

# 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  
50th Legislative Day  
Thursday, May 13, 1993

Senators: LUTHER of Oxford  
HALL of Piscataquis  
O'DEA of Penobscot

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

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

Prayer by Rabbi Raymond Krinsky, Beth Israel Congregation, Waterville.

The Journal of Tuesday, May 11, 1993, was read and approved.

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

Signed:

Representative: FARREN of Cherryfield

**SENATE PAPERS**

**Ought to Pass as Amended**

Report of the Committee on Housing and Economic Development reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-126) on Bill "An Act to Provide Local Control for the Job-start Program" (S.P. 246) (L.D. 765)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-126) as amended by Senate Amendment "A" (S-128) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-126) was read by the Clerk.

Senate Amendment "A" (S-128) to Committee Amendment "A" (S-126) was read by the Clerk and adopted.

Committee Amendment "A" (S-126) as amended by Senate Amendment "A" (S-128) thereto was adopted and the Bill assigned for second reading Monday, May 17, 1993.

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-120)

Reports were read.

On motion of Representative Jacques of Waterville, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-120) was read by the Clerk and adopted and the Bill assigned for second reading Monday, May 17, 1993.

**Non-Concurrent Matter**

Bill "An Act to Extend the Retirement Incentive Option for Two Years" (H.P. 462) (L.D. 599) on which the Minority **"Ought Not to Pass"** Report of the Committee on Aging, Retirement and Veterans was read and accepted in the House on May 6, 1993

Came from the Senate with the Majority **"Ought to Pass"** as amended Report of the Committee on Aging, Retirement and Veterans read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-220) in non-concurrence.

Representative Jalbert of Lisbon moved that the House Adhere.

Representative Chase of China moved that the House Recede and Concur.

On motion of Representative Paradis of Augusta, tabled pending the motion of Representative Chase of China that the House recede and concur and later today assigned.

**Ought to Pass as Amended**

Report of the Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-121) on Bill "An Act Related to Mortgage Companies" (S.P. 177) (L.D. 591)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-121).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-121) was read by the Clerk and adopted and the Bill assigned for second reading Monday, May 17, 1993.

**Non-Concurrent Matter**

An Act to Amend the Motor Vehicle Laws (H.P. 482) (L.D. 619) (C. "A" H-183) which was passed to be enacted in the House on May 10, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-183) as amended by Senate Amendment "A" (S-127) thereto in

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-120) on Bill "An Act to Amend the Maine Hunting Laws to Prohibit Discharges of Firearms across Paved Ways" (S.P. 282) (L.D. 853)

Signed:

non-concurrence.

The House voted to recede and concur.

**COMMUNICATIONS**

The following Communication:

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

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 1074 An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System
- L.D. 1100 An Act to Change the Base Period for Calculation of Maine State Retirement System Benefits
- L.D. 1110 An Act to Change the Nomination Procedure of the Board of Trustees of the Maine State Retirement System
- L.D. 1132 An Act Authorizing Judicial Retirement Service Credit for Service as a Workers' Compensation Commissioner
- L.D. 1182 An Act Allowing Participating Local Districts to Determine Eligibility in the Maine State Retirement System
- L.D. 1330 An Act Regarding Creditable Service of Educational Technicians in the Maine State Retirement System
- L.D. 1333 An Act to Change Beneficiary Provisions for Survivor Benefits in the Maine State Retirement System

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

Sincerely,

S/Sen. Bonnie L. Titcomb      S/Rep. John Jalbert  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 503 An Act to Establish a Bond Issue for Energy Conservation Measures
- L.D. 686 An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Lake Restoration
- L.D. 717 An Act to Authorize a General Fund Bond Issue in the Amount of \$30,000,000 for Land for Maine's Future
- L.D. 906 Resolve, to Reduce Positions within State Government
- L.D. 907 An Act to Facilitate State Payments
- L.D. 914 An Act to Assist Low-income Families with Children to Meet Their Winter Energy Costs
- L.D. 979 An Act to Adjust the Percentage of State Revenues Credited to the Local Government Fund to Replace the Loss of the Inventory Tax Reimbursement
- L.D. 1006 An Act to Provide for the Issuance of Refunding Bonds of the State
- L.D. 1033 An Act to Provide for the Purchase of School Buses
- L.D. 1260 An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Construction of Necessary Safe Drinking Water Facilities
- L.D. 1341 An Act to Restore Funds to the Commission on Governmental Ethics and Election Practices

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

Sincerely,

LEGISLATIVE RECORD - HOUSE, MAY 13, 1993

S/Sen. Michael D. Pearson      S/Rep. Lorraine N. Chonko  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON AUDIT AND PROGRAM REVIEW

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1154      An Act to Reform the Audit and Program Review Process

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

Sincerely,

S/Sen. John J. Cleveland      S/Rep. Phyllis R. Erwin  
Senate Chair                      House Chair

Was read and ordered placed on file.

The following Communication:

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

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 836      An Act to Clarify and Preserve the Public Advocate's Authority to Protect the Rights of Employers Subject to Surcharges for Maine's Workers' Compensation Residual Market Pool

L.D. 1055      An Act Related to Documentation of Transaction Fees at Automatic Teller Machines

L.D. 1087      An Act Repealing Advisory Boards on Banking and Insurance Matters

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1161      An Act to Regulate the Practice of Cosmetology and Barbering Outside of Licensed Shops

L.D. 1221      An Act Concerning Certain Counseling Services

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 11, 1993

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

116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

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

L.D. 82 An Act Providing Access to Library Books for Persons Sentenced to Maine Correctional Institutions

L.D. 388 An Act to Allow Prisoners to Make Local Phone Calls at No Charge

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1122 An Act to Ensure Access to the University of Maine System

L.D. 1275 Resolve, to Survey Nonionizing Radiation Exposure in Schools

L.D. 1345 An Act Concerning School Siting

L.D. 1397 An Act to Provide University of Maine System Employees the Option of Biweekly Payment

L.D. 1398 An Act to Provide for Direct Reimbursement of Special Education Costs

L.D. 1412 An Act to Amend the Laws Governing the Maine Arts Commission

L.D. 1434 An Act to Support Literacy

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

Sincerely,

S/Sen. John J. O'Dea S/Rep. Elizabeth H. Mitchell  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

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

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 171 An Act to Clarify the Application of Recent Increases in Annual Dam Registration Fees

L.D. 766 An Act to Clarify the Definition of Solid Waste in Local Flow-control Ordinances

L.D. 842 An Act to Require Public Notice of Unusual Radioactive Emissions

L.D. 1019 An Act to Establish a Monthly Average Dissolved Oxygen Standard for Class C Waters

L.D. 1030 An Act to Clarify Air Emission Standards

L.D. 1217 An Act to Amend the Laws Concerning Dam Registration Fees

L.D. 1244 An Act to Protect Leaseholders

L.D. 1286 An Act to Amend the Laws Governing Aseptic Containers

L.D. 1362 An Act to Exempt Certain Dams from Permit Fees

L.D. 1387 An Act to Regulate the Impacts of Metallic Mining on Groundwater

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 695     An Act to Require the Issuance of  
                   Antlerless Deer Permits to All  
                   Individuals Receiving Free Hunting  
                   Licenses

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

Sincerely,

S/Sen. M. Ida Luther             S/Rep. Dorothy A. Rotondi  
Senate Chair                     House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 629     An Act to Prevent Mortgage  
                   Foreclosures

L.D. 637     Resolve, to Direct the Bureau of  
                   Taxation to Establish Economic  
                   Impact Criteria for the State  
                   Procurement Process BY REQUEST

L.D. 1107     Resolve, Relating to Preparation for  
                   Defense Conversion

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

Sincerely,

S/Sen. Rochelle M. Pingree     S/Rep. Rita B. Melendy  
Senate Chair                     House Chair

Was read and ordered placed on file.

The following Communication:

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

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 185     An Act to Retain the Housing Special  
                   Needs Payment for Aid to Families  
                   with Dependent Children Families

L.D. 288     An Act to Restore Certain Benefits  
                   to Medically Needy Persons

L.D. 319     An Act to Foster Family  
                   Self-sufficiency

L.D. 412     An Act Regarding Smoking in  
                   Restaurants

L.D. 1008     An Act to Establish Welfare  
                   Eligibility Reform

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 6 An Act Regarding Arrest Warrants
- L.D. 713 An Act to Exclude Law Enforcement Agencies in Cumberland County from the Laws Requiring a Single-warrant Repository
- L.D. 756 An Act to Clarify the Child and Family Services and Child Protection Act
- L.D. 778 An Act to Prevent Procurement of Controlled Substances through Fraud
- L.D. 966 An Act to Allow for the Joint Filing for Divorce
- L.D. 988 An Act to Prohibit Persons from Allowing Youths to Use Illegal Drugs
- L.D. 1034 An Act to Encourage Mediation Before Litigation
- L.D. 1094 An Act Repealing Advisory Boards on Judiciary Matters
- L.D. 1124 An Act to Amend the Laws Governing Desertion and Nonsupport
- L.D. 1142 An Act to Provide Victims of Medical Injury Access to Information
- L.D. 1145 An Act to Change the Maine Rules of Evidence That Currently Allow the Admission of Subsequent Remedial Measures as Evidence of Negligence
- L.D. 1159 An Act to Increase Accountability of the Department of Environmental Protection
- L.D. 1164 An Act to Clarify Relevant Information in Administrative Rule-making Procedures

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON LABOR

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 203 An Act to Provide Wage Equity for Teenage Laborers
- L.D. 545 An Act to Amend the Labor Laws for Minors
- L.D. 1368 An Act to Establish a New Method of Workers' Compensation
- L.D. 1396 Resolve, Instructing the Department of Labor to Place Van Buren and Madawaska in Separate Labor Markets

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 11, 1993

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

Dear President Dutremble and Speaker Martin:



LEGISLATIVE RECORD - HOUSE, MAY 13, 1993

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

- L.D. 930 An Act to Limit the Physical Presence of Candidates at Voting Places on Election Day
- L.D. 1077 Resolve, Authorizing the State to Pay Elizabeth Penney an Amount Not to Exceed \$2,000
- L.D. 1201 An Act to Treat Minors Equitably under the Operating-under-the-influence Laws
- L.D. 1224 An Act Concerning the Location and Licensure of Agency Liquor Stores
- L.D. 1235 An Act Concerning State Claims
- L.D. 1272 An Act to Allow Agency Liquor Stores to Remain Open Past 5:00 P.M. on Sundays

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 1095 An Act Repealing Advisory Boards on Marine Resources Matters
- L.D. 1219 An Act to Provide Fair and Equitable Access to Marine Shellfish

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 729 An Act Concerning the Composition of Appointed Governmental Boards in the State
- L.D. 751 An Act to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor
- L.D. 910 An Act to Limit Terms of State Office Holders
- L.D. 1032 RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Free Election of the Secretary of State and the Attorney General
- L.D. 1255 RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Attorney General and the Secretary of State

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON TAXATION

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 531 An Act to Require Credit Unions to Pay Sales Tax and Income Tax
- L.D. 578 An Act to Provide a Local Option Sales and Use Tax
- L.D. 611 An Act to Promote Job Creation, Retention and Development in Economically Depressed Areas
- L.D. 826 An Act to Amend Appeals Procedures in the State Valuation Process for Property Tax Purposes
- L.D. 869 An Act Related to the State Valuation of the Town of Limestone
- L.D. 893 An Act to Collect State Sales Tax
- L.D. 896 An Act to Provide a Tax Exemption for Electronic Ministries
- L.D. 918 An Act to Amend the Laws Concerning Utility Taxes
- L.D. 928 An Act to Amend the Circuit Breaker Program Laws
- L.D. 929 Resolve, Authorizing the Bureau of Taxation to Make Certain Reimbursements for Inheritance Taxes Collected in Error
- L.D. 941 An Act to Clarify the Tax-exempt Status of Campgrounds Owned and Operated by Religious or Nonprofit Organizations
- L.D. 981 An Act to Improve the Circuit Breaker Program
- L.D. 984 An Act Concerning Disbursement of Property Tax Relief Payments
- L.D. 986 An Act to Expand Eligibility and to Assure that Payments Made Under the Maine Residents Property Tax Program are Applied to the Payment of Local Property Taxes
- L.D. 994 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that Real and Personal Property Tax Valuation be Assessed according to Current Use

- L.D. 1010 An Act to Exempt Veterans Over 60 Years of Age from the Property Tax BY REQUEST
- L.D. 1099 An Act to Incorporate the Circuit Breaker Program into the Income Tax Process
- L.D. 1116 An Act to Amend the Tree Growth and Open Space Laws
- L.D. 1174 An Act to Change the Date County Taxes Are Due
- L.D. 1230 An Act to Clarify the Farm and Open Space Tax Law
- L.D. 1234 An Act to Establish a Uniform Method for Taxation of Personal Property
- L.D. 1241 An Act to Amend the Laws Related to the Taxation of Personal Property

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
 ONE HUNDRED AND SIXTEENTH LEGISLATURE  
 COMMITTEE ON TRANSPORTATION

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 1225 An Act to Allow Public Access to Information Concerning Expenditures of Highway Funds for Acquisition of Private Property

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES

May 11, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 955 An Act to Provide Lower Electricity Costs to Utility Ratepayers
- L.D. 1158 An Act Concerning the Installation of Cable and Other Utility Lines
- L.D. 1239 An Act to Amend the Charter of the East Pittston Water District
- L.D. 1261 An Act to Amend the Charter of the Kingfield Water District
- L.D. 1325 An Act to Decrease the Cost of Purchased Power to Electric Utility Customers in the State

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

Sincerely,

S/Sen. Harry L. Vose  
Senate Chair

S/Rep. Herbert E. Clark  
House Chair

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF LABOR  
BUREAU OF LABOR STANDARDS  
State House Station #45  
Augusta, Maine 04333

May 5, 1993

The Honorable John L. Martin  
Speaker of the House  
State House Station #2  
Augusta, ME 04333

The Honorable Dennis L. Dutremble  
President of the Senate  
State House Station #3  
Augusta, ME 04333

Dear Speaker Martin and President Dutremble:

I am pleased to submit, in accordance with M.R.S.A. Title 26, Section 1724, the annual report of the Maine Chemical Substance Identification Program.

The 1992 program year was most active. Program staff are to be commended on their efforts in maintaining a high standard of response to evolving needs.

Please do not hesitate to contact me directly with any questions or comments regarding this program or the report.

Sincerely,

S/James H. McGowan  
Director

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**Appropriations and Financial Affairs**

Bill "An Act to Encourage More Efficient Spending of State Tax Dollars" (H.P. 1109) (L.D. 1505) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative MITCHELL of Vassalboro, Senators: BUSTIN of Kennebec, HANDY of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

**Business Legislation**

Bill "An Act to Enable the Creation of the Volunteer Social Workers' Project" (H.P. 1106) (L.D. 1493) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: BRUNO of Raymond, FAIRCLOTH of Bangor, FITZPATRICK of Durham, HUGLUND of Portland, JOHNSON of South Portland, LIBBY of Buxton, ROWE of Portland, RYDELL of Brunswick, ST. ONGE of Greene, Senators: BRANNIGAN of Cumberland, CIANCHETTE of Somerset, CONLEY of Cumberland, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

**Education**

Resolve, to Expand the Scope of the Maine Committee for Global Education (H.P. 1111) (L.D. 1507) (Presented by Representative SIMONDS of Cape Elizabeth) (Cosponsored by Representatives: AULT of Wayne, KILKELLY of Wiscasset, Senator: AMERO of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection's Bureau of Hazardous Materials and Solid Waste Control" (EMERGENCY) (H.P. 1113) (L.D. 1509) (Presented by Representative ANDERSON of Woodland) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

**Human Resources**

Resolve, to Establish the Health and Social Services Transition Team to Develop the Governor's Restructuring Proposal to Combine the Departments of Human Services and Mental Health and Mental Retardation and the Office of Substance Abuse in a New Department of Health and Family Services (EMERGENCY) (H.P. 1112) (L.D. 1508) (Presented by Representative REED of Falmouth) (Cosponsored by Representatives: BRUNO of Raymond, DiPIETRO of South Portland, YOUNG of Limestone, Senator: BERUBE of Androscoggin) (Governor's Bill)

Ordered Printed.  
Sent up for Concurrence.

**Legal Affairs**

Bill "An Act to Amend the Laws Governing Inspection of Ballots" (H.P. 1108) (L.D. 1495) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: CARON of Biddeford, KERR of Old Orchard Beach, KUTASI of Bridgton, PLOURDE of Biddeford, REED of Dexter)

Bill "An Act to Amend the Laws Governing Municipal Elections" (H.P. 1110) (L.D. 1506) (Presented by Representative SIMONDS of Cape Elizabeth) (Cosponsored by Representative: CROSS of Dover-Foxcroft, Senator: HANDY of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

**State and Local Government**

Bill "An Act to Require the Utilization of an Owner's Representative on State Government

Construction Contracts" (H.P. 1107) (L.D. 1494) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Representatives: AHEARNE of Madawaska, BRUNO of Raymond, CAMERON of Rumford, CARROLL of Gray, COFFMAN of Old Town, DEXTER of Kingfield, DiPIETRO of South Portland, GOULD of Greenville, GRAY of Sedgwick, JACQUES of Waterville, KERR of Old Orchard Beach, KUTASI of Bridgton, LEMONT of Kittery, MICHAEL of Auburn, MORRISON of Bangor, NORTON of Winthrop, PLOURDE of Biddeford, PLOWMAN of Hampden, ROBICHAUD of Caribou, SIMONEAU of Thomaston, TARDY of Palmyra, TOWNSEND of Canaan, VIGUE of Winslow, YOUNG of Limestone, Senators: KIEFFER of Aroostook, MARDEN of Kennebec, O'DEA of Penobscot)

Ordered Printed.  
Sent up for Concurrence.

**ORDERS**

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

ORDERED, that Representative Albert P. Gamache of Lewiston be excused May 6 to 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John Jalbert of Lisbon be excused May 3 and 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Theone F. Look of Jonesboro be excused May 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Hugh A. Morrison of Bangor be excused May 6 and 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Guy R. Madeau of Saco be excused May 5 to 7 for legislative business.

AND BE IT FURTHER ORDERED, that Representative James V. Oliver of Portland be excused May 3 and 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Thomas E. Poulin of Oakland be excused May 10 and 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused May 6 for legislative business.

Was read and passed.

On motion of Representative GOULD of Greenville, the following Joint Order: (H.P. 1114)

Ordered, the Senate concurring, that Joint Rule 13-B be repealed and the following enacted in its place:

13-B. Joint Select Committee on Rules. There shall be a Joint Select Committee on Rules consisting of 10 members of the House of Representatives and 5

members of the Senate. The Senate and House seats on the committee must be allocated between majority and minority members in the same proportion as their parties are represented in the Senate and House respectively. After the number of seats is allocated between majority and minority members, the Senate majority caucus and the Senate minority caucus shall elect by majority vote their members to the committee, and the House majority caucus and the House minority caucus shall elect by majority vote their members to the committee. The members of the committee from the Senate shall elect the Senate chair. The members of the committee from the House shall elect the House chair.

The committee shall undertake a comprehensive examination of the utility and effectiveness of all legislative rules and procedures and an examination of all legislative operations governed by or performing functions that relate to actions governed by legislative rules or procedures.

The committee shall make a report to all members of the Legislature by July 30, 1993 detailing the results of its examination and proposing new or amended rules that the committee has determined will improve the effectiveness or efficiency of the legislative process.

Was read.

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

**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Number of Moose Permits" (H.P. 758) (L.D. 1025) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-284)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-284) was read by the Clerk and adopted and the bill assigned for second reading Monday, May 17, 1993.

**Ought to Pass as Amended**

Representative COTE from the Committee on Judiciary on Bill "An Act to Extend Criminal Sanctions to Certain Child Protective Orders" (H.P. 654) (L.D. 892) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-287)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-287) was read by the Clerk and adopted and the bill assigned for second reading Monday, May 17, 1993.

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Permit any Licensed Private Investigator or Bonded Security Agency to Serve Civil Process" (H.P. 746) (L.D. 1013)

Signed:

Senators: CAREY of Kennebec  
HALL of Piscataquis

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-268) on same Bill.

Signed:

Senator: HANDY of Androscoggin

Reports were read.

On motion of Representative Daggett of Augusta, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act to Amend the Maine Pharmacy Act" (H.P. 944) (L.D. 1273)

Signed:

Senators: CIANCHETTE of Somerset  
BUSTIN of Kennebec

Representatives: HOGLUND of Portland  
HILLOCK of Gorham  
THOMPSON of Lincoln  
ST. ONGE of Greene  
CAMERON of Rumford  
WINN of Glenburn  
VIGUE of Winslow  
CLEMENT of Clinton  
REED of Dexter

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

Signed:

Senator: MARDEN of Kennebec

Reports were read.

On motion of Representative Høglund of Portland, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Monday, May 17, 1993.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 430) (L.D. 1340) Bill "An Act to Amend the Selection Process for the Administration of the Mexico Water District" Committee on **Utilities** reporting "**Ought to Pass**"

(S.P. 178) (L.D. 592) Bill "An Act to Clarify the Appointment, Powers and Duties of Building Committees" Committee on **Education** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-119)

(H.P. 109) (L.D. 151) Bill "An Act to Amend the Laws Governing Termination of Parental Rights and Placement of Children" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-279)

(H.P. 621) (L.D. 845) Bill "An Act to Create a Cause of Action Against the State for Wrongful Imprisonment" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-280)

(H.P. 803) (L.D. 1089) Bill "An Act Repealing Advisory Boards on Education Matters" Committee on **Education** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-281)

(H.P. 819) (L.D. 1105) Bill "An Act to Authorize State Agencies to Accept Funds for a Natural Gas Vehicle Demonstration Project" Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-283)

(H.P. 976) (L.D. 1307) Bill "An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities" (EMERGENCY) Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-285)

(H.P. 481) (L.D. 618) Bill "An Act Regarding Vessels Stored at Marinas" Committee on **Business Legislation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-286)

(H.P. 649) (L.D. 887) Bill "An Act to Permit Owners of Property to Seek Indemnification from Parties Responsible for Violations of Clear-cutting Laws" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-288)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, May 17, 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. 267) (L.D. 804) Bill "An Act to Clarify Reporting Requirements for Medical Malpractice Carriers to the Bureau of Insurance" (C. "A" S-114)

(S.P. 354) (L.D. 1068) Bill "An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers" (C. "A" S-115)

(H.P. 425) (L.D. 544) Bill "An Act Regarding Missing Children" (EMERGENCY) (C. "A" H-262)

(H.P. 357) (L.D. 460) Bill "An Act to Amend the Sex Offender Registration Act" (C. "A" H-263)

(H.P. 857) (L.D. 1162) Bill "An Act to Help Clarify the Application of the Maine Rules of Criminal Procedure to Probation Revocation Proceedings, Including the Appeal Process"

(H.P. 550) (L.D. 746) Bill "An Act to Increase Tenant Representation on Housing Authorities" (C. "A" H-264)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were 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.

(H.P. 1029) (L.D. 1381) Bill "An Act to Clarify the Law Concerning Complimentary Licenses for Disabled War Veterans" (EMERGENCY)

On motion of Representative Gwadosky of Fairfield, was removed from Consent Calendar, Second Day.

Report was read and accepted, the bill read once and assigned for second reading Monday, May 17, 1993.

(H.P. 316) (L.D. 404) Bill "An Act Concerning Teacher Certification" (C. "A" H-266)

(H.P. 643) (L.D. 874) Bill "An Act to Protect Police Officers from Armor-piercing Ammunition" (C. "A" H-267)

(H.P. 609) (L.D. 824) Resolve, to Direct the Department of Environmental Protection to Develop a Report Regarding the Feasibility of the State Applying to Assume Permitting Jurisdiction over Federal Wetlands (C. "A" H-272)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as amended and sent up for

concurrence.

ROLL CALL NO. 87

**PASSED TO BE ENGROSSED**

Bill "An Act to Promote Competition in Motor Vehicle Glass Replacement and Repair" (H.P. 417) (L.D. 536)

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

**SECOND READER**

**As Amended**

**Tabled and Assigned**

Bill "An Act to Amend the Charter of the Northern Maine Regional Planning Commission" (S.P. 140) (L.D. 431) (C. "A" S-117 and S. "A" S-124)

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

On motion of Representative Young of Limestone, tabled pending passage to be engrossed as amended and specially assigned for Monday, May 17, 1993.

Bill "An Act to Establish Cod Hatcheries" (H.P. 211) (L.D. 273) (C. "A" H-271)

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

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

Representative **FARREN**: Mr. Speaker, Men and Women of the House: This bill appeared on the Calendar as being a unanimous report. It was a unanimous report when we had the hearing after the session but then there was an amendment attached to it. I, for one, did not have the opportunity to vote on that amendment. I speak here today because I do not favor the amendment in the way that the Cod Hatcheries are being funded. This is another surcharge on fishermen licenses and I do not believe that is the way that we should fund any additional programs.

Mr. Speaker, when the vote is taken, I ask for a roll call.

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

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

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

**YEA** - Adams, Aliberti, Barth, Beam, Bowers, Carroll, Cathcart, Chase, Chonko, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heesch, Heino, Hichborn, Hoglund, Holt, Jacques, Johnson, Joseph, Kerr, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Melendy, Michaud, Mitchell, E.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Spear, Stevens, K.; Sullivan, Swazey, Tardy, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Winn, The Speaker.

**NAY** - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bennett, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Clark, Clukey, Coffman, Dexter, Farnum, Farren, Foss, Gamache, Gray, Greenlaw, Hillock, Hussey, Jalbert, Joy, Kneeland, Kutasi, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Michael, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Plowman, Quint, Reed, G.; Reed, W.; Ricker, Robichaud, Simoneau, Small, Stevens, A.; Strout, Thompson, Young, Zirkilton.

**ABSENT** - Bailey, R.; Brennan, Cashman, Donnelly, Farnsworth, Fitzpatrick, Ketterer, Libby Jack, Mitchell, J.; Pendleton, Ruhlin.

Yes, 83; No, 57; Absent, 11; Paired, 0; Excused, 0.

83 having voted in the affirmative and 57 in the negative with 11 being absent, L.D. 273 was passed to be engrossed as amended and sent up for concurrence.

**PASSED TO BE ENGROSSED**

Bill "An Act Regarding County Contingent Account Limits" (S.P. 286) (L.D. 856) (C. "A" S-116)

Was 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.

**SECOND READER**

**(Failed Passage to be Engrossed)**

Bill "An Act to Improve Communication between the Executive and Legislative Branches" (H.P. 419) (L.D. 538) (C. "A" H-251)

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

The **SPEAKER**: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative **LOOK**: Mr. Speaker, Ladies and Gentlemen of the House: I call this to your attention because I would like to explain a little bit why I am against this, even though some of my colleagues are on the other side.

I feel that this is an abridgment of the system which we have which is a separation of powers within our constitutional system. I think it is not courteous to any person who is Governor of the State of Maine to require them to come and subject themselves to a question and answer period under the circumstances of what this legislation is.

It is set up as being a lottery system whereby members of the House would be in the lottery and their names would be drawn and they would have an occasion to question the Governor once during the session. I am not exactly sure the timing of when these question and answer periods would be without further looking at the legislation but I ask you to consider this, this will be in the future. It will not affect the present governorship but I think it is very discourteous to consider that the Governor should subject himself to this.

The Executive Department is available for all legislators to discuss issues with them and I don't think that it has been that much of a problem in the past and I mean the far-reaching past to have communication with the Governor. Therefore, I oppose this and I hope you will give it due consideration and go along with me.

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

Representative TRACY: Mr. Speaker, Men and Women of the House: I posed a question the other day to Representative Joseph and asked her if the Chief Executive of this state could currently do this if he chose. The way that I understood the answer was that during the joint convention, after the Governor gave his speech on the budget or whatever we had a joint convention on, that if the Governor chose, he could open the joint convention up for discussion or question and answers. So, I am wondering, if we can presently do this now, why do we have to have this bill in front of us to do the same thing that anybody could choose to do on their own?

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Representative Tracy is absolutely correct. If the Chief Executive of this state wished to open up a dialogue with legislators in the body of the legislature, he or she could do that. However, this particular piece of legislation was brought before the Committee on State and Local Government to ask that this will occur. Like Chief Executives of the past and perhaps in the future and Presidents in the past and Presidents in the future, some have many press conferences, others have none. However, unlike a press conference, this would be a discussion of issues between legislators and the Chief Executive of this state.

This was designed, I believe, to open communications between the Executive Branch and the Legislative Branch on significant issues. It is not designed in fact to any way affect the current gubernatorial administration. In an effort to get a unanimous committee report, which we did not, there was a sunset put on this piece of legislation and this bill will be repealed on January 1, 1997 and, therefore, reviewed as to its effectiveness. It would be effective on the first Tuesday of January in 1995.

It was the feeling of those who brought the bill to us, and I believe the cosponsors of this piece of legislation, that it would give individual legislators who were working all the time on their various committees, legislators who are focusing on the bills before their committee, to join in a system where they may be chosen once in the biennium that they serve in that legislative session to ask the Chief Executive a question and expect a response and a dialogue.

I believe that this is a new age bill and a bill that may improve communications between the two branches.

I ask you to think about what press conferences are. Press conferences are prepared statements by whomever is conducting the press conference and then the press is able to ask the questions. How often have you seen on the six o'clock or eleven o'clock news any of the prepared text of the press conference, it is generally the candid spontaneous comments between the press and whoever is holding the press conference that actually gets to the sound bites. What we are trying to do is improve communications, help the public to understand the position of the gubernatorial administration of that time and of the Legislative Branch. Quite often, that dialogue is missing. I would urge you to support this bill.

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

Representative FAIRCLOTH: Mr. Speaker, Colleagues of the House: Representative Look raised earlier a legitimate concern and point because it is not the goal of myself or I think the others who support this legislation to do anything that is impolite to the Chief Executive.

I want to explain the background of this bill so I hope people will take a moment to think about the merits of the legislation outside of partisan concerns.

When Edmund Muskie was Governor of Maine, his office was where the Senate President's Office is now. Muskie strode up and down the halls of the third floor casually stopping and chatting with members of the legislature in an easy and open fashion. That is ancient history now. We have witnessed a long historical trend, not attributable to any one person, and that is the imperialization of the Chief Executive, whether in Washington or in Augusta.

L.D. 538 is merely designed to improve and invigorate communication between the branches of government at no fiscal cost. Increasingly, discussion in government is limited to bumper sticker slogans bandied about in the press. The media is sometimes apt to fixate on sensational or simplistic issues while neglecting to dig into the less melodramatic facts that are the meat of government life.

L.D. 538 simply offers a unique version of an old system, question time. It is akin to but distinct from the question time that has existed for many years in parliamentary government.

Under L.D. 538 as amended, every month during session for one hour, the Governor would accept questions from randomly selected members in a joint convention of the legislature. Both Democrats and Republicans are cosponsors of this bill.

Professor James McGregor Burns, author of the Pulitzer Prize winning biography of Franklin



Roosevelt and the acclaimed study, "Deadlock in Democracy" said he is very enthusiastic about L.D. 538. Burns believes this proposal is a crucial first step in relieving government gridlock as well as being important for enlightening the public.

I know a reporter who covered the Manitoban Legislature and he found the weekly question time to be very enlightening because knowledgeable legislators, like knowledgeable legislators we have here, raised significant issues and brought them to light, issues which his fellow reporters sometimes missed. Question time was covered on television. It gave the people of Manitoba an opportunity to see politicians interact, not scripted, but interact in a spontaneous format. The people judged for themselves the quality of their leaders and representatives. With this valuable information and debate came personal rancor because in their question time, the opposition leader was the chief questioner every week. The opposition leader under that system had the opportunity to appear statesmanlike next week but perhaps the motive to be partisan this week. My reporter friend nonetheless felt that that question time was beneficial. He said that the Manitoban question time produced heat and light but that the light was very much worth the heat.

L.D. 538, by contrast, reflects the Maine character, our question time is uniquely designed to retain the light and diminish the heat.

The method of selecting questioners under L.D. 538 is very different from question time that exists elsewhere. In Maine, questioners for the day will be chosen from each party by lot. The Speaker and the Senate President would have no more nor less control over the process than anybody else and no more or no less opportunity to question than anybody else.

This proposal is not intended to enhance the power of anybody but just to increase communication among everyone, the citizenry included. Members will have an incentive to be substantive. A few may be unfair or trivial or partisan but if they are, their constituents will learn about that. Most members, I think, will ask thoughtful, well-considered questions because given the large membership of the legislature, you will only have one chance to ask a question over the course of the entire session, so you will have a motive to be fair and probing and eloquent in your discussion with the Governor. We have lots of experts on a lot of issues in this legislature, let's give people a chance to discuss those issues.

This is intended to benefit the Governor. He will have an opportunity to sway public opinion and demonstrate his knowledge in an unscripted setting. That will be to his benefit and it will also help remind the Governor that there are legislators other than partisan leadership. In Great Britain, Prime Ministers have been very happy with question time and using it to their advantage and gaining the sympathy of the people.

This bill would become effective on the inauguration of a new Governor, it would be sunsetted in a biennium. Several members of the 1994 gubernatorial field, Democrats and Republicans, said they would be happy to participate in a question time. Too often politics here becomes kind of covert and bitter and we should make it just a little bit more joyous and more informative, something that we can all participate in and that the people of the State of Maine can watch and understand. It is not

intended to harm anyone, it is intended to make the process more useful and more beneficial for everyone.

I hope and I plead with you to consider the merits of this bill, to look at the common cause information sheet that has been passed out and give it full consideration and I hope you will support the Majority "Ought to Pass" as amended Report.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: It gives me a great degree of pleasure to agree on this issue with the good Representative from Waterville, the Chairwoman of the State and Local Government Committee.

I believe that this is an interesting idea. I believe it is a fascinating idea. I believe it is an innovative idea and, if there is one thing that we are learning in government today in these innovative times, we need to try innovative approaches.

Representative Joseph has spoken about press conferences and I agree with her. The problem that we often fall into is communicating with one another through the media. I don't think that is helpful for the process, I don't think it is helpful for us, I don't think it is helpful for the people. This would provide a formal process of direct and regular communication while the legislature is in session. Whether we like it or not, the Chief Executive officer in our government is viewed as the center of our government and of our process. This, as Representative Faircloth has stated, will allow individual legislators to bring to his or her attention and to the attention of the people of Maine various issues that may not otherwise get proper and full public light.

Will this work? I think it will. But, if it does not, this has been sunsetted for after a two year period. It begins with a new Governor, it begins with a new age and I encourage you to vote for it.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: There is not too much that I can add because it has already been so eloquently said by many of my colleagues, both Republicans and Democrats.

I really do believe the people of Maine are ready for the legislature to improve its process and if improved communication can help do that, then I think we ought to take a shot at accomplishing that.

I greatly respect Representative Look's positions on any state and local matter and I have found her to be a great source of information to me on those matters. So, I hate to be on the opposite side of her on this one, but I guess I feel that the communication aspect is lacking here. I would challenge anybody in the legislature to tell me that there isn't a communication problem here. It may be here in just this body or it could be between the Executive Branch and this body but I think there is a communication problem.

When I ran, I was hoping for innovative solutions to this particular problem and when Representative Faircloth approached me with this bill, I was willing to sign onto it at great peril, it seems to me, but I was very willing to sign onto it. So, let's see if we can improve the process, let's vote for this bill.

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

Representative LEMKE: Mr. Speaker, Men and Women

of the House: I, too, respect the opinion of Representative Look. I wish to disagree courteously with the point she made about a discourtesy being involved in requiring the Governor to communicate with us in this type of forum. As I see it, the bill put forward by Representative Faircloth is a very modified form of the question time which is practiced in parliament. If any of you have watched that on C-SPAN, you will find it very entertaining and you will also find a great deal of what, in our more staid, if you will, circumstances we might view as discourtesy. Nevertheless, it has worked quite well for parliament.

The bill that Representative Faircloth has put before you is a much, much milder version. Frankly, in my opinion, it is too mild for my taste, but I do view half a loaf as preferable to none. In this case, it may not even be half a loaf, but a few slices of bread but at least it is a start. As such, I would urge you to vote for it.

One other point, as Representative Bennett mentioned, like it or not, the way our system of government has evolved and the way the Governor gets the amount of press coverage he does as one individual, the Governor tends to be central and I do view this as a modest step in the direction of redressing the functional, if you will, imbalance that presently exists between the Executive and Legislative Branches.

Again, this is a very prudent, very modest, first step, but as the first step, I urge you to support it.

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

Representative KUTASI: Mr. Speaker, Men and Women of the House: I am going to go along with Representative Look on this position. Let me explain why. We have three branches of government, the Legislative Branch, the Executive Branch, the Judicial Branch. In a parliamentary government, their leader is elected by the majority party and he answers to them and they ask him questions. The minority parties ask him questions and he answers those questions. Why is the legislature, who is a separate branch from the executive, have the right to ask him questions? We are the policy-makers, he is the executive of this state, he is elected by the people, he has to answer to the people. He doesn't have to answer to us, we don't elect him, the people elect him. If we have to communicate with him, we can communicate with him, I send him notes down to his office, all of you can do that and he will reply to those notes but he doesn't have to answer to us. Who does he have to answer? To the people of this state who elect him. Think about it. This is not a parliamentary government, we have three branches. Do we ask the judges to come in here and we ask them how they are going to make decisions on their cases? No, we don't ask them to come in here. If we asked the executive to come in here, then we should start asking the judges to come in here and answer to us. Who are we to ask them to come in here to answer to us? Who do we go to — is the Executive Branch going to invite us downstairs so he can ask us questions that we have to answer? This has to go both ways, it is not just a one-way street here.

Hopefully, you will go along with Representative Look.

Mr. Speaker, I request a roll call.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I am on the State and Local Government Committee and we deliberated this bill for a long time. Many of the issues raised by Representative Kutasi and Representative Look were discussed. I, at first, had a concern with this bill, I thought there might be a Constitutional problem. We sought an advisory opinion from the Attorney General and got one that it was not a violation of the Constitution.

I further considered it at first with more skepticism about the effect. After giving it thoughtful deliberation, I came to the conclusion that it could only help this body and help the relationship between the Executive and Legislative Branches.

I know this is something new and rather innovative. You have heard a lot of people stand up this year and refer to our state motto "Dirigo, I lead." Here is another opportunity for us to do this. I think it would be moving in the right direction. This would improve communications, it would cause interactive communications with the Chief Executive and the Legislative Branch. I think that can only improve things.

I know there is some concern that we are imposing some duty on the Executive Branch and that rubs people the wrong way. I would remind people that Article V, Part First, Section 9 of the Constitution imposes a duty on the Governor to provide information to the legislature. I quote, "The Governor shall from time to time give the legislature information of the condition of the State, and recommend to their consideration such measures, as the Governor may judge expedient." We know there is a State of the State address that the Governor gives and that is really the only time that we have an opportunity to hear from the Governor. There is no opportunity for give-and-take, this bill would provide that.

There was a law court decision in 1985 which basically said that the Legislative Branch was prohibited from passing legislation which usurped the Executive power expressly granted to the Governor. Here we have legislation which merely specifies how the Governor will provide information which he is Constitutionally duty bound to provide. No executive power enunciated in the Constitution is curtailed.

Again, I think this bill could only improve things, improve communications. It does have a sunset provision. If we find that it doesn't do what we expect, it will go away. You have heard from several people that the committee put a start date on it after the present Governor leaves office. So, it will only apply to the new Governor.

Again, the committee felt that this was a very meritorious bill and I ask that you give it your thoughtful deliberation and I request that you vote with the Majority "Ought to Pass" as amended.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to respond to the Representative from Bridgton. As you commented that we were elected by the people and as their Representatives we are the only ones that can really get an opportunity to ask the Governor because the people themselves obviously do not have that opportunity. It is just not something that can happen that easily. I submit to you that as their Representatives, we can ask those questions.

For years in the City of Westbrook, we tried very

hard to get the council to agree to have our council meetings on Cable Television. They kept arguing at the time that in fact the public wouldn't want it. I would submit to you that now they finally have it in the City of Westbrook and in many other communities where Cable Television is now covering municipal meetings as well as school committee meetings that in fact the public has a greater knowledge of, and in quite a few cases, a greater concern for what is happening at the local level.

I submit to you that this same kind of thing will happen here. The question time I think is a great idea. I must say that I am a little surprised that certain individuals who have been, in my judgment, preaching about openness and getting us out to the public would oppose this idea. I think it is a great idea. I think it has far more pluses than it does negatives. The fact of the matter is, if it isn't working, which I think it will, I think it will be a terrific idea, it can be repealed. I would certainly urge the House to continue to support this bill. I think it is a great idea for the State of Maine.

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

Representative HICHBORN: Mr. Speaker, Men and Women of the House: Being the oldest member in the House sometimes has advantages as well as disadvantages and I don't speak very often.

I am glad to speak for just a minute this morning to commend the younger generation who are willing to do something that they think is new, but I would caution them that this is only the reinvention of the old wheel again because two of our greatest Governors that I have known personally, Governor Muskie and Governor Curtis, practiced communication skills every single day and did it very successfully. I am not sure that legislation will improve the situation. If anyone wants to communicate, they will do it. If they don't, forced communication may not be much improvement.

I think that it is encouraging to see young people who think that looking eyeball-to-eyeball and talking is the way to solve problems and I hope that you will vote for this bill.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 538 legislates a management style. If we could do that effectively, we could profitably replace behavioral scientists and industrial psychologists. Unfortunately, we cannot legislate individual strengths and weaknesses and, consequently, this could prove very uncomfortable to the sitting Governor, not intended possibly, but Governor bashing, grandstanding and legislative baiting in open forum could become a reality as a result. It is a commendable idea, a very good management style, but it should not be legislated. I urge a no vote on L.D. 538.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I guess what I would like to say is, "if it ain't broke, why fix it?" The Chief Executive, right now, can currently do exactly what we are asking him to. Furthermore, I don't believe if we pass a law in this chamber to have family members talk to each other that they would actually talk to each other. So, what I am saying is, if the Chief Executive of this state, whomever it may be, he

or she, chooses to stand up on that rostrum and take questions from both bodies in a joint convention, so be it. To me, this bill isn't going to do what we are trying to do. You cannot legislate communication.

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

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

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

ROLL CALL NO. 88

YEA - Adams, Ahearne, Aliberti, Beam, Bennett, Bowers, Brennan, Cashman, Chase, Clement, Cloutier, Coffman, Constantine, Dore, Driscoll, Erwin, Faircloth, Fitzpatrick, Gamache, Gould, R. A.; Gwadosky, Hatch, Heeschen, Hichborn, Hoglund, Holt, Jacques, Johnson, Joseph, Ketterer, Kilkelly, Lemke, Libby James, Marsh, Melendy, Michael, Mitchell, E.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Rand, Richardson, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Strout, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Walker, Wentworth, Winn, Young.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Cathcart, Chonko, Clark, Clukey, Cote, Cross, Daggett, Dexter, DiPietro, Dutremble, L.; Farnsworth, Farnum, Farren, Gean, Gray, Greenlaw, Hale, Heino, Hillock, Hussey, Jalbert, Joy, Kerr, Kneeland, Kontos, Kutasi, Larrivee, Lemont, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Martin, H.; Michaud, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Plourde, Plowman, Poulin, Pouliot, Quint, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Sullivan, Tardy, Taylor, Thompson, Tracy, True, Tufts, Vigue, Whitcomb, Zirnkilton.

ABSENT - Bailey, R.; Carroll, Coles, Donnelly, Foss, Libby Jack, Mitchell, J.; Pendleton, Ruhlin, The Speaker.

Yes, 66; No, 75; Absent, 10; Paired, 0; Excused, 0.

66 having voted in the affirmative and 75 in the negative with 10 being absent, L.D. 538 failed passage to be engrossed as amended. Sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Allow the Commissioner of Conservation to Adopt Rules That Encourage Conservation of Shore Plants" (H.P. 710) (L.D. 961) (H. "A" H-275 to C. "A" H-255)

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

**ENACTOR**

**Tabled and Assigned**

An Act to Prevent Unauthorized Use of the Name Passamaquoddy (H.P. 584) (L.D. 788) (C. "A" H-210)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Monday, May 17, 1993.

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

**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative RUHLIN from the Committee on Labor on Bill "An Act to Clarify the Financial Authority of the Workers' Compensation Board" (EMERGENCY) (H.P. 1034) (L.D. 1386) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-289)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-289) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read the second time and passed to be engrossed and amended by Committee Amendment "A" (H-289) and sent up for concurrence.

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

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

**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, May 11, 1993, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" - Committee on Labor on Bill "An Act Concerning the Maine Unemployment Insurance Commission" (H.P. 523) (L.D. 707)

TABLED - May 11, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative ST. ONGE of Greene to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative St. Onge of Greene that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

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

Resolve, to Establish the Labor and Welfare Transition Team to Facilitate the Inclusion within the Department of Labor of Certain Welfare Functions of the Department of Human Services (EMERGENCY) (H.P. 1102) (L.D. 1489) (Governor's Bill)

- In House, Referred to the Committee on Labor on May 11, 1993.

- In Senate, Referred to Committee on Human Resources in non-concurrence.

- In House, Receded and Concurred.

TABLED - May 11, 1993 (Till Later Today) by Representative AIKMAN of Poland.

PENDING - Motion of same Representative to reconsider whereby the House Receded and Concurred.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Aikman of Poland that the House reconsider its action whereby the House voted to recede and concur and later today assigned.

**TABLED AND TODAY ASSIGNED**

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-259) - Committee on Banking and Insurance on Bill "An Act to Amend the Workers' Compensation Laws" (H.P. 530) (L.D. 714)

TABLED - May 11, 1993 by Representative PINEAU of Jay.

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

On motion of Representative Pineau of Jay, retabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

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

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-92) - Minority (5) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Amend the Occupational Disease Law" (S.P. 216) (L.D. 687)

- In Senate, 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)

TABLED - May 11, 1993 by Representative RUHLIN of

Brewer.

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

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Clement of Clinton that the House accept the Majority "Ought to Pass" as amended Report and later today assigned.

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

Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (EMERGENCY) (S.P. 195) (L.D. 631) (C. "A" S-58)  
 TABLED - May 11, 1993 by Representative GWADOSKY of Fairfield.  
 PENDING - Passage to be Engrossed.

On motion of Representative Clark of Millinocket, retabled pending passage to be engrossed and specially assigned for Monday, May 17, 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 11, 1993 by Representative PARADIS of Augusta.  
 PENDING - Final Passage.

On motion of Representative Paradis of Augusta, retabled pending final passage and specially assigned for Monday, May 17, 1993.

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

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-88) - Minority (4) "Ought Not to Pass" - Committee on Transportation on Bill "An Act Concerning the Mandatory Use of Car Safety Seat Belts" (S.P. 155) (L.D. 486)  
 - In Senate, Majority "Ought to Pass" as amended Report of the Committee on Transportation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-88)  
 TABLED - May 11, 1993 by Representative PARADIS of Augusta.  
 PENDING - Motion of same Representative to reconsider whereby the Majority "Ought to Pass" as amended Report failed acceptance.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.  
 Representative MELENDY: Mr. Speaker, Men and Women of the House: I do urge you to reconsider this motion. I would like to share with you today one of the more moving pieces of testimony that came before

the Transportation Committee.

An 18 year old came before us to ask us to please support the seat belt law. He told of four honor students who were coming home from a high school game and they were good kids, there was no alcohol, however the driver picked up speed on a curve, lost control of the vehicle and two of his classmates died. The third is being rehabilitated to learn how to walk again, speak again and so forth. The young man who was testifying was the only one who was belted and came away without a scratch. The accident happened about six months ago. He came to the committee as a therapeutic measure for himself. He wishes he had urged his classmates to buckle up that night, his buddies would be alive today and the other less severely hurt or unharmed if they had only been belted. He was at the hearing from start to finish. He said it helps him emotionally to urge people to protect themselves by buckling up, as he knows he could have possibly helped his friends by urging them to buckle up that night. If he can help save even one life, his efforts will be worth it.

I would also like to remind you that Maine is one of only six states in the nation that remains without this mandatory seat belt law for all drivers and passengers. This should tell us something.

We continue to complain about the cost of health care. According to the data collected by the Highway Safety Commission, the average cost of treatment for one person with a moderate to serious injury is \$52,000. For Maine, that represents an additional cost of almost \$12 million per year for the treatment of motor vehicle injuries. Is it fair for people who want to exercise their right not to wear auto seat belts and end up infringing on hundreds of thousands of people's right by causing increases in our health care costs?

The other day Representative Libby of Buxton chastised the insurance companies lobbying for the seat belt law. He felt that they were looking out for their own interests. It goes without saying, their own interests become our interests. If their costs are kept down, our insurance premiums will have less chance of skyrocketing.

I must also tell you that businesses are also starting to mandate that their workers use seat belts during work hours. Even CMP, whose meter readers have to keep jumping in and out of a truck, who could cover more territory in less time if they didn't have to stop to buckle up each time, are being forced to use seat belts for savings in workers' comp costs to the business.

Some who voted against the measure earlier this week said they would have voted for this bill if it meant that the state would not lose funds. Isn't saving cost the same as not losing money? The most important thing of all that we could focus on is the lives that it will save. Facts can prove that far more lives will be saved than any that are lost by using the belt.

I would also like to clarify two things in questions that have come to me since the debate the other day. One of them deals with "I can't possibly use seat belt restraints, I just can't do it." Some of them talk about medical conditions and so forth. Well, there are a couple of exceptions and I do want to highlight them. One, of course, is when the number of passengers exceeds the number of seat belts that we have in a car. The other is when the driver or the passenger has a medical condition, he may get

a certificate from his physician and such a certificate is valid for five years.

The other thing that I think is especially important to point out and several people have asked me about that and that is enforcement. Does that mean that the cops are going to be looking out for us and they are going to be stopping us and sort of harassing us? The enforcement section reads, "This section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another traffic offense. An operator is not subject to the penalty established in this section unless the operator is required to pay a fine for the primary offense. So, you can see, our committee was really dealing with the same issues that concern you. I think this is one of the best bills that have come down in terms of being able to be acceptable. I do hope that you will move for reconsideration and then pass this bill today.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I will make it very clear to you today, what I am going to tell you is, make sure you vote no on reconsideration. I will make it very clear that a yes vote is for mandatory seat belts and no vote is not for mandatory seat belts.

I want to tell you today that some people get uptight when they use a seat belt. Other people get uptight when they discuss seat belts. Today, I am not uptight on either issue. But, I want to make two things very clear to you that what the gentlelady mentioned about the accident over in Rockland was that all of those students should have been wearing seat belts because they were all 19 or under.

The second thing I want to say to you is that, if the insurance companies in this state are telling us that by wearing seat belts that you are going to save medical costs, then why don't the insurance companies in this state come out and tell us that the medical part of our insurance costs on our insurance policies should be reduced on the same proportion? I have asked that for years — that if there are savings for medical costs, then why can't the insurance companies tell us and reduce our rates on our insurance policies accordingly?

The SPEAKER: The Chair would make one correction to the remarks of Representative Strout of Corinth, the pending motion is not on the bill itself. The pending motion is on reconsideration of voting on the bill. If you want to reconsider whether or not you want to vote on the bill, you will vote yes; if you do not want to reconsider and not vote on the bill, you would be voting no.

The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: First of all, I am awfully glad that Representative Melendy had a chance to speak on the issue; however, I disagree. I know she wanted to speak on it earlier and didn't have that opportunity. I think it is very right that we brought it back to allow everybody to speak on the issue.

However, I just want to take this pink slip and read it to you. This is from one of my constituents, his name is Joe Harmon in Bar Mills and he says, "Oppose L.D. 486, you don't have the right to tell us to wear a seat belt or a helmet at any time." I

agree with Joe. I know there are a lot of other issues that we have already discussed, I am not going to go back over them, I agree with Joe. I think the legislature is already viewed as infringing upon people's basic rights to go out there and just live and they are saying, please, just leave us alone.

I hope that you will vote no on reconsideration of this bill.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Mr. Speaker, Ladies and Gentlemen of the House: The question was asked the other day, who is responsible for people buckling up in a motor vehicle? The law clearly states that the operator is responsible for everybody in his vehicle.

I would like to add that this is not unique. The operator is currently responsible for everybody in his vehicle under the age of 19 to buckle up.

The law currently requires the operator of a motor vehicle that is under age to be responsible for everybody in his vehicle with alcohol.

The law currently makes the registered owner of a motor vehicle responsible for his vehicle if it passes a stopped school bus, he doesn't even have to be in the vehicle. So, we are not setting a precedent here by making the operator of a motor vehicle responsible.

Another item I have heard since the debate the other day was, how can you be pro-choice on abortion and against seat belts? I would return that question to you, how can you say that you believe in the sanctity of human life and not be for seat belts?

I could tell a lot of war stories but I don't want to do that. I have heard people say how they know people who were seriously injured or killed because they had a seat belt on, yes, this does happen. I had a long-time friend of the family explain to me how her grandson might have been killed if he had had his seat belt on. He was a passenger in the right front seat of a pickup that skidded off the road and struck a tree. She told me how he, at the last instance, jumped to the other side of the vehicle to avoid the collision. Well, I will tell you the law of physics doesn't let that happen. If you were in a motor vehicle traveling at 50 miles an hour and you came into an immovable object, your body remains in motion until you impact that tree, I don't care where you jump in that vehicle. I would further state that his injuries were increased because the driver of the motor vehicle did not have his seat belt on and, just an instant after he impacted the tree, the driver impacted on him, thereby increasing his injuries. So, these things do happen.

My wife is the head nurse in the Emergency Room at Waldo County General Hospital, it would be very difficult for me to go home if I didn't speak on this bill.

I no longer deal with the horror stories on the road but I still hear about them. She told me of a bumper sticker she saw the other day that said, "Don't buckle up, we need the organ donors."

I also distributed today a letter from a constituent of mine who is a physician at a Bangor hospital. I wish you would take the time to read it.

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

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I voted against the seat belt bill earlier and I was approached by several members of this body and the other body as well to reconsider

my vote. The single most persuasive argument was the burden on our health care costs. Well, why stop with seat belt laws? Let's pass additional legislation on behalf of smokers, drinkers, junk food eaters and others who burden the health care system. I wonder how many proponents of the seat belt law are burdened or will become burdened in our health care system in some way? I hope while you are having your next cigarette, your drink or loading up on a high fat meal, that you carefully consider how you vote on reconsidering this bill. I ask you to vote no on reconsideration.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: Well, here we go, round two of big brother trying to tell us what to do with only what common sense should tell us what to do when we get in an automobile. I would submit to you, if I have to have it mandatory for me to wear a seat belt, I am wondering when the state, big brother, is going to have it mandatory that I have to wear a seat belt on my rocking chair by my wood stove in the wintertime in case I get to rocking too fast, I might flip over and hit my head on the granite hearth.

I urge you not to reconsider.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: Just to clarify a point that Representative Strout made earlier, I do hope you will reconsider. I know that my insurance company gave me a rebate on my insurance for having a car that had automatic seat belts. I think they have recognized in several ways the importance of having seat belts.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I ask you again to reconsider this piece of legislation. Something happened to me last night — I would like to share that with you.

Three years ago, a fatality took place around the Christmas season, a personal friend of many of us and a member of this House died in a fatality. He came to me again last night, was it a dream, was it a nightmare? He urged me to continue my position in support of a the mandatory use of seat belts. As a law-abiding citizen, he would have perhaps been with us today.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Two weeks back I drove to South Carolina to play some golf and, on the way, almost every state, barring none, required the use of seat belts.

In the previous vote, I voted against the use of these seat belts, but after rethinking my position and reading the note from Representative Lindahl, I am going to reconsider my position. I think that this is a fact that will be happening. I don't think that we can keep preventing this. The federal government wants the use of seat belts, most states are requiring the use of seat belts. I think we are just left like a dinosaur here, we are the only northeastern state remaining or one of the few remaining. I am going to change my vote, I am going to vote for reconsideration. I would urge you to do so.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I will just very briefly remind you in my testimony that I made at the beginning of the week that what this bill is all about is getting people to develop the habit of buckling up. Yes, we are giving up some little small personal freedom but it is for a much greater good. It is about containing the cost of health care and I do venture to say to you, that when employers have to renew their health care policies every year or every other year or whenever, if they do not reflect big claims which certainly motor vehicle accidents and head injuries and all those serious injuries that motor vehicle crashes cause, they obviously will not have any increases reflected in their premiums. So, I think that there will be cost savings passed on whether the insurance companies this day can give you a figure of what their savings will be. Also it is all about saving lives and preventing thousands of injuries and it is also about saving employers billions of dollars. I ask you to support the motion to reconsider.

Mr. Speaker, I request the yeas and nays.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Paradis of Augusta that the House reconsider its action whereby the House failed to adopt the "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 89

YEA - Adams, Aliberti, Bailey, H.; Barth, Beam, Bowers, Brennan, Bruno, Carleton, Carroll, Cathcart, Chase, Cloutier, Coles, Constantine, Cote, Daggett, Dore, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Heeschen, Hillock, Hoglund, Holt, Johnson, Joseph, Ketterer, Kontos, Larrivee, Lemke, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Morrison, Nadeau, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Reed, G.; Reed, W.; Richardson, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Simoneau, Stevens, A.; Stevens, K.; Sullivan, Townsend, E.; Townsend, L.; Treat, Vigue, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bennett, Cameron, Campbell, Caron, Carr, Cashman, Chonko, Clark, Clement, Clukey, Coffman, Cross, Dexter, DiPietro, Erwin, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heino, Hichborn, Hussey, Jacques, Jalbert, Joy, Kilkelly, Kneeland, Kutasi, Lemont, Libby James, Lipman, Look, Lord, Marshall, Martin, H.; Michael, Michaud, Murphy, Nash, Nickerson, Norton, Plowman, Poulin, Pouliot, Quint, Rand, Ricker, Robichaud, Rotondi, Saxl, Skoglund, Small, Spear, Strout, Swazey, Tardy, Taylor, Thompson, Townsend, G.; Tracy, True, Tufts, Whitcomb,

Zirnkilton.

ABSENT - Bailey, R.; Donnelly, Kerr, Libby Jack, Mitchell, J.; Pendleton.

Yes, 73; No, 72; Absent, 6; Paired, 0; Excused, 0.

73 having voted in the affirmative and 72 in the negative with six being absent, the motion to reconsider did prevail.

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

Committee Amendment "A" (S-88) was read by the Clerk and adopted and the Bill assigned for second reading Monday, May 17, 1993.

on **Human Resources** and Ordered Printed.

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

Bill "An Act to Identify Potential Costs of Utility Projects to Municipalities and Corporations That Provide Services to Municipalities" (S.P. 491) (L.D. 1502)

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

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

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

**SENATE PAPERS**

Bill "An Act to Consolidate Certain State Functions and Create the Board of Licensing Counseling Professionals" (S.P. 489) (L.D. 1500)

Bill "An Act to Modify Various Licensing Board Laws" (S.P. 490) (L.D. 1501)

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

Were referred to the Committee on **Business Legislation** in concurrence.

Resolve, to Prevent the Improper Use of Correctional Facilities (S.P. 486) (L.D. 1497)

Came from the Senate, referred to the **Joint Select Committee on Corrections** and Ordered Printed.

Was referred to the **Joint Select Committee on Corrections** 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 Expedite the Establishment of Administrative Child Support Orders" (S.P. 488) (L.D. 1499) (Governor's Bill)

Resolve, to Authorize Bonding by the Maine Court Facilities Authority (S.P. 493) (L.D. 1504)

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 Encourage the Involvement of Volunteers in State Government" (EMERGENCY) (S.P. 485) (L.D. 1496)

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

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

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

**SENATE PAPERS**

Resolve, to Transfer the Responsibilities of the Division for the Blind and Visually Impaired from the Department of Human Services to the Department of Education (EMERGENCY) (S.P. 487) (L.D. 1498) (Governor's Bill)

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

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

The Chair laid before the House the following matter: Bill "An Act to Extend the Retirement Incentive Option for Two Years" (H.P. 462) (L.D. 599) on which the Minority "**Ought Not to Pass**" Report of the Committee on **Aging, Retirement and Veterans** was read and accepted in the House on May 6, 1993; Came from the Senate with the Majority "**Ought to Pass**" as amended Report of the Committee on **Aging, Retirement and Veterans** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-220) in non-concurrence which was tabled earlier in the day and later today assigned pending the motion of Representative Chase of China that the House recede and concur.

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

Representative JALBERT: Mr. Speaker, Ladies and

Bill "An Act to Encourage People in the State to Plan for Long-term Care" (S.P. 492) (L.D. 1503)

Came from the Senate, referred to the Committee



Gentlemen of the House: It is ironic that we should be taking this up this morning. After reading yesterday's paper, it showed that one of our department heads, who last year took advantage of this option, that individual was getting \$55,000 a year. That individual opted to retire at full pay and take on the option of 80 percent. The paper showed that that individual will retire at the end of the month but that individual has been receiving, not \$55,000 since last December, but \$73,000 a year. Now that borders on the travesty of justice, that somebody making \$50,000 a year can retire and avail themselves of the retirement system and then sit right back in the same seat and receive 80 percent of their salary. In this new bill, they say 70 percent. A correction should be made. It is not 80 percent or 70 percent, it is 86 1/2 percent and 76 1/2 percent because that individual who retired and took this option, under the new pay, does not have to pay into the Maine State Retirement System, which is 6 1/2 percent. Now \$55,000, even \$40,000 at 6 1/2 percent is a lot of money. That's not a bad deal.

As I said before, this deal was cooked up in the late hours of midnight by three individuals, one was a member of the legislature and two from the administration and it was shoved down the people's throats as being a great thing.

You have received a flyer from one of our colleagues. It says "any state employee who has reached normal retirement age" — as I said before, the way this is set up, only three groups of people in the State of Maine, right now, can benefit from this. When they say "normal retirement age" there are certain groups that can retire after 25 years at normal retirement age but all of your other state employees and teachers must wait until they are 60 to avail themselves of this. There are many qualified teachers out there who would normally retire at 50 or 55 and continue teaching. It is not fair, because if a teacher or a state employee decides to retire and goes to work for the same employer, that teacher or state employee is limited to receive only as supplemental pay part-time the money that they would receive is that plus their pension and must not exceed their previous salary.

We had a situation in the City of Lewiston where three policemen retired and they went to work for the City of Lewiston. Somebody boo-booed and they were receiving almost as much as what they were getting before. This is a different ballgame. They had to come back in three years and pay back over \$30,000.

Furthermore, where is the incentive for promotion? They say it is good for the retirement system — how can it be good for the retirement system when the state will not be paying anymore into the retirement system? It is bad enough that we are in bad straights now, but the individual would not be paying into the retirement system who is making \$55,000 a year and neither will the State of Maine contribute to the retirement system.

It says here that each agency is the sole authority to determine who can go on this and who cannot. If you notice, the individual who retired was the head of his department but I couldn't believe it when I picked up the paper and saw that that individual's salary was \$55,000 — why that individual stayed on for that 80 option was making \$73,000 a year. I wish I could do that, retire from the legislature, get my pension and come back here and sit here and get 80 percent of what I am getting

now. It isn't going to be much but it would be something. It says in here that the state will not have to pay anymore benefits.

When a state employee retires, the state continues paying medical insurance through the retirement system, not the state's General Fund, so you see, what little they are saving — they claim that the state is saving some money — what the state is saving, the amount that the state would pay as the employer of that individual — what does that do to the retirement system? We've only got a \$60 million unfunded liability. What about the amount of time when that individual is sitting down getting 80 percent of that? No money is going into the retirement system — what is this? Are we going to start playing games?

I repeat, when it was brought up this year, I said, let's make it fair to everyone. It is not fair for every state employee who has to work until they are 60 to not be able to benefit from this when a certain small group can because of the special plan of 25 years where they can retire and get to this thing.

I would ask again that you vote against the motion to recede and concur.

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

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: It seemed when we discussed this bill the other day that confusion prevailed and I would hope that we would start again with a clear mind on this.

What has been described by the good House Chair of the Aging, Retirement and Veterans Committee is not entirely accurate. I would like to correct a few places where misstatements were made.

Under the Committee Amendment, which was supported by a majority of the Aging Committee, the retirement system will be made whole. There will be no increase in the unfunded liability for this provision. In addition to that, the good Representative from Lisbon suggested that when an employee comes back under this option, they are not paying into the system, there is no employee contribution made, which right now is 6 1/2 percent for most employees. The reason why under this plan no contribution is made is because the employee, when they come back under this option, does not get anymore credible service. If they come back for three years, which is the maximum they can come back for, they do not get three years of additional credible service. Consequently, they should not have to pay a contribution of their own into the system because they would never get any additional benefit for that.

The employee who takes this option does not

increase his or her retirement benefits. If anything, they slightly decrease their benefit they would get if they stayed on for the same three years without taking this option because they would add three more years of credible service to their work history. Consequently, their retirement benefit would go up. Under this option, it does not go up. Where the state saves its money is that 30 percent of that person's salary is no longer paid to that person who comes back to work under this option, whether they come back for six months, a year or three years. The only thing the state continues to pay out of the General Fund or dedicated funds, if it is in one of the special plans, is the employer's share that would have been contributed if that employee had stayed on as a regular employee. The reason why somebody gets more than their regular salary under this plan or the total of the compensation they get is because they get their full retirement benefit and they get 70 percent of their salary. The state doesn't pay them anymore. All it allows them to do under this plan is to actually remove their earnings cap for a retiree so that it allows that retiree to get full retirement benefits and still come back at 70 percent of salary. It does not interrupt normal promotion.

What this does is it provides an incentive for people who might not leave state service during the biennium of the next three years, who actually are eligible but might not leave, it provides them with an incentive to go and, once they take this option, they are guaranteed that they will go no later than three years from now. That assures people below them that a position will open up when that person leaves and it will be mandatory. If the person agreed to stay on for only six months, at the end of six months, the position will become vacant and you are assured that somebody can get promoted. If you did not have this option and somebody decided to stay on, even though they were eligible for retirement, the employees below that person would never have any assurance that they were going to get promoted until that person above them finally did retire.

The incentive is definitely there. It does save General Fund dollars. The retirement system is kept whole. The Aging Committee was charged by the Appropriations Committee to come back with as much savings as we possible could and this is one of the ways that an overwhelming majority of the Aging Committee thought we could save General Fund dollars. It has proven to work in the past and it will work again without impacting the retirement system in a negative way and without destroying the morale on the part of the state employees.

I urge you to support the recede and concur motion.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 599 came about as a result of state employees contacting me, rank-and-file state employees, to see if this option could be made available. These are people who are contemplating retirement. It was not done at the request of the second floor. These are people who, if we retain them for at most three years and they leave, then at least we are establishing a method of downsizing the state without giving someone a pink slip.

This 599, as amended, is a win/win situation. We

are saving the state money because we are paying them 70 percent as much as we would have paid them before, the retirement system does not lose one cent under this option because the people who opt to qualify for this, there has to be a payment in the unfunded share of the retirement, there has to be a payment in for the medical part of the plan, so that the retirement system doesn't lose, the state employees who do qualify and who want to do this benefit from it and the State of Maine is saving 30 percent of each one of these payrolls, each one of these salaries.

Perhaps the criticism out there is that we didn't do it for enough people. I don't think something is wrong or bad because we didn't include perhaps the teachers or some other group. What we are suggesting in 599 is no different than large corporations do when they want to downsize. Digital, General Electric, Westinghouse, what they do is offer incentives to their employees to retire early and come back as consultants and do things like this, to create openings at the end of three years or two years and not have to lay people off. I really believe that this is a win/win situation and I ask you to support the motion.

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

Representative Richardson: Mr. Speaker, Men and Women of the House: I am going to say what I am going to say in the form of a statement but really it is a question directed at Representative Wentworth, Representative Chase or Representative Lipman. The statement is this, organizations, governments, bureaucracies, institutions, one of the ways they in effect hold down costs and one of the reasons for early retirement incentives is that the premise is that the person who is retiring or leaving will be replaced in the system or in the organization by a very junior person, ultimately, who will receive compensation at a significantly lower level. That is one of the ways in which fiscal increase of costs are held down. Somebody retires who is making \$50,000 and essentially is replaced ultimately by a new person earning a fraction of that amount. That is the reason for early retirement incentive options.

I understand the issues regarding the retirement incentives and I understand some of the specific connections on this but I am still baffled as to the ultimate fiscal impact of developing mechanisms that undercut the general ability of the system to bring in new blood and to reduce the overall fiscal impact, personnel wise in terms of retirement, by having a rotation in the employees of it. I was struck by the fact that this will reduce the ability of holding down the costs, the fiscal impact, in terms of personnel policies within the state, I am still not satisfied on that issue.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: To my colleague from Arundel, he claimed that the fund is all right. I shall read to you the Associated Press report on State Police Chief Demers who is to retire. We all know that because it is in the papers now.

Demers retired in December, 1991 but kept on working as part of a special deal that serves other employees also if accepted. It allowed him to continue receiving 80 percent of his salary, plus his pension, boosting his income from \$56,000 a year to

\$72,000, while allowing the state to stop contributing to the pension fund on his behalf. That's about as simple as I can explain it.

I wish to thank my colleague from Portland that brought it out. Where is the incentive to promotion, where is the incentive to save money? We are trying gimmicks. This is nothing but a gimmick.

I would ask you again to vote no on the recede and concur motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to site a Bangor Daily News story from yesterday that states here that Maine's proposed mandatory seat belt law was revived Tuesday after legislators voted 73 to 61 to reconsider the bill. We didn't take that vote to reconsider the bill, we just took that vote today to reconsider the bill. Bangor Daily News made a mistake in how they characterized our action on that particular measure and I am afraid that they have done the same thing in the article that Representative Jalbert just gave you.

The retiring state police officer got 80 percent of his normal salary when he came back and he got his full retirement benefit and that is what added up to the full amount. He did not get a salary that was more than his original salary. He got a salary that was only 80 percent of his original salary.

On the incentive to retire, what we are talking about is offering people who are of normal retirement age, this is not an early retirement incentive option, people have to reach the normal retirement age of their particular retirement plan that they are in, and if they have reached that age, they are allowed to take this option if the management in that particular department determines that it will be good for the department. The management can decide because of promotional problems that it is not good for the person to take that option and it can be denied, but a manager can decide that it will save that particular department a significant amount of money because they only have to pay 70 percent of that person's salary. If they didn't offer that option, that person likely would stay on. They cannot force a person to retire so that person would likely stay on at 100 percent of his or her salary.

This incentive option assures that people who would likely stay on have a much greater chance of taking this and leaving at a distinct time in the future. It can be anywhere up to three years. The pattern in the last biennium when it was done was that people took anywhere from six months to the full three years. It was spread out and the managers in the various departments assured that they would not create a problem in the future for promotion for filling positions because they had massive retirements at the end of three years. They spread it out over the full three year period. It does create an incentive for people to move on who otherwise might not and that is the crucial issue here. At the same time, it creates a significant savings for the General Fund or the dedicated funds, depending on which it comes out of when it is done.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Joseph.

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

I, too, read the same article that the House Chair read. I, as well, have had many inquiries. My

constituents as well as people from another city that I was in yesterday mentioned this to me. Will this bill deal with the problem whereas a 52 year old person, such as the Chief of the State Police, who has retired at a salary of \$56,000 and is now getting \$73,000 — will this bill prevent that kind of an occurrence? I don't believe that this person is of normal retirement age and that would be my question.

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

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to answer the good lady's question.

That is the quirk in the whole thing. It is written "normal retirement age." The normal retirement age for any state employee or teacher is 60 years old but there are three special plans, which consist of the state troopers, the game wardens and the corrections officers — they may retire in a new setup after 25 years. So, when you say normal retirement age, it means that somebody who became a state trooper at 21 could retire in their late forties and come under this.

Chief Demers, who is retiring now, is 52 years old. There is nothing to keep Chief Demers from going to work for any of the cities in this state as Chief of Police and get in on a retirement plan there.

What will happen is that each one of us who goes back home — the local police, firemen and town managers say, how come they can do it and we can't? There will be a movement under way that everybody else will want it. I will tell you one thing right now, if the Maine Teachers Association don't come forward and say that they want it for their teachers, something is wrong.

This is for a small, specific group and, as you notice, it is all the high paying people. Again, the department head will determine who can come under that. There is nothing in the law that makes it mandatory, that if I applied for it, I could get it. So, to answer that question, it can happen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: If this is such a wonderful, marvelous idea, how come someone didn't present this years ago? If it is so good for the state employees in the State of Maine, why are we sunseting it? If I had something this good, I would want it to continue.

I received on my desk this morning a statement that if we put this into action, 30 percent of those salaries would be saved. Well, if we leave it alone, the state will still save money through natural attrition. As people retire, they retire usually at a higher salary than putting someone that is going to be elevated into that particular position. I still think that this is unfair to the overall picture of state employees who come to the State of Maine, career-minded, and are stifled for two, three, four or five years in promotion. I think it kills incentive, I think that it, as I stated before, is "penny-wise and pound-foolish" and I would urge you to vote against this particular motion.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Just as a way of clarification, we are in a position where the enactor that we talked about earlier from the Labor Committee is now back and we have to get it over to the Senate so I would ask somebody if they would mind tabling this particular bill until later. It probably will only be a few moments and then we can proceed with that labor bill so we can get it down to the Senate. So, I would ask somebody to be so kind enough to table this until later in today's session.

On motion of Representative Whitcomb of Waldo, tabled pending the motion of Representative Chase of China that the House recede and concur and later today assigned.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Clarify the Financial Authority of the Workers' Compensation Board (H.P. 1034) (L.D. 1386) (Governor's Bill) (C. "A" H-289)

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. 129 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.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Extend the Retirement Incentive Option for Two Years" (H.P. 462) (L.D. 599) on which the Minority "Ought Not to Pass" Report of the Committee on Aging, Retirement and Veterans was read and accepted in the House on May 6, 1993; Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Aging, Retirement and Veterans read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-220) in non-concurrence which was tabled earlier in the day and later today assigned pending the motion of Representative Chase of China that the House recede and concur.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: When this bill passed through this body a couple of days ago, I was opposed to the legislation. Since that time, I have had an opportunity to talk with the State Police because my primary concern at the time was that we were creating a big hole in the department. It is my understanding

now that the savings generated from this legislation will allow the state to have an academy, so that next June when the bulk of the people retire from the first incentive program, we are going to be able to replace them with new recruits out of the academy.

Another concern of mine was the fact that we were taking all of the brass, the experienced supervisory personnel out of the department. Upon checking on that issue, out of the 27 commissioned officers in the State Police, only nine are taking advantage of this program, so that relieved my fear along those two lines.

I would like to set the Record straight today on the good Chief Demers' retirement. How quick we forget. Back in 1966 when I joined the State Police, members of the department at that point were required to work seven days and have the eighth day off. They covered an area of generally eight or ten or twelve towns and were required to cover that area 24 hours a day for those seven days. Believe me, the 20 year retirement for those people that were in the State Police back during that time was well-deserved, because in the course of a year, it wasn't unusual to work 3,500 hours instead of 1,800 which is the normal work week.

So, for good Representative Jalbert, the Chief deserves what he got for retirement and I think that all of the people taking advantage of this program currently under the State Police deserve that because of the adverse conditions that they worked. The working environment in the State Police today has changed. The retirement system in the State Police environment today has changed. Believe me, the people that are in the system now that are eligible to retire have paid their dues.

I would encourage everyone to support this bill and it does save the state. It gives the employees an opportunity to reap a little benefit but it also saves the state. I urge you to support this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Northport, Representative Lindahl.

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

Under this handout that was given out this morning by Representative Chase, paragraph four says that each agency has the sole authority to prove an employee's participation and length of time. Does this mean that if an employee is accepted into this program and then decides to retire, but remain at work — if you know what I mean, he is going to start slacking off, would then the administrator or manager of that department have the option to release that employee or is this just for a time certain?

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

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: I am glad the gentleman asked that question. It was a question I posed to the representative of the Maine State Employees Association. I asked, what happens if an employee comes under this and it doesn't pan out? He said nothing happens because at the time that the employee decides to take this option, as the courts have said, he has a contractual agreement and there's no two ways you can get out of it. Once the employee has been accepted into it, that is it until that contract has run out.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I think you have heard the arguments to support this bill. The first is that it will save the State of Maine's General Fund money. Very simply, it will save money by employing an individual at 70 percent of the rate that that individual is currently earning. If we can in fact save the General Fund money and do something positive for our employees, I am generally all for that situation. Because of the amendment (H-220), the state will also be paying completely toward the unfunded liability of the retirement system that the state would normally pay on an individual's gross salary. So, the retirement system has no problem with this bill. State employees have no problem with this bill.

A couple of years ago, the Maine State Troopers Association did have a problem with this bill. They know what the bill is, they looked at the amendment, the Troopers Association has no problem with the bill.

With respect to some of the issues that have been raised, in fact the last question that Representative Lindahl raised, what happens if a reemployed employee slacks off? I suggest that that employee is no different than any other employee who slacks off. Granted we don't end the arrangement by which the employee has been rehired. That employee has already been working for a department or a division or a unit for however many years, the employee is eligible for retirement presumably and we have management in place that takes action if an employee slacks off. That employee is no different than any employee that has not taken advantage of this retirement option.

There was an objection raised that it doesn't allow for new blood and I suggest to you that exactly the opposite is the case. This is an incentive for retirement. Currently, there are troopers in our system who can retire at the age of 45. A healthy 45 year old person would presumably continue to work, work another however long, ten years, that chief who retired may have in fact not retired, continue to work and not allow for new blood to come into our system. This is a retirement incentive and the management benefits particularly in situations like troopers and other law enforcement agencies because then management knows how many law enforcement individuals are going to be lost within the next three years.

We have a statement by an individual that that individual is going to be retired. I think it is a terrific plan. As an x-state employee who will never see retirement age it seems, I support that plan despite the fact that I would not be able to participate in it. My union supports it, the administration doesn't appear to have a problem with it, although I certainly couldn't speak for them, and the retirement system has no problem with this plan.

I urge you to vote yes to recede and concur with the other body.

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

Representative LIPMAN: Mr. Speaker, Men and Women of the House: I would just make one point and I hope I can make it very clear. These people who exercise the opportunity to come under this plan are not independent contractors, they are bound under the terms of the state contract and, if they slack off and they don't do their job, they can be discharged with just cause just as though they hadn't retired.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I have a great interest in this bill for a number of reasons. One is, as many of you know, I do come from Hallowell and in this area there are a large number of state employees. Secondly, I worked for 11 years for state government and thirdly, when I worked for state government, I was in the Office of Employee Relations which dealt with personnel and the employment matters of state government. It troubled me a little bit a few minutes ago to hear the discussion in response to the question by Representative Lindahl about whether or not, if an employee who took this kind of an option had any difficulty or wasn't doing their job, could they be dealt with. It is very clear to me that these employees are still subject to their collective bargaining agreement and they could, of course, be disciplined or fired for just cause the same as they can otherwise.

Secondly, I personally believe this is a really important kind of option for us to have and I would disagree with the suggestion from Representative Heino earlier that if this is such a good idea, why don't we always do it? I think this is a good idea for the times we are in, that is precisely why I support it. We need to reduce both the cost to the General Fund and we need to reduce the size of state government. There is no more effective way to reduce the size of state government than to encourage people to leave who are in a position of eligibility to do so. I think that because our bumping options are a terrible way for us to reduce the size of government. I would urge that people support the recede and concur motion.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Chase of China that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Zirnkilton of Mount Desert 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 Chase of China that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 90

YEA - Adams, Ahearne, Aliberti, Ault, Bailey, H.; Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cross, Daggett, Dore, Driscoll, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gwadosky, Hatch, Heeschen, Hichborn, Hillock, Hoglund, Holt, Jacques, Johnson, Joy, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lemke, Lemont,

Libby James, Lindahl, Lipman, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pendexter, Pinette, Plourde, Plowman, Poulin, Quint, Rand, Reed, G.; Reed, W.; Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Spear, Stevens, K.; Tardy, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Tufts, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Aikman, Anderson, Barth, Campbell, Carr, Chonko, Cote, Dexter, DiPietro, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Gray, Greenlaw, Hale, Heino, Hussey, Jalbert, Joseph, Kerr, Kneeland, Look, Lord, MacBride, Marsh, Martin, H.; Murphy, Nash, Nickerson, Norton, Ott, Pouliot, Ricker, Robichaud, Skoglund, Small, Stevens, A.; Strout, Sullivan, Swazey, Taylor, True, Vigue, Whitcomb, Zirkilton.

ABSENT - Bailey, R.; Coffman, Donnelly, Libby Jack, Marshall, Pendleton, Pfeiffer, Pineau.

Yes, 95; No, 48; Absent, 8; Paired, 0; Excused, 0.

95 having voted in the affirmative and 48 in the negative with 8 being absent, the motion to recede and concur did prevail.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" - Committee on Labor on Bill "An Act Concerning the Maine Unemployment Insurance Commission" (H.P. 523) (L.D. 707) TABLED - May 11, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Motion of Representative ST. ONGE of Greene to accept the Majority "Ought Not to Pass" Report which was tabled earlier in the day and later today assigned pending the motion of Representative St. Onge of Greene that the House accept the Majority "Ought Not to Pass" Report".

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call.

Further, I would like to point out to the ladies and gentlemen of the House that this bill - I kind of in a way apologize for having this as a Divided Report before the chamber. The Labor Committee has worked hard this year trying to be absolutely bipartisan and trying to work out our disagreements in committee and this is one that really caught me by surprise because it came in as a technical change that I felt, in listening to the people who advocated it, would bring about a little more democracy under the system.

Let me explain that for a moment. Presently what happens and why this unemployment commission is important - if you are an unemployed individual or the employer or former employer, I guess in that case, of a person who has become unemployed and you want to appeal the decision of the local hearing officer, it is appealed to the commission. There is a three person commission, one representing the employers, one representing employees, and one neutral, the neutral person being the chair. Present law says that if the other two members, the regular members of the commission are absent, the chair may act alone in deciding matters of appeals going before the commission. It makes no provision in present law

as to having a majority vote of that commission. It makes no provision in the law for what happens if one of the regular commission members are absent. The law only makes provisions for what happens if the chair is absent. So, this new law that I have before me now strikes down the opportunity for the chair to act alone. It says if two members are not - the other two members then may hear the case and if they agree, come to a decision. If they do not come to a decision, they must table waiting the arrival or the participation of the third member.

I think this is good democracy. I really feel that there has been some misunderstanding in the committee in exactly what this bill will do and won't do. I would argue and request (actually what I would do) that you vote against the "Ought Not to Pass" so that we can pass this technical change that the commission themselves have requested in order to allow a little more democracy in that process and fuller participation by all the commission members.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greene, Representative St. Onge.

Representative ST. ONGE: Mr. Speaker, Members of the House: It is rare that I rise on the floor to debate the Chair of the Labor Committee but today I must. I hope that you will vote for the "Ought Not to Pass" Report.

The good chair was correct in describing the board, there are three members of this board and what this board does, by the way, is they hear appeals for unemployment cases. There are three members, one representative of labor, one representative of management and the third being a neutral party. This bill would basically allow veto power for either the labor side or the management side.

As it stands right now, if one party is not present, whether it be labor or management, then the neutral party makes the decision. At this point, with all the testimony that was presented to the committee, there were no facts indicating that there were any real problems with the system. The current system is working and I think this represents more of a democracy than having either labor or management giving them the opportunity to veto the other.

I urge you to support the "Ought Not to Pass" Report.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I rise today to support the Majority "Ought Not to Pass" Report. I want to point out that I was once a member of the Maine Labor Relations Board and we had the exact same structure that we are talking about here. I was an alternate chair, supposedly the neutral member. I had a member of labor sit on my left, a member of management on my right. I think any time you get a situation like that, obviously it is set up that way for a reason. I can't imagine having to make a ruling on a case where I just had labor sitting with me or where I just had management sitting with me so that two members vote.

This commission is set up in the exact same way, it is set up that way for a reason, labor, management, neutral balance. So, I really have problems with a bill that takes away that balance, which is exactly what this bill does. There is a problem and that is why the bill has been brought forth by former Representative Willey. The problem is that the vacation and the sick days and the things

like that don't always line up and that there is only three members of this commission, there is labor, management and the neutral.

In the Maine Labor Relations Board, there were nine members, it was a tripartite, labor, management, neutral, three sets of those, so if somebody can't show up because they are sick or absent or whatever, you have a replacement. Now, with this particular board, I think it is the same thing. I think we need to pay per diem replacements, just have somebody there so that if somebody gets sick, then there is a replacement. Right now, if somebody got seriously sick, it would take a long time to replace them. Let's say the neutral chair got sick, there would be an incredible backlog of hearings and cases. I think that is a dangerous situation actually and I would like to see us rectify that and I think the Labor Committee will rectify that situation if we are given the chance to do that.

I hope that I have clarified that situation for you. I feel strongly that the balance is needed. It is not a question of whether a member who is there should be able to vote, it is a question of maintaining a balance on the commission.

I urge you to support the Majority "Ought Not to Pass" Report.

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

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill will allow two of the three members of the Unemployment Compensation Commission to act on an appeal provided they agree. If they don't agree, the case would be tabled until the third member is present to vote.

The Unemployment Insurance Commission hears unemployment compensation benefit appeals from the Division of Administrative Hearings. This division affords a fair hearing to claimants and employers who disagree with the local office's decision. Under current law, if one member is absent, the chair acts alone. But, if the chair is absent, the other two members can act if they agree. This change makes the approach consistent regardless of who is absent.

Ladies and gentlemen, there was no opposition to this bill. All the commissioners agree to the changes in this bill. The Department of Labor agrees to this bill. I urge you to vote against the pending motion.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I sponsored this bill on behalf of the commissioner who represents the employer on the commission who is a constituent of mine.

I just want to add that this proposal is a unanimous consensus of the commissioners on the commission. They all feel that this bill would make things more democratic and they all agree that this would make the process better.

I thought it was interesting when the committee was working the bill, it seemed like everybody was sort of thinking this was a good idea and I thought, gee, this is going to be easy. Then all of a sudden, the Labor representative sort of gave the signal that things weren't broken, so why should we fix it. The next thing you know we had a Divided Report. I think that is unfortunate because that particular labor representative never communicated with the employee or the labor representative commissioner on the

commission. Those two never communicated and I really think that he misrepresented the position that labor has on this bill. So, I do urge you to vote against this motion so we can pass this bill.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I hope those of you who have been listening to this debate can see what has happened here a little bit. We have people with good intentions who will take their piece of paper with writing on it and interpret it one way or another way — I am going to read to you the existing law. I would ask that you listen, I will be very brief, it is only one line. Then, I will read to you the proposed changes in that law. I think you will agree with me that the proposed changes will allow for more participation by the existing commissioners.

The present law as it is on the books that we are attempting to change says, and I quote directly, "Whenever the commission hears any case under this chapter in Title 36, Chapter 831, the Chairman shall act alone in the absence or disqualification of any other member." That would be replaced with, "If the two members," who would be there in the absence of the chair, "if the two members or" if the two remaining members in the absence of any one, "if two members are not able to agree on a decision, the case must be tabled until the remaining member is available to cast the deciding vote." What it is saying is taking what is possible now under existing rules could be one person ruled by the chair and replacing it so you must have unanimous of the two if they are present and certainly a majority of the three when the third does appear and vote and participate. I call that fair and equal democracy. That is what we are attempting to do to allow the commissioners, at their request, to modernize the commission and update the laws on it.

I really think the confusion has come about in how people interpret that wording, but to me, when you read the wording and look at it carefully, it is very, very plain. You are allowing for an expansion of democracy and at the same time modernizing the rules of the commission.

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

Representative CHASE: Mr. Speaker, Colleagues of the House: I sit on the Labor Committee, I feel obliged to stand and give a different impression of the hearing of this bill than Representative Pendexter just described to you. Yes, initially it seemed simple, it in fact seemed like a technical correction. I, however, did not to speak to representatives of labor and change my mind on what was a simple and technical bill and I submit to you that is not in fact the conduct of members of the Labor Committee. What seemed to be a simple, technical bill in fact, when discussed, as with most bills, turned out not to be that simple.

I think the difference in opinion has to do with the notion of democracy on the Unemployment Insurance Board, that is, the people who support this bill, sincerely feel that we will be increasing, as my Labor Chair just said to you, democracy on the board, that is, two people get to make a decision rather than one, which sounds entirely more democratic.

Those of us who opposed the bill for the most part, as Representative Libby has explained to you, feel that a board made up of a representative of

labor, a representative of management and a neutral chair — the people whose cases are being heard are not better served when that neutral chair has only the representative of labor or the representative of management to listen to. We would prefer that if the neutral chair is not present (in current law) that the representative of labor and the representative of management make the decision. If either the representative of labor or of management is absent, the neutral chair hopefully will be a neutral chair and will make a decision, uninfluenced by the presence of only labor or management. That is basically the difference in opinion on this bill as I see it. I think it had nothing to do with undue influence of the members of the Labor Committee. I have great respect for that committee including the people with whom I do not agree.

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.

Representative Michael of Auburn requested that the Clerk read the Committee Report.

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

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Greene, Representative St. Onge, 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. 91

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Campbell, Caron, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Coffman, Coles, Cote, Cross, Daggett, Dore, Driscoll, Erwin, Faircloth, Fitzpatrick, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Hogle, Holt, Hussey, Johnson, Joy, Kerr, Ketterer, Kilkelly, Larrivee, Lemke, Libby James, Lord, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Poulin, Rand, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Young, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Bruno, Cameron, Carleton, Carr, Cashman, Cloutier, Clukey, Constantine, Dexter, DiPietro, Farnum, Farren, Foss, Gamache, Greenlaw, Heino, Hichborn, Jacques, Joseph, Kneeland, Kutasi, Lemont, Lindahl, Lipman, Look, MacBride, Marsh, Marshall, Nash, Nickerson, Norton, Ott, Pendexter, Plourde, Plowman, Pouliot, Quint, Reed, G.; Reed, W.; Robichaud, Ruhlin, Simoneau, Small, Spear, Stevens, A.; Tardy, Taylor, Thompson, Townsend, G.; True, Tufts, Vigue, Whitcomb, Zirnkilton.

ABSENT - Bailey, R.; Donnelly, Dutremble, L.; Farnsworth, Hillock, Jalbert, Kontos, Libby Jack, Pendleton, Richardson, Winn.

Yes, 80; No, 60; Absent, 11; Paired, 0; Excused, 0.

80 having voted in the affirmative and 60 in the negative with 11 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Resolve, to Establish the Labor and Welfare Transition Team to Facilitate the Inclusion within the Department of Labor of Certain Welfare Functions of the Department of Human Services (EMERGENCY) (H.P. 1102) (L.D. 1489) (Governor's Bill) - In House, Referred to the Committee on Labor on May 11, 1993. - In Senate, Referred to Committee on Human Resources in non-concurrence. - In House, Receded and Concurred. TABLED - May 11, 1993 (Till Later Today) by Representative AIKMAN of Poland. PENDING - Motion of same Representative to reconsider whereby the House Receded and Concurred which was tabled earlier in the day and later today assigned pending the motion of Representative Aikman of Poland to reconsider whereby the House receded and concurred.

Whereupon, the House reconsidered its action whereby the House receded and concurred.

Subsequently, the House voted to recede and concur.

On motion of Representative Paradis of Augusta, the following was removed from the Tabled and Unassigned matters:

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

TABLED - May 10, 1993 by Representative PARADIS of Augusta.

PENDING - Acceptance of Committee Report.

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

Committee Amendment "A" (H-250) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time.

Representative Ruhlin of Brewer offered House Amendment "A" (H-278) and moved its adoption.

House Amendment "A" (H-278) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-250) and House Amendment "A" (H-278) and sent up for concurrence.

On motion of Representative Small of Bath, Adjourned at 12:43 p.m. until Monday, May 17,



1993, at three o'clock in the afternoon.

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