER: The Committee Report was unanimous.

The Chair recognizes the Representative from Wilton, Representative Heesch.

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

To Representative Faircloth, you state that it is just on the form we are asking for, people aren't objecting to it — is there any statement on the form to your knowledge that says you are not — for conscientious reasons, you may not be required to provide this data?

The SPEAKER: Representative Heesch of Wilton has posed a question through the Chair to Representative Faircloth of Bangor who may respond if he so desires.

The Chair recognizes that Representative.

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House: I thank Representative Heesch for the question, I am unaware of such a provision in the form. I am also unaware that people have objected to it but I am unaware of any such provision.

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

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

On the form, is there any indication to those being requested, the data, that in fact, although it may say it is for child support enforcement purposes only, it can also be used for statistical analysis as well?

Also, is there any suggestion there that the federal government of course may choose to change the statutes regarding use of Social Security Numbers as we see over the years, at their whim, and that this information may in fact end up being used for who knows what use?

The SPEAKER: Representative Heesch of Wilton has posed a series of questions through the Chair to Representative Faircloth of Bangor who may respond if he so desires.

The Chair recognizes that Representative.

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: This is a state statute and this state statute would specifically prohibit the use of the Social Security Number for any purpose but support enforcement. I would submit that if anybody uses it for any other purpose, it would be illegal. The federal government couldn't change our state statute and I feel strongly that it should say that it should only be used for support enforcement. I wouldn't vote for it if it didn't have that provision in it.

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

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

As I read the bill, it doesn't say — this is a question — it doesn't seem to say it is only going to be used for child support enforcement, it says essentially it can't be used for any other purpose other than administration of the state's plan under this Act. Then it is also clear that in the Family Security Act there are rules that allow greater use of this. So, I guess I am having a hard time

understanding how you can be so categorically sure that it is limited just to the child support end of it.

The SPEAKER: Representative Heesch of Wilton has posed a question through the Chair to Representative Faircloth of Bangor who may respond if he so desires.

The Chair recognizes that Representative.

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: Well, as I understand and interpret the statutory language, and I have discussed this with people in the Office of Policy and Legal Analysis and I am willing to stand corrected, but my understanding of it is that it can only be used for support enforcement. That is the only reason I would sponsor the measure as long as it had that provision. I have no intent to impede anyone's civil liberties, what I do have an intent to do is help kids in this state and save taxpayers' dollars and my understanding of the statutory language is that that's exactly what it does without allowing for use for anything but that purpose.

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

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

I would like to know if the Social Security Number is going to be printed on the birth certificate itself and, if so, is not that a public record?

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

The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: I thank the Representative for the question. As I understand it, the way the bill is drafted now, the Social Security Number would be on the original birth certificate but when a copy was provided to anyone, it would not have that Social Security Number on it. They have used that method so that it won't cost money for extra paper work but, if it was provided to anyone as a public record, it wouldn't have that Social Security Number on it.

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

Representative RAND: Mr. Speaker, I would like to pose an additional question through the Chair.

My question is, is it not allowed to go in and view an original birth certificate? I am not sure. If I wanted to go look up Representative Faircloth's original birth certificate, I would go to his town of birth and request to see that, is that something that I am allowed to do?

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

The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: I am not sure of the answer to that question. I can only tell you of my understanding from the folks with Vital Statistics. As they represented it to me, that is the method the people use if they wanted to be provided with a copy, they can be given a copy, but that some of these records that they keep don't go out to the public. I don't claim to know that with certainty and I don't want to represent that to you, that is just my



understanding.

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

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: For clarification for the good Representative from Portland, I have personal knowledge that birth certificates are public information. My husband is a family genealogist by avocation and I know that the public can see anybody's birth certificate. I am reasonably certain, I wouldn't swear on a Bible but he looks things up like that a lot, but I am not sure.

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

Representative HEESCHEN: Mr. Speaker, I have a further question to pose through the Chair, please.

With regard to the fiscal note on this bill, I was puzzled that essentially there wasn't any fiscal note. They said they will absorb it because three years ago it was stated that a fiscal note of around \$31,000 would be necessary to reprint the birth certificate and develop and distribute a separate form for collecting Social Security Numbers. So, my question is, do we have no fiscal note on this bill because the department has already gone ahead and done this and spent the \$31,000 that they said at that time?

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

The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House: As someone who voted on this bill in committee unanimously along with everyone else on the committee, we have asked all these questions already. The department is already doing this. Under federal law, they were allowed to do this and the department did it by rulemaking. So, right now, every birth certificate in the Bureau of Vital Statistics already has a Social Security Number on it.

What we are trying to do with this bill here is allow the department under state law to do it in order to go after parents who are not paying child support. That is the only rationale behind this bill. It is not something entirely new. We are already doing it. So, I ask you to vote against the indefinite postponement and support the unanimous Committee Report.

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

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

If in fact they are already doing it, I don't understand the need to put this in law.

I would request a roll call on this so that those of us who conscientiously are opposed to doing this may go on record.

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

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: First, as to the fiscal note question, we spoke to the Office of Vital Statistics and the version of this bill, as passed, would not have a fiscal note because the previous version that Representative Heeschen refers to had an additional cost because of an extra form and they were satisfied that they wouldn't have an additional cost in the version that is now passed.

I would also like to comment to the current

activities. Apparently Vital Statistics has been doing this in the State of Maine. I think that is inappropriate because this House rejected this measure in the past, but they are doing it. What is not happening, however, is they are not using it in the Support Enforcement Division of the Department of Human Services to go after people who aren't paying child support. So, it is (at this point) a useless activity unless you actually use it to go and find the parents who aren't paying support to their children. This would authorize that and, in my opinion, it would authorize the first activity which I think is improper without state legislative authorization.

Mr. Speaker, I guess I would pose a parliamentary question if I may. I would be curious if it might be possible to table this measure and see if I might be able to work out with Representative Heeschen an amendment that might be satisfactory to him? If that is appropriate, I would so move.

The SPEAKER: The Chair would advise the Representative from Bangor that it in fact would be appropriate for a tabling motion. However, the Representative from Bangor, Representative Faircloth, may not make that motion.

On motion of Representative Paradis of Augusta, tabled pending the motion of Representative Heeschen of Wilton that the Bill and all accompanying papers be indefinitely postponed and later today assigned.

(H.P. 275) (L.D. 353) Bill "An Act to Amend the Charter of the North Berwick Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-148)

(H.P. 44) (L.D. 60) Bill "An Act to Extend to Land Surveyors the Limitation of Actions That Applies to Design Professionals" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-154)

(H.P. 205) (L.D. 267) Bill "An Act Concerning Court Approval of Minor Settlements" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-155)

(H.P. 367) (L.D. 470) Bill "An Act to Allow Service of Protective Orders on Sunday" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-156)

(H.P. 379) (L.D. 492) Bill "An Act to Require Judges to Consider the Desirability of Financial Forfeitures" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-157)

(H.P. 427) (L.D. 546) Bill "An Act Relating to the Theft of Utility Services" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-158)

(H.P. 273) (L.D. 351) Bill "An Act Related to Common Nuisances" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-163)

(H.P. 508) (L.D. 666) Bill "An Act to Facilitate the Conduct of Business of the Maine Technical College System" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-164)

(H.P. 634) (L.D. 865) Bill "An Act to Establish the Town Line between Vassalboro and China" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-165)

(H.P. 726) (L.D. 985) Resolve, Approving the 1993 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-166)

(H.P. 470) (L.D. 607) Bill "An Act to Clarify the Laws Related to Debt Collectors and Repossession Companies" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-167)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 26, 1993, under the listing of Second Day.

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**CONSENT CALENDAR**

**Second Day**

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

(H.P. 255) (L.D. 334) Bill "An Act to Establish An Automobile Recycling License" (C. "A" H-143)

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

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**PASSED TO BE ENGROSSED**

Bill "An Act to Discontinue Legislative Approval of Technical College Collective Bargaining Agreements" (S.P. 93) (L.D. 247)

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

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**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act Regarding Certification Fees for Adult Education Teachers" (H.P. 619) (L.D. 843)

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

Representative Mitchell of Vassalboro offered House Amendment "A" (H-170) and moved its adoption.

House Amendment "A" (H-170) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Members of the House: House Amendment "A" amends on the necessary fiscal note — there is a loss to the General Fund of \$2,000 by this change in certification of adult education teachers.

Subsequently, House Amendment "A" (H-170) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-170) and sent up for concurrence.

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**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Increase the County Share of the Government Operations Surcharge Fund" (H.P. 97) (L.D. 139) (H. "A" H-145 to C. "A" H-114)

Bill "An Act to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor" (S.P. 104) (L.D. 282) (C. "A" S-55)

Bill "An Act to Increase the Penalty for Abuse of Animals" (S.P. 82) (L.D. 195) (C. "A" S-56)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

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**ENACTOR**

**Constitutional Amendment**

**Tabled and Assigned**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228) (C. "A" H-92)

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

On motion of Representative Gwadosky of Fairfield, tabled pending final passage and specially assigned for Monday, April 26, 1993.

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**ENACTOR**

**Tabled and Assigned**

An Act to Amend the Hunting Laws (H.P. 228) (L.D. 296) (C. "A" H-99)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Monday, April 26, 1993.

**ENACTOR**

**Later Today Assigned**

An Act to Prevent Discrimination (S.P. 92) (L.D. 246) (C. "A" S-57)

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

Representative Coffman of Old Town requested a roll call vote on enactment.

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

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

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, I have a question regarding L.D. 246. I would address it to anyone who could answer.

I understand that L.D. 246 is not a gay rights bill per se, it is for sexual orientation regarding to all. My question is, if an employer has three applicants, one of whom is gay, one of whom is straight and one of whom is bisexual, does the employer stand an inordinate risk of a discrimination suit if he or she hires one or the other under the terms of this bill?

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

The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would be glad to respond to the question that was just asked. I believe that this is a risk that faces an employer in any case, with or without this bill, because in most cases you would have in front of you somebody who had some sexual orientation and what this bill does is simply say you cannot discriminate and eliminate anybody on the basis of whatever their sexual orientation is or you believe it to be. So, what it means is that an employer is best able to avoid any suit by relying on a person's qualifications for the job. But, there is no more risk as the result of this bill than there is by the fact that we prohibit discrimination based on race and yet we always would be hiring somebody who has some race or that we prohibit discrimination based on religion and, in most cases, we would be considering applicants who had some religion.

Mr. Speaker, I would also request permission to read into the Record a statement that was agreed to in the Judiciary Committee to clarify the exemptions under this bill.

In the Judiciary Committee, we discussed the

current law exemptions and the exemptions under the bill and agreed that it would be helpful to read into the Record what the status of current law is and what the effect of L.D. 246 would be.

The current law, with respect to Title 5, Section 4553 and under that, the subsection definition of employer, provides with respect to the definition of employer regarding religious organizations and fraternities that existing prohibitions against discrimination in employment do not apply to a religious or fraternal corporation or association not organized for private profit and in fact not conducted for private profit with respect to employment of its members of the same religion, sect or fraternity. In other words, when a religion or fraternity hires one of its own members, the Human Rights Act does not apply.

Secondly, with respect to the effect of L.D. 246 on fraternities — under L.D. 246, the same exemption just described would continue for fraternities. In other words, under L.D. 246, fraternities will not be subject to the sexual orientation discrimination prohibition when they hire members of their own fraternity.

Third, with respect to the exemption for religious organizations under L.D. 246 — under L.D. 246, religious organizations would have a broader exemption than they have in current law. In other words, the sexual orientation discrimination prohibition would not apply at all to a religious organization.

Thank you, I urge your support.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Hallowell just compared sexual orientation to a protected minority class such as sex, age, or color. However, I believe, unless I am mistaken, all candidates would have a sexual orientation and I feel, under this bill, would be subject to and according to this bill, although the intent is good, I fear the legislation favors only those in the legal profession and again it would be a lawyers relief act. I would urge we take action.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Donnelly of Presque Isle. If he were present and voting, he would be voting nay; I would be voting yea.

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

Representative MICHAUD: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Skoglund of St. George. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Townsend of Canaan. If she were present and voting, she would be voting yea; I would be voting nay.

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

Representative JACQUES: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Larrivee of Gorham. If she were present and voting, she would be voting yea; I would be voting nay.

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

ROLL CALL NO. 55

YEA - Adams, Ault, Beam, Bowers, Brennan, Caron, Carroll, Cashman, Chase, Chonko, Clement, Cloutier, Coles, Constantine, Cote, Daggett, Dore, Faircloth, Farnsworth, Fitzpatrick, Gean, Gray, Gwadosky, Hale, Hatch, Heeschen, Hogle, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Lemke, Lindahl, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Rand, Reed, G.; Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Small, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Ahearne, Aikman, Aliberti, Anderson, Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carr, Clark, Clukey, Coffman, Cross, Dexter, DiPietro, Driscoll, Erwin, Farnum, Farren, Foss, Greenlaw, Heino, Hichborn, Hillock, Hussey, Jalbert, Joy, Kneeland, Kutasi, Lemont, Libby James, Lord, MacBride, Marsh, Marshall, Murphy, Nash, Nickerson, Plourde, Plowman, Poulin, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Saint Onge, Simoneau, Spear, Stevens, A.; Strout, Taylor, True, Tufts, Vigue, Whitcomb, Young, Zirnkilton.

ABSENT - Bailey, H.; Carleton, Cathcart, Dutremble, L.; Gamache, Libby Jack, Look, Ott, Pineau, Tardy, Thompson.

PAIRED - Lipman (Yea)/Donnelly (Nay); Michaud (Nay)/Skoglund (Yea); Gould (Nay)/Townsend, L. (Yea); Jacques (Nay)/Larrivee (Yea).

Yes, 72; No, 60; Absent, 11; Paired, 8; Excused, 0.

72 having voted in the affirmative and 60 in the negative with 11 being absent and 8 having paired, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 13, 1993, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

Bill "An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents" (S.P. 87) (L.D. 241)

TABLED - April 13, 1993 (Till Later Today) by

Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Engrossed.

On motion of Representative Paradis of Augusta, retabled pending passage to be engrossed and later today assigned.

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" as amended by Committee Amendment "A" (H-142) - Committee on Banking and Insurance on Resolve, Directing the Bureau of Banking and the Bureau of Consumer Credit Protection to Develop Additional Consumer Credit Protections (H.P. 46) (L.D. 62)

TABLED - April 13, 1993 by Representative LIBBY of Buxton.

PENDING - Motion of Representative PINEAU of Jay to accept the Majority "Ought Not to Pass" Report.

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

Representative LIBBY: Mr. Speaker, Colleagues of the House: I would like to briefly explain this bill if I might. It is one that I put forth. The bill is an attempt to re-regulate financial institutions and safeguard against what I feel is a travesty to our economy and that is the pre-approved credit card and the obscene credit limits that banks are throwing our way.

I would just like to tell you a quick story of how and why I brought forth this particular bill. A student that I had at St. Joseph's College came to me one day and said, "I have a problem." I said I would like to help and he said, "Listen, I have seven credit cards and they have all been maxed out." I said, "How much do you owe?" He said, "\$3,500." I said, "Yes, you are right, this is a problem."

Also, I have other cases, I am not going to explain them all but a recently divorced housewife really had no income to speak of and she supplemented her income with a credit card and came to me for advice.

A young couple who did have employment supplemented their income, living beyond their means, and racked up credit card bills beyond the level of \$30,000.

I want you to know that another reason I brought this bill forward is because two-thirds of our economy is based on consumer spending and right now nobody is spending. A lot of the reasons why nobody is spending is because they owe a significant amount of money to revolving credit, some of that is credit cards. They are over their head in debt. That is what it comes down to.

This bill forces banks and financial institutions to reinstitute the concept of collective lending standards so that you, your son, your daughter, will have the credit that they deserve, not two dozen credit cards that they can't possibly pay for unless they borrow from one card to pay for another. Letting banks oversee credit limits is akin, in my mind, to letting the wolf guard the hen house, except in this case, the hen house is our economy and the

wolf is the financial institution trying to compete in a saturated pre-approved credit card market.

Seven credit cards for a college student, that is really sad, and we the government, are responsible for helping out in this situation.

This bill has a fiscal note, so I know the committee considered that, and hey, I guess it can't pass. I am not sure myself how I feel about it given the case and the fact that there is a fiscal note here, but let me tell you a little story about our fiscal note that relates to this particular bill.

Many years ago, Howard Hughes had two dollars in his hip pocket and a vivid imagination. What he did was he went out and he invested both in his future. He didn't have to worry about a fiscal note to curtail his future. Sometimes I think it is too bad this state has to worry so much about a fiscal note to curtail its future. I feel strongly about the fiscal note issue, almost as strongly as I do about this particular credit card issue. I think good ideas are getting slammed dunked by the fiscal notes. I think this is a good idea, this might be the wrong year for it, but hey, there is a divided report here and I think we ought to take a look at it.

I would like to request a Division.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote for the pending motion on the floor. We empathize with people that overextend their credit but it is not our duty to set the policy of credit limits for the banks or loan institutions here in the State of Maine or in the United States for that matter. We did consider and we did have quite a discussion on this. We agree in principle with Representative Libby but it is not our duty to try to scan everybody's credit rating within the State of Maine.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I agree with the good Representative from Sanford and I thank her for standing up and speaking to my motion, it is not our job. The problem is that financial institutions, it is their job and they are not doing their job.

Sometimes I am afraid that the whole process of deregulation of the '80's which was good in some markets may not have been so good in others. This market and many others is what I call a quasi-public institution and it has a great impact on our economy. For that reason, I stuck with this bill and I am still pushing it.

In 1975, this state really didn't care that there were no other states that allowed interstate branch banking. It went forth and was the first state in the United States to allow for interstate branch banking. We have been in the forefront before on banking issues and we could be again.

So, I ask your indulgence and I thank you very much and I ask for your vote.

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

A vote of the House was taken.

59 having voted in the affirmative and 23 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:

Resolve, Creating the Kennebec County Law Enforcement Examination Commission (EMERGENCY) (H.P. 365) (L.D. 468) (C. "A" H-68)  
TABLED - April 13, 1993 by Representative GWADOSKY of Fairfield.  
PENDING - Final Passage.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 13 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

**SENATE PAPER**

**Ought to Pass as Amended**

Report of the Committee on State and Local Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-76) on Bill "An Act to Deorganize the Town of Greenfield" (EMERGENCY) (S.P. 324) (L.D. 976)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-76).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-76) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-76) in concurrence.

By unanimous consent, was ordered sent forthwith to Engrossing.

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. 413)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 26, 1993, at four o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Allow a Casino to be Constructed by the Passamaquoddy Tribe in Calais for

the Purpose of Gambling" (S.P. 409) (L.D. 1266) (Came from the Senate, referred to the Committee on Judiciary and Ordered Printed) which was tabled earlier in the day and later today assigned pending reference in concurrence.

Subsequently, was referred to the Committee on Judiciary in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents" (S.P. 87) (L.D. 241) which was retabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Treat of Gardiner offered House Amendment "A" (H-171) and moved its adoption.

House Amendment "A" (H-171) was read by the Clerk.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I would just like to briefly explain what this bill, as amended, would do. Basically it means that no one who is on Medicaid would be required to be placed into a nursing home against their will, if it is more than 60 miles from their home. Some people have questioned me, does this mean that someone who would like to be placed in a nursing home 100 miles from their home would not be allowed to? The answer is no, this reverts back to policy before the budget was enacted last year which wiped out regulations that were in place by the Department of Human Services.

It is a unanimous committee report. The amendment has been consented to by the sponsors of the bill as well as advocates for the elderly and most committee members I have been able to talk with. I hope you will support the amendment as well as the bill.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair, please.

The question is in relation to the many concerns that have been evident to me in the past, especially 48 to 60 hours, relative to the nursing homes. Could the Chair please dispel some of these concerns and be germane to the amendment because I know I have to be very careful about that?

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

The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I am not sure it would be totally germane. What I would suggest would be that any member of this House who is interested in learning more about the impact of the budget on the nursing home patients and residents should take a look at the Human Resources Committee Report which goes into detail concerning our recommendations. In addition, we had an executive summary which was handed out. I know that any member of the committee would be happy to sit down with any member of the House and talk about those issues.

Subsequently, House Amendment "A" (H-171) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-171) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: (H.P. 108) (L.D. 150) Bill "An Act to Increase the Effectiveness of Child Support Enforcement" which was tabled earlier in the day and later today assigned pending the motion of Representative Heeschen of Wilton that the Bill and all accompanying papers be indefinitely postponed. (Roll call requested)

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

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: I have spoken to Lorraine Clarkson of the Office of Vital Statistics and discussed with her birth certificates. She confirms that the Social Security Number is a confidential record because there are four sheets that are commonly used in a birth certificate record. The first sheet is what we as laymen would think of as the birth certificate, that is indeed a public record which the members of the public may go and look at. That does not contain the Social Security Number. The fourth sheet is a medical work sheet. That fourth sheet has the Social Security Numbers of the parents on it and no one may reach it, no one may see it. The only purpose it may be used for is for the purposes of child support enforcement.

Furthermore, I also checked about parents who may refuse to provide their Social Security Numbers, they are free to do that under current policy and no one seeks to force them.

What this law would do is it would allow the Support Enforcement Division of the Department of Human Services to use these Social Security Numbers to find absent parents. There are now, at any given time, 2,500 children in this state where they are searching for an absent parent.

I was sent here to this legislature to deal with the issues of our budget and to be fiscally responsible with those. This bill will help save tax dollars. It is an appropriate step in that direction. It also will help children. You rarely will have an opportunity to support a bill which does both of those things at the same time. This will decrease the suffering of children in this state. I hope you will vote against the motion to indefinitely postpone.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I ask you to support this measure as both a member of the Human Resources Committee and as a cosponsor of the bill.

I don't believe this is a civil liberties issue, it is a simple measure that will allow the department to assign child support responsibility to those parents that should have that responsibility.

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

Representative MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I am a little concerned about some of the fiscal notes that come attached to the bills. We have seen several in the committees

that I am on where the department that oversees these things will disagree greatly with the fiscal note. So, I am not sure about how this one is going to be implemented.

I am concerned that this activity, as I am told and as I am hearing in the scuttlebutt around, that already happens, that we are already recording all these Social Security Numbers. I am concerned that we will do something that, just a few years ago, was voted down in this body.

I am also concerned that the federal government may not really care about what our state statutes are and probably can override it at will. If they want to know these things, they are going to find out about them.

I think the bill is a little bit loosely worded in how these numbers will be taken care of. I am afraid that this is just another tracking system for individuals and another loss of privacy. I think these could be entered into an electronic data base probably without asking anybody and without us knowing anything about it. I am afraid that this is just another instance of "we're here from the government and we're here to help you."

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: What has happened to our society that we are now worried about some guy taking off and not supporting his children? I was brought up, as I told you before, in a family of 15. My father never ran off. The only pleasure we had in the summer time was around the 4th of July, we went on a big picnic. Now we are worrying what it is going to cost the state, harassment of a young man.

I raised four kids on about \$90 to \$100 a week. That was my duty. Let's turn around — if the state needs the tools to get those runaway "Papa's" (let's call them what they are) let's do it.

I know of a young lady in my home town that has three kids. They have been trying to find him for four years, he is a truck driver, a gypsy truck driver. Last they knew, he was in Maryland. The poor thing, she has to take in babysitting.

I say again, what happened to the duties of the parents or the father to support his children? Let's not worry about this is not written right. If the state needs any kind of a tool to get ahold of these birds, let's get them.

There is only one thing — I can remember a few years ago, if you got picked up for non-support, you spent some time in the pokey. You were ostracized in the family and in the town. Now all of a sudden, let's worry this isn't done right, this is violating someone's civil rights. I didn't know we had any rights to do what we want and then take off.

They just buried a judge in Lewiston today, Judge Alpren. He went in there, he used to lower the boom on those people. It even quoted in his obituary that when they brought somebody in for littering, he made them go out there and pick up litter for a whole mile. I say, give the state all the tools they need to pick up these bums, and I call them bums, any man who will take the privilege of married life, then turn around and run away from it, does not deserve a bit of pity.

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 Heeschen of Wilton that L.D. 150 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 56

YEA - Adams, Bowers, Gray, Heeschen, Kilkelly, Marshall, Mitchell, J.; Murphy, Rand, Richardson, Rotondi, Tracy, Wentworth.

NAY - Ahearn, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Brennan, Bruno, Cameron, Campbell, Caron, Carr, Carroll, Cashman, Chase, Chonko, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gean, Greenlaw, Gwadosky, Hale, Hatch, Heino, Hichborn, Hillock, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Lemont, Libby James, Lindahl, Lipman, Look, MacBride, Marsh, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Plourde, Plowman, Poulin, Pouliot, Quint, Reed, G.; Reed, W.; Ricker, Robichaud, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Treat, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirnkilton.

ABSENT - Carleton, Cathcart, Clark, Donnelly, Dutremble, L.; Gamache, Gould, R. A.; Larrivee, Lemke, Libby Jack, Lord, Ott, Pineau, Skoglund, Small, Tardy, Thompson, Townsend, L.; Winn, The Speaker.

Yes, 13; No, 118; Absent, 20; Paired, 0; Excused, 0.

13 having voted in the affirmative and 118 in the negative with 20 being absent, the motion did not prevail.

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

Committee Amendment "A" (H-144) was read by the Clerk and adopted and the Bill assigned for second reading Monday, April 26, 1993.

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

**ENACTOR**

**Mandate**

An Act to Deorganize the Town of Greenfield (S.P. 324) (L.D. 976) (C. "A" S-76)

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

The SPEAKER: Since this is the first, the Chair probably should explain. Some of you who were here

Last year passed a Constitutional Amendment which was subsequently adopted by the voters.

This particular bill, since it requires the towns to have a special town meeting upon which to vote on the question of deorganization therefore falls under the purview of the Constitution because we are mandating the towns under the provisions of this bill to hold the town meeting even though it was at their request. Therefore, that is the reason it is the beginning of what may be many.

The Chair recognizes the Representative from Jonsboro, Representative Look.

Representative LOOK: Mr. Speaker, a point of order, please? Would a statement attached to this amendment clarify that situation?

The SPEAKER: The Chair would answer in the affirmative. It would require a Constitutional Amendment which some people are working on. But, until the Constitution is changed, according to the Attorney General, will require this to take place.

The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: Can you tell me where Greenfield is?

The SPEAKER: The Chair would ask the Representative who represents that community to respond to that question.

The Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: Greenfield, not Greenbush, not Greenville, is located about 15 miles northeast of Old Town. It has the same phone exchange. The reason that this is occurring is because the mill rate that is presently around 20 will be jumping to 45. The town cannot afford a mill rate like this.

In addition, there are no additional costs to the state borne by this deorganization.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and 14 against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**SENATE PAPER**

**Non-Concurrent Matter**

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) which was passed to be engrossed as amended by House Amendments "A" (H-77) and "B" (H-135) in the House on April 8, 1993.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-77) and House Amendment "B" (H-135) as amended by Senate Amendment "A" (S-71) thereto in non-concurrence.

Subsequently, the House voted to recede and concur.

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

**SENATE PAPER**

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-73) pursuant to Joint Order (S.P. 344) on Bill "An Act to Make Supplemental Allocations, to Transfer Positions among Funds and to Make Technical Corrections to the Laws for Fiscal Year 1992-93" (EMERGENCY) (S.P. 406) (L.D. 1264)

Signed:

Senators: PEARSON of Penobscot  
TITCOMB of Cumberland  
FOSTER of Hancock

Representatives: CARROLL of Gray  
HICHBORN of Howland  
MICHAUD of East Millinocket  
KERR of Old Orchard Beach  
POULIOT of Lewiston  
CHONKO of Topsham  
RYDELL of Brunswick

Minority Report of the same Committee reporting "Ought to Pass" pursuant to Joint Order (S.P. 344) on same Bill.

Signed:

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

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-73)

Reports were read.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

L.D. 1264 authorizes 69 limited period federal or dedicated fund positions, 33 which are filled right now. It also authorizes 28 seasonal federal positions for the Summer Youth Employment and Training Program in Kennebec, Somerset, Washington and York counties. Most of these positions were authorized by the Governor and established by Federal Order last summer and fall. These allocations were recommended by the Governor in L.D. 27, the Emergency FY '93 budget. The Appropriation Committee removed them because it became a sticking point that was holding up the L.D. 27 Committee Report of "Ought to Pass" as amended.

Section 1 of the Majority Report amends current law to ensure that, as of the effective date of this



act, positions can no longer be established by Financial Order. All positions, regardless of their funding sources or expected duration, will have to be appropriated or allocated by the legislature prospectively, not retroactively as has been the case until now.

Both reports allocates the same amount of money. The difference is that their report allocates all the money in "all other" and asks the various agencies to contract out for some services that state employees provide in the Majority Report. The ability to contract out for those services is unclear due to IRS Employee/Employer relationship and the Bureau of Employment Security called ABC-Test.

As was mentioned by the Director of the Bureau of Human Services at a committee workshop, these restrictions threatens the ability of various agencies to legally contract out to get the job done. We have received communications from most, if not all, the agencies that says their federal funding might be threatened by contracting out or that contracting out is not the most efficient way to perform these services.

If these federal grants are jeopardized, we could lose over \$10 million in federal dollars which could be removed from Maine over the next few years, some of which could be reallocated to other states. These agencies have to provide a dollar or in kind match, already has those resources in their budget.

Over the last few years, as the General Fund has experienced increasing problems, we have encouraged our department managers to transfer positions to federal or dedicated funds and to aggressively seek federal grants. It is not accurate to say that these positions will fall back on the General Fund when the federal monies end. Due to our budget problem, we have not had the resources to absorb positions in the General Fund.

The 33 employees that would be laid off will receive unemployment compensation and will have to be compensated for their actual leave. Those who have significant services could in fact bump other state employees who have less service.

A decision is needed as soon as possible because most, if not all, employees have already received their lay offs or bumping notice. All of these positions terminate no later than April 30, 1993 and the Majority Report, as does the other report, also makes some important emergency allocations such as Community Mental Health Services and makes technical corrections that are needed as soon as possible.

I strongly urge that you support L.D. 1264.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: We have a Divided Report before you today which authorizes almost 100 new state positions as our Chair has explained in the Majority Report.

I would like to explain some of the history of this issue. As we were revealing the emergency budget a few months ago, we began to see a pattern of new positions being created by Financial Order, that is without legislative approval after the legislature adjourned last year. We saw position after position after position after position. It was very surprising to most committee members that, despite our task of trying to cut spending, the bureaucracy was indeed increasing. It seemed to be an attitude of business as usual, even though the excuse was "Oh,

it is only federal or dedicated money, it is free money, if we don't take it, someone else will get it."

In fact, I would like to read for you from a Lewiston Sunday Sun Journal article of March 14th some of the reactions from committee members to this. I would like to note that the three quotes that I will give you are all members of the committee who are now on the Majority Report supporting the positions. "We are causing all sorts of problems with these positions. We create a position with federal funds, the money runs out, and that person has bumping rights and somebody is then bumped from their job." Another quote, "I watched the Department of Education just grow and grow and grow. They would get a grant for a position and then the money would end and the commissioner would come in here and literally cry that the person had to be kept and they would end up paid for by the General Fund." A third quote, "Let each agency put in a bill and let this go through the proper scrutiny from the committees. If they really need a position, let them have to prove it to the committee involved instead of trying to slip in into a budget bill."

Now the bureaucracy has gone to work, they have lobbied in your committees for these positions and they have tried to convince you that they will lose the federal dollars if you don't approve these 97 new positions. I would like to stress strongly that there is no evidence of that.

They suggest that the world will end or you may lose your first born child if these positions are not approved. I would suggest the world will not end if these positions are not authorized.

The Minority Report accepts the federal money but puts it into contracts rather than creating new state workers in order to control growth in the state bureaucracy.

We in our committee constantly hear the threat that we may lose or we are threatened with loss of federal funds if we don't do this or that. In this case, I repeat, we have seen no evidence that federal funds will disappear if contracts rather than state positions are created.

I also want to emphasize that we are not debating the value of any of these programs or grants. We simply question the method of implementing these grants. The minority recommends not creating almost 100 new state positions but rather establishing contracts for the length of the grants.

I would like to share with you some rather startling statistics from a recent state policy report that came out about a month ago. In that, Maine ranks tenth in the country in the growth of state employment during the period November 1, 1991 to November 1, 1992. That is during a period when we were cutting aid to education and we were cutting other direct services, but we actually saw an increase in the number of state employees by 2.2 percent. I think that is an embarrassment.

We ask you to vote against the Majority Report so that we can accept the Minority Report. It will be a vote against increase in the state bureaucracy at a time when we face cutting aid to our schools, when we face cutting aid to our local libraries, as you heard in the halls today, and cutting other direct services. We believe that you can implement these grants without adding almost 100 new state positions. We want you to understand that in the past and as our Chairman said, both reports, Minority and Majority, forbid it from happening in the future

but, in the past, state government has continued to grow after the legislature adjourns. Positions have been created by Financial Order on a temporary basis with the expectation and almost the demand that the legislature continue those positions.

I want to emphasize that the Minority Report does not stop the state's business in any of its agencies. It does, however, change the way the state will conduct its business by contracting out specific activities funded by federal or dedicated dollars will end when the federal or dedicated funds dry up.

Although the various departments and agencies are lobbying for these positions, we found no conclusive evidence that we would lose federal dollars if the Minority Report were adopted.

Mr. Speaker, I request a roll call.

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

Representative JOHNSON: Mr. Speaker, Men and Women of the House: I am speaking on behalf of the Corrections, which is specifically for the Maine Youth Center. The Maine Youth Center is dependent on the passage of this for two and half positions, teaching positions. These are teaching positions that we have lost through our effort to cut the budget. The ones who will suffer will be the young people at the Maine Youth Center.

In terms of, do the positions keep on forever? They do not. My understanding is that when the federal support of this is up, we (again) have the right to pass or not pass on that as a legislature.

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

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: One of the very first days when I was in here, the gentleman in the rear of the room, one of the veteran Representatives, got up to speak on one of the first bills we had to consider before us and he held his hand to his head in this fashion to indicate the discomfort he was feeling over facing an Appropriations matter and how inappropriate he thought that situation was. I had a little difficulty understanding what was going on but now I understand his feeling exactly.

I am going to run the risk of aggravating everyone in the room because I am going to ask that you vote no on the Majority "Ought to Pass." But, I am going to tell you that I am also going to vote against the Minority Report. So, what does that mean? That means that maybe it puts me in somewhat of an irresponsible position of saying, we don't want the federal money. That is not what I feel at all. I want to be responsible, I want to do the responsible thing, but what I find I am confronted with is another case where it is all or nothing. It is \$10 million or it is nothing. I don't believe we should put those 33 people that are currently employed out of work, I disagree with that.

Maybe we ought to take a look at the seasonal workers. Maybe as the Representative from Portland just mentioned, there are needs at the Correctional Center. I don't think it is a simple yes or no. What I would like to see happen here is a compromise. I would like to see Appropriations go back and come out with a compromise. Until they do, I am going to vote no on both of these motions.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: To answer Representative Young's suggestion, I do want him to know that the minority group did try to compromise. When this bill came up, there was, as you can see, a lot of controversy over it.

I felt very strongly, and I am going to tell you in a few minutes why I felt very strongly, but I did feel very, very strongly that we should not be putting new positions into state government. And, I voiced that very, very much as did two other members of the committee.

We discussed just exactly what to do with that and finally a compromise was suggested. That compromise was refused. We talked further about that and finally it was suggested, well, why don't we try a compromise? At that time, we found out that 32 positions had been filled and the rest of the positions had not been filled. So, we agreed to compromise to allow the 32 positions to go with the understanding that this would never happen again. We were about ready to compromise and we said, just as long as we don't go up to the floor of the House and the other members who are on the Majority Report either float a new amendment or decide to vote for a new amendment and we were left with a compromise per se and the other members of the committee had deserted us. They said no, they would not do that if they came to the floor of the House, if there were other amendments that they possibly might support them and they possibly might not. Not all the members on the committee said that but there were several members who did make that statement. So, consequently, I, on the minority, decided no way was I going to go with that.

I want you to know that when I went door-to-door last fall, my people told me repeatedly, cut the bureaucracy, cut the size of state government operation and that is what the Minority Report today, that "Ought to Pass" Report does in this bill.

As you have heard, the Majority Report creates 69 new full-time positions and 28 part-time positions, totaling nearly 100. Sure, these positions are paid for with federal funds but they are full-time state positions with full benefits, bumping rights, unemployment. When the federal grants end in one, two, three or whatever years, then what happens? The commissioners decide that the positions and the programs are most valuable, the legislature usually agrees, you know that. Consequently, the decision becomes state-funded positions and our bureaucracy grows and grows and grows.

Under the Minority Report, the programs get the federal funds but no positions. As you have heard, the work can be contracted for, paid by those federal funds, but there are no state positions left with benefits and bumping rights. When the grant is completed, the job is done and the bureaucracy has not grown, there are no positions to keep.

I feel strongly that at this time with state government facing the financial crisis that it is, we should not be hiring new people. The Joint Standing Committees have come before Appropriations with, at the present time, \$423.3 million above the Governor's budget. That is so far. The economy, some say, does seem to be turning, I think perhaps it is turning a little bit but that is every so slightly and will not bring in much money this year.

Yesterday's Bangor Daily News headlines in the business page screamed, "Retail Sales Down Sharply in

March." If we create 69 full-time and 28 part-time positions while we are cutting other positions and programs, how can I say to my constituents, sorry Joe, you lost your job, but things are tough in Augusta. However, I just want you to know that government is expanding because we just hired these new people with federal funds of course." Is Joe going to be ecstatic, does he care where the federal funds come from, what pocket it is from?

I do not think we can any longer be all things to all people. I hope you will support the Minority "Ought to Pass" Report that gets the job done and does not expand the bureaucracy. I hope you will reject, with me, the Majority Report.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: This is the time of year when the rains come down and the waters get a little muddy out in the river -- it seems to me that we are muddying the waters here today.

The problem to me seems to be very simple, we are talking about conditions in the state where we have some serious economic problems, we have many needs here in the State of Maine that we cannot answer because we do not have the dollars. We have many agencies in state government that have applied for federal grants to do jobs that need to be done here in the State of Maine and for which the people of Maine do not have the money to pay. The amount of money involved is \$10 million and the number of jobs involved in this bill are 69.

The gentlelady from Yarmouth has expressed a very real concern that I recognize as being true, being sincere and, without question, of concern to everybody else. That concern was not in the mind of one person but in the mind of everyone on that Appropriations Committee. I think we have answered those concerns. These are jobs which have been created by Executive Order it is true, but Executive Order positions do not continue in this case without the approval of the legislature. If we allow these to become a state responsibility, it is your job and mine to make sure that those are justified. The fact that a Commission comes in and says he wants to continue a job is no reason why I am going to vote to continue that position as a state position to be paid for with state dollars. Each one would have to be considered individually and by you and by me.

We are talking about jobs for 69 people to do work in many various agencies of the state that are needed and you and I don't have the money for it. These are federal dollars and we know federal dollars come out of our pockets but I can't go home and tell my people that I have voted that 69 people here in the State of Maine shouldn't have a job, I'm not going to go home and tell them that we didn't do something to help people in corrections and education or in marine resources or anywhere else because I voted against this. I think the fact that we have written into this bill a guarantee that no more jobs will be appointed by Executive Order without legislative approval is all the guarantee that we need. If we don't exercise the responsibility that is given to us in this bill, any mistakes that would be made would be ours. I don't want to make a mistake and vote against this measure today.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and

Women of the House: We have had this bill before us for awhile, it was part of the Supplemental Budget, everybody was concerned with the growth and, as we did our homework and we worked through this process, we realized that there were some programs and some grants that did in fact need people. That was part of cooperative agreements.

I have a letter that was given to me a few days ago from the Department of Health and Human Services, a Dr. Stephen Wyatt, the Director of the National Center for Chronic Disease Prevention and Health Promotion. In this letter it says, "During the negotiation process for the breast cancer/cervical cancer capacity building program, the following state positions were approved" and it lists those positions. "All positions would be located in the health department. We are concerned that the intent and purpose of this cooperative agreement will not be met under these circumstances if the positions are not hired. Additionally, if current resources are not adequately utilized, future funding for this effort as well as other funding opportunities may be jeopardized. To meet the goals of this program requires the State Health Department to hire staff to build the infrastructure necessary to deliver a comprehensive controlled program."

We do have some proof positive that we need to have these positions. These positions aren't amongst the ones already hired, these are the ones the Bureau of Health have been waiting authorization before they can hire. Their health managers, epidemiologists, public health educators, vital positions to put in place a preventive program.

I would urge your acceptance of the Majority Report.

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

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: This issue is really an issue to me that we need to change the way government does business, not "business as usual." We have 97 positions here that are federally funded positions, not all of them, not all of them will work in a subcontracted basis, but some of them will. Here we have an opportunity to show the people of the State of Maine we are willing to change the way government does business. We can subcontract some of these positions that I know the people on the second floor can put in a bill at any time to say that, no, subcontracting doesn't work in DHS, doesn't work in the Department of Corrections, it doesn't work in the Department of Education but, yes, hey, maybe it works in the Department of Conservation. Maybe it will work in the Department of Labor, we will try it in those areas.

Let's each committee that has jurisdiction over these people scrutinize these positions to see how it will work. Here we have a decision, do or die, that's what the opposition is telling us. Ladies and gentlemen, I don't agree with that position, we are not going to die because we don't adopt this today, we can scrutinize, this is not micromanaging, this is setting an agenda, setting a policy of the way government does business, setting an agenda for the future.

We need to change the way government does business because it is not working today. This is just a small, small item here, ladies and gentlemen, but it is a big picture. Look at the big picture, let us scrutinize, let us change the way government

does business, let us see if it works, put it as a subcontracting position.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments of the good Representative from Bridgton. I think he should be aware that some of the committees have in fact looked at some of these programs and some of these jobs and tried to be very responsible, I think.

I just want to share with him and the rest of the members of this body one program in particular. It is called the Summer Youth Employment Program. The program, if you don't lay the foundation by now, each year you will not have it in place when those youths get out from school and are looking for that summer youth employment. This program serves 5,300 summer youths or students, if you will, in the counties of York, Kennebec, Somerset and Washington. I think, in all reasonableness and only after receiving communication from the Department of Labor, I think I can be reasonably accurate in saying that without approval of this document before you, there will be no program this summer. If so, and I see some people nodding their heads and so forth, well, I have a document here that I would be, at some point, willing to share, it is from the Department of Labor. Actually they say, without approval, there will be no program.

These positions are to certify young people we have to recruit and certify them now, we have to recruit and certify job sites, we have to develop academic enrichment activities and you have to develop work maturity curriculum. You can't do that June 30th or July 1st for the coming season and have that program in place. I think it is a very important program, I think we have to have it decided now on how it is going to go in place and I would ask your support for that program as well as other programs.

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

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding, and I have confirmed this, that three positions at the Maine State Library will be lost if this Majority "Ought to Pass" Report as amended does not pass.

I would just like to bring to your attention a few things. The rising costs of living expenses and low wages for Maine residents mean many people have tried to cut expenses by not renewing magazines and newspaper subscriptions. They now rely heavily on the public library for this service.

Maine residents who are older, who have eye problems, rely on large print books. State funds have been cut and no new library books are purchased. Our older citizens need this resource, desperately. Libraries cannot get discounts on the purchases of these books and they are more expensive. Our older citizens, and even our younger ones and those on fixed incomes, cannot afford this type of book and this is, to me, a real disservice to our population if we cannot afford this resource.

I would like to bring also to your attention a few other statistics. Maine's per capita support was 23 cents state aid. Forty-eight states have per capita funding and the average is \$2.85. To us here in Maine, that would be a reduction of \$204,169.

The State Library has been without a book budget

for two years. It will be eliminated again for fiscal year 1994 for a reduction of \$45,000. The acquisition of large print books budget has been eliminated; therefore, many libraries cannot borrow for their sight-impaired users. The book budget has been cut 18,000 rural residents who we all support but we all are here representing 18,000 rural residents without libraries who have lost access to new books to the tune of \$65,000.

Ladies and gentlemen of the House, I urge you to accept the Majority "Ought to Pass" Report as amended.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: It isn't very often that I like to do this but I have to in this case. For years I don't believe anybody has been more critical of the DEP than I have; however, when we give them a job to do, we ought to give them the people and the persons in position to do it.

Under this bill, there's going to be 11 drograms for 11 positions, over in DEP, that's where they will be eliminated. Four of them are already filled. I asked for this information, I didn't get this information from them, I asked for the information and they gave it to me. They were kind of reluctant to give it to me because I think they felt that they didn't want to get in trouble. I asked for it and they gave it to me.

All of these positions, the corp regulatory and technical assistant positions, which cannot be contracted out, are all directly related to federal and state pollution prevention mandates for a program that eliminates pollution as its source. All are to receive federal support in the coming biennium. If the funds are not utilized, the state may lose control over the programs if they don't meet federal mandates. Now, we all have federal mandates in different agencies and they have some federal mandates in DEP and if we don't live up to these mandates, we could be in serious trouble. So, I am asking you — in that case, they need it.

I might also say that the committee members went over this directly with Commissioner Meadows and we discussed a lot of these positions more than once. The other bureau we have control over is the Department of Conservation. They are asking for 7.5 positions, 3 1/2 go the Maine Conservation Corp, which is a position as a result of the new federal grant awarded last summer to establish a year-round conservation corp the department requested through Financial Order — 4 1/2 new positions. These positions were filled in August of 1992 and are an integral part of the grant that was awarded from the National Community Service Commission. The other three positions that we are asking for goes to the Geographic Information System which is a program that is being widely used by all the agencies including a lot of the outside like agriculture and municipalities and this is a program that is really getting off the ground. It is a well used program and there are three positions they need over there.

I am going to vote for the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, I would like to pose two questions through the Chair.

My first question is, if we don't accept this bill, who will pick up the unemployment compensation costs?

My second question is, if we do pass this bill and these employees are hired, will they become part of the Maine State Retirement System and who will pick up those dollars in the retirement system?

The SPEAKER: The Representative from Raymond, Representative Bruno, has posed two questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Men and Women of the House: The answer to the first question is the state and the answer to the second question is, yes, they are under the retirement system. They go by the law as it is.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Ladies and Gentlemen of the House: Just to help answer that question, the second part, sure, they are a part of the retirement system — as we all know, you have to have at least 10 years in to be vested. So, I would only hope that you would take that into consideration because there is no guarantee that these people will continue to be rehired because both reports indicate that, once the grant expires, so does the job.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding from our discussions in committee that the federal or dedicated revenues will pay the unemployment costs.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: The matter before us this afternoon is fairly complex, it is a couple of documents of just 15 or 16 pages apiece and probably several thousand words. The question before us, however, I think is pretty simple. I think in my mind that question is, is this the time that we, you and I, want to go on the Record as endorsing the growth of government or is it not? I think that is the simple bottom line of this question.

We have all shared in the last few days hearing processes where we have learned of significant financial difficulties. You have all joined us in 228 and seen the board grow at the back. Some committees that have joined us more recently have learned that we have insufficient funds for certain vital programs — is this the time we want to endorse the growth of government?

Yesterday, I believe it was, legislative leadership and executive leadership went to speak with those who would perhaps sell our bonds, who in quoting the State Treasurer, who I believe said yesterday, "are not happy with the Maine has dealt with its budget." Is this the time we want to go on Record endorsing the growth of more government? I hope that it is not.

Questions have been raised about whether or not contracting is legal or workable or possible with these positions and I will share with you just a few excerpts from some of the documents which I reviewed again this morning to be sure that I was correct and they are substantial, these are selected quotes I will grant you but I think they speak to the issue of whether or not there is a reasonable question as to the possibility for contract. In the documents relating to a grant from the Attorney General's

Department, there is a quote that says, "By accepting this award, your agency assumes certain responsibilities including reporting and auditing requirements. It makes no mention of whether or not contracting is appropriate or inappropriate.

Another section of that document says, "The agency will incorporate to the greatest degree possible, volunteers, to carry out the purposes of this grant." Employment shall be done only when "sustained and aggressive effort to obtain volunteers is conducted and found to be unsuccessful." It seems to me that that opens the question as to how this work can be done.

In another section of that same document it says, "Regardless of the employment status of the prosecutor, all attorneys shall carry out professional duties in conjunction with state protocols, regardless of the employment status." Does that not put in your mind the question that there may be more than one employment status which is appropriate for this grant? I think that it does, at least in mine.

In some documents from the Department of Education's application, there is a caveat from the grand tour that says, "Please take care to employ migrant education personnel consistent with state law and rules regarding teacher contracts, certification and licensing." It makes no mention of employment status, I think there is question there.

In the grant for the Child Care and Development Block Grant, the quote is, "You must contract for State Fire Marshal's to monitor the child care facilities." You must contract for fire marshal's, it certainly doesn't seem to me to indicate that contracting would be illegal.

In a grant for the Judiciary, for TQM implementation, there is specific line item of \$5,000 to hire a contracting consultant. Does it not seem that contracting is okay? It strikes me that it is extremely ironic and particularly propitious on the 15th of April that we say, well, these are federal dollars and, therefore, perhaps we ought not to be concerned. I suspect that some of us perhaps this night, last night or this morning dropped into the mailbox an envelope on its way to Arlington, Virginia — you know, until that mailbox door slammed shut, those weren't federal dollars, those weren't state dollars, they were your dollars, it's all the same.

Ladies and gentlemen, we have heard a great deal of late and we will hear more about the need for government restructuring and I agree with that but I think what government needs more than restructuring right now is restraint. Let us exercise a little restraint this afternoon, let us oppose the pending motion and accept an alternative, which will get the job done with a little restraint.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I don't often speak on these budget issues but I would just like to briefly speak on the monies that are coming into the Bureau of Health because it seems to be very compelling.

The money that comes into the Bureau of Health and these positions of which there are a number come in under grants and they are competitive grants by large national health institutions. In Maine, the Bureau of Health has been very successful in winning many of these awards, which again are competitive. They put many dollars into the Maine economy. All

monies from these awards does go into the economy in the form of salaries, material, printing and other services. The awards also allow some capital purchases, computers, file cabinets, etcetera, which remain with the Bureau of Health after the grant project is completed. The personnel costs are covered, fringe benefits and other amounts.

It is an exceptionally good deal that doesn't even address the issue of the direct and indirect health benefits for the people of the State of Maine.

In regard to those health contracts, the federal agencies do not allow large scale contracting of the award function so positions cannot be contracted out. The awards usually expressly state that they intend to increase the state's capacity to provide health programs. In a competitive process, the federal agencies would be motivated to simply not consider Maine but to go on to some states which, indeed, would like to carry out the mandates in a timely and efficient fashion. Currently, the Bureau of Health is 40 percent federally funded. Federally funded in this manner means the cooperative agreements that are a grant type.

I have a copy of the legislation and I would just like to name those kinds of health areas that are covered in these kinds of money, the Childhood Lead Poisoning Program, Sexually Transmitted Disease Program, Tuberculous Control Aids Grant and, as was mentioned earlier, the Core Capacity Building for Breast and Cervical Cancer Prevention and Control. There are a couple of others of these but the benefit to Maine people, health benefits, are great and I hope you will vote to accept the Majority "Ought to Pass" Report.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: To answer the question the gentleman asked earlier, although it is true that the unemployment costs could be picked up by the federal government, the Budget Office agrees there is no guarantee that all the positions would be picked up by the federal government and some of them would be impacted on to state government.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative Ault.

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

Could someone clarify for me what the bumping rights are of employees who begin their employment under a grant?

I would also like to know who would be paying for their benefits at the time of employment and specifically insurance and retirement?

After the grant runs out, I am curious whether or not an employee could collect unemployment.

My final question is, how many employees have begun their service in state government through a grant and then been picked up by the General Fund?

The SPEAKER: The Representative from Wayne, Representative Ault, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: I think I have all the questions. First of all, with respect to the bumping rights — that depends upon the length of time that the person has been in state service. If a person

came on a grant for a few months, they would obviously not have bumping rights. But, we have to remember that many of these people have already been in state service, they may have been on a General Fund line for a number of years or another federal line for a number of years and when this opportunity for a new project came along, they applied for it and were chosen and then came into this position so their bumping rights would depend upon their past state service.

With respect to the benefits, the federal grants include funds to pay for their benefits. Yes, they are offered the same benefits as state employees who are paid for by the General Fund but, in this case, the grant includes the funds necessary to pay for their benefits.

With respect to unemployment, when it is planned, the grant managers must plan to include that unemployment so if they are going to lay someone off, they would be able to have the funds to pay for that. However, in the cases we are dealing with now, the assumption was made by departments that these people would be there for the duration of their grant, period; hence, there is a question as to whether or not there would be sufficient federal funds in all cases to pay for those unemployment rights.

While I am standing, I would like to address a couple of other issues. It was mentioned that this is a simple question — well, in actuality this is not a simple question, this is actually a very complex question. We have decided and we have unanimous agreement that we will change the process in the future but for now we are dealing with grants, monies and positions that have already been applied for that Maine has successfully competed for and are projects that are either under way or are ready to go. It is really just a matter of chance that the 33 positions that are filled are filled. Some of the other positions are frankly not filled because, unless the departments knew that the positions would extend for the entire period of the grant, they were unable to recruit the qualified people they needed in order to do these jobs.

The fact is that we have really researched this and we have determined that in these cases, and I have personally spent many hours looking at this, it is not possible for us to contract out the positions that are here. In fact, some of these grants, in addition to these positions, will contract out for other services but for these particular positions, for these particular types of activities, they are unable to contract out.

I will give you a couple of examples. For example, in the STD Program, the Sexually Transmitted Disease Control Program, which is funded annually by the Center for Disease Control. Program staff oversees the delivery of STD clinical services, testing, counseling, partner notification across the state and at the program clinic site. They are part of a staff at the program clinic's site; hence, they must be employees. Why must they be employees? Well, I wanted to find that out so I spent time with the Internal Revenue Service who told me that there is a common law test for whether workers are employees. If the person for whom they work have the right to direct and control them in the way they work, both as to the final results and after the details of when, where and how the work is done, those persons are employees. It matters not whether

a contract is issued or whether they are just called employees. For example, baseball players have contracts, they are employees. Their employer must withhold taxes, must pay Social Security, must treat them as employees because they determine when and where they work and have supervision over the work that they do. That's what we are talking about in these positions. Their work is integrated into the departments. The departments did not ask us for positions for other grants that they have where if a specific package of work that you say to a person, go off and do this and send us regular reports but come back when the work is done, get your own place of work, make your hours, determine how you are going to do the work and come back when it is finished. That is what a contract is.

In discussions with the Bureau of Human Resources, I discovered that when we do contract, we have to put out an RFP, we have to put out a request for proposal and let anyone who thinks that he or she can respond to that proposal, responds. We go through a process, it is clear, we have regulations for that and it takes a considerable period of time. We are talking about projects that are not discreet packages, we are talking about integrated work.

I couldn't agree more with the people who are saying that when we can, we should contract out but in these cases here, we are dealing with work that is integrated part of the departmental work for specific periods of time. Many of these then are renewed and can go on for three, four, five or more years, even though the department would have to show that they are doing the work in the appropriate manner in order to qualify for a grant extension.

I certainly am in agreement that positions should not be created in the future by Financial Order when the legislature is not in session but we are not talking about the future, we are talking about trying to deal with the present. We are trying to deal with a situation that is going on right now.

The Maine Youth Center positions are teacher positions. Teacher positions may not be contracted now or in the future unless we were to change the law. So, you can't contract for teachers, you can't contract for jobs that are done as part of the regular work of departments. Within the Department of Human Services there was also funds that come from the Center of Disease Control and they specifically stated that they need clarification, the department wrote the clarification on whether they need to create positions. The letter that they got back said that it is intended that the grant application, which created the positions, Comprehensive Health Planner II, System Analysts and Clerk Typists, the grant awarded includes funds designated to cover salaries and fringe benefits for these positions. These positions are an integral part of this grant. Without appropriate staffing, the activities described in the grant applications could not be performed.

I am not asking anyone here to vote for funds for positions that could be contracted but it is a different story here. We are in a different position, we cannot create the kind of contract that the Minority Report talks about, we must create positions if we want these federal dollars. These federal dollars will not stay in Washington to help the deficit if we lose them. If we don't live up to our part of the bargain, they will go to other states because we competitively got these grants. In some

cases, we were one of three states that got it; in another case, we were one of fifteen so there are many other states that would want this money and they will be the next in line and we will lost the funds.

I would ask you to please vote for the Majority Report.

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

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

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: The fact is the Appropriations Committee has agreed that this process is wrong, this process of having positions created by Financial Order. They agreed that that should not happen in the future. Ladies and gentlemen, I think the time has come when we do exercise some restraints now and begin to do some cutting. We seem to be reluctant to make any cuts whatsoever. I think it is time, past time, that we really make some changes in state government.

We have positions in the central motor pool in this budget too, or in this document, and those are partially state-funded, as you know.

I hope you will reject the Majority Report and go on and accept the Minority Report.

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

Representative JOHNSON: Mr. Speaker, Men and Women of the House: The Maine Youth Center has cut 40 positions. It has cut and cut and cut. There is nothing left and the kids are hurting.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: Just a quick point here. For me, in terms of evaluating which report to vote for, I have been listening very carefully to the debate today. It seems like many people are just not here and I wish that weren't the case because I think this is important and we ought to be trying to understand what the issues are so we can make informed decisions.

It strikes me that the question before us is which, if either, of these reports are going to save us some money since all the talk has been about, we have got to save some money, we are in a budget crunch. And, which, if either of these, will affect the quality of the services that are being provided here. I haven't heard anyone say that those positions listed and the services that are being provided aren't needed. It seems to me from listening to this debate that in fact neither report is going to save any money except that, if you don't pass the Majority Report, we may be picking up unemployment compensation costs that otherwise we wouldn't have to pay for, so that puts me inclined to vote for that.

Secondly, if we don't vote for the Majority Report and vote for the Minority Report, we may well be jeopardizing the federal funds because it raises questions as to whether we are in fact committed to

carrying out these programs. The federal government — these are in fact competitive grants that different states applied for and, in order to get a grant, you have to show that the state is committed to carrying out the program and isn't just sort of sliding the money somewhere else, that it is actually doing what it ought to be doing and we have to show that we are better than Alaska or North Carolina or some other state and really need the money and are going to do a good job with it.

There are a lot of questions raised and I think there has been a lot of correspondence that was read to you already today from the federal government and from the different departments which basically raises questions in the minds of the federal government as to whether we are in fact committed to those programs. These are grant proposals that have already been written and accepted which do not have in them contracted out positions.

To me, it doesn't seem to make much sense to vote for a proposal that doesn't save any money and yet raises questions as to whether we will lose \$10 million of federal money. It just seems to be a political statement that actually isn't accomplishing anything. I think that we really have to look at what is happening here and make sensible decisions. I don't want to risk that money. The positions, if you look through the bill in front of you, are extremely important positions.

It was just mentioned by the Representative from Augusta, Representative Daggett, concerning the Breast and Cervical Cancer position — we heard in our committee that we have the highest rate for cervical cancer in the entire country in the State of Maine. We need this program. I just think that we have to be thinking sensibly about this and really focusing on what is important.

The Majority Report is not going to cost more money than the Minority Report and it does preserve those positions. It helps us fund our state government that we really need to be funding. I urge you to vote for it.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Chonko of Topsham that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 57

YEA - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, H.; Beam, Bowers, Brennan, Caron, Carroll, Cashman, Chase, Chonko, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gean, Gray, Gwadosky, Hale, Hatch, Heeschen, Heino, Hichborn, Hogle, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kneeland, Kontos, Lemke, Libby James, Lipman, Look, Lord, Marsh, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pinette, Poulin, Pouliot, Quint, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Spear, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Clukey, Cross, Dexter, DiPietro,

Foss, Greenlaw, Hillock, Joy, Kilkelly, Kutasi, Lemont, Lindahl, MacBride, Marshall, Nickerson, Pendexter, Plourde, Plowman, Reed, G.; Robichaud, Simoneau, Small, Stevens, A.; Taylor, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Carleton, Carr, Cathcart, Clark, Donnelly, Dutremble, L.; Gamache, Gould, R. A.; Jalbert, Larrivee, Libby Jack, Ott, Pineau, Rand, Skoglund, Tardy, Thompson, Townsend, L.

Yes, 97; No, 36; Absent, 18; Paired, 0; Excused, 0.

97 having voted in the affirmative and 36 in the negative with 18 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-73) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-73) in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Supplemental Allocations to Continue Certain Positions Established by Financial Order, to Establish Other Positions, to Transfer Positions among Funds and to Make Technical Corrections to the Laws for Fiscal Year 1992-93 (S.P. 406) (L.D. 1264) (C. "A" S-73)

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

Representative Tracy of Rome requested a roll call vote.

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

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

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

ROLL CALL NO. 58

YEA - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, H.; Beam, Bowers, Brennan, Caron, Carroll,



Cashman, Chase, Chonko, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gean, Gray, Gwadosky, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Lemke, Lemont, Libby, James, Lipman, Look, Lord, Marsh, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pinette, Plourde, Poulin, Pouliot, Quint, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Spear, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Clukey, Cross, Dexter, Foss, Greenlaw, Hillock, Joy, Kutasi, Lindahl, MacBride, Marshall, Nickerson, Pendexter, Plowman, Reed, G.; Robichaud, Simoneau, Small, Stevens, A.; Taylor, True, Whitcomb, Young, Zirnkilton.

ABSENT - Carleton, Carr, Cathcart, Clark, Donnelly, Dutremble, L.; Gamache, Gould, R. A.; Jalbert, Larrivee, Libby Jack, Ott, Pineau, Rand, Skoglund, Tardy, Thompson, Townsend, L..

Yes, 102; No, 31; Absent, 18; Paired, 0; Excused, 0.

102 having voted in the affirmative and 31 in the negative with 18 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was sent forthwith to the Senate.

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On motion of Representative Aliberti of Lewiston,  
Adjourned at 3:33 p.m. until Monday, April 26,  
1993, at four o'clock in the afternoon pursuant to  
Joint Order (S.P. 413).

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