

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 17, 1993 to July 14, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
52nd Legislative Day  
Tuesday, May 18, 1993

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

Prayer by Reverend Scott L. Jones, Palmyra.

The Journal of Monday, May 17, 1993, was read and approved.

**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 17, 1993

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Education:

Henry G. Brooks, Jr. of York Harbor for appointment to the Maine Maritime Academy Board of Trustees.

Henry G. Brooks, Jr. is replacing William Bullock, Jr..

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 17, 1993

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Education:

Joseph Sewall of Old Town for reappointment to the Maine Maritime Academy Board of Trustees.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 17, 1993

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Education:

Nathan E. Corning of Rockport for appointment to the Maine Maritime Academy Board of Trustees.

Nathan E. Corning is replacing Robert Hinckley.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 17, 1993

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Education:

Natalie C. Graceffa of Augusta for appointment to the Maine Educational Loan Authority.

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

Clerk and adopted and the Bill assigned for second reading Wednesday, May 19, 1993.

Was read and ordered placed on file.

**Ought to Pass as Amended**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 17, 1993

Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-133) on Bill "An Act to Prohibit Commercial Hunting on Unlicensed Land" (S.P. 210) (L.D. 681)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-133).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-133) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 19, 1993.

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Human Resources, Marlene McMullen-Pelsor of South Portland for appointment as the Director of the Office of Substance Abuse.

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

Was read and ordered placed on file.

**Ought to Pass as Amended**

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-129) on Bill "An Act to Clarify Ambiguous Language and Correct Errors in Licensing Procedures and Requirements for Licensees Regulated by the Superintendent of Insurance" (S.P. 361) (L.D. 1075)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-129).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-129) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 19, 1993.

**Refer to the Committee on Banking and Insurance**

Report of the Committee on Energy and Natural Resources on Bill "An Act to Reduce Energy Costs and Improve the State's Air Quality" (S.P. 482) (L.D. 1480) reporting that it be referred to the Committee on Banking and Insurance.

Came from the Senate with the report read and accepted and the Bill referred to the Committee on Banking and Insurance.

Report was read and accepted and the Bill referred to the Committee on Banking and Insurance in concurrence.

**Ought to Pass as Amended**

Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-125) on Bill "An Act Regarding the Credentialing of School Psychological Service Providers" (S.P. 262) (L.D. 800)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-125).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-125) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 19, 1993.

**Ought to Pass as Amended**

Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-132) on Bill "An Act to Amend Maine's Unclaimed Property Act" (S.P. 185) (L.D. 621)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-132).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-132) was read by the

**Ought to Pass as Amended**

Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-113) on Bill "An Act to Create a Student Seat on the Board of Trustees of the Maine Maritime

Academy" (S.P. 359) (L.D. 1073)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-113) as amended by Senate Amendment "A" (S-150) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-113) was read by the Clerk.

Senate Amendment "A" (S-150) to Committee Amendment "A" (S-113) was read by the Clerk and adopted.

Committee Amendment "A" (S-113) as amended by Senate Amendment "A" (S-150) thereto was adopted and the Bill assigned for second reading Wednesday, May 19, 1993.

**Divided Report**

**Tabled and Assigned**

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-141) on Bill "An Act to Impose Term Limits on Presiding Officers of the Legislature" (S.P. 167) (L.D. 559)

Signed:

Senators: BUTLAND of Cumberland  
BERUBE of Androscoggin  
ESTY of Cumberland

Representatives: LOOK of Jonesboro  
WALKER of Blue Hill  
BENNETT of Norway  
GRAY of Sedgwick  
DUTREMBLE of Biddeford  
YOUNG of Limestone  
ROWE of Portland  
KILKELLY of Wiscasset

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

Signed:

Representatives: AHEARNE of Madawaska  
JOSEPH of Waterville

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-141)

Reports were read.

Representative Joseph of Waterville moved that the House accept the Minority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending her motion that the House accept the Minority "Ought Not to Pass" Report and specially assigned for Wednesday, May 19, 1993.

**Non-Concurrent Matter**

Bill "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents" (H.P. 259) (L.D. 337) on which the Bill and accompanying papers were indefinitely postponed in the House on May 10, 1993.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Legal Affairs in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act to Require That the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority" (H.P. 490) (L.D. 648) which was passed to be engrossed as amended by Committee Amendment "A" (H-176) in the House on May 3, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-176) as amended by Senate Amendment "A" (S-140) thereto in non-concurrence.

The House voted to recede and concur.

**COMMUNICATIONS**

The following Communication: (S.P. 498)

116th Maine Legislature

May 14, 1993

Senator Georgette B. Berube  
Rep. Ruth Joseph  
Chairpersons  
Joint Standing Committee on State and Local Government  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has today informed us that Public Safety Commissioner, John R. Atwood, has nominated Lt. Col. Alfred R. Skolfield, Jr. of Oakland for appointment as the Chief of the Maine State Police.

Pursuant to 25 M.R.S.A., Section 1501, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on State and Local Government.

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

On motion of Representative Marshall of Eliot, was removed from the Special Sentiment Calendar.

Was read.

On further motion of the same Representative, HLS 355 was indefinitely postponed.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**Legal Affairs**

Resolve, Regarding the Release of Certain Ballots to the Municipal Officers of the City of Rockland (EMERGENCY) (H.P. 1124) (L.D. 1523) (Presented by Representative MELENDY of Rockland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

**Reported Pursuant to Statutes**

Representative ERWIN for the Joint Standing Committee on Audit and Program Review, pursuant to the Maine Revised Statutes, Title 3, section 925, subsection 2 ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase the Revenues of the Board of Examiners of Podiatrists" (EMERGENCY) (H.P. 1125) (L.D. 1524) be referred to the Joint Standing Committee on Audit and Program Review for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted and the Bill referred to the Committee on Audit and Program Review, ordered printed and sent up for concurrence.

By unanimous consent, L.D. 1523 and L.D. 1524 were ordered sent forthwith to the Senate.

**SPECIAL SENTIMENT CALENDAR**

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

In Memory of:

Ray Grover, beloved family member and respected citizen who, as a businessman for 42 years, made many contributions to his community and in 1982 earned the Fabyan Drake Award; (HLS 355) by Representative MARSHALL of Eliot. (Cosponsor: Senator LAWRENCE of York)

**REPORTS OF COMMITTEES**

**Refer to the Committee on Audit and Program Review**

Representative COTE from the Committee on Judiciary on Resolve, to Establish the Commission on the Status of Alleged Child Abusers (EMERGENCY) (H.P. 991) (L.D. 1322) reporting that it be referred to the Committee on Audit and Program Review.

Report was read and accepted and the bill referred to the Committee on Audit and Program Review and sent up for concurrence.

**Ought to Pass as Amended**

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act Regarding Suspension of Maine Guide Licenses" (H.P. 1001) (L.D. 1347) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-321)

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-321) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 19, 1993.

**Ought to Pass as Amended**

Representative ST. ONGE from the Committee on Labor on Bill "An Act to Improve Access of Injured Workers to Medical Care" (H.P. 644) (L.D. 875) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-331)

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-331) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 19, 1993.

**Ought to Pass as Amended**

Representative HOGLUND from the Committee on Business Legislation on Bill "An Act to Amend the Laws Concerning Massage Therapists" (H.P. 982) (L.D. 1313) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-333)

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-333) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 19, 1993.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Change the Time of the State Primary" (H.P. 488) (L.D. 646)

Signed:

Senators: HALL of Piscataquis  
CAREY of Kennebec

Representatives: DAGGETT of Augusta  
BOWERS of Washington  
STEVENS of Sabattus  
NASH of Camden

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-307) on same Bill.

Signed:

Senator: HANDY of Androscoggin

Representatives: BENNETT of Norway  
ROBICHAUD of Caribou  
TRUE of Fryeburg  
MICHAEL of Auburn

Reports were read.

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

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

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning Limits on Security Deposits" (H.P. 898) (L.D. 1213)

Signed:

Senator: HALL of Piscataquis

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

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

Signed:

Senators: CAREY of Kennebec

HANDY of Androscoggin

Representatives: LEMKE of Westbrook  
BOWERS of Washington

Reports were read.

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

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 290) (L.D. 860) Bill "An Act to Amend the Workers' Compensation Laws for Workers in Certain Marine Resources Industries" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-134)

(S.P. 305) (L.D. 938) Bill "An Act Regarding Visually Impaired Voters" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-139)

(S.P. 313) (L.D. 946) Bill "An Act to Authorize Trustees to Make Trust Investments in Certain Affiliated Securities and Bonds" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-135)

(S.P. 341) (L.D. 1038) Bill "An Act Clarifying Certain Traffic Infraction Provisions of the Motor Vehicle Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-131)

(S.P. 355) (L.D. 1069) Bill "An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-136)

(S.P. 380) (L.D. 1136) Bill "An Act to Clarify and Amend the Law Regarding Open-end Mortgages" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-130)

(H.P. 468) (L.D. 605) Bill "An Act Concerning Termination of Tenancies at Will" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-316)

(H.P. 861) (L.D. 1170) Bill "An Act Regarding the Department of Environmental Protection Rulemaking" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-317)

(H.P. 159) (L.D. 211) Bill "An Act Related to

Lottery Machines" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-319)

(H.P. 940) (L.D. 1269) Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Establish Open and Closed Seasons on the Hunting of Deer" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-320)

(H.P. 755) (L.D. 1022) Bill "An Act to Amend the Maine State Retirement System Laws Related to the Participating Local Districts Consolidated Plan" (EMERGENCY) Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-327)

(H.P. 993) (L.D. 1335) Bill "An Act to Bring the State Tipping Wage up to the Federal Tipping Wage" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-332)

(H.P. 179) (L.D. 231) Bill "An Act to Establish Uniform Procedures and Standards for Administrative Consent Agreements" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-334)

(H.P. 168) (L.D. 220) Bill "An Act to Amend the Shoreland Zoning Law" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-335)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 19, 1993, under the listing of Second Day.

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**CONSENT CALENDAR**

**Second Day**

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

(H.P. 563) (L.D. 760) Bill "An Act to Require Additional Landlord Disclosures" (C. "A" H-290)

(H.P. 236) (L.D. 304) Bill "An Act to Provide for Expedited Evictions in Cases of Imminent Danger to Persons or Property" (C. "A" H-291)

(H.P. 1028) (L.D. 1380) Bill "An Act Regarding Registration of Nursing Assistants"

(H.P. 850) (L.D. 1155) Bill "An Act Repealing Advisory Boards on Corrections Matters" (C. "A" H-293)

(H.P. 1026) (L.D. 1378) Bill "An Act Regarding the Holding of Juveniles in the Penobscot County Jail" (C. "A" H-294)

(H.P. 739) (L.D. 997) Bill "An Act to Expand the Membership of the Interagency Task Force on Homelessness and Housing Opportunities" (C. "A" H-295)

(H.P. 525) (L.D. 709) Bill "An Act to Encourage the Implementation of the Solid Waste Management Hierarchy" (C. "A" H-297)

(H.P. 756) (L.D. 1023) Bill "An Act to Amend and Clarify the Solid Waste Management Laws" (C. "A" H-298)

(H.P. 144) (L.D. 189) Bill "An Act to Facilitate Municipal Road Construction" (C. "A" H-299)

(H.P. 804) (L.D. 1090) Bill "An Act Repealing Advisory Boards on Energy and Natural Resource Matters" (C. "A" H-300)

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

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(H.P. 572) (L.D. 777) Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (EMERGENCY) (C. "A" H-301)

On motion of Representative Jacques of Waterville, was removed from the Consent Calendar, Second Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-301) was read by the Clerk and adopted.

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

Representative Jacques of Waterville offered House Amendment "A" (H-328) and moved its adoption.

House Amendment "A" (H-328) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-301) and House Amendment "A" (H-328) and sent up for concurrence.

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(H.P. 799) (L.D. 1085) Bill "An Act Repealing Advisory Boards on Agriculture Matters" (C. "A" H-302)

(H.P. 591) (L.D. 806) Bill "An Act to Extend the Maine Dairy Farm Stabilization Act" (C. "A" H-303)

(H.P. 292) (L.D. 379) Bill "An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism" (EMERGENCY) (C. "A" H-304)

(H.P. 708) (L.D. 959) Bill "An Act to Authorize Special Property Tax Districts" (C. "A" H-309)

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

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(H.P. 859) (L.D. 1168) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94"



(EMERGENCY) (C. "A" H-310)

On motion of Representative Jacques of Waterville, was removed from the Consent Calendar, Second Day.

Report was read and accepted, the bill read once. Committee Amendment "A" (H-310) was read by the Clerk and adopted and the Bill assigned for second reading, Wednesday, May 19, 1993.

(H.P. 586) (L.D. 790) Bill "An Act to Clarify the Tax-exempt Status of Community Mental Health Service Facilities" (C. "A" H-311)

(H.P. 322) (L.D. 410) Bill "An Act Concerning the Payment of Assessed Property Taxes" (EMERGENCY) (C. "A" H-312)

(H.P. 734) (L.D. 992) Bill "An Act to Prohibit Valuation of Real Property in Excess of 100 Percent" (C. "A" H-313)

(H.P. 790) (L.D. 1076) Bill "An Act to Amend the Laws Governing Adverse Possession of Real Estate" (C. "A" H-314)

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine" (S.P. 120) (L.D. 358) (C. "A" S-122 and S. "A" S-142)

Bill "An Act Amending the Liquor License Laws" (H.P. 792) (L.D. 1078) (C. "A" H-306)

Bill "An Act to Better Preserve and Protect Endangered and Threatened Wildlife in Maine" (H.P. 512) (L.D. 670) (C. "A" H-308)

Bill "An Act to Increase the Fee for Taking Fingerprints and Palm Prints of Citizens upon Request" (H.P. 793) (L.D. 1079) (C. "A" H-315)

Bill "An Act to Amend the Mutual Holding Company Laws" (H.P. 477) (L.D. 614) (C. "A" H-305)

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

**PASSED TO BE ENGROSSED**

Bill "An Act to Require Employee Leasing Companies to Post Security Bonds or Deposit

Securities" (H.P. 1012) (L.D. 1358)

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

Representative Hoglund of Portland offered House Amendment "A" (H-325) and moved its adoption.

House Amendment "A" (H-325) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-325) and sent up for concurrence.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Regarding the Use of Natural Gas in Motor Vehicles (H.P. 421) (L.D. 540) (H. "A" H-269 to C. "A" H-222)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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

**PASSED TO BE ENACTED**

An Act to Clarify Reporting Requirements for Medical Malpractice Carriers to the Bureau of Insurance (S.P. 267) (L.D. 804) (C. "A" S-114)

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

**ENACTOR**

**Later Today Assigned**

An Act to Exempt Certain Greenhouse and Nursery Owners from Licensing Fees (H.P. 166) (L.D. 218) (H. "A" H-238 to C. "A" H-209)

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 later today assigned.

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**PASSED TO BE ENACTED**

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

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

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**ENACTOR**

**Later Today Assigned**

An Act to Extend the Retirement Incentive Option for Two Years (H.P. 462) (L.D. 599) (C. "A" H-220)

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 later today assigned.

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**PASSED TO BE ENACTED**

An Act to Amend the Motor Vehicle Laws (H.P. 482) (L.D. 619) (S. "A" S-127 to C. "A" H-183)

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

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**ENACTOR**

**Later Today Assigned**

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

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 later today assigned.

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**PASSED TO BE ENACTED**

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

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

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

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

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

An Act Concerning the Hunting of Bear (H.P. 749) (L.D. 1016) (C. "A" H-247)

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

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

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**ENACTOR**

**(Reconsidered)**

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

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

On motion of Representative O'Gara of Westbrook, under suspension of the rules, the House reconsidered its action whereby L.D. 1097 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-248) was adopted.

The same Representative offered House Amendment "A" (H-324) to Committee Amendment "A" (H-248) and moved its adoption.

House Amendment "A" (H-324) to Committee Amendment "A" (H-248) was read by the Clerk and adopted.

Committee Amendment "A" (H-248) as amended by House Amendment "A" (H-324) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-248) as amended by House Amendment "A" (H-324) thereto in non-concurrence and sent up for concurrence.

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**PASSED TO BE ENACTED**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be

enacted, signed by the Speaker and sent to the Senate.

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**FINALLY PASSED**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

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**ORDERS OF THE DAY**  
**UNFINISHED BUSINESS**

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

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

**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 13, 1993 by Representative PARADIS of Augusta.  
PENDING - Final Passage.

On motion of Representative Paradis of Augusta, retabled pending final passage and specially assigned for Wednesday, May 19, 1993.

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

Bill "An Act to Make Allocations for the Necessary Administration of the Workers' Compensation Laws for the State for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 1120) (L.D. 1519) (Governor's Bill) (Committee on Labor suggested)  
TABLED - May 17, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Reference.

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

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

An Act to Establish an Automobile Recycling Permit (MANDATE) (H.P. 255) (L.D. 334) (C. "A" H-143 and H. "A" H-239)  
TABLED - May 17, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

Representative Gwadosky of Fairfield requested a roll call on enactment.

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

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

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted (a roll call having been ordered) and later today assigned.

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

An Act to Amend the Waldoboro Utility District Charter (MANDATE) (H.P. 745) (L.D. 1012) (C. "A" H-225)  
TABLED - May 17, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

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

An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority (S.P. 263) (L.D. 801) (C. "A" S-103)  
TABLED - May 17, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 801 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-103) was adopted.

The same Representative offered House Amendment "A" (H-337) to Committee Amendment "A" (S-103) and moved its adoption.

House Amendment "A" (H-337) to Committee Amendment "A" (S-103) was read by the Clerk and adopted.

Committee Amendment "A" (S-103) as amended by House Amendment "A" (H-337) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-103) as amended by House Amendment "A" (H-337) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the sixth item of

Unfinished Business:

An Act to Correct Errors and Inconsistencies in the Growth Management Laws (H.P. 388) (L.D. 501) (C. "A" H-218)  
 TABLED - May 17, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
 PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

On motion of Representative Gwadosky of Fairfield, the following was removed from the Tabled and Unassigned matters:

Bill "An Act to to Provide for Water Rights to the Town of New Gloucester" (H.P. 62) (L.D. 92)  
 TABLED - April 1, 1993 by Representative Gwadosky of Fairfield.  
 PENDING - Adoption of Committee Amendment "A" (H-88).

Subsequently Committee Amendment "A" (H-88) was adopted.

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

Representative Carroll of Gray offered House Amendment "A" (H-339) and moved its adoption.

House Amendment "A" (H-339) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-88) and House Amendment "A" (H-339) in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

**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-276) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature (H.P. 432) (L.D. 551)  
 TABLED - May 17, 1993 by Representative JOSEPH of Waterville.  
 PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

Representative Bennett of Norway requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the

members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the "Ought Not to Pass" motion and allow the Constitutional Amendment to go to the people. This is an opportunity for the people of the State of Maine to vote to reduce the size of the legislature.

This Resolution or amendment calls for the House to be reduced to 99 members and the Senate to 33. Why should we allow this to go to the people? One, I recently read a survey that was distributed among this body that 91 percent of the public in this particular district would like to see the size of the legislature reduced.

Albeit we should not exercise our decision in this body based upon the whims of the public as they may change from day to day. However, this is in fact a Constitutional Amendment and the only way it can take effect is if we vote by two-thirds of each body to allow the people to have that opportunity. Reduction of the size of the legislature is an item that in fact should go to the people and the people should have a chance to decide. With 91 percent, as much as 91 percent wishing to exercise that right, we ought to give them that opportunity.

As to the merits of the bill itself and the reason for the reduction, currently the legislature has 186 members. I believe that is too large. I also believe that if we reduce the House to 99 and the Senate to 33, we can develop asymmetry so that we have three Representatives from each Senate District and that in itself has merit.

I believe that we can reduce the size of the committees and that we can increase the participation of each individual legislator, if there are fewer legislators.

In addition to asymmetry, by reducing the size of the committees, increasing the participation of all legislators, we can also improve the participation and quality of the area represented.

Albeit it puts additional stress on each legislator because they have to cover a larger territory and I recognize that some of the areas are quite large, however, if in fact in 1840 we could service this type of area, you would think today in 1993 with our modern means of communications, our cars, our computers and other means of being able to get around our districts that we could make that accommodation.

An additional reason to reduce the size of the legislature is that we can save \$2 million per year, that is an estimated savings. I have heard say, well, if we have a reduced size legislature, we are going to have more staff, I believe that evidence in the last 15 years has shown there is no relationship between the size of the staff and the size of the legislature. Our legislative staff has gone up astronomically in the last ten years and yet we have had the same size legislature.

Let's compare Maine with another state. Let's take Indiana. Indiana has 5.5 million people, Maine has 1.2 million people. Indiana has approximately 35,000 square miles. Maine has 30,000 square miles.

So, Indiana has five times as much population, a little bit more land, and yet their House of Representatives is 100 people and their Senate 50 people. What happens? Indiana's salaries are \$11,600 per year, not that different than the State of Maine. However, let's look at the difference and the length of the term. In Indiana's legislature, odd years are 61 days, even years 30 days. State of Maine, 100 legislative days the first session, 50 days the second session. I think there are significant time savings that can be accomplished with a smaller legislature.

Are we going to disenfranchise people? I believe not. According to the statistics I have been furnished, 33 House seats were unopposed in the General Election. I think that it would encourage, by having a smaller legislature, more general contests.

The Special Commission on Governmental Restructuring made a finding that in December of 1991, we ought to reduce the size of the legislature. They left the figure between 99 and 123. Albeit I am sure that Democrats could have reasons not to reduce the size of the legislature, the Republicans can have reasons not to reduce the size of the legislature, but isn't this a subject we ought to let the people decide?

We are not alone, Wyoming, North Dakota and Idaho within the last year made the decision to reduce the size of their legislature so let's give the people of Maine a choice.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to support the Majority "Ought Not to Pass" Report. This Resolution to reduce the size of the legislature is a misnomer. This bill reduces the size of the Maine House of Representatives. The sponsor of this bill says that people are urging us to do so, that the people overwhelmingly support reduction of the size of the Maine House of Representatives. However, in an attempt to gain enough signatures to send this out to a referendum, 28,000 signatures were recorded. However, there was a need for 53,000 signatures.

In this proposal, there is no plan as to the district sizes for the Maine House.

There are no absolute savings and this is not a new proposal. Since 1971, there have been seventeen pieces of legislation before this body to reduce the size of the Maine House of Representatives.

We seriously looked at this issue and we were looking for efficiency and effective use of taxpayer dollars. You have heard about other states — however, I do think a base salary of \$22,000 for legislators in other states is a lot different from what Maine legislators earn. We must always remember that Maine has a unique legislative body. Maine has a part-time citizen legislature.

The inequity in this piece of legislation and in this proposal is that rural districts will be under-represented. Those of us who live in medium or large cities can walk from one end of our district to the other. However, in this proposal, there is no recommendation on how this would be done. Therefore, I would say that this proposal is flawed, that this proposal does not accomplish what the sponsor wishes to accomplish, so I would urge you to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the

Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak in support of the Representative from Augusta and ask that you vote against the pending motion to accept the Majority "Ought Not to Pass" Report. It may seem a little bit curious since allegedly this bill would negatively affect rural areas of the state that someone who represents a rural district would speak in favor of the bill, but I think there is a little bit of a misunderstanding involved here. I would just like to address that briefly and let you know why I am not opposed to sending this to referendum.

If we assume a population of a million, roughly the population of the State of Maine, and further assume to have one Representative for every 10,000, you would come up with a House the size of 100 Representatives. If you assume further that this House is divided or that the population of the state is divided 60/40, rural/urban, that would mean you would have 60 Representatives representing rural areas and 40 Representatives representing urban areas. If you cut the size of that representative body in half to 50, you would end up with 30 Representatives. I mean the rural areas are still rural and the urban areas are still urban, what you would have would be 30 Representatives representing rural areas and 20 Representatives representing urban areas. Proportionately the representation of rural to urban has stayed exactly the same in that mix. It is true that in the smaller chamber the dynamics may make a little bit of a difference but this issue that the rural areas (and maybe the Speaker's district will become a little bit bigger than it is but it is already an enormous district) and I don't think that those of us that come from large districts, that that is really going to make that much of a difference. I think the issue here of rural versus urban really isn't the issue. I think the question is efficiency and how the Maine Legislature can better function.

Again, I would ask that you defeat the pending motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Joseph of Waterville 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. 97

YEA - Adams, Ahearne, Aliberti, Anderson, Bailey, R.; Brennan, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnsworth, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Hichborn, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Ketterer, Kontos, Larrivee, Lemke, Libby James, Lord, MacBride, Marshall, Martin, H.; Michaud, Mitchell, J.; Morrison, Murphy, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Poulin, Rand, Reed, W.; Ricker, Rotondi, Rowe, Saint Onge, Saxl, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Barth, Bennett, Birney, Bowers, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Clukey, Cross, Dexter, DiPietro,

Faircloth, Farnum, Farren, Foss, Greenlaw, Gwadosky, Heino, Hillock, Hogle, Joy, Kerr, Kneeland, Kutasi, Lemont, Libby Jack, Lindahl, Lipman, Look, Michael, Mitchell, E.; Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plourde, Plowman, Pouliot, Reed, G.; Robichaud, Simonds, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, True, Whitcomb, Young, Zirkilton.

ABSENT - Beam, Fitzpatrick, Kilkelly, Marsh, Melendy, Richardson, Ruhlman, Rydell, Tardy.

Yes, 83; No, 59; Absent, 9; Paired, 0; Excused, 0.

83 having voted in the affirmative and 59 in the negative with 9 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-277) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature (H.P. 768) (L.D. 1035)

TABLED - May 17, 1993 by Representative JOSEPH of Waterville.

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

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: Whether a legislature should have one House or two has been debated longer than the existence of the United States and yet after all that time, only one of the 50 states has chosen a one House legislature.

Before I go much further, one of the documents that I have been putting together over the last two years since this came up in the last session is from an article from Nebraska itself and a comment by the son of the first Clerk of the House in the first Unicameral system. I thought you might be interested to know the circumstances under which this bill finally passed in 1934 after years and years and years of debate. Commenting on the fateful 1934 election, Warner (this is Jerome Warner whose father was Charles Warner) notes that there were two other proposals on the ballot with this initiative. One was to allow pari-mutuel horse racing and another to repeal prohibition. The advertising, the heavy advertising, was to vote yes on all three. And, Mr. Warner says that there are those who think that may have been a factor. I thought you might be interested in the circumstances under which the bill finally passed, not all by itself.

The name of James Madison has been invoked as having been a strong supporter of the unicameral system in a recent newspaper article by one of our members. In fact, in his Federalist papers, James Madison pointed out that one or the other of the two Houses of a bicameral system would slow down the legislative process and allow reason to prevail. In truth and in fact, while Madison was as willing to compromise as others, a unicameral system was not in fact the great thought of James Madison. That, by

the way, is from the Federalist Papers #63, page 384.

There is recorded a conversation between George Washington and Thomas Jefferson on bicameralism I thought you might find interesting and maybe amusing. They were drinking coffee and Washington noticing that Jefferson poured his coffee from his cup to his saucer asked Jefferson why he did so. "To cool it," was Jefferson's reply. "Just so," said Washington, "we will pour legislation into the Senatorial saucer to cool it."

Chief Justice Earl Warren in 1964 wrote, "A prime reason for bicameralism is to ensure mature and deliberate consideration of and to prevent precipitate action on proposed legislation." Arguing for a two House legislature, our second President, John Adams, said, "A single assembly is liable to all the vices, follies and frailties of an individual, subject to fits of humor, starts of passion, flights of enthusiasm, partialities of prejudice and, consequently, a producer of hasty results and absurd judgment."

And, in his commentaries on the Constitution of the United States many years ago, Supreme Court Justice Story wrote this about the bicameral legislature, "It has become a great check upon undue, hasty, and even oppressive legislation."

Yes, in fact there are others in the House who follow their history as well as some of those who will be speaking to you following myself.

Let me respond to a few of the comments that were made at other times and other newspapers and comments that are going to be made today and in the literature you have had streaming on our desks over the last several days.

In regard to cost savings, salary and expense savings that occur are but a small percentage of the total biennial budget. In addition, such a move may end up costing taxpayers more money if ill-considered legislation is a result of doing away with a second House. I would tell you about the words that I have heard that there is concrete, definite, proven cost savings of \$4.5 million. Respectfully to those who have made those statements and will make those statements to you today, I, for one, am going to challenge them to show me where those numbers are. I spent a little better than two hours while I was in Nebraska a few years ago with one of the Senators in Nebraska. I can tell you that while they heard those same arguments for many years about cost savings — by the way, I will say this now and I will say it to you later, everything that I am saying to you now, I have documented from the Nebraska Legislative staff, from NCSL and from newspaper articles that I have had sent to me from Nebraska itself by a professor of history at the University of Nebraska, all of these are documented, I will be asking those who are going to be telling you that there is \$4.5 million to show us where that is coming from.

Let me tell you about in Nebraska, they had those same arguments given to them. In fact, in this day in 1994 as we speak, the cost of the legislature in Nebraska is a major (not a minor, not a now and then idea) it is a major concern, not only to the Nebraska legislature itself, but to the people of Nebraska and people who are following it. Cost savings initially may be there but what happens is that it grows. The Senator I spent two and a half hours with, his picture is in the book I have here. He is still a Senator and he can be contacted at any time. While he personally likes the system, I spent two hours in

his three room suite of offices — when it passed — the first one took office I think about three years later, they started out with a room and a clerk or secretary, shared much like we have here, not quite as bad as we have here, but pretty close. Now, each Senator has a secretary, a clerk, a legal counsel, each Senator, ladies and gentlemen of the House, indisputable, I have it. And, if you are a chairman of a committee and they have between 15 and 18 committees, you are then entitled to an additional clerk and/or secretary.

Be very careful as you consider that wonderful number of \$4.5 million as a savings.

Visibility — with Nebraska, the only example that there is out there, there is no hard evidence to show you or to prove to me or anybody else that legislation or legislators will be either more visible or more responsible in one House than in two.

Someone said in one of the articles that I have — maybe I am getting a little too serious so maybe you might appreciate this, that "The Nebraska unicameral system is like the bearded lady in a carnival, everyone wants to see her, but no one wants to take her to lunch."

The influence of lobbyists has been mentioned. I was amused when I heard in our Democratic caucus, and I am sure we are going to hear it again, that we all know that lobbyists really spend most of their time down the other end of the hall. Is that the reason the Speaker has had to pass rules preventing them from even being near us? Do you agree here that lobbyists are spending most of their time (I hardly think so) in the other body?

There are distinct advantages for special interest groups in a one House system to get legislation passed since there are usually fewer legislators to persuade. Now, while it is not a significant number in Maine, under this bill, half of 151 is 76, instead of half of 186, which is 94. Not a big difference but certainly something to consider.

The influence of the Governor — just as any lobbyist, believe me, the Governor would much more easily dominate one House than he does two. The quality of legislation has been raised. More careful consideration and deliberation can be given in a bicameral system, there is more participation in debates, there is more staff analysis and, therefore, it is more likely that bills passed will be good legislation which may well be supported by a larger percentage of the electorate. Furthermore, one House may serve to check the other, thus preventing the passage of bad legislation.

In reference to that, if in fact we are concerned about legislation, I would submit to you that there are some things we might consider and in fact are being considered right now by what I find to be a very ambitious and industrious, energetic and well-meaning group of legislators, rank-and-file, new and old, old may not be the word I wanted to use but experienced. There are a lot of things we can do besides going to this. We can continue the efforts to reform the process which is going on right now. We can have more involvement by rank-and-file which is going on right now, limit the number of bills introduced and wouldn't I be very happy with that. Combine some bills, get rid of this ridiculous system we have now where nobody can know anybody else's bills because there is something secret in there. Let the Revisor have more flexibility. Let the committees have more flexibility and bring the major issues up

early in the session rather than later on.

Unicameralism is Canada — I really find that kind of interesting that we are using Canada and city governments — what the heck does city government have to do with what we are talking about here, and who cares about Canada? Isn't it interesting that we ignore the health program — there are those who think the health programs they have in Canada are worth looking at but we choose to ignore that but here we decide that we wanted to talk about Canada. In Canada, the legislative districts range from 23,000 up to 69,000 people. I wonder what kind of representation those constituents get?

Representation, one of the Representatives from Augusta claims that a single large body means that each legislator will represent fewer people. Now, it may be that he was comparing (and probably is) the smaller legislature, 99 to this one. But, in truth and in fact, if we even talk about the 151, we still won't be representing fewer people if you consider the other body not being there.

This legislation calls for a smaller legislature. Checks and balances. By eliminating the second legislative chamber, all unicameral proposals forgo the possibility that mistakes made by the first House can be caught by the second House. There is no clear evidence, you can listen to them all you want, that the second House is unwisely killing good legislation or that it kills only unwise legislation.

For now, I would like to make these final three comments. Changing the state legislature structure is most assuredly no panacea for the problems of a modern legislature but evidence does indicate that a second House does kill or change a substantial amount of legislation sent to it by the other. Unicameralism would make it easier for organized interest groups and lobbyists to influence legislation.

One of the states that you are going to hear about, if I were on the other side, I would probably mention this but unwisely so, is Minnesota. Minnesota is one of those states that you are being told that is considering. As a matter of fact, the Representative from Augusta when he was sitting here with us two years ago said, in his words on unicameralism, that this is an idea that is steamrolling, building up steam around the country. I submit to you that still two years later Nebraska is the only one and, if that is steamrolling, I lost the definition of it.

Minnesota, the one I just mentioned a minute ago, has been studying this for over ten years. I have a 47 page report here from two professors who were commissioned from the University of Minnesota to do a study on unicameralism and when they got all done, talk about the pros and cons, they still didn't have enough evidence to recommend to the legislature of Minnesota that this was the way to go. Instead, they urged more study, more involvement of the public at-large.

I ask you to think of one other thing before I sit down for now and that is, think of all the legislation that you have been reluctant to vote on because you just didn't feel you had enough information, enough broad data, enough real meat to go on, then ask yourselves if you can really vote for this measure today.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to accept the Minority "Ought to Pass" as amended Report. This bill is a unique and good bill. Yes, there is a potential of a \$4.5 million savings. Just because the word had been mentioned that it's been on a steamroll, it probably has, but yet the steam may have been slack. But, just because it has been slack in other states doesn't mean that we have to take the steam pressure out of the steam vessel here today. I urge you accept the Minority "Ought to Pass" Report.

While I am up, Mr. Speaker, I request the yeas and nays.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I am very impressed with the homework which the good Representative from Westbrook has undertaken and shared with you. Frankly, I would find it myself very compelling, but there is one problem, it is not particularly applicable to the bill before you.

Let me talk on that briefly. I made a solemn vow to be brief and, although the Representative from Westbrook may make me abdicate that somewhat, I don't want to do it too much.

The argument relative in Nebraska — if in fact this L.D. were to recreate Nebraska, our bill would have a number of good points, but this piece of legislation was specifically drafted so that while it creates the unicameral legislature, it does not recreate the state of Nebraska, it does not recreate the problems inherent in the system there. One of the problems is that the size of the legislature in Nebraska is 49 members. That is too small. I think that is reflected by the data which the good Representative gave you. Yes, they have a lot more staff. Yes, they have a lot more cost and that is precisely because the legislature is 49 members. The bill before you is not 49 members, it is 151 as amended by the State and Local Government Committee. It originally was 147, basically because 147 is the mean average size of a legislature in the United States. The State and Local Government Committee, in its wisdom, wanted to preclude the living hell of redistricting so they put it back to 151 so you have that base.

The good Representative from Westbrook mentioned the lobbyists, that is a major concern in the State of Nebraska today and again that is precisely why this is neither "a recreate Nebraska bill" with a Maine unicameral legislature bill. You would have a major problem with lobbyists if you had 49 members. That is diffused significantly with 151.

I don't have anything cute to say about bearded ladies but I do want to say something about Representative (and later Senator) George Norris because he was the driving force behind the adoption of the unicameral system in the State of Nebraska. He was a Republican, he was a Bull Moose Teddy Roosevelt Republican, he was a progressive and I think he was the major fact of why it was accepted in the State of Nebraska and not because pari-mutuel racing happened to be on the ballot as well.

George Norris did point out the incongruity that, while practically all municipal governments have done away with having two councils which certainly didn't work out as a check and balance, we still have that on the state level.

I am sure the good Representative from Westbrook

would not particularly be attracted to the idea as a former mayor that we reinstitute two councils on the municipal level.

He mentions time frame — it is true that in 1937 the State of Nebraska adopted unicameralism. Since then, there has been no serious or even minimal effort to overturn it.

The reference to James Madison, I am going to surprise you, I am going to defer to the good Representative from Augusta, since the reference was made to his article, to respond to that. I am going to try to keep the history short folks, I know that is what you are probably looking for.

Who cares about Canada? Well, I care about Canada, I think we can learn from other governments in other countries. The fact is that on the state and provincial level, not only in Canada, but in Europe and practically everywhere else in the world, they have adopted unicameralism and I assume there is some reason and rationale behind that and it will be discussed at a later point today.

As far as the steamroller analogy, the fact is that the State of California, the State of Iowa, and the State of Michigan presently have very serious movements in this direction. Frankly, I think it may supercede term limits as the structural reform movement of the 21st Century.

But enough of that, I would like to stress the positive points of this legislation. This represents serious substantive, structural reform. It not only reduces the size of the legislature, it also would dramatically reform the way we do the people's business. From what I have heard from the people at coffee shops and gas stations and everywhere else, that is what they are concerned with, not simply, let's reduce it and say we have done something and maybe we can figure out later something will happen. They want something that will induce serious reform of the way we do the people's business.

Very briefly, a unicameral legislature accomplishes a number of things. It would be cost effective. I will defer to the good Representative from Old Orchard Beach to address that question but I think it is a conservative estimate that the savings would be \$4.5 million over the biennium. Remember this is cumulative, this is not a one shot proposition. A million here, a million there, we are talking about serious money folks.

Secondly, it would create a legislature which would be more accessible, more open, and fundamentally more understandable to the public and the good representatives from the press to cover. I think that goes a long way in the direction of increasing accountability of state government.

Thirdly, a unicameral body would be more efficient. You don't retain the same duplicative structure and induce major efficiency. I am sure environmentalists would even be for this bill when you consider whole forests are consumed with the paper we throw back and forth between the two Houses, and that costs serious money. When you go through the whole process, the Revisor's Office, the lawyers, printing it and going through committee and everything else, we are talking about a considerable amount of money and duplication of effort. That would be seriously reduced in a unicameral legislature.

Fourth, and this is something that was not mentioned very much when the earlier plan was presented, this legislation would preserve the



democratic (small "d" folks) principle of representation which is a very, very important fundamental principle here. The body would be essentially the same as this House, 151 members. Is the present legislature large compared to other bodies nationally? Yes it is, but if you compare it to New England states, Maine is not first, Maine is not second, Maine is not third, Maine ranks fourth among the New England States. There is very clear, compelling, historical, precedent for that, going back to our puritan, colonial background with relationship between the represented and those that represent them. They wanted a very close working relationship whether in the Massachusetts General Court or elsewhere. At the risk of being amazingly and credibly provincial, I think that is a good principle and it is one that we should retain. It would be retained under this legislation.

Unicameralism also could be a major step towards alleviating political gridlock. As it is now, we have three branches of government, Executive, Judicial and Legislative, one of those branches has an internal check under the bicameral system and I don't see much evidence around us during the last few years that it works or works well at all. This would eliminate that internal check which inhibits a true balance of power between the three branches of government.

Finally, yes, I do believe that a one House legislature of sufficient size would decrease the influence of special interest lobbyists. We can argue this back and forth and I don't intend to do that but I think experience and common sense, forget about history, believe it or not I just said that, would indicate that a small body is much more susceptible to the influence of lobbyists than a sufficiently large one.

There are a number of other people who wish to speak on this, I don't wish to go much longer but I would just share with you a quotation from a legislator from California (which is considering unicameralism now) who argued against bicameralism saying that it promoted gridlock. He said, "I take little comfort from the fact that legislatures can be the fastest horse and buggy in the jet age. We can do things here and there to kind of streamline bicameralism but you still come back to the same basic problem."

You know folks, teachers and professors are just like politicians, we get so used to the conventional wisdom and so used to repeating it that after a while we start to believe it. For years and years, I taught in school the virtues of bicameralism. We have all heard it, you have all been taught it but, if you stop and think and you look at the record, you have to question that conventional wisdom and you will come to the conclusion that like most conventional wisdom, it is awful conventional. I think it is time for us to move beyond conventional approaches.

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

Representative KERR: Mr. Speaker, Men and Women of the House: I believe firmly that we in the legislature must be willing to look internally at all alternatives to save costs before asking others to do the same. This bill, L.D. 1035, I believe is a step in the right direction.

The issue of whether or not a unicameral form of

government will actually save \$4.5 million, that is the issue I would like to address now.

Just using the documents when I started preparing this back on February 6th, and those were the numbers that I used, just to keep one legislator in the Senate, the total cost is \$39,915 for the two year period. In that salary is also included the legislative retirement at 16.87 percent of the salary, health insurance at about \$3,400, average annual cost. Expenses are estimated at \$70 a day for meals and lodging or mileage in lieu of lodging, 90 days in the first regular session, 70 days in the second regular session. Constituent allowance is \$1,000 in the first regular session and in the second regular session another \$1,000, so the total cost, and I will repeat it again, for those 35 members in the Senate is \$39,915. Simple mathematics, if you take that number and you multiply, use an average of \$40,000, multiply it by 35, you will come up with \$1.4 million. Those same individuals in the House, using the same scenario, is \$39,415. In looking at non-partisan staff, because I think if you are going to reduce the legislature to one body and you go from 186 to what was originally in the bill of 147, but now as amended is 151, I would only hope that that reduction of approximately 20 percent would also include the non-partisan staff. At the present time or at that date in time of February 6th, there were 110 people in the non-partisan offices. By reducing that by 20 percent and taking the House staff and the Senate staff, because if you only have one body, you can eliminate either/or — the House staff is \$1.7 million. I rounded that number off. In the Senate, it would be \$1.1 million. So, in taking the Senate staff because we would be eliminating the 35 members over there, I took the \$1.1 million. So, between the Senate staff and the Senate salary, we are up to \$2.5 million.

In looking at the legislative budget since we are going to have less people and using that same 20 percent, which I think is pretty conservative, if you look at the travel and you take 20 percent out of travel in-state, out-of-state, general operations, which includes the duplication of the printing and the waiting for bills to come back and forth and looking at committees, because I would think that we would probably reduce the size of some of the committees, that is where the \$4.5 million came from.

In the previous bill, the good Representative from Augusta, Representative Lipman, indicated that there would be a \$2 million savings on a 99/33. I also supported that piece of legislation, but I believe that that piece of legislation fell short because it maintained the present system of duplicated efforts, duplication in staff, wasting time, waiting for legislation to pass between the two bodies, so as far as the figure \$4.5 million, I think it is a rather conservative figure and that those savings can be achieved very easily.

I would only like you to remember one thing. Major companies are merging to try to stay alive, consolidating and downsizing, and I just wish and hope that we in this body look at ourselves first so then we can go out and make the necessary changes in state government to move forward.

I would urge the passage of and the supporting of the Minority "Ought to Pass" Report.

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

Representative LORD: Mr. Speaker, my Learned

Colleagues: You probably wonder why a conservative Republican signed onto this bill. I would like to go back eight years ago, it was the first year I was here, it got towards the end of the session and we got to the period where it was hurry up and wait. We would pass a thing, send it over to the other body, and then we would wait. It seemed to me there must be a better way of doing this. Every year since then, I have said the same thing, it is hurry up and wait, hurry up and wait.

You know, we New Englanders have been accused of being very set in our ways. They tell me as I get older I get set in my ways too. I look around and I am probably in the top ten percent as far as age is concerned. I think once in a while I am willing to change a little bit and, for that reason, I am endorsing this bill because I think that possibly it is time we try to find a better way of doing business.

There is going to be a check and balance. Everybody says there isn't a check and balance, there is a check and balance, you are still going to have the power of the Governor's veto. He used it in the past, maybe when you have one body, you would have to use a lot more in the future. I think this is a way of getting something that's better, done quicker and saves on expenses. I urge you to pass the "Ought to Pass" Report.

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

Representative O'GARA: Mr. Speaker, I would like to pose a question to the Representative from Old Orchard Beach.

I just want clarification, I am not sure I heard you correctly. When you used the 186 number, you already subtracted the Senate out and did that number and came up with 1. whatever it was. Did I hear you say when you used the 186 to subtract to get down to the 151, 186 is the total of the whole legislature, did you use that as the House number? I may have heard you wrong.

The SPEAKER: Representative O'Gara of Westbrook has posed a question through the Chair to the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: In response to the good Representative's question, I did just took the, in using a round number, the \$40,000 multiplying that by 35 and that is where I came up with the \$1.4 million. I just took the Senate because the House would remain the same regardless of the salaries.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: The amount of money you have just heard described to you, in spite of the fact that Nebraska's legislature is smaller than ours by 137 persons, which as you can see is one of the key points, governmental spending in that state is \$513 more per capita than it is in the State of Maine and their governmental debt is \$1,105 more per capita than it is in the State of Maine, both of these being what they are in spite of the fact that our per capita income is \$802 higher than in Nebraska.

I am a little bit interested to notice, and I hope you noticed it too, that all of a sudden after days of getting material on our desks and in the newspaper articles, Nebraska is a shining star. All of a sudden we are being told that we are not copying Nebraska. I never said we were, and I hope we

aren't, but in truth and in fact, it is Nebraska that is being held up to you as an example.

A couple of other quick things — I mentioned to you about the people that they have working for them. Legislators in Nebraska are paid \$12,000 (including benefits) a year and they are elected for a four year term, so we have \$48,000 there. They have a 90 day legislative session, first, and then a 60 day legislative session following that and special sessions are becoming more common all the time. This is according to their staff and NCSL's staff. Each of the 49 Senators, as I told you before, has one administrative assistant and one legislative aide. If they chair, I told you about that. Besides all of that, they have full-time staff in all the other offices where we, in many cases, have part-time. They have 38.5 administrative assistants, 15.8 committee clerk assistants, 18.5 legal counsels.

All of what I am trying to point out to you is that what started out to be a very simple process in Nebraska has grown over the 55 or 50 whatever number of years it is to being a very large cumbersome area. As a matter of fact, it has gotten so bad that when they first started, Nebraska legislators were given the option of not having anybody working for them in their offices during the off-season. In those early days, most of the Senators chose not to have them working and thereby saving money. Today in 1994, actually it was in 1992 when I first began looking at this, I assume it is true today, very rarely do the Senators not have their full complement of staff working for them throughout the year.

Ladies and gentlemen, there are a lot of issues here and I hope very, very sincerely that you will keep that in mind. One other point, I have been debating whether to say this or not because I really don't know if I want to put it in anybody's mind, but I keep hearing from certain individuals what difference does it make, we can send it out of here anyway and the Senate is going to defeat it. In my judgment, that is unfair to force an issue on another body when many of you aren't supporting this, but to get it out of here, and I hope none of you will do that, it is not good legislation, it is not something that we need. It isn't the size of our House, the limit, the number of terms we have and it certainly isn't our system of government that is the problem. The problem is money, the problem is the economy, the problem is that people are — I remember former Representative Harriet Ketover when she was making a very moving statement about the Holocaust saying, in times of stress and strife, people look for someone or something to lash out at. In my judgment, that is what is happening here. The public-at-large has benefited from legislation that this body, (before us and now) the Maine legislature, as big as it is and there are many that are far bigger, has passed some of the most incredible legislation, model legislation.

Those of you like myself, who have gone to conferences around this country have heard from legislators who want copies of our education laws, environmental laws, laws having to do with the mentally ill, children, working conditions, a variety of issues. Now, this legislature has been the same size for all those years, what, all of a sudden, brings it to this point where it isn't functioning? Do we have our problems between the Houses? Of course we do. We have problems right here within this body. I really must take issue with the statement that it is the other body that holds us up

at the end of the term. I submit to you that all of us are working, especially those of us who have bills we are very concerned with, we don't want it to get to any other body, we are working on them ourselves. It isn't just the other body, it is the system that needs to be changed. It isn't the number, if we had more money, if the economy was like it was ten years ago, we wouldn't even be talking about reducing the size of the legislature or unicameral because they just aren't right for the State of Maine.

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

Representative KERR: Mr. Speaker, Men and Women of the House: The good Representative from Westbrook did draw a nice analogy on several issues and I would like to address them if I may.

We are already very large and encumbersome, as is Nebraska. We have allowed that to happen. You used the example, is this bill important? It will probably go to the other body and die and we should be doing the responsible thing. Under a unicameral form of legislature, that cannot happen. The burden will be on us to make those tough decisions and not to depend on anyone else. That is why we need change. The system has grown and will continue to grow as we allow it to grow. I just think that it is time for a change, it is time to restructure state government.

I did support the good Representative from Augusta on his bill, which was L.D. 551. I don't think it goes as far as what L.D. 1035 will. I think that the savings are there, the efficiencies in state government are here, we get rid of the gridlock, I believe, and also the duplications of effort. As we all know, comparing Nebraska to Maine cannot happen. This state is unique, our needs are different, we think differently and we are faced with a substantial hole that exceeds \$600 million. I think that the time has come for us to address this. Any small part that we can play, we should do so, it must start in this body first.

I would again urge everyone to support the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: There has been what I feel an incomplete debate on the historical significance of what we are trying to do here today. We just glossed over the issue of check and balances.

For those of you who are not aware, Nebraska does have a line-item veto. With that tool, I feel that perhaps there is a significant check and balance in Nebraska. It is not here. In any debate which doesn't give credibility to check and balances is bogus.

Yes, our form of government is expensive, it is probably the most expensive government on the planet but it is the best government that we know today. The State of Maine has withstood enormous stresses in our government in the last 173 years and I am sure that we will get through the crisis at hand.

We have got to stop looking at quick solutions to difficult problems. The answer is not changing government, the answer is making the difficult decisions on the frame of government we have here today.

I might add an historical note which was brought to me today in a conversation listening to the

debate. Nebraska adopted their unicameral government in 1937 in the depths of the Depression and I would be willing to wager that probably there were some farmers that were the genesis of this new government and it probably ran very well until the bureaucracy swelled and the government became expensive like we are here today. We are not moving forward with this legislation and I move that you defeat the pending motion.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to support the Minority Report, a 7 to 6 report out of the State and Local Government Committee, to pass this piece of legislation for all of the arguments and information that you have heard here today.

I only want to add a few things that have not been talked about. First of all, it has been the dilemma of this State and Local Government Committee, as well as the dilemma of other State and Local Government Committees, for years. How are we going to make government more efficient and more effective? We believe now that we have a plan, a real plan.

To those of you who are interested in history, this is not the first opportunity that a Maine Legislator can vote or will vote on a unicameral legislature. In 1935, the 87th Legislature voted on a Resolve proposing an amendment to the Constitution changing the legislature to a one party system and the Majority "Ought to Pass" Report was accepted.

In 1967, the 103rd Legislature voted on a unicameral system.

In 1973, the 106th Legislature voted on a unicameral legislature.

In 1975, the 107th Legislature voted on a unicameral system and in 1979.

However, many of you have said, publicly and privately, that the people are demanding change. You have heard today that there will be cost savings as we ask the people of the state to tighten their belts, as we ask state employees to reduce the number of hours they work and be paid for even less. As we look at reducing services for the persons who need services throughout our state and our communities, this plan is the best that we have seen in a number of years. It is divided into 151 districts, the cost to reapportionment and redistricting has already occurred. If you want to compare this to Nebraska, our legislature at the end of this Resolve in 1994 will be three times as large as Nebraska is today.

There are differences of opinion here and change is not always easy but all of us should accept a challenge and look towards that change. We are looking for the most efficient use of taxpayers' dollars. I believe that case has been presented to you today. We have looked at the most effective way of deliberating and policy-making that we can do as a body. We have heard complaints about gridlock, the prior bill suggested that if we had a smaller legislature there would be less gridlock.

We have had bills in the past that said more people would be willing to serve. We have heard about checks and balances, the checks and balances comes between the Legislative Branch and the Executive Branch.

Frugal Mainers will not allow the kind of bureaucracy that has occurred in the State of Nebraska with its 49 members to occur. I believe

that Maine understands the best use of our taxpayer dollars and, for that reason, the minority of six members of the State and Local Government Committee supported this proposal.

I urge you to support and to accept the Minority "Ought to Pass" Report.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Minority "Ought to Pass" Report.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Brunswick, Representative Rydell. If she were present and voting, she would be voting yea; I would be voting nay.

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

ROLL CALL NO. 98

YEA - Adams, Ahearne, Anderson, Bailey, H.; Bailey, R.; Barth, Bowers, Carr, Cashman, Chase, Chonko, Clark, Clement, Coffman, Coles, Constantine, Cote, Dexter, DiPietro, Faircloth, Farnsworth, Gean, Gould, R. A.; Gray, Hale, Hatch, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Lemke, Lemont, Lord, Martin, H.; Michael, Michaud, Mitchell, J.; Nadeau, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Simoneau, Stevens, A.; Stevens, K.; Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Aikman, Aliberti, Ault, Bennett, Birney, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cathcart, Cloutier, Clukey, Cross, Daggett, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Greenlaw, Heeschen, Heino, Hillock, Jalbert, Joy, Kneeland, Kutasi, Libby Jack, Libby James, Lindahl, Lipman, Look, MacBride, Marsh, Marshall, Melendy, Mitchell, E.; Morrison, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Plowman, Reed, G.; Reed, W.; Ricker, Robichaud, Skoglund, Small, Spear, Strout, Taylor, Thompson, True, Tufts, Whitcomb, Zirnkilton.

ABSENT - Beam, Fitzpatrick, Kilkelly, Pendleton, Ruhlin.

PAIRED - Gwadosky (Nay)/Rydell (Yea)  
Yes, 77; No, 67; Absent, 5; Paired, 2;  
Excused, 0.

77 having voted in the affirmative and 67 in the negative with 5 being absent and 2 having paired, the Minority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-277) was read by the Clerk and adopted and the Bill assigned for second reading, May 19, 1993.

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

JOINT ORDER - Relative to Joint Rule 13-B - Joint Select Committee on Rules (H.P. 1114)  
TABLED - May 17, 1993 by Representative GWADOSKY of Fairfield.  
PENDING - Passage. (2/3 Vote Required)

On motion of Representative Gwadosky of Fairfield, retabled pending passage (2/3 vote required) and specially assigned for Wednesday, May 19, 1993.

The Chair laid before the House the fourth 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 17, 1993 by Representative GWADOSKY of Fairfield.  
PENDING - Motion of Representative PINEAU of Jay to accept the Majority "Ought Not to Pass" Report.

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

The Chair laid before the House the fifth 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 17, 1993 by Representative GWADOSKY of Fairfield.  
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" Report and specially assigned for Wednesday, May 19, 1993.

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

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

538) (C. "A" H-251)  
 TABLED - May 17, 1993 by Representative TRACY of Rome.  
 PENDING - Motion of Representative LARRIVEE of Gorham  
 to Reconsider Whereby the Bill Failed of Passage to  
 be Engrossed. (Roll Call Requested)

Representative Tracy of Rome moved that L.D. 538  
 be tabled for one legislative day.

Representative Faircloth of Bangor requested a  
 Division.

The SPEAKER: The Chair will order a vote. The  
 pending question before the House is the motion of  
 the Representative from Rome, Representative Tracy,  
 that L.D. 538 be tabled one legislative day. Those  
 in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 84 in the  
 negative, the motion to table did not prevail.

The SPEAKER: The pending question before the  
 House now is the motion of Representative Larrivee of  
 Gorham that the House reconsider its action whereby  
 L.D. 538 failed of passage to be engrossed.

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

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

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

Representative MICHAUD: Mr. Speaker, Men and  
 Women of the House: I hope that you will vote to  
 reconsider this bill. The bill was before us the  
 other day, I originally voted against the bill.  
 After talking with the Representative from Bangor,  
 Representative Faircloth, if this body chooses to  
 reconsider, I will be voting in favor of the bill.

I think it is important for whoever is on the  
 second floor that there be openness in  
 communication. I don't think that they should be  
 forced to come before this body.

However, there is a sunset on the bill, that  
 after two years, it will no longer be in effect. I  
 think that that is a good provision, I think I am  
 willing to give this legislation its chance to see if  
 it works. If it doesn't work, we can either repeal  
 it then and there or we can let the sunset  
 automatically repeal the provision of the law by  
 itself. I hope that you would vote to reconsider  
 this bill.

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

Representative GOULD: Mr. Speaker, Ladies and  
 Gentlemen of the House: I, too, urge you to vote to  
 reconsider. I will be supporting this and I realize  
 that it is a most difficult step to take to try to  
 tell the Governor, the Executive Branch, to come over  
 and talk with the Legislative Branch.

I do agree with the Representative from East  
 Millinocket, Representative Michaud, that this can be  
 sunsetted and the new Governor, whoever it may be, is  
 going to know that he or she will be coming over here  
 to discuss with us. I am hoping that this would  
 encourage greater communication and if it does fail,  
 then it will be sunsetted.

The SPEAKER: The Chair recognizes the

Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker,  
 Colleagues of the House: I just want to briefly  
 address some of the concerns that were raised in the  
 last debate regarding the question of separation of  
 powers. That is a very valid issue but it.....

The SPEAKER: The Chair would caution the  
 Representative that he may explain that the need to  
 reconsider is to get to discuss the bill. The motion  
 is to reconsider.

Representative FAIRCLOTH: That is part of the  
 basis for reconsideration because I don't feel the  
 House adequately had a chance to hear about the  
 issues of separation of powers and how those have  
 been addressed.

The SPEAKER: A roll call has been ordered. The  
 pending question before the House is the motion of  
 the Representative from Gorham, Representative  
 Larrivee, that the House reconsider its action  
 whereby L.D. 538 failed of passage to be engrossed.  
 Those in favor will vote yes; those opposed will vote  
 no.

ROLL CALL NO. 99

YEA - Adams, Ahearne, Aliberti, Bennett, Bowers,  
 Brennan, Caron, Carroll, Cashman, Cathcart, Chase,  
 Chonko, Clark, Clement, Cloutier, Coffman, Coles,  
 Constantine, Cote, DiPietro, Dore, Driscoll, Erwin,  
 Faircloth, Farnsworth, Gamache, Gean, Gould, R. A.;  
 Gwadosky, Hale, Heeschen, Hichborn, Hogle, Jacques,  
 Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly,  
 Kontos, Larrivee, Lemke, Libby James, Marsh, Martin,  
 H.; Melendy, Michael, Michaud, Mitchell, E.;  
 Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver,  
 Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde,  
 Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi,  
 Rowe, Saint Onge, Saxl, Simonds, Skoglund, Stevens,  
 K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend,  
 G.; Townsend, L.; Treat, Vigue, Walker, Wentworth,  
 Winn, Young, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey,  
 R.; Barth, Birney, Bruno, Cameron, Carleton, Carr,  
 Clukey, Cross, Daggett, Dexter, Donnelly, Dutremble,  
 L.; Farnum, Farren, Foss, Gray, Greenlaw, Hatch,  
 Heino, Hillock, Hussey, Joy, Kneeland, Kutasi,  
 Lemont, Libby Jack, Lindahl, Lipman, Look, Lord,  
 MacBride, Marshall, Murphy, Nash, Nickerson, Norton,  
 Ott, Pendexter, Pendleton, Plowman, Reed, G.; Reed,  
 W.; Robichaud, Simoneau, Small, Spear, Stevens, A.;  
 Tardy, Taylor, Thompson, Tracy, True, Tufts,  
 Whitcomb, Zirnkilton.

ABSENT - Beam, Campbell, Fitzpatrick, Holt,  
 Ruhlin, Rydell.

Yes, 85; No, 60; Absent, 6; Paired, 0;  
 Excused, 0.

85 having voted in the affirmative and 60 in the  
 negative with 6 being absent, the motion to  
 reconsider did prevail.

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

Representative FAIRCLOTH: Mr. Speaker,  
 Colleagues of the House: The last time we discussed  
 this measure, Representative Kutasi made some points  
 about the separation of powers and, while I think  
 those are valid concerns, I was somewhat nonplus  
 because Representative Kutasi had previously  
 indicated to me that he wished to be a cosponsor of  
 this measure, the original version of the bill, which  
 provided that this would be questions to the Governor

every three weeks, not four weeks, the way the bill is written now. There was no sunset on the bill at that time and it did apply, in the early version, to the current Governor. None of those things are true now. It does not apply to Governor McKernan, there is a sunset on the bill and it is once every month, not every three weeks.

More importantly as to the issue of separation of powers — I have introduced only five bills, other than by request from the judicial department, during this session. I try to do as much research as I can beforehand. I spoke with Professor James McGregor Burns about this legislation. He has written "A Deadlock in Democracy" which is one of the standard textbooks about our form of government. It is used in universities throughout this whole country addressing the form of government in the United States. He strongly favors this bill. This is the same man who wrote a biography, a Pulitzer Prize winning biography of Franklin D. Roosevelt, the most powerful Chief Executive in the 20th Century. He doesn't think this proposal will harm the Executive, he thinks it will help the Executive.

I would note what the Governor's Office said about this bill. They said that the concept actually would be beneficial to the state and they raised the issue of separation of powers. That question went to the Attorney General's Office. The Attorney General's Office said that it did not violate separation of powers.

What it does do is to provide a means for people to communicate. Some people have been raising the issue that the Governor can come before us now, that he has the power to do so now — certainly that is true but that is not the point. The goal of this bill is to create an institution for the future where the Governor can participate in the process, a public process, an exchange of ideas with the people, an unscripted process of exchange of ideas. Why does every communication have to be a scripted communication? We can use some back and forth between the Legislative Branch and the Executive Branch.

Other people have raised to me that this is a bill intended to attack Governor McKernan, it is not. It does not apply to Governor McKernan. That is very important here. It has no application to John McKernan. So often in this building I feel that issues are viewed through this vitriolic prison of those who hate John McKernan and those who hate John Martin. I could care less about the application of those two people, they will be gone when this legislation becomes effective. This is for the future, this is an idea for the future.

I would note further that we have had a lot of proposals for reform in this body. We have had proposals about reducing the size of the legislature, we have had proposals about term limits and unicameralism but I will tell you, in the long run and with all due respect to the sponsor of the unicameral measure, I have a feeling that all those measures are going to die. Here is a proposal that has a proven track record of reform in the process. It exists in states in Australia, provinces in Canada and throughout the entire world. Someone who supported this measure said that this is a new age idea and I thank them for the complement but in fact I think it is an age old idea. It has existed for more than 100 years and it works. We don't have to speculate about whether it works, we already know it

works.

All I am asking is that we give this a try, just a try. We have a sunset on the measure and it is an experiment, essentially. If we pass this measure, we will have a question time for maybe seven or eight occasions. Seven or eight times the Governor would come before us for a question time — is that such an awful proposal? Let's try it, let's see if it works and let it pass. Let's see if we can try a very modest, reasonable proposal for reforming this process.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I said in the debate the other day, "If it ain't broke, why fix it?" In the future, whoever sets in the office on the second floor, be it he or she, they can already do this and if they can do it and the Chief Executive of the State of Maine can do it now, why do we have to legislate communication? I am sure we all know that we cannot pass a law to make us speak to each other because if we choose not to speak to each other, communicate to each other, we are not going to do it. So, I believe that this piece of legislation is not needed.

While I am up, Mr. Speaker, I would request the yeas and nays on engrossment.

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

Representative KUTASI: Mr. Speaker, Men and Women of the House: At the time that piece of legislation was put in, I was interested by that piece and being an addictive C-SPAN watcher, I love it when John Major and the Prime Minister gets up there and answers those questions. Then I tried to apply it to the concept of the form of government that we have here and our form of government is much different than theirs. The reason they have their form, of course, is because John Major is elected by the majority people of that body. They elect him to be Prime Minister and he answers to them, period, while we have a Governor that is elected by the people. He doesn't answer to us, he answers to the people. He is accountable to the people.

We are accountable to the people also here in this body and we are closer to the people than the Governor and that is why we are the policy-makers of this state and promote those policies and debate them. If we pass them, they go down to the Governor to be enacted. For him to come up here and answer questions and for us to ask him questions, it is just an opportunity for either us or him to be grandstanding. It is going to get so much media event, these question and answer periods, that it will cloud all the other issues that are in this state and the issues that we are debating because this communication process is going to get a tremendous amount of grandstanding. I totally disagree with that. We don't need that, I might have wanted to be a cosponsor at one time but I think if I were, I would be taking that back also saying that it was a mistake at the time, so hopefully, you will vote against this pending motion.

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

Representative LEMKE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing what Representative Faircloth said about the chances of unicameralism in the other body, I am a little bit

hesitant to again support this measure but I will nevertheless.

I think this is a modest, practical, common sense reform. The Representative from Bridgton makes a point that if we pass this, it will be an opportunity for grandstanding — God forbid that we see grandstanding in this body.

There was a recent column in the Kennebec Journal, I don't want to embarrass the person who wrote it but I did read it. I want him to know that I do read the Kennebec Journal from time to time, and that columnist made the point that if we can't even pass this minimal piece of legislation about communication (I am going to modify his language), we shouldn't be moaning and groaning about lack of communication in the future. I think the columnist had a good point there.

So, I do urge you to support Representative Faircloth on this measure, despite the lack of his perspective on other bills.

Representative Tracy of Rome moved that L.D. 538 and all its accompanying papers be indefinitely postponed.

Representative Faircloth of Bangor requested 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 Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking in support of this bill and against the pending motion.

I think it would be better for the people of this state to see the dialogue and hear the dialogue first-hand rather than to hear the current dialogue that goes on through the press.

I think any member in this chamber can attest to what can happen between what they say and what comes out in the press. I think this can only help for full disclosure and people know that I am one of those sort of people that likes full disclosure.

I encourage you to vote against the pending motion.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I first would like to complement the Representative from Bangor. I understand that he has done a great deal of work on this and it is nothing personal but I would encourage members of this House to vote in favor of postponing this bill. I do so because I want to keep the independent integrity of this body.

As you know, when we are debating issues on the floor of this House, we don't use the name of the member of the Executive Branch. Normally, the gavel of the Speaker will come crashing down and he will let you know that you are out of order. We don't use by name any members of the other body or even refer to the other body by its title that the general public calls it. We do this because we want to remain independent and we want to act independently

of whatever the member of the Executive Branch or members of the other body might feel on a position. We do so as a collective body.

I would hope that you would vote to keep this independence and stay away from having, as Representative Kutasi said, grandstanding. We are trying to lure members from one party or another to be more divisive. I hope we can stay independent and work together as a body and keep this bill from passing.

The SPEAKER: The pending question before the House is the motion of the Representative from Rome, Representative Tracy, that L.D. 538 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 100

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Cathcart, Chonko, Clukey, Coffman, Cross, Daggett, Dexter, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Gamache, Gray, Greenlaw, Heino, Hillock, Hussey, Jalbert, Joy, Kneeland, Kontos, Kutasi, Lemont, Libby Jack, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Mitchell, J.; Morrison, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Reed, W.; Ricker, Robichaud, Simoneau, Small, Spear, Stevens, A.; Strout, Sullivan, Taylor, Thompson, Tracy, True, Tufts, Vigue, Whitcomb, Zirnkilton.

NAY - Adams, Ahearne, Aliberti, Bennett, Bowers, Brennan, Caron, Carroll, Cashman, Chase, Clark, Clement, Cloutier, Coles, Constantine, Cote, DiPietro, Dore, Driscoll, Erwin, Faircloth, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoggund, Holt, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Lemke, Libby James, Marsh, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Walker, Wentworth, Winn, Young, The Speaker.

ABSENT - Beam, Farnsworth, Fitzpatrick, Larrivee, Murphy, Ruhlin, Rydell.

Yes, 70; No, 74; Absent, 7; Paired, 0; Excused, 0.

70 having voted in the affirmative and 74 in the negative with 7 being absent, the motion to indefinitely postpone did not prevail.

The SPEAKER: A roll call has been requested on engrossment. 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.

ROLL CALL NO. 101

YEA - Adams, Ahearne, Aliberti, Bennett, Bowers, Brennan, Caron, Carroll, Cashman, Chase, Clark, Clement, Cloutier, Coles, Constantine, Cote, Dore,



Driscoll, Erwin, Faircloth, Farnsworth, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heesch, Hichborn, Hognlund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Lemke, Libby James, Marsh, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Poulin, Pouliot, Rand, Richardson, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Walker, Wentworth, Winn, Young, The Speaker.

**NAY** - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Cathcart, Chonko, Clukey, Coffman, Cross, Daggett, Dexter, DiPietro, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Gamache, Gray, Greenlaw, Heino, Hillock, Jalbert, Joy, Kneeland, Kontos, Kutasi, Lemont, Libby Jack, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Morrison, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plourde, Plowman, Reed, G.; Reed, W.; Ricker, Robichaud, Simoneau, Small, Spear, Stevens, A.; Strout, Sullivan, Taylor, Thompson, Tracy, True, Tufts, Vigue, Whitcomb, Zirnkilton.

**ABSENT** - Beam, Fitzpatrick, Larrivee, Ruhlin, Rydell.

Yes, 75; No, 71; Absent, 5; Paired, 0; Excused, 0.

75 having voted in the affirmative and 71 in the negative with 5 being absent, L.D. 538 was passed to be engrossed as amended by Committee Amendment "A" (H-251) and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Amend the Waldoboro Utility District Charter (MANDATE) (H.P. 745) (L.D. 1012) (C. "A" H-225) which was tabled earlier in the day and later today assigned pending passage to be enacted.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 6 against, and accordingly L.D. 1012 was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Establish an Automobile Recycling Permit (MANDATE) (H.P. 255) (L.D. 334) (C. "A" H-143 and H. "A" H-239) which was tabled earlier in the day and later today assigned pending passage to be enacted (Roll Call ordered).

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

**Representative CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for this measure. I know there has been some misunderstanding about this. We in the Business Legislation Committee did not realize this was going to have a mandate tagged onto it. It is my understanding, and I am open to correction if I am wrong, but my understanding is the mandate comes from — the local municipalities have the option to create this category of automobile recycling facility. If

they choose to create that option, they are mandated, they are required to post this. That is where the mandate comes in. It is a minimal amount of money, it is a matter of change the amount it will cost your municipalities to post it.

I also understand in talking to some other people that there is some misunderstanding about local control being given up. The local control comes around the category — what the bill says is that the facilities will not come under the jurisdiction of local municipalities on the same basis as junkyards and automobile graveyards and that is true, but we are creating another category of car disposal facilities. An automobile recycling facility is — I wish more of you had seen one of these facilities but they are very well managed and they exemplify where we say we want to go in this state. They bring an automobile into the facility, they completely dismantle the automobile, they file all the parts in racks and in buildings. All the part numbers go onto a computer, a nationwide computer system, so these parts are available to anybody that wants them from anywhere in the country. All of the potential pollutants like gasoline, antifreeze out of the radiator, the battery fluids, the rear end grease, all those kinds of things are collected and disposed of according to DEP regulations.

What this bill will do is create a system that will provide a licensing of facilities that presently do that. It will put pressure on other kinds of facilities to improve the way they operate.

I would urge you to vote for this because this is the kind of thing we say we want to do in Maine and that is improve the quality of our landscape and reduce our potential pollution. These kinds of facilities are run very professionally and they need our support.

This bill was introduced by those people. The bill also says that local municipalities can impose any rules that they see fit in order to control these. So, the local municipalities are not giving up their control. If you read the bill very closely, you will understand that.

Also, at the suggestion of the people that introduced the bill, there is a \$250 fee for a five year license, that will also go to municipalities so the mandate is minimal and the potential improvement for the state is great.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is passage to be enacted. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 102

**YEA** - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Cashman, Cathcart, Chase, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Foss, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heesch, Heino, Hichborn, Hillock, Hognlund, Holt, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Libby



James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Winn, Young, Zirkilton, The Speaker.

NAY - Farren, Gray, Greenlaw, Hussey, Kilkelly, Martin, H.; Norton, Strout.

ABSENT - Beam, Chonko, Dore, Fitzpatrick, Ruhlin, Rydell.

Yes, 137; No, 8; Absent, 6; Paired, 0; Excused, 0.

137 having voted in the affirmative and 8 in the negative with 6 being absent, L.D. 334 was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents" (H.P. 259) (L.D. 337) (bill and accompanying papers were indefinitely postponed in the House; Came from the Senate, bill recommitted to the Committee on Legal Affairs) which was tabled earlier in the day and later today assigned pending pending further consideration.

Representative Daggett of Augusta moved that the House Adhere.

Representative Bennett of Norway moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Bennett of Norway 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 Bennett of Norway requested a roll call vote.

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

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

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I have not spoken on this bill up until now and many of you asked why I voted to indefinitely postpone the bill last week. I would like to point out that I, too, am the Chairman of the Housing Authority in my community, the City of Waterville. I have been on the Board of Commissioners for 13 years and I am now in my eleventh year as Chairman of the Board.

When the NRA called and told me they would be

filing suit on behalf of some of the citizens that lived under the Housing Authority, I thought that was a very good idea and I supported that move. When they told me that they would be filing legislation also to preempt the outcome of that suit, I advised them not to do so. They chose to do so for whatever reasons.

I think very rarely are you going to find Representative Brennan, Representative Adams and myself in agreement on a gun issue, but this is a time when I happen to agree with them. I really believe that the lawsuit will prove that the rules imposed by the Portland Housing Authority will be ruled unconstitutional. I will point out why. In the Constitution of the State of Maine under Article I, Section 16, which was put in there by the voters of the State of Maine on a Resolution sponsored by the Speaker of this House, it says, "Every citizen has a right to keep and bear arms and this right shall never be questioned." I doubt very sincerely that any of the judges or anyone involved in this case will misconstrue or misunderstand that statement.

The reason I voted to indefinitely postpone the bill was not because I am against the proposal to stop housing authorities from banning firearms in their housing authority. I believe that we should at least be consistent in this legislature. Every time an issue has been before the courts and the legislature has had a bill that would preempt the decision either way, (since I have been in this body) we have opted to allow the process to go through to let the courts make their decision since someone chose to pursue that route. Should the courts rule in favor of the Portland Housing Authority, then that would be indeed the appropriate time to come forward with a piece of legislation to change the law to make sure that that did not happen again. Such a rule, I don't believe, would be imposed on the Waterville Housing Authority, at least not as long as this Representative is Chairman of the Board, but we don't have the problems in the Waterville Housing Authority that Portland does.

So, I do understand what prompted this type of action, although I clearly believe it is unconstitutional and will be ruled so at the appropriate time.

Looking at the situation that we have in this state, I voted to indefinitely postpone the bill because I thought, once again, the legislature was being inconsistent in what should be perceived as consistent action by this body. It is not because I am against guns. I will put my stand on the gun owner's rights with anyone in this body, that have ever served in this body, and will ever hope to serve in this body. That is not why I did it, I firmly believe we should be consistent. It is in the court and NRA introduced their bill against my advice, not saying they had to follow it, I explained the reasons why and they are the reasons I am explaining to you today. That is why I voted to indefinitely postpone the bill and that is why I will be voting to Adhere to our previous action because I think, if nothing else, we should be consistent.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: If this legislature desires to speak on this issue, we need if we desire to withhold the right to speak on this issue, later in our tenure here, we will need to recommit this so

that we could request a holdover and then we can revisit it next year following the court case. If we do not recede and concur with the other body, then we will be disallowing that right for this body and I think that we will be shutting off avenues that we should have to speak on this important issue. I encourage you to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Bennett of Norway that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 103

YEA - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Clark, Clukey, Coffman, Cross, Donnelly, Driscoll, Farren, Foss, Gean, Gray, Greenlaw, Hatch, Hillock, Joy, Kilkelly, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lipman, Look, MacBride, Marshall, Melendy, Nash, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Rotondi, Simoneau, Small, Stevens, K.; Thompson, Townsend, G.; Tracy, Tufts, Whitcomb, Young, Zirkilton.

NAY - Adams, Aliberti, Bowers, Brennan, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chase, Chonko, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Gamache, Gould, R. A.; Gwadosky, Hale, Heeschen, Heino, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Lemke, Lindahl, Lord, Marsh, Martin, H.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Spear, Stevens, A.; Strout, Sullivan, Swazey, Tardy, Taylor, Townsend, E.; Townsend, L.; Treat, True, Vigue, Walker, Wentworth, Winn, The Speaker.

ABSENT - Beam, Dexter, Fitzpatrick, Ruhlin, Rydell.

Yes, 53; No, 93; Absent, 5; Paired, 0; Excused, 0.

53 having voted in the affirmative and 93 in the negative with 5 absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Adhere.

The Chair laid before the House the following matter: Divided Report Majority Report (6) of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Change the Time of the State Primary" (H.P. 488) (L.D. 646) and Minority Report (5) of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-307) on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Daggett of Augusta that the House accept the Majority "Ought Not to Pass" Report.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: If there is one complaint that I hear consistently from my constituents about our election campaigns in Maine, it is that they are

too long. This bill will provide relief. It will shorten campaigns by moving the primary election from mid-June to the first Tuesday after the first Monday in September, thereby, taking almost three months off our campaign season. Will this solve all the problems with the campaigns and campaign finance? Of course not. But, coupled with meaningful campaign finance reform, which the Legal Affairs Committee is currently working on, this bill can make a significant positive change in the cost and energy and time that our campaigns consume. We will join several other states and many parliamentary nations. We have heard a lot about the virtues of that system today such as Great Britain, they call an election and in just a few weeks later, it is all over, mercifully.

Some will argue that moving the primary election to September and shortening campaigns will favor incumbents over challengers. I contend that it will not. By allowing resources, usually more scarce for challengers, to be focused over a shorter time period, it may help challengers. In some cases, it may help incumbents but this bill is not designed to help challengers, it is not designed to help incumbents, in fact it is not designed to help any politicians, rather it is designed to help the people by forcing the focusing of issues and encouraging more efficient campaigning.

Friends, how do the people spell relief? S-H-O-R-T-E-R C-A-M-P-A-I-G-N-S, shorter campaigns. Let us enact something this year that the people want. Please reject the pending motion.

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

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

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

ROLL CALL NO. 104

YEA - Adams, Ahearne, Aliberti, Anderson, Bowers, Brennan, Carroll, Cashman, Chonko, Clark, Cloutier, Clukey, Coffman, Coles, Cote, Daggett, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Gamache, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Kerr, Ketterer, Kontos, Larrivee, Libby Jack, Look, Lord, Martin, H.; Michael, Mitchell, E.; Murphy, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pineau, Pinette, Poulin, Pouliot, Richardson, Ricker, Rowe, Saint Onge, Saxl, Skoglund, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Cathcart, Chase, Clement, Constantine, Cross, DiPietro, Donnelly, Dutremble, L.; Farren, Foss, Gwadosky, Heeschen, Heino, Hillock, Joseph, Joy, Kilkelly, Kneeland, Kutasi, Lemont, Libby James, Lindahl, Lipman, MacBride, Marsh,

Marshall, Melendy, Michael, Mitchell, J.; Morrison, Ott, Pendleton, Pfeiffer, Plourde, Plowman, Rand, Reed, G.; Reed, W.; Robichaud, Rotondi, Simonds, Simoneau, Small, Spear, Taylor, Thompson, Tracy, True, Tufts, Walker, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Beam, Dexter, Dore, Fitzpatrick, Gean, Lemke, Ruhlin, Rydell, Tardy, Vigue.

Yes, 74; No, 67; Absent, 10; Paired, 0; Excused, 0.

74 having voted in the affirmative and 67 in the negative with 10 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: Divided Report, Majority Report (8) of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning Limits on Security Deposits" (H.P. 898) (L.D. 1213) and Minority Report (4) of the same Committee reporting "Ought to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Daggett of Augusta that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: It is my pleasure to present this bill today. I know that many of you have seen it before and there is a reason for it, it is a good bill, it is a much needed bill. It is not here merely as a perfunctory gesture of having to order a delegate to bring it with her. The bill is to define advance rent or payment as a security deposit and current law now says that landlords may not charge more than a two month security deposit.

This is a regional problem, it is also a statewide problem. I am a renter as well as a student and I support this bill wholeheartedly. It is not unique to Orono, this happens throughout the state, coastal as well as inland, seasonal as well as year-round renters and tenants find this problem each year before them.

This bill protects renters and particularly of transients or indigents from the exclusion of the Repair and Deduct Law. If someone has paid rent and something goes wrong with their apartment, broken glass, broken lights, heating, plumbing, etcetera, if the rent has been paid, the tenant is in a position where the landlord is released of any obligations to that tenant, absolved of any service to that tenant as the case may be.

There seems to be a lot of concern for seasonal rents with this bill. A summer season, it seems to me, to be only four months long so something like this would be able — someone could collect the payment twice rather than once and it doesn't seem that that would be too much of problem to me.

This bill — it is not a matter of being liberal but it is a matter of being affordable. Six months in advance is not unique to the Orono area; again, it is throughout this state and this would protect students as well as tenants around the state who can't come up with \$3,000 or less or even more or whose parents can't come up with that much money to secure housing for a period of time.

I support this bill, I urge you to vote against the pending motion.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will join me in accepting the Majority "Ought Not to Pass" Report.

This bill is directed at a practice which takes place, to my knowledge, only in the University community of Orono. There are landlords in that community that take six months rent in advance in order to deal with the unpredictability of the student population.

I would like to let you know that this is, as far as I know, a fairly typical practice in university communities. Just by way of an example, my son attends school in a community in another state and has housing off campus, the amount that was paid was virtually a year in advance in order to deal with the situation of a university which does not provide enough housing on campus for all the students. It kind of pushes students off campus but there are certain protections that are there for all the students who might join together and rent. Those protections are made possible through the landlord being able to collect some rent in advance.

So, just by way of description, this only deals with the landlord/tenant relationship in one community in the state. I feel that that could be taken care of through some kind of pro-active work on the part of the university, helping students to deal with their responsibilities as tenants and their rights as tenants in an educational manner before these students would be in the community and rent.

There is one other situation that this bill would apply to and that is to all of those people who rent seasonal housing, which you have heard reference to the season being four months. The season certainly can be three months, four months, five months but it is not uncommon for owners of seasonal housing to collect the rent for the season in advance. They are frequently dealing with people from out-of-state and, if they do not have the rental money upfront, they may have trouble getting the money after the fact because those people who have rented, the seasonal rentals, tend to be and frequently are from out-of-state. So, there are two situations actually that this covers.

I also would like to remind you that the landlord/tenant relationship and the money that passes hands in this state is already quite highly regulated. This is by no means an area where there is no legislation to protect both the landlord and the tenant.

I hope you will go with the Majority "Ought Not to Pass" Report because this is simply not an issue that is a problem statewide and it would be a real problem for those people who have seasonal property in a tourist state if this should pass.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: Just one point, I said that this is a local problem at Orono. My son just graduated from Orono a couple of weeks ago and two or three out of the four years lived in an apartment and, to the best of my knowledge, all the places that he ever called never ran into this problem. So, it isn't even a big issue in that area so I would urge you to vote against this.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers. Representative BOWERS: Mr. Speaker, Men and Women of the House: I was on the Minority Report, "Ought to Pass" on the Legal Affairs Committee for a couple of reasons.

One reason is that I think the two months security deposit is more than enough for a landlord to cover any problems that might arise in renting out a place.

Secondly, I don't ever believe you should pay for services before you receive them. I don't pay for a new automobile two years before I receive it, I pay for it for four years after I buy it. I am one of those people who has to borrow.

I also don't feel too comfortable with a lot of points on bank loans and that is what I see this as, so I think if landlords and student housing areas and landlord and seasonal housing areas have such a huge problem, maybe they ought to be fighting for a special exception. What we are talking about here is the whole state, we are not talking about just one issue and I think that a two months security deposit is more than enough for a landlord to cover any damages.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been before us on several occasions. I think the last time it was before us that it actually passed through the House and the other body and the Governor vetoed it.

I think this bill is a very poor bill. It is obvious to me that Orono seems to be the only place who has the problem. I don't see anybody else rushing through the halls to put this bill in from any other part of the state other than Orono. If the University of Maine and other institutions of higher learning can get tuition six months in advance, room and board in advance, why is it that a landlord cannot do the same thing? He has the same problems.

If this bill does pass, then I think the University of Maine should only take its tuition for two months, the same with St. Joe's or any other — why should they be any different? I think this bill here you should follow the good Representative from Augusta's light and dismiss the bill.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I would add that this is in fact a prevalent problem in Orono. I have lived there for five years and I myself graduated in December and have had exposure to this as have my friends who had to rent under these conditions. This is typical in a university community but I would add that corrective work is being done on campus. There's a Student Legal Services to educate the tenants and the landlords. It is not limited to college towns, however, and even though there is ample housing on campus, there isn't a crunch. Students don't have to move off campus, they choose to. As far as the University of Maine's system asking for rent two months in advance, when people live at the University of Maine, everything is taken care of. They pay their bill or their parents pay the bill or whomever will foot the bill and the housing, food, heat, the locks are fixed, the security codes are all in line and if any of those

things were not in line, we, I am sure, would be the first to hear as would be the case at Thomaston, AMHI, BMHI, and any state entity such as the University of Maine System — everything is taken care of.

I request 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 Chair recognizes the Representative from Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit confused by this bill and the reason I am addressing this is, I am one of those landlords in Orono now.

I know the situation at Orono where some landlords do charge six months rent and I am against that. I set up a system where the students pay the 12 months rent in 9 months. So, for those 9 months, they are paying more than the monthly charge, reason being is, I also understand from my point of view now, that a lot of people don't pay their full rent to the end of the lease period. As an example, I would like to tell you that one of my tenants moved out. They rented from September to August, they moved out in November and left me holding the bag. It is hard to rent a five bedroom apartment in the middle of the school year so I am losing \$800 a month. It makes me think that maybe I should have asked more money upfront but I don't have any intention or plan on doing that at the present. But, I would just like to state that there is more than one viewpoint here. I am very sensitive to student needs of the University population having been a student myself at one time, but I don't quite understand in this bill that advance rent payment is part of the tenant's security deposit. Does that mean that the fee I am charging over the rent for those months — is that part of the security deposit? Does that limit me? Will that mean that I will have to come up with a different system of collecting rent?

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: There is probably not a more densely regulated relationship in the State of Maine than tenants and landlords and I think it is because we all know from experience that not every landlord is a villain, not every tenant is an angel, you are going to find just enough exceptions to both to make the fact that laws are necessary.

I think you should also realize that the problem that my seatmate, Representative Stevens, has described is not in fact restricted just to Orono. People being people, landlords being landlords, tenants being tenants, this same kind of problem pops up everywhere. I know it does occur down in my city where I happen to live now and I know what happens from my own college experience, many of those towns in Maine that happen to be a college town, where there happens to be students who wish to live off campus. I think if you strip it of all of those concerns and look at the question clearly, it is

this, is it right for anybody to have to be forced to pony up \$3,000 rent in advance under any special circumstances? It would be difficult for you or I to do if we were just plain looking for an apartment to start our family out in. It is very difficult for a student to do and in fact, if the student is forced to pony up \$3,000 upfront, it is usually Mom and Pop who are the ones who have to do it in any of those college towns that I have listed.

I think it is a fairness issue and I think that the bill before us addresses it fairly. I would encourage you, given that thought, to vote with my friend and seatmate, the Representative from Orono, Representative Stevens.

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

Representative LEMKE: Mr. Speaker, Ladies and Gentlemen of the House: You were deprived of me for some time, I just made it back in. I basically want to echo what Representative Adams said. This is a basic fairness issue and I hope you will consider it in that context.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Augusta, Representative Daggett, 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. 105

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Cashman, Clukey, Coffman, Constantine, Cross, Daggett, Dexter, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Hale, Heino, Hichborn, Hussey, Jalbert, Johnson, Joseph, Joy, Kerr, Kneeland, Kontos, Kutasi, Lemont, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Mitchell, E.; Morrison, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rowe, Saint Onge, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Swazey, Tardy, Taylor, Thompson, Townsend, G.; Townsend, L.; Tracy, True, Tufts, Vigue, Whitcomb, Young, Zirnkilton.

NAY - Adams, Ahearne, Bowers, Brennan, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coles, Cote, Dore, Faircloth, Farnsworth, Gean, Gwadosky, Hatch, Heeschen, Hogle, Holt, Jacques, Ketterer, Kilkelly, Larrivee, Lemke, Libby James, Melendy, Michael, Michaud, Mitchell, J.; Nadeau, Oliver, Pfeiffer, Pineau, Pinette, Rand, Richardson, Rotondi, Saxl, Simonds, Stevens, K.; Sullivan, Townsend, E.; Treat, Walker, Wentworth.

ABSENT - Beam, Fitzpatrick, Hillock, Libby Jack, Ruhlman, Rydell, Winn, The Speaker.

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

The Chair laid before the House the following matter: An Act to Correct Errors and Inconsistencies

in the Growth Management Laws (H.P. 388) (L.D. 501) (C. "A" H-218) which was tabled earlier in the day and later today assigned passage to be enacted.

Subsequently, L.D. 501 was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Extend the Retirement Incentive Option for Two Years (H.P. 462) (L.D. 599) (C. "A" H-220) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Representative Zirnkilton of Mount Desert requested a Division.

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

A vote of the House was taken.

81 having voted in the affirmative and 49 in the negative, L.D. 599 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 499)

JOINT RESOLUTION SUPPORTING EFFORTS TO RESTORE SALMON TO THE AROOSTOOK RIVER

WHEREAS, Atlantic sea-run salmon constitute an important fishery resource in this State; and

WHEREAS, there are currently only limited efforts to stock the Aroostook River with salmon; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the First Regular Session, recognize the Aroostook River as a restoration river for *Salmo salar*, commonly known as Atlantic salmon, and support and encourage efforts by the Atlantic Sea-run Salmon Commission, the United States Fish and Wildlife Service and other interested parties to stock Atlantic salmon in the Aroostook River; and be it further

RESOLVED: That We recognize and support the efforts of the Canadian Government in stocking portions of the Aroostook River; and be it further

RESOLVED: That We pledge to work cooperatively with Canadian officials and the United States Fish and Wildlife Service and interested parties in the restoration of salmon to the Aroostook River; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the members of the Atlantic Sea-run Salmon Commission, the Director of the United

States Fish and Wildlife Service, the Regional Director General, Gulf Region, Department of Fisheries and Oceans of Canada and the Regional Director General, Scotia-Fundy Region, Department of Fisheries and Oceans of Canada.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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

#### ORDERS

On motion of Representative YOUNG of Limestone, the following Joint Resolution: (H.P. 1126) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AHEARNE of Madawaska, ANDERSON of Woodland, BAILEY of Township 27, CLUKEY of Houlton, DONNELLY of Presque Isle, JOY of Island Falls, KNEELAND of Easton, MacBRIDE of Presque Isle, MARTIN of Van Buren, MARTIN of Eagle Lake, MICHAUD of East Millinocket, PINETTE of Fort Kent, ROBICHAUD of Caribou, THOMPSON of Lincoln, Senators: KIEFFER of Aroostook, LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

#### JOINT RESOLUTION MEMORIALIZING THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION TO RECONSIDER ITS DECISION TO CLOSE LORING AIR FORCE BASE IN LIMESTONE, MAINE

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Defense Base Closure and Realignment Commission, as follows:

WHEREAS, because of changes in national defense circumstances since 1991 that the United States Department of Defense has recognized in proposing modification of the 1991 decisions involving air force installations; and

WHEREAS, the closing of Loring Air Force Base was regarded by the Defense Base Closure and Realignment Commission as one of its most difficult decisions; and

WHEREAS, in the Department of Defense's rationale for its 1993 realignment and closure recommendations, the Air Force states that, in the 3 "principal mobility attributes" of geographic location, attributes and base loading capacity, Loring Air Force Base is equal or superior to Plattsburgh Air Force Base; and

WHEREAS, future encroachment and airspace considerations, "principal mobility attributes" cited in the 1993 Department of Defense rationale, were not considered in the 1991 commission's final consideration as a "discriminator" between Plattsburgh Air Force Base and Loring Air Force Base; and

WHEREAS, the number of aircraft that can be parked at Loring Air Force Base and the number of

aircraft that can be parked at Plattsburgh Air Force Base are about the same; and

WHEREAS, in 1991, Loring Air Force Base's modern, state-of-the-art "taxi-on taxi-off" refueling system, which is superior to Plattsburgh Air Force Base's refueling system, became operational; and

WHEREAS, Loring Air Force Base has 9,200,000 gallons on-base capacity, while Plattsburgh Air Force Base has capacity for 3,600,000 gallons; and

WHEREAS, both bases also have off-base storage capacity: Loring Air Force Base's storage facility for 43,500,000 gallons is located in Searsport 200 miles away and is connected by pipeline and Plattsburgh Air Force Base's storage facility for 31,500,000 gallons is on leased space 18 miles away; and

WHEREAS, Plattsburgh Air Force Base is subject to quiet hours and encroachment problems as well as questions with capacity and flexibility for expansion while Loring Air Force Base is not encumbered by any of these problems; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Defense Base Closure and Realignment Commission to reconsider its decision to close Loring Air Force Base in Limestone, Maine; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to each member of the Defense Base Closure and Realignment Commission.

Was read and adopted and sent up for concurrence.

Representative Pineau of Jay moved that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted on Bill "An Act to Amend the Workers' Compensation Laws" (H.P. 530) (L.D. 714).

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted and specially assigned for Wednesday, May 19, 1993.

(Off Record Remarks)

On motion of Representative Larrivee of Gorham, Adjourned at 1:15 p.m. until Wednesday, May 19, 1993, at nine o'clock in the morning.