

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
48th Legislative Day
Monday, May 10, 1993

Augusta, Maine 04333

May 6, 1992

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

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

Prayer by Father Paul T. McCarty, S. J., St. Ann's Church, Pleasant Point Reservation.

National Anthem by St. John's School Concert Band, Brunswick.

The Journal of Thursday, May 6, 1993, was read and approved.

Dear Clerk Mayo:

Senate Paper 92, Legislative Document 246, An Act to Prevent Discrimination, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, with no Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 6, 1993

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

Dear Clerk Mayo:

Please be advised that the Senate today appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline" (S.P. 106 L.D. 309):

Senator HANDY of Androscoggin
Senator ESTY of Cumberland
Senator BEGLEY of Lincoln

Sincerely,

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

Was read and ordered placed on file.

Reference is made to (S.P. 106) (L.D. 309) Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline"

In reference to the action of the House on May 4, 1993, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative RUHLIN of Brewer
Representative PARADIS of Augusta
Representative LIBBY of Buxton

The following Communication:

Maine State Senate

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-92) on Bill "An Act to Amend the Occupational Disease Law" (S.P. 216) (L.D. 687)

Signed:

Senators: HANDY of Androscoggin
LUTHER of Oxford

Representatives: RUHLIN of Brewer
CLEMENT of Clinton
CHASE of China
COFFMAN of Old Town
SULLIVAN of Bangor
ST. ONGE of Greene

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

Signed:

Senator: BEGLEY of Lincoln

Representatives: CARR of Sanford
AIKMAN of Poland
LINDAHL of Northport
LIBBY of Buxton

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

Bill passed to be engrossed as amended by Committee Amendment "A" (S-92)

Reports were read.

Representative Clement of Clinton moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Tuesday, May 11, 1993.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-88) on Bill "An Act Concerning the Mandatory Use of Car Safety Seat Belts" (S.P. 155) (L.D. 486)

Signed:

Senators: GOULD of Waldo
BRANNIGAN of Cumberland
PARADIS of Aroostook

Representatives: PLOURDE of Biddeford
BAILEY of Farmington
DRISCOLL of Calais
MELENDY of Rockland
BAILEY of Township 27
O'GARA of Westbrook

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

Signed:

Representatives: STROUT of Corinth
HUSSEY of Milo
RICKER of Lewiston
MARTIN of Van Buren

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-88)

Reports were read.

Representative O'Gara of Westbrook moved that the House accept the Majority "Ought to Pass" Report.

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.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative

Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: That I, a health care professional, should stand before you and push for safety belt legislation is probably no surprise to any of you for you all know my commitment to preventive health care measures as well as my commitment to highway safety.

The Maine Highway Safety Commission, with the exception of the Governor's Highway Safety Rep, voted unanimously to support L.D. 486.

The Commission felt so strongly about the need to legislate safety belts it further took the leadership role to organize statewide support for this legislation. The resulting coalition that was created is responsible for the brochure on your desks. I call your attention to the back of the brochure which lists the supporting organizations here in Maine from AARP to any law enforcement community you can imagine to medical organizations, to nursing organizations and to insurance organizations. I might also point out that the map in the middle of the brochure is already outdated because it shows that there are eight states without seat belt laws and there are presently only five. The states that don't have laws presently are South Dakota, Kentucky, Massachusetts, New Hampshire and Maine.

This bill has everything to do with establishing the habit of buckling up. A survey was done in the spring of 1991 by the Survey Research Center of the Muskie Institute at USM which says that only 35 percent of the people in Maine buckle up. We know that in 1992 eighty percent of our fatalities weren't wearing their safety belts. Simply put, the majority of people in Maine are not in the habit of buckling up.

Experiences from other states show us that the mere action of passing a safety belt law raises user rates by 20 percent. Combining public education and enforcement, we can realize usage rates well over 60 percent. We have Hawaii which is a state that has an 85 user rate and we know well the experience with our neighbors to the north in Canada where they have usage rates of over 90 percent.

Human nature being what it is, we often don't do certain things until we absolutely have to. How many of you know Mainers who go down to Florida in the winter and wear their seat belts the whole time they are there and they come back in the spring and they have done one of two things, they have either learned the habit of buckling up or they just don't do it because they are in Maine and they don't have to. I think that shows to you how laws work.

How many of you know people, who traveling from state to state, take their belt off and on depending what state they are in? Human nature. Sometimes to change behavior, we have to legislate it, L.D. 486 has everything to do with safety which translates into saving lives and preventing injuries. Maine closed out 1992 with 214 highway fatalities, nine more than 1991. Of these fatalities, 171 died in motor vehicle crashes. This bill has a potential of saving at least 40 lives and preventing thousands of injuries.

In 1973, exactly 20 years ago, this very body passed legislation by a vote of 86 to 44 on an issue that pitted safety and saving lives against infringement of personal freedom, that legislation was mandating fluorescent orange when hunting in the

woods and the potential of those savings was saving 15 to 16 lives.

Reading the testimony of the debate, you would think that you were listening to a debate of a safety belt because the debate centered around impersonal infringement, freedom of right versus safety. This body, I hope, will take the advice of our colleagues 20 years ago and put safety first before small infringement of personal rights.

We already legislate safety on highways related to driving a motor vehicle. We tell you how fast you can go, that you have to have a license to drive, you have to inspect your vehicle, we have strict DWI laws. Legislating the use of safety belts, which is the safety equipment you have been purchasing since 1968, is simply legislation to promote safety, save lives and prevent injuries, injuries that are usually very severe and life altering.

An emergency room physician shared some of his personal experiences during the public hearing before the Transportation Committee. He states, and I quote, "On a day in my emergency department not long ago, an elderly woman walked in with minimal injuries after a 40 mile an hour head-on collision in which she had been the safety belted driver. She walked out after her few scrapes and bruises were tended to, no admission, minimal cost. Not long after, another elderly woman who had been the unbelted driver in a 40 mile an hour collision came into my emergency department by ambulance and died in front of us with my hands inside her chest as I helped the surgeon desperately try to close a hole in her heart. That hole came from the collision between her chest and her steering wheel, a collision that ruptured her heart beyond repair and would have been prevented by a safety belt. In this case, no admission either, but the ultimate cost."

Think about it, safety belts do save lives. L.D. 486 has everything to do with containing health care costs. We already know that for every one dollar we spend on child restraints, we realize a savings of two dollars in medical care. Hospital studies confirm that the cost of treating unbelted victims is three to seven times higher than treating belted victims. The average cost of treatment for one person with a moderate to critical injury is about \$52,000. For Maine, this represents an additional cost of about \$11.8 million per year for the treatment of motor vehicle injuries. Safety belts drastically reduce injury severity and therefore drastically reduce the health care costs of caring for Maine's injured in motor vehicle crashes.

If you claim to be a legislator committed to health care cost containment, you have to be in favor of safety belts. You cannot claim you are doing all you can to contain health care costs when you decline to adopt one of the simplest most cost effective preventive health care measures known in the name of some who might make the adult decision to be unbelted.

L.D. 486 has everything to do with saving employers billions of dollars. The report commissioned by the National Highway Traffic Safety Administration in cooperation with a non-profit organization called Network For Employers For Highway Safety was released April 27th in Washington. The study showed that U.S. employers pay more than \$181 billion annually for fatalities and injuries on and off the job. The largest cost category, motor vehicle crashes accounts for \$54.8 billion of total costs. Stated GYCO Corporation Chairman and CEO

William Snyder, and I quote, "Emphasizing traffic safety has proven to be one of the most cost effective ways of reducing injuries, saving some employers millions of dollars." You cannot profess to be a business friendly legislator if you vote against a measure that can provide employers in this state substantial financial savings.

In summary, L.D. 486 is all about getting people to develop the habit of buckling up. L.D. 486 is all about health care cost containment. L.D. 486 is all about saving lives and preventing thousands of injuries. L.D. 486 is all about saving U.S. employers billions of dollars. I urge your support for this bill.

Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

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

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I can claim that I want to control health care costs. I can claim that because I promote and support educational measures and company policy that educate people to wear safety belts when it is appropriate, so I can claim that and I will not be forced into feeling like — you know, I have a guilt trip here so I better vote for this measure because I really do not support it.

As far as the list of companies on the back of that brochure goes, I want you to especially look at the insurance companies because insurance companies have a big stake in this. They know that, if they force seat belts down Maine people's throats, then they won't have to pay out those premiums. Will the rates go down? Will the premiums go down? You know the answer to that is no. It is a win/win situation for the insurance companies so, of course, they are pouring all kinds of money into this effort. It is ridiculous to, I believe, force this down Maine people's throats.

Maine people are proud, they know when to make a choice and they will choose to wear their safety belts when it is appropriate. Again, this is a question of treading on the automobile owners right to choose. I got a lot of phone calls this weekend that supports that. I had none the other way.

Let's not follow the lead of Massachusetts, whose legislature imposed this upon the people of Massachusetts only to have enough signatures gathered for referendum so the people of Massachusetts could vote this down, which they did overwhelmingly. Let's not make that same mistake. Let's follow the good policy of education, of assistance, of making people aware so they can make the right choice. I do believe in that.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I speak today not as an opponent of the use of seat belts, but I speak to you today as one who uses a seat belt occasionally and I have no problem with you people using it. For you people

that have been here in past sessions it is no surprise to you to see which side of the issue I am on.

It seems like every two years we have a bill dealing with mandatory seat belts. I can remember when we started out having seat belt use for those under four years of age, then they went to 12, then they got up to 19. I remember very specifically one of the people who spoke here today saying two years ago that, if we could get the 19 year olds, we would not be back and bother you and we are here today asking for all people to use seat belts.

A few years ago, my wife and two of my children were in an automobile accident. We came into an intersection where a vehicle hit my vehicle on the passenger side, going through the intersection. I have never said this before to the members of the House but you wonder why I have been so strong against the use of seat belts and making it mandatory — what happened in that accident was that my wife was not at fault, but the car went through the intersection, hit the passenger side and, if my two children had been in seat belts in the back seat, they both would have been killed. What happened in that particular accident, and you can hear pro's and con's both ways, is that those two children were thrown to the other side. Luckily that day they weren't in seat belts. Today, those two children wear seat belts. I still have children that are under the age of 19 and, just two weeks ago, we were in Canada to visit my oldest daughter. As many of you know, when you go into Canada, it is a requirement to wear seat belts. The minute that we hit the border, I had forgotten about that but my youngest daughter said, "Dad, you've got to put your seat belt on." That's a requirement over there and I have no problem using it and I have no problem using it at times in the State of Maine. Education the last few years has done more (in my opinion) than having a mandatory seat belt law. Even yesterday when we were out for a ride on Mother's Day, my youngest daughter said to me, "Dad, get your seat belt on." It was hot and I didn't want to put that seat belt on, so I didn't have to.

There is no question in my mind that in some accidents when you have a head-on collision that seat belts would help. Just this past Saturday up in our area, we had an accident where three young teenagers left the road and hit a utility pole. One of those young teenagers is being buried tomorrow. One of them is on the critical list at Eastern Maine Medical Center and the other girl was released Saturday afternoon.

People will tell you that maybe the one that was killed in that accident, if she had had her seat belt buckled, she would be alive today. Those are assumptions. This vehicle hit a utility pole at 80 miles an hour and, if you saw pictures of that vehicle on TV Saturday night, it is a wonder, in my opinion, that any one of those three girls lived.

It is hard, I think, for people to not say that in some accidents seat belts do save lives. Various issues that we have had this year — I know in the past few weeks, we had an issue where I voted out of committee not to allow young people to ride on the front of a motorcycle. I believe in that. This House, by a two to one vote, killed that bill.

Another issue we had was dealing with riding on the back of pickups, where they should be seat belted. I believed in that and I voted for it. This

House voted two to one to kill that bill. So today, ladies and gentlemen, I am taking the pro-choice route. I would ask all of you to join me in voting against the mandatory use of seat belts.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: In the length of time I have been here, I have sponsored, cosponsored or supported most of the seat belt legislation beginning with the child safety seat. I am very proud when I see my grandchildren, my children and other young people buckled up and I feel they are much safer. For a period of time, I was not supportive of requiring adults to use safety belts because those of you who know me well know that I really don't like mandates at all.

However, quite a few years ago, I was coming down from Presque Isle to Augusta, really later in the evening than I probably should have been traveling, and I had a terrible accident. A great big moose jumped on my car and the car went absolutely crazy and was practically demolished. The thing that impressed me so much was the fact that my seat belt pulled my shoulders right back against the back of the seat and it kept my hands firmly on the wheel, one on each side, and I had just one thought in mind, I had to keep that car on the road or I was going to crash into the trees on either side of the woods and knew I would be killed. Well, I was able to do that with the help of the seat belt. Finally, I was able to get the car stopped in the road. When the state trooper came along, the moose was dead with my windshield wiper sticking out of its back and I just walked away from the accident without a scratch. He looked at it and said, "You would be dead today if you had not had your seat belt on." That is true. At that point, the state would have had a death benefit to pay for me or they would have had a long hospitalization to pay for me. If I hadn't been a state employee, eventually the state would have been picking up the cost of much of that money for the accident.

I do feel that seat belts are lifesaving devices and I think it is important that we use them. I think one of the things that happens is that people don't want their freedoms interfered with. I really don't like to have mine either but on the other hand, we have many of our freedoms that are taken away. A case in point is my brother, for example, he does not wear a seat belt when he is driving or riding, he refuses to wear one, but, on the other hand, we live near the border in Canada and if we go across the border to have dinner, we come to the station right there at the border and there is a big sign that says to buckle up, it says it in French and in English. I look over at my brother and the first thing he does is take that seat belt and fasten it. So, I think that lots of times people just don't use a seat belt unless they are required to do so.

I think this is one mandate that is important and I hope you support this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I think all of you know which side of this bill I am on. I have always been against seat belts. I am not against people wearing seat belts if they so desire but I am certainly

against telling people that they have to wear seat belts. I haven't heard anybody tell me that they wanted seat belts mandated. I have had plenty of people tell me we should not do that.

I have heard a lot about how seat belts save lives. I have heard no one say that seat belts can also kill. When I wrecked my car three years ago in March, I totaled the largest model Cadillac available and I did not have a seat belt on. If I had had a seat belt on, being of the size that I am, my seat belt is not a shoulder harness, it comes on my neck and as a result, I would have either had a broken neck or probably a cut artery because I held my hands on the wheel but my head hit the top and there was no way that there was enough give in that belt that my head could have hit the top so it would have had to cut my neck. It is true that in certain circumstances it does save lives but, in other circumstances, it kills.

Two years ago, we had the bill and instead of having doctors, we had chief's of police and they — in fact it was the Chief of Police from Portland, I believe, who brought us a photograph of an accident with a police car in Portland and the gentleman driving the car, the male officer driving the car, was wearing a seat belt, the female officer sitting in the passenger seat was not wearing a seat belt and somebody hit them — I don't know if it was a high speed chase or what it was but somebody hit them and the officer that was not wearing a seat belt was thrown from the car but she lived. We asked the Chief of Police what would have happened if this officer had had a seat belt on? He said she would have been killed.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I would just like to make a few comments on some remarks that have been made. Reference was made to Massachusetts who had a referendum and repealed their law. I would say to you that there were other states, Oregon and Nebraska for example, who also had referendums that repealed their laws but have also been successful in subsequently passing laws in their legislature and now have seat belt legislation in their state. I venture to say that Massachusetts will have to think about not passing a safety belt law this time because they already have a helmet law on the books, so they face a real squeeze from the federal government if they don't pass a seat belt law because their highway funds would be diverted to safety programs and they would chance to lose approximately 400 highway construction jobs. So, I think they have a little more at risk to think about this time.

Nobody claims that seat belts save lives all the time. In fact, we do know in side collisions that seat belts are not effective. In fact, there are crashes that you won't survive and we are not claiming to stand here and say to you that seat belts will save everybody all the time. What we are saying to you is that probably 55 percent of the time we will save somebody's life or we will prevent very serious injury. I think that is a percentage worth talking about.

Education alone just does not do it to up our usage rates. We have been doing education in this state for years and years. I can think back ten years ago our usage rate was 22 percent and it

certainly has not gone up very fast in the subsequent years. The education plus enforcement is what really works.

I would just like to make a few comments on personal choice. Some of you don't want to legislate what should be an individual choice, then don't, legislate seat belts as an individual act of fiscal responsibility, legislate safety belts because we cannot afford the cost of not legislating them.

Civilized societies are about small limitations on personal freedom for the benefit of the common good. This proposed small loss of freedom is for the greater good and will result in more freedom for all of us than it takes away from any of us.

If we refuse to pass this legislation, we curtail the freedom to be unbelted, curtail the freedom to all Mainers. An unbelted driver usually suffers greater injuries and, therefore, incurs greater health care costs. All our freedom is then curtailed because the higher cost forces us to pay higher taxes and higher medical insurance premiums. If you vote down the safety belt law, you trade part of our financial freedom for their driving freedom. The preservation of freedom from legislating safety belts can only be preserved by trading it for our freedom from higher taxes, higher medical costs, etcetera. You cannot give people the freedom to choose on safety belts without taking away Mainers freedoms to keep more of their money that they earned when these two losses are compared. I venture that we suffer more in the wallet than they do around the chest.

When the loss of freedom is minimal and the gain is maximal, we curtail other freedoms in the name of health. Vaccinations of children are a pain we impose on them in the name of preventive health. We infringe one's right to drive impaired. We limit where one can smoke, yes, we do these things to protect others from the adverse health effects of individual behavior but an extra dollar spent on an unbelted victim's preventive injury is a dollar lost to prenatal care and to other areas that adversely affect the health of other people. What freedom is lost with this bill? It doesn't force anyone to drive with a seat belt on, just to pay a fine if you don't. The driver's freedom is not abridged unless he or she chooses to comply with the proposed law. You can refuse and pay, an adult decision in this real world of tough choices. Is this a freedom you want to be remembered for protecting?

In a car crash I know of, a baby girl survived in a child restraint, her unbelted mother died when she was thrown from the vehicle which then rolled over her. Who among you would tell that baby you voted down this bill to protect her freedom to drive one day without a safety belt? Who among you would stand before her and defend that supposed right? Moreover, why would anyone want a right they would gladly give up in that final second before they hit the steering wheel or the windshield or a right that a grieving family would bitterly wish had not been protected as they stood at a graveside?

Some rights you may die for but are not worth dying for. I have never met an unbelted victim of a motor vehicle crash who did not regret having that freedom some of you wish to protect. In the end, if this body passes L.D. 486, you may face some voters who will be angry you obligated them to buckle up or pay up. You can tell your constituents you did it because safety belts save lots of lives and lots of money, because you care about their wallet and their

health, because the health and fiscal freedom gains were greater than the freedoms lost and because they elected you to represent and lead them.

You did it because tough times require tough decisions and sacrifice from all of us.

You did it because you could not, in good conscience, ignore a huge opportunity to save tax and state money when you were having to drastically cut Maine's budget.

You did it because you had the courage and because the time had come when it was the right thing to do.

If all that doesn't convince them, tell them you did it because the State of Maine would rather wrap a safety belt around their waist or chest than pick their pockets for more money.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I hope that this is a successful venture that I have taken here today in support of the good Representative that just spoke and who put in so much dedicated work and energy, but that is not what this bill is about. This bill is about precious lives, precious lives.

If you analyze the legislation that took place in the past four years and the lives that that legislation saved, we initially put it on for youngsters and we finally passed a law that upgraded the use of these belts, is there anyone here that can deny that those seat belts worn by those youngsters in the past four years didn't save lives? I wish I had the statistical data to present to you, the facts and figures as to how the use of these belts saved those precious lives.

Are we saying because you have maturity, physical maturity and supposed mental maturity, that that automatically puts you in a different class as far as considering a precious life?

One of the hardest things I had to do, the most difficult things I have had to do is to get used to putting that seat belt on. I would say it took me six months of intensive reminding to put that seat belt on. It has become such an automatic part of my life right now, I don't go ten yards in an automobile without a seat belt on unless I have completely lost it for the day, and that is possible too.

I can't give you a direct experience as a result of wearing a seat belt, I hope I never have to.

This idea of taking away your right to make up your own mind — well, heck, we as legislators have been doing that consistently to our constituents out there, telling them what they can do and what they can't do and under what circumstances.

The good pilot that sits here in this legislative chamber will tell you how they enforce that seat belt law whenever you get on an airplane, you buy a fare and under certain conditions, you must wear that seat belt. You don't say, I am old enough I can make up my own mind.

So, I don't know how effective I am being in support of the good Representative that sponsored this bill but I have some pretty strong feelings of being uneasy in an automobile and driving in an automobile where my life, not only is dependent on my control of that car, but the many, many unpredictable situations that may evolve while on the highway.

I hope that you just consider that your life is just as precious as any life around it.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I promise no long speech here, I wanted to ask a question through the Chair.

I guess I would direct it to the Chair of the Transportation Committee, but I am not sure — the question is, is the driver of the automobile responsible for all other passengers in the automobile if they are not wearing seat belts should this law go through? The liability aspect concerns me greatly.

The SPEAKER PRO TEM: Representative Libby of Buxton has posed a question through the Chair to any member who may respond if they so desire.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: I may have to rely on somebody else on that, I really don't recall that issue coming up, to be very honest with you, unless somebody else does, I can't answer it, but I will get the information.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative O'Gara of Westbrook that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative O'Gara of Westbrook that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 75

YEA - Adams, Aliberti, Bailey, H.; Bailey, R.; Barth, Beam, Brennan, Bruno, Campbell, Carleton, Carroll, Cathcart, Chase, Cloutier, Constantine, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Faircloth, Farnum, Fitzpatrick, Heeschen, Hillock, Hoglund, Holt, Johnson, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Ott, Pendexter, Pfeiffer, Pinette, Plourde, Reed, G.; Reed, W.; Richardson, Rowe, Rydell, Saint Onge, Simonds, Simoneau, Sullivan, Taylor, Townsend, E.; Townsend, L.; Treat, True, Walker, Wentworth, Whitcomb, Winn, Young, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bennett, Bowers, Cameron, Caron, Carr, Cashman, Chonko, Clark, Clement, Clukey, Coffman, Coles, Cote, Cross, Dexter, Donnelly, Erwin, Farren, Foss, Gean, Gould, R. A.; Gray, Greenlaw, Hatch, Heino, Hichborn, Hussey, Jacques, Jalbert, Joseph, Joy, Kil Kelly, Kneeland, Lemont, Libby Jack, Libby James, Lipman, Lord, Marshall, Martin, H.; Michael, Murphy, Nash, Nickerson, Norton, Paradis, P.; Pendleton, Plowman, Pouliot, Quint, Rand, Ricker, Robichaud, Rotondi, Saxl, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Swazey, Tardy, Thompson, Townsend, G.; Tracy, Tufts, Vigue, Zirkilnton.

ABSENT - Farnsworth, Gamache, Hale, Look, Michaud, Pineau, Ruhlin.

PAIRED - Gwadosky (Yea)/Poulin (Nay)
 Yes, 69; No, 73; Absent, 7; Paired, 2;
 Excused, 0.

69 having voted in the affirmative and 73 in the negative with 7 being absent and 2 having paired, the motion did not prevail.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Limit Contributions Candidates May Receive from Political Action Committees" (S.P. 180) (L.D. 594)

Signed:

Senators: CAREY of Kennebec
 HALL of Piscataquis

Representatives: DAGGETT of Augusta
 LEMKE of Westbrook
 BOWERS of Washington
 GAMACHE of Lewiston
 STEVENS of Sabattus
 NASH of Camden
 ROBICHAUD of Caribou
 TRUE of Fryeburg
 BENNETT of Norway

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: HANDY of Androscoggin

Representative: MICHAEL of Auburn

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

Reports were read.

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

Representative Tracy of Rome requested a roll call vote.

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

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

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

ROLL CALL NO. 76

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Bennett, Bowers, Bruno, Campbell, Carleton, Carr, Cathcart, Chonko, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Fitzpatrick, Gould, R. A.; Greenlaw, Gwadosky, Hichborn, Hillock, Hوجلund, Holt, Mussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Kneeland, Kontos, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Morrison, Murphy, Nadeau, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pinette, Plourde, Plowman, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rydell, Saxl, Simonds, Simoneau, Small, Spear, Stevens, A.; Strout, Swazey, Taylor, Townsend, G.; Townsend, L.; Treat, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirkilton.

NAY - Adams, Ahearne, Aliberti, Barth, Beam, Brennan, Cameron, Caron, Carroll, Cashman, Chase, Clark, Coffman, Faircloth, Gean, Gray, Hatch, Heesch, Heino, Johnson, Joy, Kilkelly, Kutasi, Lemke, Michael, Mitchell, E.; Mitchell, J.; Oliver, Pendleton, Pfeiffer, Quint, Rowe, Saint Onge, Skoglund, Stevens, K.; Sullivan, Tardy, Thompson, Townsend, E.; Tracy, Wentworth, Winn.

ABSENT - Farnsworth, Foss, Gamache, Hale, Look, Michaud, Pineau, Poulin, Ruhlin, The Speaker.

Yes, 99; No, 42; Absent, 10; Paired, 0;
 Excused, 0.

99 having voted in the affirmative and 42 in the negative with 10 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 183) (L.D. 597) (C. "A" S-82) which was finally passed in the House on May 4, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-82) and Senate Amendment "A" (S-109) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Regarding Family Leave" (H.P. 318) (L.D. 406) on which the Majority "Ought to Pass" as amended Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-178) in the House on May 3, 1993.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Labor read and accepted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Tuesday, May 11, 1993.

COMMUNICATIONS

The following Communication:

Maine Education Services
526 Western Avenue
Augusta, Maine 04332

April 29, 1993

Rep. John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to Chapter 417A, Subsection 11427, 20A MRSA, I am forwarding to you the fifth annual report and financial accounting of the Maine Educational Loan Authority (MELA).

A "Mela Program Highlight" annual report was also forwarded to the Honorable John R. McKernan, Jr., Governor of the State of Maine and Mr. Dennis L. Dutremble, President of the Senate of the State of Maine.

From July 1, 1992 through March 31, 1993, the Authority served more students than ever by disbursing over eight and a half million new dollars in loan funds. We anticipate loaning an additional half million dollars before the end of the academic year. Since the inception of the program in 1988, MELA funds have been utilized by over 7,400 students and their families with loans of over thirty-seven million dollars of private capital.

The attached report provides MELA program information for the past year in greater detail. It is worthwhile noting that MELA's loan approval rate increased during the 1992-93 academic year, from 73 percent to 77 percent, and that the average loan amount increased from \$6,492 to \$7,175. More funds are being used by students attending Maine colleges, and more private colleges in and outside the State are using MELA funds.

The MELA program continues to meet the growing financial need of Maine students and their families for addressing the increasing cost of higher education. With the economic climate our citizens are living through, it is anticipated that the MELA program will be called upon frequently in the future. We are looking forward to achieving new efficiencies in the program and continually exploring new ways to better serve the people of Maine.

In May of 1992, we refunded our initial thirty-five million dollar bond issue as well as creating new money to a total of sixty million dollars.

This ensures an adequate supply of loan dollars in the program for the next few years. With the low-interest rate we achieve for borrowers, we continue to believe that Maine has the best supplemental education loan program in the nation! Of that, we are extremely proud.

The Authority recently completed its fifth financial audit by an independent certified public accounting firm, KPMG, Peat Marwick. Their audited financial statements are enclosed for your reference.

We wish to thank you for your consistent interest and support for the Maine Educational Loan Authority. We will continue to promote and assist higher education needs for the students and families of our state whenever and wherever the opportunity presents itself.

Sincerely,

S/Richard H. Pierce
Executive Director

Was read and with accompanying report ordered placed on file.

The following Communication: (S. P. 479)

116th Maine Legislature

May 6, 1993

Senator Gerard P. Conley, Jr.
Rep. Constance D. Cote
Chairpersons
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Robert E. Crowley of Kennebunk for appointment as a Justice of the Maine Superior Court, pursuant to Constitution, Article V, Part 1, Section 8.

Stephen L. Perkins of Windham for appointment as a Active Retired Justice of the Superior Court, pursuant to Title 4, MRSA Section 104.

William R. Anderson of Morrill for appointment as Judge, District Court III and Thomas E. Humphrey of Sanford for appointment as Judge-at-Large of the Maine District Court, pursuant to Title 4, MRSA Section 157.

These nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

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

appear and be heard. The final plan and order for apportionment shall be issued on or before June 30, 1993.

The following Communication:

SUPREME JUDICIAL COURT DOCKET NO. SJC-93-229
 IN RE APPORTIONMENT OF THE)
 MAINE HOUSE OF)
 REPRESENTATIVES, SENATE, AND)
 CONGRESSIONAL DISTRICT)
 PROCEDURAL ORDER

FOR THE COURT,

Date: May 7, 1993

S/DANIEL E. WATHEN
 CHIEF JUSTICE

Was read and ordered placed on file.

Pursuant to the Constitution of Maine, Art. IV, Part 1, section 3 and Art. IV, Part 2, section 2 and 21-A M.R.S.A. section 1201(7)(D), the Supreme Judicial Court is required to apportion the House of Representatives, the Senate, and the Congressional Districts.

Interested parties may file proposed plans of apportionment and supporting briefs with the Executive Clerk of the Supreme Judicial Court, James Chute, Cumberland County Courthouse, P.O. Box 368, Portland, Maine 04112, on or before the close of business on June 1, 1993. Submissions should be based on 1990 Federal Decennial Census data, including data for counties, cities, towns, census tracts and blocks or voting districts, and must include the name and address of the person (or persons) submitting the plans. If possible, submissions should also comply with the following requirements in order to facilitate consideration by the Court and computer-assisted analysis:

1. Eight (8) copies of plans and briefs shall be submitted.
2. Plans drawn on federal census block data should clearly show boundaries and district numbers of each district proposed in the plan.
3. A listing of the total population and minority population (if relevant to the submission) of each district in the plan should be submitted for verification.
4. Submitted plans should be drawn on paper maps with accompanying data submitted in chart form. Briefs should be submitted in the form specified by the Maine Rules of Civil Procedure.
5. The plans should be based on voting districts census blocks, or tract data in conformance with federal decennial census data provided by P.L. 94-171.
6. Submitted plans should be defined in terms of census data geography.
7. Plans in electronic data format (created and archived by "Geo District") will be accepted by the Court for consideration if accompanied by paper copy of all files contained in the tape or diskette.
8. Plans submitted shall be open for public inspection at the office of the Executive Clerk.

As soon as possible after the receipt of proposed plans of apportionment, the Court will publish a tentative plan of apportionment and will schedule a public hearing at which time interested parties may

**PETITIONS, BILLS AND RESOLVES
 REQUIRING REFERENCE**

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

Banking and Insurance

Bill "An Act to Establish a Risk-sharing Mechanism for Small Group Health Insurance Plans" (H.P. 1092) (L.D. 1470) (Presented by Representative CARLETON of Wells)

Ordered Printed.
 Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend the Licensure Requirements for Nurses" (H.P. 1093) (L.D. 1471) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AULT of Wayne, BARTH of Bethel, BEAM of Lewiston, CARLETON of Wells, CLARK of Millinocket, DONNELLY of Presque Isle, GRAY of Sedgwick, HOGLUND of Portland, HOLT of Bath, KUTASI of Bridgton, LIBBY of Kennebunk, LIPMAN of Augusta, LOOK of Jonesboro, MARTIN of Eagle Lake, MITCHELL of Vassalboro, MORRISON of Bangor, NORTON of Winthrop, PENDEXTER of Scarborough, RAND of Portland, REED of Dexter, STEVENS of Sabattus, TOWNSEND of Eastport, ZIRNKILTON of Mount Desert, Senators: AMERO of Cumberland, BRANNIGAN of Cumberland, BUSTIN of Kennebec, CARPENTER of York, DUTREMBLE of York, ESTY of Cumberland, O'DEA of Penobscot)

Ordered Printed.
 Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws" (H.P. 1100) (L.D. 1487) (Presented by Representative JACQUES of Waterville) (Cosponsored by President DUTREMBLE of York and Representatives: ANDERSON of Woodland, CLARK of Millinocket, COLES of Harpswell, DEXTER of Kingfield, GOULD of Greenville, GWADOSKY of Fairfield, KONTOS of Windham, LORD of Waterboro, MARSH of West Gardiner, MARTIN of Eagle

Lake, MELENDY of Rockland, MICHAUD of East Millinocket, PARADIS of Augusta, POULIN of Oakland, Senators: BUTLAND of Cumberland, CIANCHETTE of Somerset, ESTY of Cumberland, HARRIMAN of Cumberland, LUDWIG of Aroostook, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Resolve, Concerning the Stocking of Brook Trout in Seal Cove Pond (H.P. 1091) (L.D. 1469) (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.

Human Resources

Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse" (H.P. 1099) (L.D. 1486) (Presented by Representative GEAN of Alfred) (Cosponsored by Senator PARADIS of Aroostook and Representatives: BRUNO of Raymond, CARROLL of Gray, CHONKO of Topsham, FITZPATRICK of Durham, HALE of Sanford, JOSEPH of Waterville, KERR of Old Orchard Beach, MARTIN of Eagle Lake, MITCHELL of Vassalboro, MURPHY of Berwick, TREAT of Gardiner, Senators: BALDACCI of Penobscot, BERUBE of Androscoggin, BUSTIN of Kennebec, CONLEY of Cumberland, ESTY of Cumberland, FOSTER of Hancock, HARRIMAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Require Immediate Income Withholding for All Child Support Orders" (H.P. 1098) (L.D. 1485) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representative: HATCH of Skowhegan, Senators: CARPENTER of York, CIANCHETTE of Somerset) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Reorganize State Government" (H.P. 1094) (L.D. 1472) (Presented by Representative CARROLL of Gray) (Cosponsored by Representatives: CASHMAN of Old Town, DAGGETT of Augusta, FITZPATRICK of Durham, GRAY of Sedgwick, JOSEPH of Waterville,

MARTIN of Eagle Lake, Senator: DUTREMBLE of York)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate" (H.P. 1095) (L.D. 1482) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representatives: CLEMENT of Clinton, DUTREMBLE of Biddeford, GWADOSKY of Fairfield, JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Regarding Cable Television" (H.P. 1096) (L.D. 1483) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: CASHMAN of Old Town, CLOUTIER of South Portland, FAIRCLOTH of Bangor, GRAY of Sedgwick, HOLT of Bath, MORRISON of Bangor, PINEAU of Jay, POULIN of Oakland, STEVENS of Orono, TRACY of Rome, TREAT of Gardiner, Senators: HANDY of Androscoggin, O'DEA of Penobscot)

Bill "An Act to Amend the Charter of the Boothbay Harbor Water System" (EMERGENCY) (H.P. 1097) (L.D. 1484) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representatives: CLARK of Millinocket, JACQUES of Waterville, Senator: GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Nandini Mukhopadhyay, of Brunswick Junior High School, whose outstanding spelling ability won her first place in the Maine Sunday Telegram State Spelling Bee Championship; (HLS 331) by Representative RYDELL of Brunswick. (Cosponsors: Representative PFEIFFER of Brunswick, Representative FITZPATRICK of Durham, Senator HARRIMAN of Cumberland)

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

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Rydell. Representative RYDELL: Mr. Speaker, Men and Women of the House: I am very pleased and honored that the winner of this year's state spelling bee is from Brunswick. Her name is Nandini Mukhopadhyay and she is a sixth grader and lives in my District. She attends Brunswick Junior High School. She and her family moved here from New York just two years ago. Today Nandina and her brother are Honorary Pages here

in the House. We honor Nandina today for her exemplary academic abilities and we know that she will display the same skill, assurance and poise she showed in the Maine competition when she travels to Washington in early June to represent our state in the national competition. Nandini has told me that the best part of winning the Maine competition was the chance to appear on television. I know we can all look forward to seeing her again when she competes in Washington.

I ask you to join with me today in congratulating Nandini Mukhopadhyay and wishing her the best of luck nationally.

Subsequently, HLS 331 was passed. Sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative CLARK from the Committee on Utilities on Bill "An Act Amending the Charter of the Brewer Water District" (EMERGENCY) (H.P. 615) (L.D. 830) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-250)

Report was read.

On motion of Representative Paradis of Augusta, tabled Unassigned pending acceptance of the Committee Report.

Ought to Pass as Amended

Representative SWAZEY from the Committee on Marine Resources on Bill "An Act to Increase Access to Clam Flats for Nonresident Clam Diggers" (H.P. 701) (L.D. 953) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-260)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-260) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 11, 1993.

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

Ought to Pass as Amended

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act Related to Unavoidable Equipment Malfunctions" (H.P. 903) (L.D. 1218) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-261)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-261) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 11, 1993.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Concerning the Maine Unemployment Insurance Commission" (H.P. 523) (L.D. 707)

Signed:

Senators: HANDY of Androscoggin
LUTHER of Oxford

Representatives: CLEMENT of Clinton
CHASE of China
ST. ONGE of Greene
LIBBY of Buxton
COFFMAN of Old Town
SULLIVAN of Bangor

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: BEGLEY of Lincoln

Representatives: CARR of Sanford
RUHLIN of Brewer
LINDAHL of Northport
AIKMAN of Poland

Reports were read.

Representative St. Onge moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 11, 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. 855) (L.D. 1160) Bill "An Act Pertaining to the Appointment of Code Enforcement Officers" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 941) (L.D. 1270) Bill "An Act to Amend the State Contribution to Pollution Abatement and Overboard Discharge Replacement Laws" Committee on Energy and Natural Resources reporting "Ought to Pass"

(S.P. 138) (L.D. 429) Bill "An Act to Provide for the 1993 and 1994 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass"

to Pass" as amended by Committee Amendment "A" (S-112)

(H.P. 122) (L.D. 163) Resolve, for Amending the Laws Pertaining to Job Classification Specifications Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-252)

(H.P. 476) (L.D. 613) Bill "An Act to Shorten the Appeal Procedure for the State Bidding Process and to Provide Consistent Administration of Appeal Hearings" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-253)

(H.P. 1002) (L.D. 1348) Bill "An Act to Clarify the Time Frame in Which the Board of Environmental Protection Is to Establish a Numeric Water Quality Criterion for Dioxin" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-254)

(H.P. 710) (L.D. 961) Bill "An Act to Allow the Commissioner of Conservation to Adopt Rules That Encourage Conservation of Shore Plants" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-255)

(H.P. 737) (L.D. 995) Bill "An Act to Amend the Laws Concerning the Sale of Alcohol" (EMERGENCY) Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-256)

(H.P. 779) (L.D. 1052) Bill "An Act to Establish a Mechanism for Ensuring Adequate Preservation and Maintenance of the State House" Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-258)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 11, 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. 269) (L.D. 833) Bill "An Act to Amend the Provisions Related to the Supervised Community Confinement Program" (C. "A" S-98)

(S.P. 342) (L.D. 1039) Bill "An Act to Reform the Insurance Code Laws" (C. "A" S-99)

(S.P. 311) (L.D. 944) Bill "An Act to Amend the Composition of the Port Authority for the Town of Kittery" (C. "A" S-100)

(S.P. 100) (L.D. 278) Bill "An Act to Provide Additional Powers to the Public Utilities Commission" (C. "A" S-101)

(S.P. 250) (L.D. 769) Bill "An Act to Clarify the Grounds for Civil Action for Child Sexual Abuse"

(S.P. 377) (L.D. 1133) Bill "An Act to Implement the Recommendations of the Criminal Law Advisory Commission Regarding Revisions to the Maine Criminal Code"

(H.P. 770) (L.D. 1043) Bill "An Act Concerning the Definition of Compact Area for Municipalities"

(H.P. 926) (L.D. 1249) Bill "An Act to Change Public Hearing Requirements for Certain Railroad Grade Crossing Projects" (C. "A" H-235)

(H.P. 901) (L.D. 1216) Resolve, to Name the So-called "Covered Bridge", No. 2189, Spanning the Aroostook River, in Presque Isle on Route 1, the Harold N. Flagg Memorial Bridge (C. "A" H-236)

(H.P. 699) (L.D. 951) Bill "An Act Regarding Law Court Staffing" (C. "A" H-240)

(H.P. 642) (L.D. 873) Bill "An Act to Establish the Maine Promotion Council Cooperative" (C. "A" H-241)

(H.P. 613) (L.D. 828) Bill "An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees" (C. "A" H-242)

(H.P. 988) (L.D. 1319) Bill "An Act Related to Conferring Degrees by Thomas College" (EMERGENCY) (C. "A" H-244)

(H.P. 690) (L.D. 931) Bill "An Act to Require Sellers of Mobile Homes to Make Specific Disclosures Regarding Formaldehyde When the Purchase Agreement is Executed" (C. "A" H-245)

(H.P. 748) (L.D. 1015) Bill "An Act Relating to the Maine Endangered and Nongame Wildlife Fund" (C. "A" H-246)

(H.P. 749) (L.D. 1016) Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Establish Open and Closed Seasons on the Hunting of Bear" (C. "A" H-247)

(H.P. 811) (L.D. 1097) Bill "An Act Repealing Advisory Boards on Transportation Matters" (C. "A" H-248)

(H.P. 626) (L.D. 846) Bill "An Act Simplifying Dealer Sale of Firearms" (C. "A" H-249)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Regarding the Holding of Juveniles in the Androscoggin County Jail" (EMERGENCY) (S.P. 26) (L.D. 19) (C. "A" S-97)

Bill "An Act to Ensure Compliance with Existing Energy Efficiency Building Standards" (S.P. 241) (L.D. 734) (C. "A" S-102)

Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" (S.P. 263) (L.D. 801) (C. "A" S-103)

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 sent up for concurrence.

SECOND READER

Tabled and Assigned

Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (EMERGENCY) (S.P. 195) (L.D. 631) (C. "A" S-58)

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

On motion of Representative Clark of Millinocket, tabled pending passage to be engrossed and specially assigned for Tuesday, May 11, 1993.

PASSED TO BE ENGROSSED

Bill "An Act to Provide Additional Exemptions to the Need for a Cosmetology License" (H.P. 395) (L.D. 508) (C. "A" H-243)

Bill "An Act Related to Mobile Home Parks" (S.P. 112) (L.D. 313) (S. "A" S-107)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Exempt Qualified Flight Nurses from the Licensing Requirements of the Emergency Medical Services System (H.P. 210) (L.D. 272) (C. "A" H-179)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Process of Resolving Nuisance Complaints Involving Agriculture and to Protect Farm Operations (H.P. 386) (L.D. 499) (H. "A" H-205 to C. "A" H-187)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve Access to Maine's Veterans' Homes (S.P. 41) (L.D. 53) (C. "A" S-84)

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House: I just wanted to let you know about a situation which we on the Human Resources learned about while examining the budget this year. We distributed a piece of paper to you (which looks like this) today. We just want to let you know that the 115th Legislature approved the construction of two veterans' homes with a total of 240 beds. Construction costs are to be paid by federal funds but the state will be assuming at least 38.2 percent of the operational costs, that is the state's Medicaid share of those residents who are paid for through medicaid. No funds were appropriated for this purpose. Consequently, if the homes are approved through the Certificate of Need process and come on line as expected in fiscal year 1995, they will cost the state \$3.2 million which has not yet been appropriated.

L.D. 53, the L.D. before you now, would authorize a third home with a net gain of 30 beds for a cost to the state of approximately \$399,000 a year. While we do not necessarily oppose the homes, we do feel it to be poor public policy to authorize construction without appropriating operating funds.

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

Representative **JALBERT**: Mr. Speaker, Ladies and Gentlemen of the House: I think there has been a misunderstanding on the construction of these veterans' homes. The 115th Legislature authorized the construction of two new veterans' homes. We have three existing now, one in Augusta, one in Caribou, and one in Scarborough. The two new ones were in Bangor and in Auburn. Through the effort of the Oxford County Delegation, the one in Auburn was transferred to Norway by the trustees of the

veterans' home for 90 beds, not 120. There was to be 120 in Bangor and 120 in Auburn but the one that was transferred to Norway was down to 90, which left 30 beds. This Act here will authorize the construction of a 30 bed veterans home in Machias, in Washington County.

L.D. 53 only authorizes us to go ahead and get the Certificate of Need if it is to be shown that there is a Certificate of Need to build one in Machias.

This bill also was amended to read, "In no way shall L.D. 53 have any affect on the construction of the veterans' home in Bangor or the one in Norway." Those are proceeding as it is, they have had authorization from the federal government.

It should be understood what they mean by the veterans' homes. The veterans' homes are not built with state funds. The Veterans' Home Trustees of the Authority borrow the money to build these homes. These funds are amortized through funds that they receive from the veterans who are in there. The veterans receive their funds when they are a patient in a veterans' home, you receive a pension if you are getting one and you pay a cost.

The gentle lady from Portland brought out a good point but she did say that Medicaid patients, — yes, no matter where you get a Medicaid patient, whether or not that patient be in a veterans' home, a nursing home or a hospital, the state will pay their share but most of your veterans going into a veterans' home are not Medicaid patients, they are veterans receiving pensions under disability provisions of the Veterans Administration. This must be understood. We have gone through this, this is the fifth time we have had the arguments on the veterans' homes. Yes, there might be some funds from the state but which would you rather do, have the veteran go into a nursing home, private nursing home in Maine and the state pay the full cost? The Veterans Administration, the federal government, will not pay one single penny to take care of a veteran in a private nursing home, it must be in a veterans' home.

Now, if any of you people have ever seen the veterans' home in Augusta or the one in Caribou or the one in Scarborough, you would say, this is the least we can do for our veterans of the second World War or the first World War, (if there are any living) Korea, Vietnam and recently we have a bill here to include up to Desert Storm.

I say again, fortunately I am well enough I don't have to go in there, but this is the least that the State of Maine owes its veterans. Many of them left to go to Vietnam against their wishes. Many went to Korea. I was taken right out of high school in World War II, 18 years old, my friends. I came back, I don't think the government owes me anymore because they paid for my education for five years and for that I am grateful. Let's not forget, it is the veterans we have to look after. Many came back who have all sorts of traumatic conditions, but what little will be paid, if it will be paid under Medicaid, is well worth it. Remember one thing, not all veterans who go into a veterans' home will be receiving Medicaid, it is only those that will receive Medicaid where the state will pay it.

Make up your mind, is it going to be in a veterans' home or in a private home?

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I believe that what we on the Human Resource Committee, the message we are trying to send you, is that perhaps we need to be thinking twice before we start building nursing homes whether they are for veterans or other people. Has anybody ever thought that perhaps veterans would rather have other options? They might want this money spent maybe more on home-based care or perhaps assistant living situations. We hear over and over again how nursing homes are not the way to go, people don't want to go there but it is the place they go to because it is the only thing that is available. They way they are constructed, they totally allow patients to be dependent. The minute people walk into nursing homes, they become very dependent and they lose a lot of the skills that they already know. I think we just need to start thinking about continuing the mindset of just wanting to build nursing homes.

We are not arguing against veterans, we are not arguing against anything. I think we are just giving the message to (certainly) the Appropriations people that perhaps we need to think of other options other than nursing homes for veterans as well as for other people in our state.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House: I stand here as a member of the Human Resources Committee who is looking at the nursing home issue very closely. It has a tremendous effect on our budget in this state. We are going to spend \$216 million on nursing home beds in this state this coming biennium. We have two veterans' nursing homes that have already been approved for 120 beds each in Bangor and Norway. What this bill is going to do is add on an extra 30 beds, take away 30 from Norway and add on 30 more to have another 60 beds built in Machias, if they go through the Certificate of Need process.

We have an excess of nursing home beds in this state right now. The committee has recommended decertifying 800 beds. It doesn't make any sense to build 60 more.

Mr. Jalbert from Lisbon has said that the federal government will pick up the tab. Well, they will pick up the tab to a point, they will build the building for us, give us a slight stipend on the cost of their care, but eventually the state will end up picking up the cost for all the veterans in these beds. I cannot in good conscience vote for this bill allowing more nursing home beds to be built in this state when we already have an excess.

I ask you to follow me in defeating this bill because we need to control our costs in spending in Medicaid and on nursing home beds and look at other alternatives for care.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I don't disagree with a lot of the things that have been said here but I think there are points that need to be brought out to really show the true picture. The key here is to authorize the following: a CON to go forward as to Certificate of Need, availability of funding from the Veterans Administration or other sources, approval by the Board of Trustees and an economic feasibility study. All of these must come out positive or there

are not going to be any nursing homes or veterans' homes built.

Again, I emphasize that L.D. 53 is only to allow the process to proceed. There was some concern at one time that this bill would impact the Bangor proposal as well as the Norway proposal. An amendment was offered to emphasize that that was not the case. This is only if in fact that all of the hoops that I just mentioned are jumped through and come out positive. I encourage you to allow L.D. 53 to go forward.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to a comment made by the Representative from Raymond, Representative Bruno, regarding taking away 30 beds from Norway. That is not the case. Norway didn't request those extra 30 beds that were passed in that bill in the 115th Legislature. Every veterans' organization is overwhelmingly in support of veterans' homes. Veterans, when they need to go to a nursing home, would prefer to go and be with their fellow veterans, whether they be male or female. I urge your support for this bill.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I may not have made my point clear. They keep talking about home-based care. No way in creation is the federal government going to pay for home-based care for a veteran in Maine. That just doesn't exist. To say there are plenty of beds — we can put anybody in a bed. I hope to God the day doesn't come that I have to go into a nursing home and, as a veteran, the nearest place they find is in Madawaska or Van Buren or Caribou.

Maybe I would like to stay home but this — they can't seem to understand, this is not state money that will construct this. It is run and will be paid off by the revenue generated by the patients in the home, this applies to the veteran and his spouse. As I said when we first argued about a veterans' home, if you are going to take a veteran from up in Madawaska and put him in a home, a private home in Rangeley, it is a pretty sad state of affairs, that's the most that the State of Maine can do for their veterans. I wouldn't do it to my mother or grandmother or relatives. Why do they keep bringing up home-based care, the state will take care of it? Let's get the state off the backs of the people.

We are trying to downsize what the state is doing. You can rest assured that the veteran will not get the care in the so-called homes that he will in a veterans' home.

I would ask any one, including the gentle lady from Scarborough, who has a beautiful veterans' home in her own town, something to be proud of, a delegation came up from Tennessee and they couldn't get over what we have done here in those veterans' homes, that is one of the most beautiful places to be in. For us to say, no, we don't want that anymore because there is a possibility it might cost the state a few pennies but nobody has told me how much it would cost compared to what the federal government would pay for those veterans' homes and to take care of the veterans in those homes.

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

Representative TOWNSEND: Mr. Speaker, Men and

Women of the House: We have been kicking around the cost of taking care of the veterans here and arguing back and forth. I think there is a cost that we are not discussing here.

Very briefly, I just want to tell you a story about Eastport's only surviving First World War veteran, 90-some years old, came back from the First World War, survived it, worked all his life, paid taxes into this country, supported this country, 90 some years old now and just this past year, he had to go into a veterans' home. He had to go halfway across the state. His wife is 92 years old, what about the cost to her to visit the man that she spent her whole life with, probably the last few years of his life?

Veterans in Washington County want this home. People in Washington County want this home down there. We answered the call, many of us are veterans. I am a Vietnam era veteran. I was one of the lucky ones, I didn't get called to get sent over, I was always state side during my stay, I was lucky, someone else went over on my behalf.

I think the very least that we can do when we are talking pennies and dimes and nickels here is to support those folks that answered the call when we needed them. We might need them again in the future. There are plenty of ways to save money down here. I don't think we need to save it on the backs of the veterans who answered the call when we needed them.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: First of all, I would like to make a correction. There is not a home going in Norway, it hasn't been authorized. Actually, it is in South Paris. Although I would love to have it in my town, it is actually in the community represented by my good friend from Paris, Representative Quint.

You may well ask why a person that is going to receive in his Oxford Hills community authorization for 120 beds, already approval for 120 beds, would support this enactment which actually reduces the authorization in South Paris from 120 beds to 90 beds. I support it because, as the good Representative from Rumford pointed out, the Board of Trustees, because they are a bunch of fiscal conservatives that has been appointed to this board, made the determination that only 90 beds were necessary in western Maine and that access to rural veterans would be enhanced by those 90 beds at this time and they decided not to go with the 120 beds at this time. We, over in our area, because we happen to be fiscal conservatives, also agreed with it. We felt that 90 beds were prudent.

We have three very good quality nursing homes in our area, excellent homes, and every single one of them has a waiting list. Unlike many areas of the state that are over-bedded, we have a relatively high percentage of beds in nursing facilities but actually all the homes still have a waiting list. It is because our community has a lot of older residents, it also has a lot of veterans and that is why those of us from our area fought so hard to have the nursing facility located in a rural location near Lewiston/Auburn, near Rumford/Mexico, near Bridgton/Fryeburg, near suburban Portland and its own population center of Norway/Paris.

There is no question that these nursing facilities provide a different kind of service than

most veterans or any other residents get at your standard nursing facilities. As a matter of fact, these two new homes are going to be a landmark because they will be offering a higher level of psychiatric and psychological services for their residents, specifically relating to the afflictions that many veterans have, not unique to veteran population but certainly resident in them more than in normal populations of our elderly, afflictions of dementia and other kinds of psychological disorders. Each of these new homes will have one-third of the beds dedicated to those kinds of patients. As you all know with our principles of reimbursement with nursing facilities, a lot of the current nursing facilities don't like to take those kinds of patients because they are so costly. Yet, they can only get the same amount of money through the Medicaid reimbursement scheme. So, these facilities will provide that additional level of care for those people afflicted with those disorders.

I would like to ask you to go along with the committee's report and enact this piece of legislation because I think it will serve all veterans in this state. This will not authorize a new construction in this year. It will not authorize one next year, it will authorize the board, if they decide in their fiduciary responsibility whether or not they can afford to build and manage without help from the state, to build an additional home in Washington County in future years. I am talking 1996 or 1997, they aren't even authorized to look at it before then. So, I encourage you to pass this bill and move on.

Representative Holt of Bath requested a roll call vote.

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

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

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to go into any great detail because all of the previous speakers have done a very fine job. All I will say is that the veterans in Washington County have been working with the Washington County Delegation going on three years to achieve this home in the Machias area. There's been a lot of negotiations, give and take, with the veterans statewide and I would urge all of you to support this legislation.

The SPEAKER PRO TEM: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative SOCTOMAH: Mr. Speaker, Men and Women of the House: I would urge you to support L.D. 53. The two Reservations that I represent have a Passamaquoddy Veterans of Foreign War Post and these veterans have to travel all the way to Togus when they receive services. It is on behalf of the Passamaquoddy VFW of Pleasant Point and Indian Township Passamaquoddy Reserve that I urge you to support L.D. 53.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Limestone, Representative Young.

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

With the virtues of veterans aside which I think we all know and we all appreciate, I would like to know from someone on Human Services, are there significant costs that we will have, if we go through with the approval of this home, to the Medicaid system or to any other state account which we wouldn't have had supposing that these people were in Medicaid beds? It seems to me the real question is not whether or not we love veterans, which we all do, but what the impact of the cost is. I haven't had that clearly explained to me.

The SPEAKER PRO TEM: Representative Young of Limestone has posed a question through the Chair to any member who may respond if they so desire.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House: The federal government will give us some money towards the care of veterans and it amounts to about \$30 a day. The average nursing home bill in this state is about \$85 a day. It doesn't take a genius to figure out that that's \$55 short per day that the state will pick up when that veteran ends up on Medicaid.

It is awfully hard for me to stand here and argue against building a veterans' home, that seems so unpatric — well, that's not what I am doing, what I am doing is arguing for fiscal responsibility. We would love to have a veterans' home in every community in this state if we could afford it but we cannot afford it. Someone picks up the cost of the care eventually and that ends up being the State of Maine.

I am not arguing about whether a veteran should be in a veterans' home or a private nursing home, I am arguing for the cost of care.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair for the last speaker to ponder.

Does the fine gentleman, Representative Bruno, show us any figures where the state had to pay any appreciable amount of money for the veterans who went into the veterans' home in Augusta, the veterans' home in Scarborough or the veterans' home in Caribou? He cannot produce any figures because there are none. He talks about the veterans' \$40 and the state has to make up the difference — the good gentleman should get his facts straight, the federal government pays directly to the nursing home and the difference of the cost of running the home is made through the veteran's pension. He, himself, would pay. If he has sufficient funds, he will pay it out of his own pocket. If I went in there and I was loaded with money because I got a big pension, I would pay the full freight.

I say again, some people don't understand, Medicaid will come in there if that veteran had no funds at all and would have gone into a private nursing home. I think I have said it four times, maybe I am not speaking clearly enough, but again, this is almost like a private hospital, we even built the one in Caribou with the help of the Cary Hospital — it was built together.

One thing you must remember, this bill does not

authorize construction of it right away. What this bill does is to find out if it is feasible to do it and won't be known earlier than 1995. If it turns out that Certificate of Need says no, none will be built and must be approved by the federal government. All this does today is authorize the committee to go ahead and apply for this.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to further add that the Board of Trustees is a very, very conservative board. One of the stipulations when we build a veterans' home is that they must be self-sustaining. I urge your support for this issue.

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

ROLL CALL NO. 77

YEA - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Bowers, Caron, Carr, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Constantine, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gould, R. A.; Greenlaw, Gwadosky, Hatch, Heeschen, Heino, Hichborn, Hillock, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, Marsh, Marshall, Martin, H.; Michael, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pinette, Plourde, Plowman, Pouliot, Quint, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, G.; Tracy, True, Tufts, Vigue, Walker, Wentworth, Young, Zirnkilton, The Speaker.

NAY - Aikman, Brennan, Bruno, Cameron, Campbell, Carleton, Coles, Daggett, Foss, Gean, Gray, MacBride, Mitchell, J.; Pendexter, Reed, G.; Rydell, Townsend, E.; Townsend, L.; Treat, Whitcomb.

ABSENT - Coffman, Gamache, Hale, Kilkelly, Look, Melendy, Pineau, Poulin, Ruhlin, Winn.

Yes, 121; No, 20; Absent, 10; Paired, 0; Excused, 0.

121 having voted in the affirmative and 20 in the negative with 10 being absent, L.D. 53 was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

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

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Maximize the Availability of Federal Financing of Services for Families and Children (H.P. 450) (L.D. 576) (C. "A" H-188)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Direct Elected and Appointed Officials of the State to Work to Maintain Canadian Atlantic Railway Service through the State (H.P. 661) (L.D. 899) (C. "A" H-184)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Continue the Commission to Study the Feasibility of a Capital Cultural Center (H.P. 747) (L.D. 1014)

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

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

Representative LIPMAN: Mr. Speaker, I would like to request a roll call.

Mr. Speaker, Ladies and Gentlemen of the House: Let me share with you a few thoughts on this particular bill. This is a bill that will not cost anything. The money is all volunteers and this is a continuation of the performing arts center for the City of Augusta whereby the committee started to meet

two years ago and they continued to meet. What we are doing is a study so we can decide whether it is feasible to go ahead and have a performing arts center. It is composed of members of the state, the City of Augusta, the University of Maine in Augusta and we are asking that it be an emergency bill so that the group can continue to meet and have the authority to meet as they have been over the past two years.

I am hoping that you will all support this bill. I see no downside to it and there is absolutely no expense to the state.

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

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

If this doesn't cost any money, and I am grateful for that and I might change my vote for that, but if this committee has been meeting on its own and so forth, why do we need to have a bill at all? Why can't the committee continue to meet on its own?

The SPEAKER PRO TEM: The Representative from Bethel, Representative Barth, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Representative Barth, that is a good question. The reason the initial legislation passed is that we felt we needed a legal framework so that we could have a committee composed and a follow-up report would be prepared. The report was prepared by this committee of members from the state. The Governor, the Speaker and the President of the Senate appointed these members and the committee has just not completed its work and would like to have the opportunity to complete its work.

This committee has been in existence since the 115th Legislature and they need two more years to complete their work. Again, these are all volunteers. Any staffing or funding is coming out of the University of Maine's Foundation and the first report is on file and they will be filing a second report at the end of the two year period.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will support this. I think perhaps from the title of the bill it sounds as if this is something that is only for the Capital City but in fact the planning that has gone into this has taken into account all the cultural associations for the State of Maine.

We have looked at providing service to the entire state through the ITV System and perhaps being of service to the state but it would happen here in the Capital area.

As Representative Lipman has said, there is no cost to the state but we would like to have the authority of legislation to allow us to continue to look at the feasibility of the Capital Cultural Center.

I think one of the important things about this is that in times when we don't have much money around, it is a wonderful time to do planning and to make plans for the future because we don't have much money to do it with. I hope that you will support this so that the efforts can go forward to look after the

cultural needs of the State of Maine.

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

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

After the feasibility and everything is taken care of here and I assume that the cultural center will be built, who will be responsible for maintaining this cultural center afterwards?

The SPEAKER PRO TEM: The Representative from Rome, Representative Tracy, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: The work that is being done — there is no decision to even build the cultural center at this time. All they are doing is looking into the feasibility as to whether it should be done jointly with the State of Maine, the City of Augusta and the University of Maine in Augusta. A decision may be made not to build one, a decision may be made that the state won't participate and it will be strictly the University of Maine and the City of Augusta. All of these options are available to the committee and that is what they are studying. At this point, there is absolutely no responsibility or legal liability to the state and the state is incurring none under the study.

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

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

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

ROLL CALL NO. 78

YEA - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Barth, Beam, Bennett, Brennan, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chonko, Clement, Cloutier, Clukey, Constantine, Cote, Cross, Daggett, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gean, Gould, R. A.; Greenlaw, Gwadosky, Heino, Hichborn, Hillock, Hoglund, Holt, Hussey, Johnson, Joy, Kerr, Kneeland, Kontos, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Martin, H.; Michael, Mitchell, E.; Murphy, Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Saint Onge, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Taylor, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton.

NAY - Bruno, Cameron, Clark, Coffman, Coles, Gray, Jacques, Joseph, Kutasi, Marshall, Quint, Rand,

Rydell, Tracy.

ABSENT - Bailey, R.; Bowers, Campbell, Chase, Dexter, Dore, Faircloth, Gamache, Hale, Hatch, Heesch, Jaibert, Ketterer, Kilkelly, Lemke, Look, Melendy, Michaud, Mitchell, J.; Morrison, Nash, Pineau, Poulin, Ruhlin, Saxl, Tardy, Winn, The Speaker.

Yes, 109; No, 14; Absent, 28; Paired, 0; Excused, 0.

109 having voted in the affirmative and 14 in the negative with 28 being absent, the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Revise the Correctional Facility Board of Visitors Laws (H.P. 212) (L.D. 274) (C. "A" H-186)

An Act to Amend the Hunting Laws (H.P. 228) (L.D. 296) (H. "A" H-208 to C. "A" H-99)

An Act Authorizing Maine Banks to Export Certain Credit Terms (H.P. 230) (L.D. 298) (C. "A" H-175)

An Act Regarding Recurring Charges Charged to Credit or Charge Cards (H.P. 267) (L.D. 345) (C. "A" H-174)

An Act to Clarify the Laws Relating to Property Tax Abatements (H.P. 283) (L.D. 370) (C. "A" H-182)

An Act to Assist Policy Makers in Establishing Health Care Policy (H.P. 287) (L.D. 374) (C. "A" H-189)

An Act to Amend the Motor Vehicle Laws (H.P. 482) (L.D. 619) (C. "A" H-183)

An Act Concerning Property Tax Payment by Owners of Mobile Homes (H.P. 557) (L.D. 754)

An Act Clarifying Identification of Financial Institution Off-premise Facilities (H.P. 580) (L.D. 784) (C. "A" H-173)

An Act to Increase the Penalties for Littering (H.P. 608) (L.D. 823) (C. "A" H-181)

An Act to Amend Laws Related to Dependent's Group Life Insurance Coverage (H.P. 628) (L.D. 848) (C. "A" H-172)

An Act to Clarify the Role of the Child Abuse and Neglect Councils (H.P. 664) (L.D. 902) (C. "A" H-190 and H. "A" H-206)

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

ENACTOR

Later Today Assigned

An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982 (H.P. 674) (L.D. 912) (C. "A" H-180)

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

On motion of Representative Nadeau of Saco, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Authorize the Operation of Articulated Buses on Maine Highways (H.P. 679) (L.D. 921) (C. "A" H-185)

An Act to Continue Certain Provisions of the Seed Certification Laws That Encourage the Development of New Varieties (S.P. 175) (L.D. 589) (C. "A" S-85)

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

An Act to Require Removal of Ice-fishing Shacks from Private and Public Property (H.P. 339) (L.D. 442) (C. "A" H-197)

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

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

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)

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 Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

SENATE PAPERS

Bill "An Act to Identify Laboratories Subject to the Laboratory Certification Program" (EMERGENCY) (S.P. 481) (L.D. 1479)

Bill "An Act to Reduce Energy Costs and Improve the State's Air Quality" (S.P. 482) (L.D. 1480)

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

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

Bill "An Act to Increase Tourism Visits and Tourism Revenues for the State" (EMERGENCY) (S.P. 480) (L.D. 1478) (Governor's Bill)

Came from the Senate, referred to the Committee on **Housing and Economic Development** and Ordered Printed.

Was referred to the Committee on **Housing and Economic Development** in concurrence.

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

SENATE PAPERS

Bill "An Act to Provide Relief to Families Facing Nursing Home Expenses" (S.P. 483) (L.D. 1481)

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

Was referred to the Committee on **Human Resources** in concurrence.

Bill "An Act to Provide Statutory Procedures for Grievances against Attorneys" (S.P. 474) (L.D. 1473)

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

Were referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Implement the Recommendations of the Special Commission on Electoral Practices" (S.P. 478) (L.D. 1477)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Transfer the Responsibility for Recounts of Elections to the Judicial Branch (S.P. 475) (L.D. 1474)

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

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

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

SENATE PAPERS

Bill "An Act to Establish Economic Recovery Tax Credits" (S.P. 477) (L.D. 1476)

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

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

Bill "An Act to Deregulate Consumer-owned Water Utilities" (S.P. 476) (L.D. 1475)

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

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act Regarding the Use of Natural Gas in Motor Vehicles" (H.P. 421) (L.D. 540) (C. "A" H-222) TABLED - May 6, 1993 by Representative CLARK of Millinocket.
PENDING - Passage to be Engrossed.

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-222) was adopted.

The same Representative offered House Amendment "A" (H-269) to Committee Amendment "A" (H-222) and moved its adoption.

House Amendment "A" (H-269) to Committee Amendment "A" (H-222) was read by the Clerk and adopted.

Committee Amendment "A" (H-222) as amended by House Amendment "A" (H-269) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-222) as amended by House Amendment "A" (H-269) thereto and sent up for concurrence.

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

An Act to Amend the Charter of the North Berwick Water District (EMERGENCY) (MANDATE) (H.P. 275) (L.D. 353) (C. "A" H-148)

TABLED - May 6, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, May 11, 1993.

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

An Act to Amend the Mars Hill Utility District (EMERGENCY) (H.P. 540) (L.D. 724) (C. "A" H-137)

TABLED - May 6, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, May 11, 1993.

The Chair laid before the House the fourth 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 - May 6, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

On motion of Representative Gwadosky of Fairfield, retabled pending final passage and specially assigned for Tuesday, May 11, 1993.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" - Minority (6) "Ought Not to Pass" - Committee on Legal Affairs on Bill "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents" (H.P. 259) (L.D. 337)

TABLED - May 6, 1993 by Representative GWADOSKY of Fairfield.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion made by the Representative from Augusta, Representative Daggett, a few days ago.

I was the sponsor of this bill and I introduced it to guarantee that all the citizens of Maine would have the same rights, no matter where they live within this state.

This bill would prohibit the Portland Housing Authority or any other public housing authority from discriminating against law-abiding people who want to possess a firearm whether it for hunting or for self-protection.

I mention specifically the Portland Housing Authority because they have included the prohibition in its leases presently.

Article I, section 16 of the Maine Constitution states that "Every citizen has the right to keep and bear arms and this right shall never be questioned." It doesn't apply to only individuals or families whose income falls above a certain level, it doesn't exempt you if you live in public housing, it is a matter of fairness. People live in public housing by necessity, not by choice. You don't have to give up your right to free speech to live in public housing so why should you have to give up the right to keep and bear arms?

There are many other housing authorities around the state and what if they included this prohibition

in their lease provisions? The public housing lease provisions clearly conflict with the firearms preemption statute passed by the Maine Legislature in 1989 and that law prohibits passage of local gun control ordinances to ensure that laws remain uniform and are consistently enforced throughout the state, that means the right, no matter where you live in Maine.

As legislators, we must ensure that a uniform set of rights and freedoms are enjoyed by all Maine residents. I urge you to reject the pending motion so that we might adopt the Minority Report and help guarantee that law-abiding tenants in public housing will be able to possess and use firearms lawfully in the State of Maine, a right enjoyed by all non-residents of public housing.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I would ask you to support this motion as it is presented today.

In 1984, I was appointed by the City of Portland to be a Commissioner on the Portland Housing Authority. I currently serve as the Chair of the Portland Housing Authority's Board of Commissioners. As a housing authority, we currently administer over 2,000 units of subsidized housing through the Section 8 Program. We also own an additional 1,000 units through the Public Housing Program. Those units that we currently own are the subject of this legislation.

In December of last year, we were sued by the National Rifle Association. The suit that was filed in Superior Court was filed on behalf of John and Jane Doe. The suit alleges that the Portland Housing Authority discriminates against residents of public housing because there is a provision in our lease that prevents persons from the possession of firearms while living in public housing. That provision was put into the lease in 1975 at the request of residents of public housing. At that time, firefighters in the City of Portland would not enter certain developments in Portland without a police escort because of the prevalence of firearms. Residents had been threatened and firearms were publicly banished during that time.

The Commissioners at the time responded to the request of residents, they did not enact the policy as a gun control measure but as a safety measure.

In January, the housing authority commissioners of which I was one, voted to contest the suit. We made that decision after considerable discussion as to whether or not the current policy discriminates against persons of low income who live in public housing. It was our conclusion that that was not the case and I would like to explain why we reached that conclusion.

First, persons who apply (and this gets a little technical but I will try to explain this as best I can) for subsidized housing, they have the option of applying for public housing (again which is owned by the housing authority) or applying for Section 8 Housing, which is a program administered by the housing authority. A Section 8 certificate allows the tenant to reside any place in the City of Portland as long as the landlord is in the program. Consequently, somebody who would choose to have a firearm in their possession would have the option of living somewhere in the City of Portland with subsidized housing without necessarily living within public housing owned by that housing authority.

We felt that that option was available to persons and covered those instances where people felt that they wanted to possess firearms but, at the same time, have access to subsidized housing.

Secondly and equally as important, there is overwhelming resident support for this policy. We conducted a survey of all the residents who currently live in public housing. We have done a lot of surveys in the past and we usually get a nominal response. In this case, we had over 50 percent of the residents of public housing that responded to this survey. Over 80 percent of the 50 percent that responded said that they favored keeping the current provision in the lease. In addition to that, and I believe there is a letter on everybody's desk today, all seven resident councils voted in favor of keeping that provision in the lease. They believe, again, that they are not being discriminated against or that they are being unfairly treated by living in public housing and not being able to possess firearms but they do believe it is a safety issue and it is a provision that they would like to see retained in the lease.

I think another point to be made is that even though this lease provision has been in effect since 1975, no one has ever been evicted as a result of this provision. There has been voluntary compliance in every instance on the behalf of those residents who are in public housing. When we notified them that if we find out there are firearms in their possession, we notify them, and in every instance, we have voluntary compliance. We have never had to evict anybody as a result of this policy.

So, I think when you look at the fact that this initiative was put into place, the provision, as a result of residents' request and that we currently have overwhelming support for the provision, I think it is difficult to argue that people are unnecessarily being discriminated against as a result of it.

Lastly, I would like to make a point that this issue is currently before the court. Both sides have agreed to expedite the court proceedings. This is not going to be a long drawn out court affair. We fully expect to have a court decision before the end of this year.

This bill would preempt that court process. In other words, it will render the court's decision moot. If this legislature decides to support this legislation, the National Rifle Association will not have its day in court, the Portland Housing Authority will not have its day in court and John and Jane Doe will not have their day in court.

I ask you as a part of prudent public policy not to act hastily at this point. Let the court process proceed and, once the court has made a decision, the Housing Authority, if the court rules the provision is a violation of the Constitution, has agreed that it will remove the provision and abide by the court's decision. Also, in the future, if the legislature chooses that it wants to further act on the court decision or act on this issue, it has the prerogative, but if we act hastily today, that court decision cannot take place.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to share with you some thoughts that I have been wrestling with as I have wrestled this issue for some months now.

Two of the Portland Housing facilities who distributed the letter to you today are located in my district so it is an issue that I have had to come to grips with.

In no way do I feel that it is appropriate to define different rights for different people. However, having wrestled with this issue for some time and having sought out members of the committee to discuss the issue with, repeatedly I heard, "Well, you know we reported that out kind of quick." It seems to me that perhaps the legislature is being a little hasty in working on this bill when we already have the suit taking place in the courts. It seems to me entirely appropriate to address this issue in the courts as we are already doing. I do not see the need to address it here in the legislature as well.

So, I will be supporting the Minority "Ought Not to Pass" Report but that is not to say that I am, in any way, opposed to guns for hunting. I was raised in a house where there were many, many guns and I was taught at a young age to handle them and to respect them.

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

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

To anyone that might be able to answer — my sense is that the court decision will be rendered either this summer or fall, and correct me if I am wrong, and if that is the case, why don't we table this to a time certain in the 1994 session?

The SPEAKER PRO TEM: The Representative from Rumford, Representative Cameron, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: That was a discussion that was held by the committee after the bill had been worked and the report came out. The committee felt that they would like to go forward with the bill and, again, it was a fairly Divided Report as to whether or not the bill would be held over. I think there were some feelings that it had been worked and that it was an issue which would probably end up in front of the legislature at some point anyway and we might as well go ahead and make a decision.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make a long speech here tonight but I do feel that this bill is a discrimination bill against the sportsmen of this state. It excludes the people that are forced to live in public housing to give up their firearms, I would encourage you to oppose the "Ought Not to Pass" Report so the "Ought to Pass" bill could be adopted.

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

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: I must rise to agree with my friend, Representative Cameron. I would have really preferred that this bill be in some posture of waitfulness until we had a better chance to look at the issue clearly. There is probably not another issue coming up on the floor of this House that is going to get more of a heated reaction however the

posture of the question than this particular one because the Constitution does speak about it and so do the courts. Because the court case right now is still in midair, it would seem to me that it is not going to be clear how everybody's rights are going to settle down unless we let the court make the decision.

Public housing is built with public money. Now that public money may be federal, it may be state, it may be so mixed that you cannot sort out the strings but each of those strings carries with it a number of obligations that that money requires of public housing. That can be all the way from certain heating requirements to certain accessibility requirements for the use of the common rooms downstairs. It is extremely complicated. It is hard to untangle those threads. It is not going to be easy to make one law to cut them all and answer the question all at once. Clearly, it is not easy, we have a law on the books and there is a court case to figure out what it actually means.

It would seem to me that all this particular bill would do before us today, should we pass it, would merely preempt a court case in the middle of the air, something that the legislature, on any subject, at any time, has been very reluctant to do for the obvious reasons. If a law is challenged in court today, we pass a law doing anything to that court case, all we have in hand is another law and no sorting out of the Constitutional questions, and another lawsuit, anew, on the new law next year. That does not seem to me to be progress.

Whatever one may think about the rights at question here, I would say that there are many rights at question here, and the only place to sort out the Constitutional questions that surround them all is the courts and not here as any of us who sat through the original, say firearms preemption debate, could well remember in 1989 and 1990.

For that reason, I think Representative Cameron has come right to the point of it all. I would assure you that, like Representative Cameron, though I represent a Portland District right now, I come from one of the smallest towns that there are in all of Oxford County, East Stoneham, Maine where even this question, the right to bear arms, is not the one that people argue about, it is the right to do what you want with them once you have them. That question is something that falls down to such an individual choice that I don't think we can wisely figure out how we are going to deal with that when you move it to the confusing plane of public housing. One of the largest single, public housing units in the entire State of Maine, bar none, is now in the district that I live in in Portland. There are more people living on my one street in Portland than live in the entire town I come from in Oxford County. It is difficult since everybody carries all those rights with them, whether you live in East Stoneham or in Portland to figure out how we all work when our sharp edges bump up against one another.

I say we are not really prepared to do that here on this floor today. I would have much preferred that the suggestion that Representative Cameron made be the one that we be acting upon. Unfortunately, it is not; therefore, I urge you today to accept the "Ought Not to Pass" Report, allow the court to decide the Constitutional issues and then take question later with another bill, another year if that is what we need.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Legal Affairs Committee, which did wrestle with this issue, I would like to address it with remarkable brevity.

I will agree and will not recapitulate the eloquent speeches given by others but I do agree with the point that I do not feel comfortable at all in short-circuiting a judicial process which already is under way. I would like to wait and see what the courts do on this particular issue. It is a very difficult, potentially controversial, emotional issue and I would prefer that the courts deal with it. If we are not pleased with what the courts do, we still have the legislative option.

At this point, I would urge you to accept the Minority "Ought Not to Pass" Report. Let's act on, let us say, the side of prudence, caution, calm — we can always go the other way later if we so desire but, at this point, I would certainly go for the Minority "Ought Not to Pass" Report.

I do want to respond briefly to my good friend from Township 27, I don't consider what's involved here necessarily discrimination against the right to bear arms. There are a lot of cases and a lot of issues that involve restricted ability to bear arms.

I just checked and we are sort of, I guess, involved here in what may be considered subsidized housing from the people of the State of Maine. Nevertheless, there is a promulgated rule that none of us can carry arms (a good thing) either openly or concealed. I do not consider that a major restriction upon the right to bear arms, probably a fairly reasonable one, in the situation.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, I would like to pose a question. There is a question in my mind that I would like to toss out and also something to think about. Why would the passing of this bill preempt any court case if we are dealing with a Constitutional issue?

The little book that we all have has the Constitution in it. I have two of them, I have one that is dated 1991 and I have one that is dated 1993. If you turn to Article I, section 16 of the Maine Constitution, it is on Page 6 of the 1991 book and on Page 11 of the 1993 book, something happened within two years. In the 1991 book it says, "Every citizen has a right to keep and bear arms for the common defense and this right shall never be questioned." It seems we went to the people of Maine, I believe in a referendum, and if you look on Page 11 of the new book, that has been changed. It now says, "Every citizen has the right to keep and bear arms and this right shall never be questioned."

I don't think you have to be a Constitutional lawyer to understand what that sentence says. It is very clear so I would suggest that we pass this bill and if the people who no longer can say to their tenants that they can't keep arms, let them go back to court. In the meantime, we have taken care of the rights of those people living in those houses.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would certainly not quarrel with the words that are in the Constitution. However, I would suggest that we do abridge the right

to bear arms at certain times. I know that you are not allowed to carry them on planes even in the State of Maine. I think that that is precisely the issue that the court would be ruling on and, if you vote "Ought Not to Pass" and we do not pass this bill, the court case will proceed and we will have that kind of a ruling and then whatever happens can follow in an appropriate manner.

We have been put in kind of an interesting position here because the same side put the bill in and took the court case forward. It would have been a little more helpful to have had the court case go forward and be decided and, based on that outcome, then put the bill in, but in fact we are faced with it in somewhat of backward manner. Although people have suggested that we set the bill aside, I think that that can be taken care of by accepting the Minority "Ought Not to Pass" Report, letting the court case go forward and then proceeding from there.

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

Representative MARSHALL: Mr. Speaker, Colleagues of the House: I think what we have is a Constitutional issue here and it looks to me like the Constitution in this area has already been abridged. I am very concerned when we look to the Bill of Rights and we abridge or delete them. I am concerned that the Constitution is already in serious trouble in many areas and this one in particular.

When we take a whole class of housing as subsidized housing and we say that no one in them can possess a firearm on the premises, it seems to be almost an assumption of guilt, that they have created some crime or are going to create some kind of a crime if they possess this weapon. If this was a population of felons, such as a prison, then abridging this right would probably be a good idea.

The issue of having a gun on an airplane is strictly a temporary issue. You are on the plane for a few hours and then off again. I am sure there are means that you can have your weapon transported by the plane, you just can't have it on your person. If you can't have it where you live, that is a much more serious thing.

I would ask that we protect the Constitution and allow this to go forward.

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

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: I would point to Representative Simoneau that it may be equally constructive if he would turn to Page 9 of his small copy of the Constitution of the State of Maine as printed in the House and Senate Register and observe upon Page 9 that it is also pointed out that "unreasonable searches are prohibited in your home." Both section 5 and the original section you quoted, don't forget, were written by the generation of our founders who had lived through one Revolution and one second invasion by the British in 1812 here in what we call the State of Maine. It was not at all uncommon for armed soldiers to quarter themselves in your home and to search all of your property and do anything they chose with your papers or your property, no matter what you think. Therefore, it was specifically prohibited in the Constitution of the State of Maine because this, though it doesn't happen much today, certainly did happen to them. From it, we have grown a whole new field of Constitutional law about what is your right to

privacy as an individual, rather than as they thought of it, your right against invasion by a military force. This is why they specifically said that the revolutionary generation that founded East Stoneham, Maine also had the right to bear arms for the common defense. That means the militia. That was dropped in subsequent revisions, especially by the Constitutional Amendment passed by the people of the State of Maine in the 1980's which resulted in section 16, which appears on Page 11. It states in its entirety "Every citizen has a right to keep and bear arms and this right shall never be questioned."

The problem, Representative Simoneau, is that we don't know quite what that means. You and I are questioning that right, right now. Have I just broken the law? Has my whole speech been unconstitutional? Are the "thought police" going to come now and drag me out of here to a fate uncertain? I have just questioned it. What is going to happen? We are not sure because this is a whole new Constitutional Amendment and a whole new field that we are not sure what it means.

I think it is better for the courts to define it unless some of the rest of us can put their hands up and define themselves as Constitutional lawyers. We may viscerally know what we would like it to mean, we may also guess what a court might do about it and we may know what a dues paying national organization would like us to think about it. I also know what the residents of Franklin Towers, the largest, single, elder housing population building in the State of Maine and, indeed, the largest free-standing building in the State of Maine at 15 stories tall, I know because they are my constituents what they really would like to have the courts say. I know definitely what they don't want the legislature to say and that is why I am standing here.

We could go back and forth all afternoon, perhaps we shall, but I believe that the court alone, because of the indefinability of the exact meaning of the language that I have just read to you, is the only body that can really resolve this unless you look forward to further lawsuits based next year upon the law that we may pass this year to head off a result that you or I may not like and I am trying to guess what will come out so we can vote to head it off. That sort of game has no winners. This sort of law never has a period at the end of the sentence and I guarantee you that if we try to play Constitutional lawyer, when we layman march into the thickets of the Constitutional law, don't expect to come out the other side with your shirt whole on your back. Only lawyers can do that. We are not. We are legislators and I say, let the courts decide.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Simoneau.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: May I respond to my good friend Representative Adams. First of all, Representative Adams, when we confuse the equivalent of our Fourth and Fifth Amendments into the State Constitution with the right to bear arms, let's not confuse a criminal for protection and sanctions against criminal or activities by the police to protect you in a criminal activity as opposed to the civil right to bear arms.

I am not a lawyer and thank God I'm not and thank God that our Constitution, both the federal and the state, was written by people who were not lawyers,

primarily, citizen farmers and so forth. We are all aware of the Second Amendment to the Constitution of the United States and its prohibition or its reason for having arms being a militia. We had that in our own Constitution but that was removed, that was removed in recent history and that was removed for a very good reason because of this question of the militia versus your individual right to bear arms.

I certainly hope that I don't come across as some sort of a right-wing nut who believes in running around with an automatic rifle and what have you because I do not. Some of my constituents also live in public housing. That's in Thomaston — does that ring a bell? — Warren, Rockland, in through that area, and believe me, those people have very good reasons for wanting to bear arms and to have weapons in their homes.

Our good House Clerk, Joe Mayo, a few years ago, two houses down from where he lives, two gentlemen from Thomaston State Prison, were out at night unbeknownst to the guards and they invited a gentleman to join them for four days while they ran all over the State of Maine. We have people who are released down there to go out into the community because they are cured — well, let me tell you about one of them because he ended up in your community. A gentleman by the name of Shackford, we have a Shackford Supreme Court decision in this state. Well, Ernie was a confused kid when he was about 15 or 16, it seems he lacked some of the social graces, especially those graces that young men have with young women. He didn't understand what the word "no" meant and he ended up in AMHI for raping a girl. They had to release him because his rights were such that he couldn't be there longer than had he gone to the prison for the same offense. They turned Ernie loose, a few years went by and he got to be 21 or 22 or 23 years old and the little wires went haywire again and he ended up in Thomaston this time after darn near killing a young woman up in Aroostook County. A few years go by and Ernie (I met him as a client) and, believe it or not, Ernie was having problems with the taxing authorities because he was one of those so-called novelty kings. But, he met a woman in the prison and they got married. I went to his wedding, charming guests were there at the wedding, and they had a baby. You would see Ernie in church holding the baby on weekends out. Finally, he was declared cured and he went down to your community of Portland. He's the young guy who kidnapped a woman and her daughter at the Maine Mall, held them for several days as hostages in their own apartment, subsequently got out and ran over to New Hampshire and killed a woman in the Mall over there with a knife. Those are the kind of people we have walking around in Knox County on weekends.

I can assure you that there are many people up there living in subsidized housing who don't want to have their right to keep a firearm in their apartment taken away from them. That is where I am coming from. Thank you very much.

On motion of Representative Cameron of Rumford L.D. 337 and all accompanying papers was recommitted to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

Representative Donnelly of Presque Isle moved that the House reconsider its action whereby L.D. 337 and all accompanying papers were recommitted to the Committee on Legal Affairs.

Representative Zirkilton of Mount Desert

requested a Division.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Donnelly of Presque Isle that the House reconsider its action whereby L.D. 337 and all accompanying papers were recommitted to the Committee on Legal Affairs. 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 47 in the negative, the motion did prevail.

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

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I understand now that the motion is to recommit this to the committee. I would urge you to vote against that motion as I believe we already understand what the issue is and recommitting it to the committee at this point, I don't think, will serve any particular purpose so I would urge you to vote against the recommitment to the committee.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is to recommit L.D. 337 and all accompanying papers to the Committee on Legal Affairs. Those in favor will vote yes; those opposed will vote not.

A vote of the House was taken.

29 having voted in the affirmative and 76 in the negative, the motion did not prevail.

Representative Marsh of West Gardiner moved that L.D. 337 and all accompanying papers be indefinitely postponed.

Representative Bennett of Norway requested a roll call vote.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Marsh of West Gardiner that L.D. 337 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 79

YEA - Adams, Aikman, Aliberti, Ault, Barth, Beam, Brennan, Bruno, Cameron, Campbell, Carleton, Carr, Cashman, Cathcart, Chase, Chonko, Cloutier, Coffman, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dore, Dutremble, L.; Faircloth, Farnsworth, Farnum, Fitzpatrick, Gould, R. A.; Gray, Gwadosky, Hatch, Heeschen, Hichborn, Hillock, Hوجلund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Lemke, Marsh, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nickerson, O'Gara, Oliver, Paradis, P.; Pendexter, Pfeiffer, Plourde, Pouliot, Quint, Rand, Richardson, Ricker, Robichaud, Rowe, Rydell, Saint Onge, Simonds, Skوجلund, Small, Stevens, A.; Stevens, K.; Sullivan, Tardy, Taylor, Thompson, Townsend, E.; Townsend, L.; Treat, True, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Ahearne, Anderson, Bailey, H.; Bailey, R.; Bennett, Bowers, Caron, Carroll, Clark, Clement,

Clukey, Dexter, Donnelly, Driscoll, Erwin, Farren, Foss, Gean, Greenlaw, Heino, Kilkelly, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marshall, Martin, H.; Morrison, Murphy, Nash, Norton, Pendleton, Pinette, Plowman, Reed, G.; Reed, W.; Rotondi, Ruhlin, Simoneau, Spear, Strout, Swazey, Townsend, G.; Tracy, Tufts, Whitcomb, Young, Zirnkilton.

ABSENT - Gamache, Hale, Look, Ott, Pineau, Poulin, Saxl.

Yes, 92; No, 52; Absent, 7; Paired, 0; Excused, 0.

92 having voted in the affirmative and 52 in the negative with 7 being absent, L.D. 337 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

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

An Act to Regulate Home Repair by Transient Contractors (S.P. 228) (L.D. 699) (C. "A" S-72)

TABLED - May 6, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

Subsequently, L.D. 699 was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

Bill "An Act to Restructure the Department of Defense and Veterans' Services" (H.P. 1037) (L.D. 1389)

- In House, referred to Committee on State and Local Government on May 3, 1993.

- In Senate, referred to Committee on Aging, Retirement and Veterans in non-concurrence.

TABLED - May 6, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

The House voted to recede and concur.

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

Bill "An Act to Establish a Capital Access Program" (S.P. 469) (L.D. 1461)

- In Senate, Referred to Committee on Housing and Economic Development.

(Committee on Banking and Insurance suggested)

TABLED - May 6, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Reference in concurrence.

Subsequently, was referred to the Committee on Housing and Economic Development in concurrence.

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

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REVOKE ITS CONGRESSIONAL PAYRAISE, ROLLBACK ITS SALARIES TO THE 1989 LEVEL AND REPEAL THE AUTOMATIC COST-OF-LIVING ALLOWANCE (H.P. 1066)

- In House, Read and Adopted on May 4, 1993.

- In Senate, Read and Indefinitely Postponed in non-concurrence.

TABLED - May 6, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Men and Women of the House: I move that the House Insist.

I hope that, once again, the House sends this over to the other body with a good vote. What this Resolution does is it essentially rolls back the infamous Congressional pay raise back to its 1989 level, which would be \$89,500. It also asks them to cancel the automatic cost of living allowance known as a COLA, which allows them to raise that pay raise each year without a roll call, without having any fingerprints on the work.

It also thanks Congress for — at least the Senate, technically it thanks the Senate — I am not sure if the House did this or not, but it thanks Congress for having banned honoraria which is a reform which many people for many years wanted to advance.

Currently, Congress receives \$133,644 per year and that is a result of the \$26,000 pay raise of 1991 plus the automatic COLA that we talked about previously. That pay raise puts them at the top one percent of the people in the United States. We are not discussing benefits, we are not talking about the million dollar retirement funds or any of that, we are just talking about the Congressional pay raise itself. The intention here is to act as a legislature to lobby Congress to let them know how serious we consider this issue, kind of pool our vote as a House and Senate, so that we can count more than individuals calling our Congress people and our Senators.

This issue is still contemporary. Just a couple of weeks ago on television I saw a couple of U.S. Senators, they both agreed that they would probably have to roll back their pay raise. They may not roll it back as much as we request but the chances are, if the State of Maine and other states join in, they will roll it back to some level.

Representative Andy Jacobs, Democrat of Indiana, has introduced legislation to roll back the pay raise to exactly what today's Resolution says. John Boner, Republican from Ohio and 27 other bipartisan lawmakers, have filed a suit on the COLA's saying that they are unconstitutional.

The most common comment I received from cosponsors of this legislation in this body was, why should we bother doing that because they are not going to listen to us anyway? That's kind of interesting because perhaps this will give us a direct experience with some of the frustration that the public goes through in lobbying us for matters, that feeling of helplessness and resignation that we have all known from time to time.

I suggest that this Resolution may in fact make a difference. I encourage us to vote for it. In fact,

it is our duty to petition Congress and I hope we embrace that duty today.

One other thing, I get blamed for that Congressional pay raise. Some of my constituents think that I make \$133,000 a year and that you make that. Some of us do, I guess, but most of us make — at least when we are in the legislature, we make \$9,000 a year. That is one-seventh of the Congressional paycheck and I think there are a lot of people in this room that work just as hard, if not harder, than the people in Washington.

Just a little bit more background — as I said, currently Congress receives \$133,000 a year, that's five times the average American paycheck. Congress raised its salary over a ten year period based on the median income, 45 percent while the general median income of American workers was raised two percent, 45 percent versus two percent.

In real terms, it went from \$60,000 in 1982 to \$125,000 in 1991, it more than doubled. Eight of those ten years, eight of those ten years, Congress didn't even increase the minimum wage, it stayed at \$3.35 until 1990 or 1991. The median income for white collar workers only increased five percent in that same period and the median income for Governors only increased eight percent, the same period that Congress went up 45 percent. Ten years from now with the COLA's kicking in, Congress will earn approximately \$180,000 a year if they do not act to roll back their pay raise.

On the Senate side, when they voted for the pay raise, they did so just eight months after a public outcry caused them to back off the pay raise. On the other hand, on the House side, they had a vote without a roll call, only four members of the House voted in favor of having a roll call. To their credit, they did ban honoraria and they did cancel this year's pay increase, this year's COLA for this year only. As I understand it, it was cancelled. So, we should really give them credit for that and acknowledge them.

I just want to remind people that this is not a partisan issue, this is not an issue about individuals, this is an issue of the system, it is a systemic discussion. It is easier to go to Congress and lose track of what reality is. It is easy to get out of touch with what it is like to work for a living and to have to scrape and serve. A majority in both parties have voted for these pay raises and I suggest that it is not consistent with the kind of actions we would do here in this body. Could you imagine us having a request for a roll call on a pay raise and only getting three or four votes?

I will read you just one last quote that gives you an idea of the context and the attitude. This was after the final vote in the Senate which both parties had voted in favor of. "On the floor, members were ecstatic, slapping each other on the back and shaking hands all around. J. Bennett Johnson, Democrat, Louisiana, waved his arms with joy. Senators crowded around Robert Byrd to congratulate him including several who had voted against him."

I urge you to vote, as I said, with a strong vote, send this Resolution to the other body and let's encourage Congress to do what is right and to roll back that pay raise.

Mr. Speaker, I do request the yeas and nays.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it

must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Michael of Auburn that the House Insist. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 80

YEA - Adams, Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Brennan, Bruno, Campbell, Caron, Carr, Carroll, Cashman, Chase, Chonko, Clark, Clement, Clukey, Coffman, Constantine, Cross, Dexter, DiPietro, Donnelly, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gean, Gray, Greenlaw, Gwadosky, Hatch, Heino, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kutasi, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Marshall, Martin, H.; Michael, Mitchell, E.; Mitchell, J.; Murphy, Nash, Nickerson, Norton, Oliver, Paradis, P.; Pendexter, Pendleton, Pinette, Plourde, Plowman, Quint, Rand, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Tardy, Taylor, Townsend, E.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Wentworth, Whitcomb, Winn, Young, Zirkilton.

NAY - Cathcart, Cloutier, Cote, Daggett, Dore, Driscoll, Hichborn, Larrivee, Melendy, Morrison, O'Gara, Pfeiffer, Pouliot, Rowe, Rydell, Simonds, Sullivan, Swazey, Townsend, G.; Walker.

ABSENT - Aliberti, Beam, Cameron, Carleton, Coles, Farren, Gamache, Gould, R. A.; Hale, Heeschen, Hillock, Kontos, Look, Michaud, Nadeau, Ott, Pineau, Poulin, Richardson, Ruhlin, Saint Onge, Saxl, Thompson, The Speaker.

Yes, 107; No, 20; Absent, 24; Paired, 0; Excused, 0.

107 having voted in the affirmative and 20 in the negative with 24 absent, the motion to Insist did prevail.

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

Bill "An Act to Amend the Laws Related to the Maine State Retirement System" (H.P. 227) (L.D. 295)
TABLED - May 6, 1993 by Representative GRAY of Sedgwick.

PENDING - Motion of the same Representative to Reconsider whereby the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-215) Report of the Committee on Aging, Retirement and Veterans failed acceptance.

Subsequently, the House reconsidered its action whereby the Minority "Ought to Pass" as amended Report failed acceptance.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted, the bill read once.

Committee Amendment "A" (H-215) was read by the

Clerk and adopted and the Bill assigned for second reading, Tuesday, May 11, 1993.

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

Bill "An Act to Change the Scallop Harvesting Season" (H.P. 117) (L.D. 158) (C. "A" H-146)
TABLED - May 6, 1993 by Representative MITCHELL of Freeport.
PENDING - Passage to be Engrossed.

On motion of Representative Mitchell of Freeport, the House reconsidered its action whereby Committee Amendment "A" (H-146) was adopted.

The same Representative offered House Amendment "A" (H-270) to Committee Amendment "A" (H-146) and moved its adoption.

House Amendment "A" (H-270) to Committee Amendment "A" (H-146) was read by the Clerk and adopted.

Committee Amendment "A" (H-146) as amended by House Amendment "A" (H-270) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-146) as amended by House Amendment "A" (H-270) thereto in non-concurrence and sent up for concurrence.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

On motion of Representative Marsh of West Gardiner,

Adjourned at 5:57 p.m. until Tuesday, May 11, 1993, at ten o'clock in the morning.
