

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
44th Legislative Day
Thursday, April 29, 1993

S/John L. Martin
Speaker of the House

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

Prayer by Father John L. Shorty, Saint Mary's Catholic Church, Augusta.

The Journal of Wednesday, April 28, 1993, was read and approved.

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE

April 28, 1993

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

Dear Speaker Martin, President Dutremble and Members:

I am pleased to submit to you the 1993 report of the activities undertaken by the State Nuclear Safety Advisor.

This report discusses the activity highlights of the Nuclear Safety Advisor who is mandated to provide oversight and technical information on the operation of Maine Yankee to assure its safe operation. The Maine Yankee Nuclear Station continues to be of considerable interest in discussions of our energy needs in Maine, and I am sure the work of the State Nuclear Safety Advisor will contribute to informed decision-making.

Sincerely,

S/Stephen J. Adams
Acting Director

Was read and with accompanying report ordered placed on file.

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

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

April 28, 1993

Hon. Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Mayo:

This is to notify you that I have today made the following appointments:

Pursuant to my authority under Chapter 95 of the Private and Special Laws of 1991, I have reappointed Rep. Wesley Farnum, of South Berwick, and appointed Rep. Eleanor Murphy, of Berwick, and Rep. Kenneth Lemont, of Kittery, to the Piscataqua River Basin Council;

Pursuant to my authority under Chapter 471 of the Public Laws of 1987, I have appointed Rep. Birger Johnson, of South Portland, to the Human Resource Development Council;

Pursuant to my authority under MRSA 34-A, Section 1204, I have reappointed Rep. Rita Melendy, of Rockland, and appointed Rep. James Oliver, of Portland, to the Maine Correctional Advisory Commission;

Pursuant to my authority under Chapter 84 of the Private and Special Laws of 1991, I have reappointed Rep. Stephen Simonds, of Cape Elizabeth, to the Maine Committee for Global Education.

Sincerely,

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills 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:

Appropriations and Financial Affairs

Bill "An Act to Undedicate Certain Revenues of the Department of Environmental Protection" (EMERGENCY) (H.P. 1020) (L.D. 1366) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: BAILEY of Township 27, BARTH of Bethel, BRUNO of Raymond, CAMERON of Rumford, CARLETON of Wells, DONNELLY of Presque Isle, KNEELAND of Easton, KUTASI of Bridgton, LIBBY of Buxton, LINDAHL of Northport, LORD of Waterboro, NICKERSON of Turner, PLOWMAN of Hampden, QUINT of Paris, ROBICHAUD of Caribou, SIMONEAU of Thomaston, SPEAR of

Nobleboro, TARDY of Palmyra, TRUE of Fryeburg, YOUNG of Limestone, Senators: CAREY of Kennebec, HALL of Piscataquis, HANLEY of Oxford, SUMMERS of Cumberland)

Bill "An Act to Promote State Savings through the Efficient Utilization of Funds" (H.P. 1018) (L.D. 1364) (Presented by Representative ZIRNKILTON of Mount Desert)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend the Laws Concerning Medicare Supplement Insurance" (H.P. 1013) (L.D. 1359) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative: RYDELL of Brunswick)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Require Employee Leasing Companies to Post Security Bonds or Deposit Securities" (H.P. 1012) (L.D. 1358) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative: HILLOCK of Gorham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Exempt Certain Dams from Permit Fees" (H.P. 1016) (L.D. 1362) (Presented by Representative LORD of Waterboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Regarding Solid Waste under the Site-location-of-development Laws" (H.P. 1017) (L.D. 1363) (Presented by Representative LORD of Waterboro)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Define Responsibilities of the Commission on Biotechnology and Genetic Engineering" (H.P. 1015) (L.D. 1361) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative: TARDY of Palmyra)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Make State Drug Testing Standards for Marijuana Consistent with Federal Standards" (H.P. 1011) (L.D. 1357) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Representatives: LIBBY of Buxton, RUHLIN of Brewer) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Revise the Election and Campaign Finance Laws Regarding Write-in Candidates" (H.P. 1009) (L.D. 1355) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: CASHMAN of Old Town, KONTOS of Windham, NORTON of Winthrop, SULLIVAN of Bangor, Senator: O'DEA of Penobscot)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Clarify the Powers and Duties of Municipal Officials of the New Town of Long Island" (EMERGENCY) (H.P. 1014) (L.D. 1360) (Presented by Representative RAND of Portland) (Cosponsored by Representative: ADAMS of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Taxation

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Affirmative Vote of the Entire Elected Membership of the Legislature to Increase State Income or Sales Tax (H.P. 1019) (L.D. 1365) (Presented by Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Charter of the Plymouth Water District" (H.P. 1010) (L.D. 1356) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative JACQUES of Waterville, the following Order:

Ordered, that in accordance with the House Order passed on February 4, 1993, David Gregory of Freeport be reimbursed in the amount of \$1,850.88 for fees and expenses incurred while serving as independent counsel to the House Committee on Elections.

Was read and passed.

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

ORDERED, that Representative Joline Landry Beam of Lewiston be excused April 27 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mary R. Cathcart of Orono be excused April 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Albert P. Gamache of Lewiston be excused April 13 and 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence F. Nash of Camden be excused April 26, 27 and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused April 12 and 13 for personal reasons and April 26, 27 and 29 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Vivian St. Onge of Greene be excused April 26 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Calvin A Thompson of Lincoln be excused April 5 to 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Louise Townsend of Canaan be excused April 12 to 16 for personal reasons.

Was read and passed.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule

34, the following item:

Recognizing:

the Husson College Women's Basketball Team, for an outstanding season (28-3), winning the District 5 NAIA Championship and participating in the final four NAIA Championship in Oregon. All team members are from Maine; (HLS 297) by Representative SULLIVAN of Bangor. (Cosponsors: Senator BALDACCI of Penobscot, Representative FAIRCLOTH of Bangor, Representative MORRISON of Bangor)

On motion of Representative Sullivan of Bangor, was removed from the Special Sentiment Calendar.

Was read.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: It is my proud privilege to have you join me in recognizing the Husson College Women's Basketball Team, the first Maine team of women, I believe, to reach the final four in the NAIA they played in Oregon. We are very proud of them. More particularly, we have every right to be very proud of them because every single member of that team as well as their coaches are all residents of Maine.

I would like you to recognize — I have sent a note to individual Representatives indicating the players of the team who are residents of their districts, but I would like you to join me in recognizing this outstanding team who has brought great pride to, not only Husson College and the community around it, but for the entire State of Maine. I would like you to join me in welcoming and congratulating them. (applause)

Subsequently, was passed and sent up for concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative HUSSEY from the Committee on Agriculture on Bill "An Act to Exempt Certain Greenhouse and Nursery Owners from Licensing Fees" (H.P. 166) (L.D. 218) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-209)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-209) was read by the Clerk and adopted and the bill assigned for second reading Monday, May 3, 1993.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-199) on Bill "An Act to

Provide for an Open Season on Most Inland Fisheries in the State" (H.P. 567) (L.D. 772)

Signed:

Senators: HALL of Piscataquis
LUTHER of Oxford

Representatives: FARREN of Cherryfield
GREENLAW of Standish
JACQUES of Waterville
NICKERSON of Turner
SWAZEY of Bucksport
TRACY of Rome
ROTONDI of Athens

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

Signed:

Representatives: CLARK of Millinocket
HEINO of Boothbay

Reports were read.

On motion of Representative Rotondi of Athens, the House accepted the Majority "Ought to Pass" Report, the bill read once.

Committee Amendment "A" (H-199) was read by the Clerk and adopted and the bill assigned for Second Reading Monday, May 3, 1993.

CONSENT CALENDAR

First Day

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

(H.P. 515) (L.D. 673) Bill "An Act to Amend the Provisions of the Probate Code Providing Filing Fees and Duties of Registers of Probate" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-195)

(H.P. 584) (L.D. 788) Bill "An Act to Prevent Unauthorized Use of the Name Passamaquoddy" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-210)

(H.P. 489) (L.D. 647) Bill "An Act to Amend the Law Pertaining to the Termination of Credit Insurance" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-211)

(H.P. 764) (L.D. 1031) Bill "An Act to Extend Burial Eligibility for Dependent Children" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-213)

(H.P. 436) (L.D. 555) Bill "An Act to Limit Administrative Costs in Contracted Services" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment

"A" (H-214)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, May 3, 1993, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 173) (L.D. 587) Bill "An Act to Conform the Maine Tax Laws for 1992 with the United States Internal Revenue Code" (EMERGENCY)

(S.P. 197) (L.D. 633) Bill "An Act to Amend the Mechanic Lien Laws" (C. "A" S-80)

(S.P. 183) (L.D. 597) Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (C. "A" S-82)

(H.P. 380) (L.D. 493) Bill "An Act to Clarify the Disbursement of Maine Children's Trust Fund Income" (C. "A" H-196)

(H.P. 456) (L.D. 582) Bill "An Act Regarding Responsibilities of Union School Committees" (C. "A" H-198)

(H.P. 424) (L.D. 543) Bill "An Act to Amend the Laws Pertaining to the Distance Snowmobiles May Be Operated from Certain Buildings" (EMERGENCY) (C. "A" H-200)

(H.P. 518) (L.D. 702) Bill "An Act to Clarify That the Existing Sales Tax Exemption for the Aquaculture Industry Extends to Seaweed and Other Marine Plant Growers" (C. "A" H-202)

(H.P. 229) (L.D. 297) Bill "An Act to Change the Penalty for Night Hunting or Illegal Killing of Large Game Animals" (C. "A" H-203)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Prohibit Businesses from Requiring Social Security Numbers in Certain Cases" (S.P. 242) (L.D. 735) (C. "A" S-78)

Bill "An Act to Improve Access to Dental Services" (S.P. 85) (L.D. 198) (C. "A" S-83)

Bill "An Act to Require Removal of Ice Fishing

Shacks from Private Property" (H.P. 339) (L.D. 442) (C. "A" H-197)

Bill "An Act to Restrict the Taking of Turtles and Snakes from the Wild for Export, Sale or Commercial Purposes" (H.P. 485) (L.D. 643) (C. "A" H-201)

Bill "An Act to Increase Reimbursement to the State Police for Services Provided to Federal Agencies" (H.P. 723) (L.D. 982) (C. "A" H-204)

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 Papers were Passed to be Engrossed as Amended and sent up for concurrence.

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

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

HOUSE DIVIDED REPORT - Majority (6) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-176) - Committee on Business Legislation on Bill "An Act to Require That the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority" (H.P. 490) (L.D. 648)
TABLED - April 27, 1993 by Representative HOGLUND of Portland.
PENDING - Acceptance of Either Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Høglund.
Representative HOGLUND: Mr. Speaker, Men and Women of the House: I move that the House accept the Minority "Ought to Pass" Report.

This bill, as amended, will take the authority from the Professional and Finance Regulation budget and give it to the Board of Electricians' budget. The money will be used for inspections and investigations. The money will come from the license fees of electricians, just like they do with all the other boards. That is as simple as a bill can get.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.
Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Majority "Ought Not to Pass" and I wish to speak to my motion.

The SPEAKER: The Chair would advise the Representative that his motion is out of order but you may speak on the pending motion.

Representative VIGUE: Mr. Speaker, Men and Women of the House: I would like to speak against the pending motion, the reason being that the Division of Licensing and Enforcement is completely and totally opposed to this piece of legislation. Passage of

this bill would seriously jeopardize the operational needs of the Department, the Division and the Board. All activities within the Division are funded with dedicated revenue. If we do this and everybody that is under the Division of Licensing and Enforcement does the same thing, it will be impossible for the Division to continue operation.

The SPEAKER: The Chair recognizes the Representative from Clinton, Representative Clement.

Representative CLEMENT: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Minority "Ought to Pass" Report and the reason why is that this bill will help small businesses. At the present time, they have four inspectors and investigators and that is not enough to do what we need to do. We have businesses that are a small business and they need an inspector over there to inspect their wiring or to investigate a problem with something, we don't have enough inspectors at this time. The Board pays a fee to the Professional and Financial Regulation people and that fee is plenty to support a six man inspection team whereas we have four today.

I feel this bill is very important, it will help small business. We need to help small business in this state.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise to speak against this bill. In my view, in the testimony that I sat through, this bill would begin the dismantling of the Department. The reason I say that is this department is given the responsibility of overseeing inspections throughout the state and it isn't just for electricians, they are responsible for a number of other professions.

While it may or may not be true, I have heard the argument that some of the electricians' money is being used for administration of the Department while some other professions may not be paying enough for their share. I did not see any proof of that in the testimony.

As far as helping small business, I also saw nothing in the testimony as we sat through the public hearing that would indicate that this would be of any benefit at all to the small businesses.

While it is true that we need more inspectors, there is a better way to do that. We feel very strongly that if this bill passes, it will begin the dismantling of the entire Department because other professions will see this an an opportunity to get control of their own money that is now being controlled by the Department and, hopefully, in an unbiased, impartial manner.

As we sat through the testimony, I was left with the impression that if we were to pass this bill that the Electricians Board, as it presently stands, has no mechanism in place to deal with handling this money. We would, I think, be creating a real problem with this money because they admitted themselves that they had no mechanism to handle the money and to deal with the issues that have to be dealt with.

I urge you to vote against the pending motion and turn this bill down.

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

Representative HOGLUND: Mr. Speaker, Men and Women of the House: Let me see if I can explain to the body - the electrician's pay \$100 a year for their license. That \$100 is supposed to go for their

testing, inspections and investigating. What happens is that all the different professions give their money for licensing to do the same thing, cosmetologists and hair dressing will go for their licensing, their testing and for their inspections.

What has happened here is the electricians have not had enough inspections. So, looking at Representative Clement's way of doing it, you only have four doing the whole State of Maine. What they need is — where they are paying \$100, not \$40 or \$25 or whatever, they would like to have more inspections, more investigations and have the procedure move a little faster. That is what the money is geared for. We are not trying to undo the Professional Financial Regulations Board or whatever, it is just that that Board charges licensing fees to every profession and those professions ought to be given the opportunity of doing what they are supposed to do, pay for the testing, pay for the inspections, pay for the investigations and that is what we are asking, to just be as normal as the other professions.

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

A vote of the House was taken.

52 having voted in the affirmative and 51 in the negative, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-176) was read by the Clerk and adopted and the bill assigned for Second Reading, Monday, May 3, 1993.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-178) - Minority (4) "Ought Not to Pass" - Committee on Labor on Bill "An Act Regarding Family Leave" (H.P. 318) (L.D. 406)

TABLED - April 27, 1993 by Representative RUHLIN of Brewer.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I thought I would take a couple of moments to describe to you, especially the new members, a little bit of the history on family leave legislation in the State of Maine and in the nation as a whole and why this particular piece of legislation is before you today.

Family Medical Leave is an unpaid benefit that has most of the cost borne by the parents or family members themselves. It is they who must deal with the double consequences of lost income at the same time that their family expenses are being increased by medical expenses related to a birth or illness or other dire family consequences. When they take that time off from work, present law protects their right to seniority, protects them from being fired. That is about all it does do. It does not pay them money. I think it is important that you realize that, that it is an unpaid leave of absence.

A few years ago, I believe it was four, this legislature passed in a bipartisan spirit, a bipartisan action, the Family Medical Leave for the State of Maine. It had the support and the active support on the floor of both Republicans and Democrats. We did so with the hope that we would protect and enhance family values in the State of Maine. In so doing, one of the things that we overlooked and, in hindsight I guess I would call it an unintended consequence, was that we wanted to protect our small businesses and we said 25 employees at a permanent work site. Well, what we didn't take into consideration was that a large company could have 100 employees, 200 employees, 500 employees — they may only have 24 employees at site A and they might have 100 employees at site B, but you take an employee at site A who is doing identical work as another employee at the other site and their benefits are totally different, one has leave to protect the family and one does not have leave to protect the family.

This particular piece of legislation is here today to correct that, I guess I would call it an oversight or mistake that we made, correct that error that we made at that time. That is the full intention of this legislation. It is not to change the general thrust of the family leave or policy in the State of Maine. Right now, the Federal Family Leave Policy allows 50 employees, however it must be a total of 50 employees, and therefore if you had 50 employees and you had that example that we just used, both employees under federal law would have those same benefits. They do not presently under Maine law and this would correct that oversight.

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

Representative AIKMAN: Mr. Speaker, Men and Women of the House: I would urge you not to support the pending motion of the "Ought to Pass" Report but go and support the "Ought Not to Pass" and vote against the pending motion.

The Family Medical Leave Bill, in my opinion, goes well beyond current state and federal laws. This bill before us deletes the "at a permanent work site" language, limiting coverage to employers of more than 25 employees per site.

Example, if a company had seven work sites across the state with four employees at each site, they would fall under this new proposed bill. This bill places another undue hardship on the employers asked to cover personnel where the work force is small. Are some Maine employers going to consider downsizing to fall below the 25 employee minimum? What kind of effect will this have on the Maine economic development? It is another case in which Maine employers are being asked to carry a burden that their competitors in other states do not.

Ladies and gentlemen, this is not the time for Maine to pass laws that make it more difficult to do business in this state. I urge you to vote against the pending motion.

Mr. Speaker, I request a roll call.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the "Ought to Pass" motion because we now have a law which has a loophole. This bill is designed to protect family values. It is nice to be able to talk about protecting business and protecting other facets

in economic development but we also have to look to family values and that is what this bill would do.

I request, sincerely, your support in passing the "Ought to Pass" as amended Report.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: This legislation supports the family bonding and cohesion and closes a loophole.

I think the loophole is the important thing because some of you may be philosophically against it and some of you who have been in here before may have voted against family leave. This is really not a debate on family leave, this is a debate on closing a loophole.

Let me give you some background and rationale behind the legislation as described for the purposes of family leave as defined in the Federal Register. I am a somewhat apprehensive at defining these purposes because we do not want to get in debate about family leave. I think the purposes do set the stage as to what someone is being denied when they are being discriminated against by the loophole.

Number one, the number of single parent households and two parent households in which the single parent or both parents work is showing a significant increase. Now, these are the purposes as stated in the Federal Reg's. "It is important for the development of children in the family unit that fathers and mothers be able to participate in early child rearing and in the case of family members who have serious health conditions. The lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting. There is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods. Due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women and such responsibilities affect the working lives of women more than it affects the working lives of men." This is the last of the federal purposes, "To balance the demands of the workplace with the needs of families, to promote the stability and economic security of families and to promote the national interest in preserving family integrities."

The business lobbyist that testified before the Labor Committee recognized that this bill does not have a major impact on industry or business and he admitted that there was an unfair loophole in the law.

I want to restate what the good Representative stated, Representative Ruhlin, that this is leave without pay. This is a deep recession, this is a time when two in a family have to work, so making a decision in a family to take leave without pay is a very, very serious consideration. The person requesting such leave would only make such a recommendation with absolute necessity and he or she must give a 30 day notice.

Should a Maine citizen lose his or her job for taking a leave without pay to care for a terminally ill parent or spouse?

Maine has been recognized as the national leader in family leave legislation. The legislation here will have very little impact, as I said before, in industry but a tremendous impact on the family that is either caring for someone terminally ill or adopting or having a child.

The Small Business Administration at the federal

level did a national survey of business executives in 1990 on this very issue. Allow me to share with you some of the major findings of this survey. Number one: the major finding on the cost of covering the leave taker's work and this is a very important point, the cost of coverage differs little from the cost of maintaining workers in their position without leave. This is a national survey of top business executives.

Finding number two: major finding on cost of terminations compared with cost of leave — the net cost to employers of placing workers on leave are usually substantially smaller than the cost of terminating these employees. I would add, I have been an executive director in Portland for 26 years in one organization so we have a lot of employees. I know that when we have always granted leave, and it has been our policy long before the federal and the state governments recognized it in its full impact, we have never suffered. In the most extreme case, we were able, because there would be a gap, to hire a temporary worker at less salary than the person being replaced. So, I think the business lobbyist who testified before the committee was absolutely correct, this will have very little impact on industry or business.

I would like to share with you a letter from a victim of this loophole, a person born in Maine, a very qualified person in her profession and a very good contributing citizen in our community. This is from Maureen Kane of Portland. "What happened to me is an example of how the Maine Family Leave requirements did not protect my employment. I am glad to see the proposed changes in wording of the requirements that would protect me and others from the loss of employment when family leave needs arrive. As a four year veteran employee in good standing, working for a very large out-of-state insurance company with a Maine branch office employing 16 people, I was shocked to find out that after adopting an infant and taking a leave of absence, my job was not protected.

My husband Tom and I had a wonderful opportunity in April of 1991 to adopt a baby on short notice. We traveled to Texas, spent the week there and returned overwhelmed and overjoyed by what happened. After just two days home with the baby, I was talking with my employer about plans of returning to work. I had less than a week's vacation time left and was not allowed to use any paid sick time towards my time away from work. Our baby was just two weeks old and I was offered the option of returning to work immediately for 10 hours a week with no guarantees of my full-time job back or I could take a leave of absence, not a maternity leave, with no guarantee of my job. I was under pressure to make an immediate decision by my supervisors while trying to recover from the similar effects the birth of a child has on a woman, all because the Maine family leave requirements did not protect my employment. After a week or so struggling with this decision, I decided to take the leave of absence and risk losing my job. I did lose my job. While struggling with this decision and talking with several people to make sure my rights, my own rights, were not being violated, I was surprised to hear that because of the specific wording, "at a permanent work site" which this amendment, Committee Amendment "A" is doing away with, "in the Maine Family Leave requirements, my job was not protected after a leave of absence needed due

to an adoption. I worked for a very large employer who employed thousands of people throughout the country and, in my view, they could certainly afford to comply with family leave requirements that would have protected my job. I understand that the restrictions are fewer than 25 employees is necessary to protect small employers but that was not the case in my situation. I support this change."

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to L.D. 406. Maine law and federal law have already defined family leave proviso, there is no loophole. This is a practical application to the current laws. This bill removes what is believed to be acceptable limits that balance the needs of the employee and the needs of the business.

Employers, not the government, are best suited to know this balance. Business has traditionally worked to tailor the leave requirements to the needs of their employees.

We have already recognized the changing demographics that reflects more women than ever have joined the work force and thus bringing new challenges to the human resource management field. Employers have already responded to these challenges in new and creative ways.

I encourage you to continue the present law and leave the exceptions to be resolved between the employer and the employee — L.D. 406 "Ought Not to Pass."

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I promise I will be brief. I find this debate rather interesting and there seems to be a point that nobody has touched on. I had a concern when the federal government passed the present family leave bill of employers of 50 or more. Philosophically, I think I agree with the principles of family leave. My concern is, I find these bills discriminatory in that, if you make a decision in your lifetime to go to work for somebody that doesn't employ either 25 people or 50 people, tough luck folks, you're on your own. To me, every one of these bills that we pass, we say to these people working for small companies, leave that small company if you want some good benefits and go to the big companies. That is my concern, that it is discriminatory against, not necessarily just the employers, but the employees of small companies who are not offered some of the same benefits. I have a philosophical problem with that in that so many of the employers within our state are small employers so we are picking out a very, very, very select group of people, particularly in Maine, when we pass these kinds of laws because the majority of our people do work for employers who have fewer than 25 employees.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I think it is very important that we support the "Ought to Pass" as amended bill because it is one more step toward removing the kinds of discrimination that do exist for people who happen to work for small employers or for an employer who has more than 25 employees but at scattered locations around our state. By any standard for most industrialized countries, we have a very, very mild

Family Leave Act. Most countries go way beyond what we have here and what is even being proposed by L.D. 406.

I would like to bring out one more piece of discrimination. For many, many years, I have worked with families that have children with severe disabilities. Very often these families have had to miss work because of the medical needs of these children, but sometimes there is even more tragic circumstances, there are times when these children's illnesses or disabilities are terminal. I have experienced parents not being able to spend the last weeks with their child because they worked for a small employer with fewer than 25 employees even though the company across the state may have had more.

I think that we need to pass this bill. We need to get it enacted into law so we can end this kind of discrimination against people who happen to work for a company with scattered locations. We have made good progress in our state, we have gone beyond what the federal law has because we know that it is good business practice and a good economic practice to provide for the stability of employees and to allow them to take care of their family responsibilities and not to lose their job and create family disunity and family stress by the loss of income on a long-term basis when they may be able to withstand that only for a short-term basis.

I would urge you to vote for the "Ought to Pass" as amended Report.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose L.D. 406. The reason is, I think we are going to put our State of Maine again at a disadvantage vis-a-vis other states. If the federal government passes a law that affects every state, then we are not at a disadvantage. By doing this, it is costlier, more of a burden to do business in the State of Maine. So what happens with the lower cost, the business community will sell their products or buy their products from other states that have a lower cost.

Philosophically, I can accept the reason for family leave. I think that it is a very worthwhile noble thing to do but as a business man, it is impossible to have laws that affect the State of Maine only and expect us to do the business that we have to do to provide jobs.

I would urge you to oppose L.D. 406.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: Representative Cameron raised an interesting point which is that in the State of Maine, you may need to work for a large employer to get decent benefits. When we are looking at L.D. 406, what we need to remember is that this bill addresses a situation in which a larger employer, if that employer has several sites in the state, in fact is not required to provide the benefits that smaller employers who have 25 people in one location are required to provide.

This bill merely addresses that problem in Maine State law, that a larger employer who may employ hundreds of individuals across the state, who may be used to transferring those individuals from site to site for training purposes or to take care of vacations, in fact is exempt from providing family medical leave unless there are at least 25 people at

that site. For that reason, I urge you to please support the Majority "Ought to Pass" Report.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative Rydell responded to my comments and she raised another fear that I suspected was coming. What I suspected was coming behind this was the next — first down to 20, then 15, then 10, then all employers are going to be required to do this. I am very concerned about that.

Yes, an employer with 25 or 50 or more people can probably survive this without it being a big issue, but I can tell you when we get down to the point where we are talking about three or four, then we are talking about 30 percent or 25 percent of their employees and then they are forced to go out and hire somebody else on a temporary basis. Then we are putting that temporary person in a position where they just become a yo-yo and they are just a pawn until the other person comes back, so going down further even makes the situation worse.

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 Bethel, Representative Barth.

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

Would this bill as amended that is before us put Maine in compliance with the recently passed federal legislation or would we, once again, exceed those requirements?

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

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I am very pleased to answer that question. This particular piece of legislation will more closely mirror federal law than Maine does presently. Presently, federal law — just so you will understand the answer, and I also wanted to respond to the good Representative from Winslow because it is amazing how people with good intentions can read the same piece of legislation and yet see two different things. What I wanted to point out is that federal law by itself, in answer to the Representative from Bethel's question, does not have a permanent work site or separate work site clause in it. It says 50 employees or more, total. It does not have that, so if you had 50 or more employees, five at each site or whatever it is at each site, you would be covered under the federal law. This, in that case, would more closely mirror that federal law and bring Maine closer to federal compliance.

The other difference though, I do want to point out, is that the federal limit is 50 employees, the Maine limit is 25, so there is a difference at that particular level of entry into the program and that is as it is.

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

Representative AIKMAN: Mr. Speaker, Men and Women of the House: I agree with the good Representative from Brewer, Representative Ruhlin, that employers with 50 or more employees — however, this is within a 70 mile radius of that organization so we do have to include the 75 miles within that business. What we are doing now here is exempting, we are lifting the 25 per permanent site and we are asking the employers of the State of Maine who employ a total of 25.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify again, it is federal law, it calls for 50 employees within a 75 mile radius, this law would call for 25 employees throughout the state. It is far in excess of what the federal law requires.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I do want to stand corrected on that, it is a 70 or 75 mile radius but it does not have, and the key point is, it does not have a single permanent site. That is the point that I was trying to get to in response to the good Representative from Bethel's question.

It does though have a 70 mile radius where Maine law does not have that. There is a big, big distinction between the 70 mile radius and a single permanent work site.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Greene, Representative St. Onge. 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 the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 64

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kontos, Lemke, Libby James, Martin, H.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pinette, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Skوجلund, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, L.; Treat, Walker, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Campbell, Carleton, Caron, Carr, Clukey, Cross, Dexter, DiPietro, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Gould, R. A.;

Gray, Greenlaw, Heino, Hillock, Joy, Kerr, Ketterer, Kneeland, Kutasi, Lemont, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nickerson, Norton, Ott, Pendexter, Plourde, Plowman, Poulin, Quint, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, Tracy, True, Tufts, Vigue, Whitcomb, Young, Zirkilton.

ABSENT - Kilkelly, Larrivee, Libby Jack, Melendy, Nash, Pendleton, Pineau, Townsend, G.; Winn.

PAIRED - Cameron (Nay)/St. Onge (Yea).

Yes, 74; No, 66; Absent, 9; Paired, 2; Excused, 0.

74 having voted in the affirmative and 66 in the negative with 9 being absent and 2 having paired, the Majority "Ought to Pass" Report was accepted, the Bill was read once.

Committee Amendment "A" (H-178) was read by the Clerk and adopted and the bill assigned for Second Reading, Monday, May 3, 1993.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

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

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

SENATE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (S-81) - Minority (6) "Ought Not to Pass" - Committee on Aging, Retirement and Veterans on Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers" (S.P. 135) (L.D. 426) - In Senate, Bill and accompanying papers Indefinitely Postponed.

TABLED - April 28, 1993 (Till Later Today) by Representative ZIRNKILTON of Mount Desert.

PENDING - Motion of Representative JALBERT of Lisbon to accept the Majority "Ought to Pass" as amended Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This bill increases the state's share of the medical insurance for teachers. Presently the state pays 25 percent of the medical insurance for retired teachers and this bill increases it to 30 percent, which is 5 percent.

The original request to the bill was that the state would pay 100 percent of the teachers' retirement, the retired teachers' medical insurance. There was a compromise in the amendment which raised it only 5 percent. At the time, many people felt that this was something that should have been taken care of years ago. Unfortunately, it has taken about five years to reach up to 25 percent. That's all the state could afford.

The reason for this bill is to try to put equity

between the state employees and the retired teachers. State employees have their medical insurance paid for while they are employed and, upon retirement, the state pays 100 percent of the insurance. That is what we are trying to do to come up to it.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this bill and hope that you defeat this motion and go on to accept the "Ought Not to Pass" Report.

Yes, it is a good idea to level the playing field and make the benefits that people receive through the Maine State Retirement System equal in all aspects. However, at this time when we are faced with the budget crisis that we have and we are cutting and will cut what many people will believe are very worthwhile and worthy programs, I cannot in good conscience vote for sending any bill to the Appropriations Table that has money for new programs or increased spending of any kind.

So, I urge you to defeat the motion.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I rise again to defend this legislation. It is a ridiculous piecemeal type of legislation. It is quite obvious by now that I have gotten up five times, this is the fifth time, in defense of allowing this pittance to the teachers. This will make it a 30 percent coverage for recognized state employees. They have been responsible for providing funds to the retirement fund for the past years. Because of their contributions, the state has been able to address other areas of retirement benefits to the regular state employees.

I think it is a terrible injustice. Do you realize and recognize what a pittance it is to some of the teachers, the retired teachers today, those that have retired 15 or 20 years ago? All they are asking for is to decrease their burden and it can be done with a pittance from the state. It does not affect me because I come under the State Retirement System and that entitles me to be considered by this legislative group as a member of this legislature, I am entitled to my paid insurance.

I urge you out of compassion, out of need, out of sympathy, and just being fair to grant this pittance. I wish it had been the 100 percent because we are going to have to come back in another several years in order to make up the total amount that we should be paying to the teachers.

Representative Tracy of Rome requested a roll call.

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

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

I would like to get some sense of the financial impact of the bill, if I could please.

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

The Chair recognizes the Representative Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the request by the Representative from Limestone, in 1993-94 year,

it is a little over \$449,000 and for 1994-95, it is over \$649,000.

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

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

My understanding is that the sponsor of this bill in the other body, Senator Pearson, withdrew this bill on the other floor because of lack of money — could you give me a reading on that?

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

The Chair would advise the Representative that the action of the other body should not and cannot and must not influence the actions of this body.

The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I am on the "Ought Not to Pass" side of L.D. 426 and I rise because I believe all of you should be given the benefit of as much of the discussion and thinking that went into this bill as possible before deciding how to vote on it.

This Divided Report resulted not from a difference of philosophy about teacher retirement benefits as much as it being a difference in timing and I want to emphasize the word "timing."

I think most of us would agree that teachers have earned and deserves a decent retirement package but at a time when we are seeing younger teachers being laid off, programs eliminated that benefit youngsters, younger teachers being asked to contribute more to a retirement system while at the same time having to look forward to substantially decreased benefits, we should not be enacting legislation that requires new spending, even for a worthwhile program such as this. I feel the legislature should revisit this issue later when the state's fiscal condition is more positive and this, as well as other worthwhile legislation, can be better afforded.

I ask you to vote against the pending motion.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Lisbon, Representative Jalbert, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 65

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Caron, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Cote, Daggett, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Lemke, Lemont, Libby James, Look, Lord, Martin, H.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison,

Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pinette, Poulin, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, L.; Treat, True, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Clukey, Coles, Constantine, Cross, Dexter, DiPietro, Donnelly, Dore, Farren, Foss, Gamache, Gray, Greenlaw, Hillock, Joy, Kerr, Kneeland, Kutasi, Lindahl, Lipman, MacBride, Marsh, Marshall, Murphy, Nickerson, Ott, Pendexter, Plourde, Plowman, Pouliot, Quint, Reed, G.; Robichaud, Simoneau, Skoglund, Small, Stevens, A.; Taylor, Thompson, Tracy, Tufts, Vigue, Whitcomb, Young, Zirkilton.

ABSENT - Larrivee, Libby Jack, Melendy, Nash, Pendleton, Pineau, Saint Onge, Spear, Townsend, G..

Yes, 84; No, 58; Absent, 9; Paired, 0; Excused, 0.

84 having voted in the affirmative and 58 in the negative with 9 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-81) was read by the Clerk and adopted and the bill assigned for second reading Monday, May 3, 1993.

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

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-79) - Minority (5) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline" (S.P. 106) (L.D. 309)

- In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-79).

TABLED - April 28, 1993 (Till Later Today) by Representative RUHLIN of Brewer.

PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

Subsequently, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

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

TABLED - April 28, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

On motion of Representative Gwadosky of Fairfield, retabled pending final passage and specially assigned for Monday, May 3, 1993.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-150) - Committee on Labor on Bill "An Act to Conform Maine Law Related to Commission Salespersons with Federal Law" (H.P. 183) (L.D. 235)

TABLED - April 28, 1993 by Representative RUHLIN of Brewer.

PENDING - Motion of same Representative to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Clinton, Representative Clement.

Representative CLEMENT: Mr. Speaker, Ladies and Gentlemen of the House: I am against the motion on the floor of "Ought to Pass." This piece of legislation — I will tell you a little history — in the committee it was brought to us and there was testimony and the testimony was from Sears Company and there wasn't an employee involved in the testimony. I had a bad feeling about it so I went to the store in the area and I talked with their employees. At the time of the hearings, the employers had said that they had talked with their employees about this piece of legislation. When I talked with the employees, there was no communication of this piece of legislation.

This piece of legislation will in fact make their employees work after 40 hours a week for less money than they get in their regular work week of 40 hours.

I would hope that we would vote against the motion on the floor and I request a roll call, please.

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

Representative AIKMAN: Mr. Speaker, Men and Women of the House: I hope you will go ahead and support the Minority "Ought to Pass" Report.

What this bill does is it exempts commissioned sales representatives from the overtime provision of the state wage law if the sales representative earns at least one and a half times the state's minimum wage and at least half of the person's earning are from commissions. This exemption from overtime pay is the same as the exemptions provided under the Federal Fair Labor Standards Act.

The only employees likely to be affected by this bill are commissioned sales persons working in so-called big ticket departments selling such items as appliances, home furnishings, stereos and computers. Some department stores presently restrict the hours of a full-time commissioned sales person in order to minimize overtime pay expense, even when a salesperson might choose to work overtime to maximize their commission-based earnings during promotional sales or on busy holiday weekends.

Ladies and gentlemen, I believe this bill will benefit both the employer as well as those employees who wish to take advantage of greater earning opportunities.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: Currently inside sales people selling big ticket items can't earn overtime so, frankly, to the Representative from Clinton, I'm having a little bit of trouble understanding why you are on the side that you are on.

Overtime pay for these people, who currently earn about \$10 to \$16 an hour, could be as high as \$24 an hour so basically, the retailer has come up with a policy saying we are not going to pay \$24 an hour to our inside sales employees who might be trying to sell furniture or refrigerators or washers or dryers or whatever when they might not even make a sale during that hour. It would be crazy to do that. On one hand, we have the salespeople who want this bill to be passed. This is an unusual situation, we have salespeople who want the bill to be passed on one hand and on the other hand, we have a bill that is going to have an administrative savings so management wants the bill.

I know that there are a few people on the committee that oppose the bill. I still haven't heard any real good reason why except I do understand there was a lack of communication between management and some of the employees at some sites across the state regarding this bill.

I am looking for bipartisan support on this bill, it would be nice to see the board lit up with bipartisan figures. I haven't seen that lately so I am kind of looking forward to those lights and I thank you very much.

The SPEAKER: The Chair recognizes the Representative from Clinton, Representative Clement.

Representative CLEMENT: Mr. Speaker, Ladies and Gentlemen of the House: People can work at these stores if the owners of the stores want to pay them for the overtime today. The companies choose not to pay the overtime.

This bill would would affect the employees to work overtime hours for less pay than they get for the straight work week. I hope I answered the good Representative Libby's misunderstanding about that.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that probably surprises some people in the way that the report came out because there is some confusion on how the minimum wage laws affect commissioned salespeople. I would like to try and clear up some of that.

First of all, as a person who has stood in this chamber and debated, vehemently, the protection of the minimum wage laws and increases, I look at this bill as being a pro-worker bill and I will tell you why in a moment. This bill gives the workers of the State of Maine under our present laws, or changes those, excuse me, to conform with the federal laws, Under this, it would give them an increase earning opportunity.

The Representative from Poland had it exactly right and that is what this bill is, it is an increased earning opportunity bill. It conforms Maine law to federal law. How it does that — and we should all understand one thing, I think this is where the confusion comes about — if you are on commissioned sales, you must, at the very least, be paid time and a half the minimum wage. The minimum wage presently in the State of Maine is \$4.25 an hour. You must be at the very least one and a half times that amount. You must also make 50 percent or more of your income directly from commissions. That is what the law says, that is what the law will continue to say and I think what happens is that there has been some confusion, honest, legitimate confusion.

When you ask employees questions, it is confusing

to them and you have to explain the issue to them and tell them exactly how it would work. When you do that, the ones I talked to, want this legislation. I am aware that there is a document that has been distributed that says certain employees did not want it. I hold to you this morning that is because of the way the question was asked and the way the information was transmitted to them, because if you really understand the law and how this works, what it does is it gives the Maine worker the same opportunity to earn incomes that they get in 42 other states in this nation. Right now, you can go to New Hampshire and an inside commissioned salesperson in New Hampshire can work 50 or 52 weeks and they will make \$10 to \$16 an hour on commission. In Maine, that same worker, that same job, is limited to 40 hours a week. I explained that to a worker, more than one worker, but one comes to mind and I would like to share that conversation very briefly with you. He was a young man with three children and I told him how this would work. He said he had done some calculating and he said, "if I could be here those extra ten hours," he divided up what he made, "I could make another \$3,500 or \$5,000 a year. I want to do that." Laws aren't made for one person, but it is the experience of that one person that sticks in my mind when I vehemently say to you that this is a good bill, it is a good bill for the workers of Maine, it is a good bill for the businesses of Maine and I would surely ask that you support the "Ought to Pass" Report.

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

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

I would like to ask Representative Ruhlin if these commissioned salespeople are prohibited? From what he just told us, they are prohibited from working overtime.

The SPEAKER: The Representative from Sanford, Representative Hale, has posed a question through the Chair to the Representative from Brewer, Representative Ruhlin, who may respond if he so desires.

The Chair recognizes that Representative.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to that question, I would point out that they are not by law prohibited but they are probably economically prohibited in the sense that if they are making \$10 an hour on commissions or \$12 or whatever that commission rate is, they must, the way our law is written, being in non-conformity with federal law, make one and a half times that wage that they were receiving on their regular. So, if the person was making \$10 an hour, it balanced out on commission, you must pay them at a minimum of \$15 an hour to go over the 40 hour limit. That is why it is not a prohibition though and I want that clearly understood. It is not a prohibition by law.

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

Representative HALE: Mr. Speaker, I would like to pose another question through the Chair to the Representative from Buxton, Representative Libby.

Representative Libby said that if a commissioned salesperson worked on time and a half on a Sunday, the employer would have to pay them \$24 an hour because it equals time and a half. Whether they made it or not, this seems to conflict with what the

Chairman of the Labor Committee has just stated.

The SPEAKER: The Representative from Sanford, Representative Hale, has posed a question through the Chair to the Representative from Buxton, Representative Libby, who may respond if he so desires.

The Chair recognizes that Representative.

Representative LIBBY: Mr. Speaker, Ladies and Gentlemen of the House: I am not quite sure that I caught all of that but I guess my answer to it the way I understand it is, if someone is making on the average \$16 an hour, let's say, the overtime pay would be \$24 an hour. Obviously, an employee of a retail store is not going — it is going to be company policy, that's the thing, company policy is saying that we are not going to allow that person to work overtime. It is costing the company too much money. Company policy — it is not prohibited by law.

What we would like to do is change that environment and I think that this is the way to do it. I think Representative Ruhlin has done an awfully good job at explaining the technicalities of this bill and I am hoping you will be able to support it with me.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: My good Chair, Representative Ruhlin, and I do not disagree frequently but today I must tell you that I disagree with just about everything he has said in his analysis of this bill, especially that it is a good bill, a good bill for labor and a good bill for business.

What this is a good bill for one company. In fact on the Labor Committee, we called it the Sears bill. It was presented to us by representatives of Sears. It was actually presented to us, of course, by members of this and the other body but it was initiated by representatives of Sears.

If you are confused, I understand. We on the Labor Committee were also confused by the initial bill and by subsequent answers we got to questions that we asked. Upon questioning, we were told that people were not allowed to work overtime as Representative Ruhlin has pointed out. We were told, no, of course people are allowed to work overtime, Sears simply didn't want to pay that wage because in fact people must be paid one and one half times their earnings. If they are commissioned salespeople, Sears told us that they earned very well, \$10 to \$12 an hour on the average. We understand that they wouldn't want to pay people one and a half times that wage. So what is being proposed is that we change state law to help Sears ask people to work overtime to earn one and one half times minimum wage — this strikes me as being fairly outrageous.

When the representatives from Sears were asked by three different members of the committee in both bodies how the employees felt about this and whether they were aware of the public hearing and whether they were notified of the contents of the bills, we were told, and I was told very clearly, that they supported the bill. Subsequent questioning from different members of the committee revealed otherwise.

Now, I do agree with Representative Ruhlin that it would all depend on how you asked an employee a question. He asked employees questions, Senator Handy asked employees questions and I believe there were other questions asked by members of the body. We also received a document signed, I believe, by

nineteen employees who do not support this bill. Two of the original sponsors of this bill do not support this bill.

I don't support this bill because I don't believe, in general, that we should pass bills that basically benefit one person or one company. However, if a bill happens to be a good bill and does benefit an individual or a company, that's not such a problem — what it doesn't do is benefit the employees who would be affected by this bill. If you are working and selling for \$10 and \$12 bucks an hour, it has been presented to us that an employee with initiative would want to work another day and make more sales and I can accept that argument. However, the employer does not necessarily have the employee working and making sales on that day. The employee is often used to be stocking shelves, making telephone calls or cleaning and repairing equipment.

I urge you to vote against this bill in the interests of the employees of Sears as well as other workers in the State of Maine.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I want it clearly understood that although one company may initiate legislation, they may take the lead to bring it, that I talked myself, personally, to companies that were not of one particular brand name — this particular legislation refers to all inside commissioned sales of major appliances. The last time that I checked there was no one company that had a monopoly in the State of Maine on all inside appliances, big ticket appliances. This does not respond strictly to one company's interest.

In asking questions, I did not limit myself to one particular brand name, this is a broad spectrum bill to conform Maine law to the other 42 states and I think that answers the response of being for one company well enough.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Brewer, Representative Ruhlin, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 66

YEA - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Carr, Cashman, Cloutier, Clukey, Cross, Dexter, Dutremble, L.; Farren, Foss, Heino, Hichborn, Hillock, Johnson, Joy, Kerr, Kneeland, Kutasi, Libby James, Lindahl, Lipman, Look, MacBride, Marsh, Marshall, Martin, H.; Murphy, Ott, Pendexter, Plowman, Quint, Reed, G.; Robichaud, Rowe, Ruhlin, Simonds, Simoneau, Small, Stevens, A.; Taylor, Thompson, Townsend, L.; True, Tufts, Whitcomb, Young, Zirkilton.

NAY - Adams, Ahearne, Aliberti, Anderson, Beam, Bowers, Brennan, Caron, Carroll, Chase, Chonko,

Clark, Clement, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heesch, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketterer, Kontos, Lemke, Lemont, Lord, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saxl, Skoglund, Strout, Sullivan, Swazey, Tardy, Townsend, E.; Tracy, Treat, Vigue, Walker, Wentworth, The Speaker.

ABSENT - Cathcart, Dore, Kilkelly, Larrivee, Libby Jack, Melendy, Michael, Nadeau, Nash, Pendleton, Pineau, Saint Onge, Spear, Stevens, K.; Townsend, G.; Winn.

Yes, 56; No, 79; Absent, 16; Paired, 0; Excused, 0.

56 having voted in the affirmative and 79 in the negative with 16 being absent, the Minority "Ought to Pass" Report was not accepted.

Subsequently, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 434) (L.D. 1344)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Establish a New Method of Workers' Compensation" (S.P. 436) (L.D. 1368)

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

Was referred to the Committee on Labor in concurrence.

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

SENATE PAPERS

Resolve, to Clear Title to Land Owned by James Mercier in Unity, Maine (S.P. 433) (L.D. 1343)

Resolve, to Grant an Easement from the Maine Technical College System to Darling's, Incorporated to Construct and Use an Access Road on the Campus of Eastern Maine Technical College (S.P. 435) (L.D. 1367) (Governor's Bill)

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

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

Bill "An Act Related to the State Valuation of the Town of Mexico" (EMERGENCY) (S.P. 432) (L.D. 1342)

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

Was referred to the Committee on Taxation in concurrence.

(At Ease to 4:00 p.m.)

The House was called to order by the Speaker.

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

ENACTOR

(Failed of Enactment)

An Act to Apportion the State's Senate, House of Representatives and Congressional Districts (H.P. 883) (L.D. 1197) (H. "C" H-216 to H. "A" H-191 and H. "B" H-192)

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

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: You have here this afternoon the bill that we have been working on for several months, the redistricting bill, which would redistrict the Legislature and the Congressional seats.

This bill as amended is based on a plan that was voted out of the Apportionment Commission by an eight to seven vote. This bill does meet all Federal, Constitutional and State requirements as well as the criteria that the Commission had adopted unanimously at the beginning of our endeavors.

As I stated the other day, I believe this is a fair plan. We are not all happy with it, certain portions of the plan, however, I think it is a fair plan.

To sum up the plan on the Congressional side, it is pretty much what — well, it is what the Republicans had proposed and the Commission on an eight to seven vote has adopted.

The Senate plan was one that was presented by Judge Smith with minor amendments.

The House plan that you have before you was one that we did agree on, roughly 105 seats. The remainder of seats, if you exclude the city splits, would basically — you would have 17 Districts that there is disagreement.

I might add out of those 17 Districts, with the exception of a few municipalities, we were not that

far off.

Also, we have been able to decrease the number of municipal splits under our plan than what there currently are presently today.

The plan that we will be voting on shortly does preserve the core of existing Districts which was a plan that the legislature had passed ten years ago and the Maine Supreme Court did uphold.

This is a balanced plan. We attempted yesterday to explain each and every District and each and every District does comply with the criteria in the Constitutional, Federal and State laws.

The courts have over and over, repeatedly, and through other court cases, have stated that redistricting is the responsibility of the legislature. We as a legislative body must assume our responsibility. None of us here were elected to pass the buck. Granted, I have heard some comments since we originally proposed the plan during the whole process that individual legislators do not care for their Districts or they do like their Districts. We, as Commission members, had to follow criteria, what was in the Constitution and by State and Federal law. That was our top priority and we did that. Then we did adopt additional criteria at the beginning, we also followed those and applied those criteria uniformly.

I think you have to look at the plan, not so much as how it affects your individual District, but as a plan as a whole. I think it is a fair plan, it does meet all the criteria that was set forth. If you think by voting against this plan — which I understand there is going to be a block vote against the plan, which I think is very unfortunate because I don't believe the judicial system in this state will propose a plan that will be to any particular party's advantage. They are not a political body, the legislature is, so I would hope that when the vote is taken today, that each and every one of you will vote your conscience.

I have talked with some members of the Minority Party who have said that their District is perfect, who have also agreed that it is a good plan but yet will not be voting for it. I have also heard legislators here say today and yesterday that their county will be losing representation. The only reason why any county will be losing representation is because we have to abide by population, that is the law and that is what we did. If we could give each and every one of you a perfect District that you'd like, we would have done that, but we cannot, it is impossible. So, I hope that when you vote today that you would vote in favor of this plan.

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 Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I think it is kind of amusing that as we are getting ready to debate what is my second reapportionment plan, that ten years ago

I voted for the plan and Representative Michaud voted against the plan. This year, we are exactly reversed.

The legislature, in its wisdom, set up a procedure in the Constitution to provide for the reapportionment of the state every ten years. The Commission is set up with equal representation, seven Republicans, seven Democrats and a neutral Chairman selected by the two public members. The vote in the legislature requires two-thirds of the members of the House and the Senate in order to pass the Commission plan or the legislature's own plan. Every consideration is given within the Constitution to ensure that any final reapportionment plan is acceptable to both parties. It is a legislative responsibility, but the very nature of redistricting creates the possibility of a political impasse. The Districts we create will set the state for elections in the next ten years and partisanship is inherent in the process.

Recognizing that the legislature may not be able to create a bipartisan plan, the Constitution provides for an entirely neutral body, the Maine Supreme Court, to create a redistricting plan that maintains the one person/one vote principle.

I am sorry that we are unable to present a unanimous Commission plan or even a unanimous legislative plan to the House. We sincerely tried on both sides to find agreement but perhaps going in we were too far apart in our purpose in the criteria we used in drawing District lines. The Republicans on the Commission tried to adhere to the Constitutional requirements first and foremost in our deliberations. We tried to fashion Districts which were compact, contiguous, with a minimal numerical deviation and which crossed political subdivision lines as seldom as possible. We also considered the criteria adopted by the Commission to consider existing core Districts where practicable. As would be expected in any partisan endeavor to redistrict the state, we also did our best to meet the demands of our own caucus, we were not always successful. We were frankly unable to create Districts some incumbents wanted because we felt bound to consider paramount the requirements of the Constitution. When all the Constitutional criteria were met, it became a matter for political negotiations.

We were able to agree on 61 Districts which were the same in both amendments. These were never formal Commission votes but they are Districts in both final proposals to the legislature and there are probably a considerable number of Districts we are very close on that could be acceptable by both sides, but time has run out.

What we have before us is a bill that contains portions of the original Commission plan which was rejected by the Republican Commission members because the original Commission plan was incomplete when it was voted on, the bill has been amended to create the boundary lines in the cities. In addition to filling in the 42 incomplete Districts, the amendments also changed a number of the Districts. The Republican Commission members are still opposed to the bill before you and the Constitutional deadline is here. We regretfully reject the bill.

The House Commission members did meet with Representative Michaud this afternoon and we agreed to try to work together to negotiate and present to the court the Districts that we can agree on. Although the procedure the courts will adopt is entirely at their discretion, we will attempt to

convey our areas of mutual agreement if they wish to consider these Districts in their deliberations. It is our intent to meet with the Democratic members of the Commission to try to reach as much consensus as possible, bring the proposal to the respective caucuses for approval, and then ask the Apportionment Commission to unanimously vote on the agreed Districts. If there is a unanimous vote of agreement, we will present the map with the Districts that received unanimous approval and only those Districts. The unfinished portion of the map will be drawn by the courts. The public will still present their proposals to the court and our unanimous Commission map will only carry whatever weight the court chooses to give it. But, it will represent a good faith effort to present the Districts in agreement now and it will allow us to continue for a short period of time to negotiate a proposal that serves the people of Maine.

I urge you to reject this bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted, a 2/3 vote of members elected necessary.

The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Bailey of Township 27. If he were present and voting, he would be voting nay; I would be voting yea.

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

Representative LIBBY: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Lemke of Westbrook. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative GRAY: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Clark of Millinocket. If he were present and voting, he would be voting nay; I would be voting yea.

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

Representative JALBERT: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Tufts of Stockton Springs. If he were present and voting, he would be voting nay; I would be voting yea.

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

Representative REED: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Poulin of Oakland. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative BENNETT: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative St. Onge of Greene. If she were present and voting, she would be voting yea; I would be voting nay.

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

Representative CASHMAN: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Swazey of Bucksport. If he were

present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Hussey of Milo. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative NORTON: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Jacques of Waterville. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Tardy of Palmyra. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative ADAMS: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Marsh of West Gardiner. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative KETTERER: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Pouliot of Lewiston. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative RICKER: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Strout of Corinth. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is passage to be enacted, a 2/3 vote of the elected members necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 67

YEA - Ahearne, Aliberti, Beam, Bowers, Caron, Carroll, Cathcart, Chase, Chonko, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Erwin, Faircloth, Farnsworth, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Johnson, Joseph, Kerr, Kontos, Martin, H.; Michaud, Mitchell, E.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pinette, Plourde, Rand, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Stevens, K.; Sullivan, Townsend, E.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, R.; Barth, Bruno, Cameron, Campbell, Carleton, Carr, Clukey, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Joy, Kneeland, Kutasi, Lemont, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Murphy, Nickerson, Ott, Pendexter, Plowman, Quint, Reed, G.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Taylor, H-600

Thompson, Townsend, L.; True, Whitcomb, Young, Zirkilton.

ABSENT - Brennan, Clement, Coffman, Driscoll, Dutremble, L.; Fitzpatrick, Hillock, Kilkelly, Larrivee, Libby Jack, Melendy, Mitchell, J.; Nash, Pendleton, Pineau, Richardson, Skoglund, Townsend, G.; Vigue.

PAIRED - Michael (Yea)/H. Bailey (Nay); Libby, J.D. (Nay)/Lemke (Yea); Gray (Yea)/Clark (Nay); Jalbert (Yea)/Tufts (Nay); Reed, W. (Nay)/Poulin (Yea); Bennett (Nay)/St.Onge (Yea); Cashman (Nay)/Swazey (Yea); Cross (Nay)/Hussey (Yea); Norton (Nay)/Jacques (Yea); Dexter (Nay)/Tardy (Yea); Adams (Yea)/Marsh (Nay); Ketterer (Nay)/Pouliot (Yea); Ricker (Yea)/Strout (Nay)

Yes, 60; No, 46; Absent, 19; Paired, 26; Excused, 0.

60 having voted in the affirmative and 46 in the negative with 19 being absent and 26 having paired, the Bill failed of enactment. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Representative Walker of Ellsworth was granted unanimous consent to address the House:

Representative WALKER: Mr. Speaker, Men and Women of the House: Mr. Speaker, on the vote on L.D. 426, I wish to have my vote recorded as a nay.

On motion of Representative Martin of Van Buren, Adjourned at 6:10 p.m. until Monday, May 3, 1993, at four o'clock in the afternoon.
