

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
54th Legislative Day
Thursday, May 20, 1993

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

Prayer by Pastor Preston J. Foster, Faith Baptist Church, Skowhegan.

The Journal of Wednesday, May 19, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

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 Transportation, Deborah H. S. Cianchette of Saco for appointment to the Maine Turnpike Authority.

Deborah H. S. Cianchette is replacing Peter Danton.

Sincerely,

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

Was read and ordered placed on file.

Refer to the Committee on Judiciary

Report of the Committee on **Human Resources** on Bill "An Act to Permit Collection of Public Assistance Overpayments by Administrative Process" (S.P. 471) (L.D. 1463) (Governor's Bill) reporting that it be referred to the Committee on **Judiciary**.

Came from the Senate with the report read and accepted and the Bill referred to the Committee on **Judiciary**.

Report was read and accepted and the Bill referred to the Committee on **Judiciary** in concurrence.

Ought to Pass as Amended

Report of the Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by

Committee Amendment "A" (S-154) on Bill "An Act Concerning Continuous Emission Monitoring Devices" (S.P. 368) (L.D. 1125)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-154).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-154) was read by the Clerk and adopted and the bill assigned for second reading Friday, May 21, 1993.

Divided Report

Majority Report of the Committee on **Legal Affairs** reporting "Ought Not to Pass" on Bill "An Act to Provide for Special Liquor Licenses" (S.P. 442) (L.D. 1372)

Signed:

Senators: CAREY of Kennebec
HANDY of Androscoggin
HALL of Piscataquis

Representatives: DAGGETT of Augusta
LEMKE of Westbrook
BOWERS of Washington
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:

Representative: MICHAEL of Auburn

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-166)

Reports were read.

On motion of Representative Daggett of Augusta, the Minority "Ought to Pass" Report was accepted, the bill read once.

Senate Amendment "A" (S-166) was read by the Clerk and adopted and the bill assigned for second reading Friday, May 21, 1993.

Divided Report

Majority Report of the Committee on **Marine Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-144) on Bill "An Act Relating to the Portland Harbor Commission and Portland Harbor" (S.P. 315) (L.D. 948)

Signed:

Senators: VOSE of Washington
GOULD of Waldo
PINGREE of Knox

Representatives: COLES of Harpswell
MITCHELL of Freeport
HEINO of Boothbay
SWAZEY of Bucksport
LOOK of Jonesboro
CONSTANTINE of Bar Harbor
SKOGLUND of St. George
LEMONT of Kittery
TOWNSEND of Eastport

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

Signed:

Representative: FARREN of Cherryfield

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-144) as amended by Senate Amendment "B" (S-152) thereto.

Reports were read.

On motion of Representative Mitchell of Freeport, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-144) was read by the Clerk.

Senate Amendment "B" (S-152) to Committee Amendment "A" (S-144) was read by the Clerk and adopted.

Committee Amendment "A" (S-144) as amended by Senate Amendment "B" (S-152) thereto was adopted and the Bill assigned for second reading Friday, May 21, 1993.

Non-Concurrent Matter

Bill "An Act to Permit Children 5 Years of Age to Enter Grade One" (H.P. 184) (L.D. 236) which was passed to be engrossed as amended by Committee Amendment "A" (H-221) as amended by House Amendment "A" (H-326) thereto in the House on May 17, 1993.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-221) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Extend the Operating Deadline for Municipal Solid Waste Landfills" (EMERGENCY) (H.P. 191) (L.D. 254) which was passed to be engrossed as amended by Committee Amendment "A" (H-217) as amended by House Amendment "A" (H-322) thereto in the House on May 17, 1993.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-217) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Waldoboro Utility District Charter (H.P. 745) (L.D. 1012) (C. "A" H-225) which was passed to be enacted in the House on May 18, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-225) as amended by Senate Amendment "A" (S-164) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Regarding Missing Children" (EMERGENCY) (H.P. 425) (L.D. 544) which was passed to be engrossed as amended by Committee Amendment "A" (H-262) in the House on May 13, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-262) as amended by Senate Amendment "A" (S-167) thereto in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 407 Resolution, Proposing an Amendment to the Constitution of Maine to Protect Revenue in Other Special Revenue Funds

L.D. 455 An Act to Make Allocations for the Administrative Expenses of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, for the Fiscal Years Ending June 30, 1994 and June 30, 1995

Provider Arrangement Act and to Otherwise Facilitate the Delivery of Health Care in the State

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

Sincerely,

L.D. 477 An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995

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

Was read and ordered placed on file.

L.D. 517 An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995

The following Communication:

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

May 17, 1993

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

L.D. 518 An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years Ending June 30, 1994 and June 30, 1995

Dear President Dutremble and Speaker Martin:

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

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

Sincerely,

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

Was read and ordered placed on file.

L.D. 1088 An Act Repealing Advisory Boards on Business Legislation Matters

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

Sincerely,

The following Communication:

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

May 17, 1993

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

Was read and ordered placed on file.

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

The following Communication:

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

May 17, 1993

Dear President Dutremble and Speaker Martin:

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

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

L.D. 78 An Act Concerning Medically Necessary Mastectomy Surgery

Dear President Dutremble and Speaker Martin:

L.D. 915 An Act to Reduce the Cost of Residential Care Treatment

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Select Committee on

L.D. 1321 An Act to Amend the Preferred

Corrections has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1053 An Act to Require the Department of Corrections to Pay Certain Juvenile Detention Costs

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 65 Resolve, Concerning Long-term Protection from Low-level Radioactive Waste

L.D. 173 An Act Directing the Maine Low-level Radioactive Waste Authority to Commence a Technical Analysis of the Maine Yankee Site

L.D. 474 An Act Increasing the Threshold Size for Gravel Pits Subject to State Review under the Site Location of Development Laws

L.D. 550 An Act Concerning Local Participation in Decisions Concerning Low-level Radioactive Waste Sites Proposed to Be Located in Unorganized Territory

L.D. 968 An Act to Establish a Moratorium on the Search for a Maine Site for Low-level Radioactive Waste Disposal, to Impose Additional Duties on the Low-level Radioactive Waste Authority and to Provide for a Review of the State's Role in the Storage and Disposal of Low-level Radioactive Waste

L.D. 1306 An Act to Abolish the Low-level Radioactive Waste Advisory Commission

L.D. 1363 An Act Regarding Solid Waste under the Site-location-of-development Laws

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1469 Resolve, Concerning the Stocking of Brook Trout in Seal Cove Pond

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 775 An Act to Restructure AIDS Services and Education
- L.D. 891 An Act to Direct the Department of Human Services to Apply for a Medicaid Waiver for Home-based Care for Persons with HIV/AIDS
- L.D. 909 An Act to Increase the Mileage Payment for Foster Families
- L.D. 1036 An Act to Correct Volume Deficiencies in Hospital Base-year Budgets Administered by the Maine Health Care Finance Commission
- L.D. 1121 An Act to Require the Office of Vital Statistics to Have Death Certificates Issued within a Two-week Period
- L.D. 1178 Resolve, to Foster the Development of a Range of Alternatives in Long-term Care
- L.D. 1256 An Act to Authorize a Demonstration Needle Exchange Program
- L.D. 1400 An Act to Require Agencies to Maximize Medicaid Reimbursement
- L.D. 1481 An Act to Provide Relief to Families Facing Nursing Home Expenses

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE ONE HUNDRED AND SIXTEENTH LEGISLATURE COMMITTEE ON JUDICIARY

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to

notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 399 An Act Concerning the Determination and Modification of Alimony Payments
- L.D. 844 An Act to Protect Civil Rights
- L.D. 1267 An Act to Permit the Entry of a Not Guilty Plea on Arraignment without the Physical Presence of the Defendant
- L.D. 1281 An Act Related to Sentencing for Aggravated Trafficking and Furnishing Scheduled Drugs
- L.D. 1305 An Act Regarding Sentences for Career Criminals
- L.D. 1331 An Act Regarding Trafficking of Drugs in Homes in Which Children Live
- L.D. 1353 An Act Concerning the Calculation of Periods of Imprisonment
- L.D. 1394 An Act Waiving Court Mediation Fees
- L.D. 1443 Resolve, to Create a Pretrial Intervention Pilot Program for Sex Offenders

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 393 An Act Related to the Restoration of Drivers' Licenses

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- L.D. 852 An Act to Prohibit Voter Registration on Election Day
- L.D. 870 An Act to Restrict Helicopter Overflights by the Maine Drug Enforcement Agency
- L.D. 882 An Act to Reform the Campaign Finance Laws
- L.D. 971 An Act Concerning Identification Methods for Voter Registration
- L.D. 1066 An Act Concerning Recounts of State Election Results
- L.D. 1103 An Act to Amend the Landfill Laws
- L.D. 1104 An Act to Ensure the Voting Rights of Homeless People
- L.D. 1220 An Act Requiring Interest Earned on Security Deposits to Be Returned to Tenants
- L.D. 1237 An Act to Exclude Certain Parks from the Definition of Mobile Home Parks
- L.D. 1238 An Act to Reform Campaign Financing in State Elections
- L.D. 1242 An Act Concerning Concealed Weapon Permits
- L.D. 1265 Resolve, Authorizing Philip E. Wolley to Bring Suit against the State
- L.D. 1299 An Act Concerning Payment of Legal Fees in Eviction Cases BY REQUEST
- L.D. 1316 An Act to Amend the Law Concerning Habitual Offenders under the Motor Vehicle Laws
- L.D. 1323 Resolve, Authorizing Richard Paradise of Wells, Maine to Sue the State BY REQUEST
- L.D. 1328 An Act to Keep Drunk Drivers Off the Road
- L.D. 1332 An Act to Protect Landlords from Certain Types of Fraud
- L.D. 1355 An Act to Revise the Election and Campaign Finance Laws Regarding Write-in Candidates
- L.D. 1376 An Act to Expand the Authority of Property Managers
- L.D. 1426 An Act Limiting Fees Charged to Serve Court Documents
- L.D. 1457 An Act to Simplify Procedures for Property Abandoned by Tenants

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 1338 An Act Regarding Notaries Public
- L.D. 1350 An Act to Provide for the Recall of the Governor, State Senators and State Representatives
- L.D. 1404 An Act to Allow the Town of Berwick to Rebuild Certain Private Roads
- L.D. 1427 An Act to Create the Commission to Establish a Comprehensive Policy Concerning Political Activity by Members of Various Boards and Commissions

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON TAXATION

May 17, 1993

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

Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

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

- L.D. 965 An Act to Facilitate the Identification of Mortgagees of Record in Certain Transactions
- L.D. 993 An Act to Reimburse Volunteer Fire Departments for Taxes Charged on Gasoline and Diesel Fuel
- L.D. 1020 An Act to Meet the Alcohol Abuse Treatment Needs of Maine Citizens
- L.D. 1024 An Act to Amend the Laws Regarding Taxation of Workers' Compensation Self-insurers
- L.D. 1044 Resolve, Providing for a Study of Taxation Issues Involving Seasonal Residents
- L.D. 1048 An Act to Fund Court Security within County Government
- L.D. 1057 An Act to Amend the Distribution of State-municipal Revenue Sharing
- L.D. 1139 An Act Concerning Railroad Personnel
- L.D. 1177 An Act to Exempt from State Taxation the Income of Businesses Realized by Using Waste Material in New Ways
- L.D. 1208 An Act to Allow Municipalities to Abate or Defer Property Tax Assessments for the Purpose of Attracting or Retaining Industry or Business
- L.D. 1240 An Act to Increase the Stability of the State Sales Tax
- L.D. 1278 An Act to Adjust the Taxation of Public Pensions and Social Security Benefits
- L.D. 1282 An Act to Allow for Regional Local Option Taxing Districts

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

Sincerely,

S/Sen. John E. Baldacci
Senate Chair

S/Rep. Susan E. Dore
House Chair

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

State and Local Government

Bill "An Act to Impose Limits on the Terms of Legislators, Constitutional Officers, Members of the Judiciary and Members of Congress and to Limit Lobbying in Successive Years" (H.P. 1128) (L.D. 1527) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Representatives: AHEARNE of Madawaska, CAMPBELL of Holden, MARTIN of Eagle Lake, YOUNG of Limestone, Senators: BERUBE of Androscoggin, ESTY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Charter of the Oxford Water District" (EMERGENCY) (H.P. 1127) (L.D. 1526) (Presented by Representative BENNETT of Norway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Michael J. Fitzpatrick of Durham be excused May 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mona Walker Hale of Sanford be excused May 7 to 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused May 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused May 3 to 7 for personal reasons and May 17 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard Kneeland of Easton be excused May 17 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Refer to the Committee on Legal Affairs

Representative JOSEPH from the Committee on

State and Local Government on Bill "An Act to Clarify the Process for a Direct Initiative of Legislation and to Simplify Questions Presented to the Voters at a Referendum" (H.P. 1101) (L.D. 1488) reporting that it be referred to the Committee on **Legal Affairs**.

Report was read and accepted and the bill referred to the Committee on **Legal Affairs** and sent up for concurrence.

Ought to Pass as Amended

Later Today Assigned

Representative HEINO from the Committee on **Marine Resources** on Bill "An Act Concerning the Taking of Sea Urchins" (H.P. 98) (L.D. 140) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-366)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-366) was read by the Clerk.

On motion of Representative Mitchell of Freeport, tabled pending adoption of Committee Amendment "A" (H-366) and later today assigned.

Ought to Pass as Amended

Representative CHONKO from the Committee on **Appropriations and Financial Affairs** on Bill "An Act to Maintain the Integrity of Commodity Tax Accounts" (EMERGENCY) (H.P. 92) (L.D. 122) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-371)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-371) was read by the Clerk and adopted and the bill assigned for second reading Friday, May 21, 1993.

Ought to Pass as Amended

Representative O'GARA from the Committee on **Transportation** on Bill "An Act Establishing University of Maine System License Plates" (H.P. 415) (L.D. 534) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-378)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-378) was read by the Clerk and adopted and the bill assigned for second reading Friday, May 21, 1993.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Utilities** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-347) on Bill "An Act to Ensure

Economic Benefits from Purchases by Generators of Nuclear Power" (H.P. 289) (L.D. 376)

Signed:

Senator: CLEVELAND of Androscoggin

Representatives: CLARK of Millinocket
CASHMAN of Old Town
ADAMS of Portland
KONTOS of Windham
COFFMAN of Old Town
HOLT of Bath

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

Signed:

Senators: VOSE of Washington
CARPENTER of York

Representatives: MORRISON of Bangor
DONNELLY of Presque Isle
TAYLOR of Cumberland
AIKMAN of Poland

Reports were read.

Representative Clark of Millinocket moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Utilities** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-348) on Bill "An Act to Amend the Laws Governing the Conversion of Fuel Systems" (H.P. 284) (L.D. 371)

Signed:

Senator: CLEVELAND of Androscoggin

Representatives: CLARK of Millinocket
CASHMAN of Old Town
HOLT of Bath
ADAMS of Portland
KONTOS of Windham
COFFMAN of Old Town

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-349) on same Bill.

Signed:

Senators: VOSE of Washington
CARPENTER of York

Representatives: MORRISON of Bangor
DONNELLY of Presque Isle

TAYLOR of Cumberland
AIKMAN of Poland

Reports were read.

Representative Clark of Millinocket moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-350) on Bill "An Act to Amend the Laws Relating to the Lobster Promotion Council" (H.P. 842) (L.D. 1147)

Signed:

Senators: PINGREE of Knox
VOSE of Washington
GOULD of Waldo

Representatives: MITCHELL of Freeport
COLES of Harpswell
LEMONT of Kittery
SKOGLUND of St. George
SWAZEY of Bucksport
CONSTANTINE of Bar Harbor
HEINO of Boothbay
TOWNSEND of Eastport

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

Signed:

Representatives: LOOK of Jonesboro
FARREN of Cherryfield

Reports were read.

Representative Mitchell of Freeport moved that the House accept the Majority "Ought to Pass" Report. Representative Gray of Sedgwick requested a roll call vote.

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

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

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

ROLL CALL NO. 108

YEA - Adams, Ahearne, Aliberti, Bailey, H.; Barth, Brennan, Bruno, Caron, Carr, Carroll, Cashman,

Chonko, Clark, Clement, Cloutier, Coffman, Coles, Cote, Cross, Daggett, DiPietro, Donnelly, Driscoll, Faircloth, Fitzpatrick, Gamache, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Heino, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Larrivee, Lemont, Libby Jack, Lindahl, Marsh, Marshall, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Richardson, Ricker, Rowe, Rydell, Saxl, Simonds, Spear, Stevens, K.; Sullivan, Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Treat, True, Tufts, Walker, Wentworth.

NAY - Aikman, Anderson, Bennett, Birney, Bowers, Cameron, Clukey, Dutremble, L.; Farnum, Farren, Foss, Gray, Greenlaw, Joy, Kneeland, Kontos, Kutasi, Lemke, Libby James, Look, Lord, MacBride, Michael, Nickerson, Reed, G.; Reed, W.; Robichaud, Ruhlin, Simoneau, Stevens, A.; Strout, Thompson, Tracy, Whitcomb, Young, Zirkilton.

ABSENT - Ault, Bailey, R.; Beam, Campbell, Carleton, Cathcart, Chase, Constantine, Dexter, Dore, Erwin, Farnsworth, Gean, Hichborn, Hillock, Kerr, Ketterer, Kilkelly, Lipman, Nadeau, Norton, O'Gara, Ott, Rand, Rotondi, Saint Onge, Skoglund, Small, Tardy, Vigue, Winn, The Speaker.

Yes, 83; No, 36; Absent, 32; Paired, 0; Excused, 0.

83 having voted in the affirmative and 36 in the negative with 32 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-350) was read by the Clerk and adopted and the bill assigned for second reading Friday, May 21, 1993.

Divided Report

Later Today Assigned

Majority Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Impose a Moratorium on Certain Sources of Energy until a State Energy Policy Is Adopted" (EMERGENCY) (H.P. 709) (L.D. 960)

Signed:

Senators: VOSE of Washington
CLEVELAND of Androscoggin
CARPENTER of York

Representatives: KONTOS of Windham
CASHMAN of Old Town
CLARK of Millinocket
TAYLOR of Cumberland
MORRISON of Bangor
AIKMAN of Poland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-352) on same Bill.

Signed:

Representatives: COFFMAN of Old Town
ADAMS of Portland
HOLT of Bath

DONNELLY of Presque Isle

Reports were read.

Representative Clark of Millinocket moved that the House accept the Majority "Ought Not to Pass" Report.

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

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Provide Assistance to Homeless Persons with Mental Illness" (EMERGENCY) (H.P. 187) (L.D. 239)

Signed:

Senators: PARADIS of Aroostook
HARRIMAN of Cumberland
BALDACCI of Penobscot

Representatives: BRUNO of Raymond
BRENNAN of Portland
PENDEXTER of Scarborough
TREAT of Gardiner
PENDLETON of Scarborough

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-356) on same Bill.

Signed:

Representatives: BEAM of Lewiston
TOWNSEND of Portland
JOHNSON of South Portland
FITZPATRICK of Durham
GEAN of Alfred

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat. Representative TREAT: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

Mr. Speaker, Men and Women of the House: This is an example of a bill that really serves a very important purpose. Basically, I think the majority on this report wish that we could fund it. It provides funding for mental health services for homeless shelters for children and it simply is a question of a fiscal note in that the majority of the committee felt that we didn't have the money available to put to this purpose, but that doesn't deny that the need is there.

What we did as a committee was to vote as part of a report to the Appropriations Committee that restores a 13 percent cut in children's mental health services that was a result of cuts in federal block grant money. We specifically sent in our report to the Appropriations Committee the following: "The Committee has voted "Ought Not to Pass" on a bill that would have provided badly needed services to

children with mental illness who are homeless. The Committee did this with the understanding that should funds be restored in accordance with this recommendation the Bureau of Children with special needs would earmark some of these funds for sheltered-based mental health services for homeless children."

We are in an era where we don't have enough money to provide all the services that we need and I think this is something that we are not feeling very good about.

I would ask you to go along with the Majority "Ought Not to Pass" Report on this and, hopefully, help us get the funding as part of our appropriations to the Human Services part of the budget.

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-357) on Bill "An Act to Prohibit Smoking in Restaurants" (H.P. 496) (L.D. 654)

Signed:

Senator: PARADIS of Aroostook

Representatives: TREAT of Gardiner
BRENNAN of Portland
FITZPATRICK of Durham
BRUNO of Raymond
BEAM of Lewiston
TOWNSEND of Portland
JOHNSON of South Portland
PENDEXTER of Scarborough

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

Signed:

Senators: BALDACCI of Penobscot
HARRIMAN of Cumberland

Representatives: PENDLETON of Scarborough
GEAN of Alfred

Reports were read.

Representative Treat of Gardiner moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Friday, May 21, 1993.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by

Committee Amendment "A" (H-358) on Bill "An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke" (H.P. 666) (L.D. 904)

Signed:

Senator: PARADIS of Aroostook

Representatives: TREAT of Gardiner
BRENNAN of Portland
BRUNO of Raymond
BEAM of Lewiston
TOWNSEND of Portland
FITZPATRICK of Durham
PENDEXTER of Scarborough
JOHNSON of South Portland

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

Signed:

Senators: BALDACCI of Penobscot
HARRIMAN of Cumberland

Representatives: PENDLETON of Scarborough
GEAN of Alfred

Reports were read.

Representative Treat of Gardiner moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Friday, May 21, 1993.

CONSENT CALENDAR

First Day

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

(S.P. 374) (L.D. 1130) Bill "An Act to Amend the Minimum Safety Standards for Firefighters" (EMERGENCY) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-153)

(S.P. 127) (L.D. 364) Bill "An Act to Include Snowmobiles under the Franchise Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-155)

(H.P. 871) (L.D. 1180) Bill "An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-368)

(H.P. 680) (L.D. 922) Bill "An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-369)

(H.P. 396) (L.D. 509) Bill "An Act to Clarify the

Management of Real Estate Leases" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-370)

(H.P. 900) (L.D. 1215) Bill "An Act Concerning Repairs Performed by Rental Tenants" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-376)

(H.P. 1043) (L.D. 1395) Bill "An Act Concerning Renewals of Valid Concealed Weapons Permits" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-377)

(H.P. 1111) (L.D. 1507) Resolve, to Expand the Scope of the Maine Committee for Global Education Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-379)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 21, 1993, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

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

(S.P. 468) (L.D. 1460) Bill "An Act Relating to Publication of Legal Notices" (EMERGENCY)

(S.P. 151) (L.D. 483) Bill "An Act to Ensure Uniformity in Gasoline Octane Levels" (C. "A" S-145)

(S.P. 449) (L.D. 1416) Bill "An Act to Amend the Laws Governing the Hancock County Budget Advisory Committee" (C. "A" S-146)

(H.P. 1072) (L.D. 1438) Bill "An Act to Reapportion Maine School Administrative District Number 30" (EMERGENCY) (C. "A" H-340)

(H.P. 192) (L.D. 255) Bill "An Act Concerning Ice-fishing Shacks" (EMERGENCY) (C. "A" H-341)

(H.P. 1010) (L.D. 1356) Bill "An Act to Amend the Charter of the Plymouth Water District" (C. "A" H-342)

(H.P. 864) (L.D. 1173) Bill "An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes" (C. "A" H-343)

(H.P. 1006) (L.D. 1352) Bill "An Act to Abolish the Castine Water District" (C. "A" H-344)

(H.P. 783) (L.D. 1056) Bill "An Act to Expand the Use of Telecommunications by Hearing-impaired and

Speech-impaired Customers" (C. "A" H-345)

(H.P. 798) (L.D. 1084) Bill "An Act Repealing Advisory Boards on Aging, Retirement and Veterans' Matters" (C. "A" H-351)

(H.P. 513) (L.D. 671) Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals (C. "A" H-355)

(H.P. 772) (L.D. 1045) Bill "An Act to Amend the State Reporting Requirements for State Party Committees" (C. "A" H-359)

(H.P. 443) (L.D. 569) Bill "An Act to Clarify the Days During Which Prisoners May Be Delivered to the Custody of the Department of Corrections"

(H.P. 874) (L.D. 1188) Resolve, to Establish the Academy for Public Service Study Committee (C. "A" H-362)

(H.P. 843) (L.D. 1148) Bill "An Act to Amend the Power of Sale Foreclosure Laws" (C. "A" H-363)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Ensure Appropriate Community-based Treatment of Nonviolent Juvenile Offenders" (H.P. 146) (L.D. 191) (C. "A" H-346)

Bill "An Act Revising the Shellfish-harvesting Laws" (H.P. 773) (L.D. 1046) (C. "A" H-353)

Bill "An Act to Change the Railroad Fire Protection Laws" (H.P. 980) (L.D. 1311) (C. "A" H-354)

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

PASSED TO BE ENACTED

As Amended

Bill "An Act to Amend the Occupational Disease Law" (S.P. 216) (L.D. 687) (C. "A" S-92)

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

Representative Ruhlin of Brewer offered House Amendment "A" (H-365) and moved its adoption.

House Amendment "A" (H-365) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by

Committee Amendment "A" (S-92) and House Amendment "A" (H-365) in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act Creating the Groundfish Hatchery Study Commission (H.P. 211) (L.D. 273) (C. "A" H-271)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 30 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 to Amend the Laws Concerning the Sale of Alcohol (H.P. 737) (L.D. 995) (C. "A" H-256)

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. 107 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.

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

PASSED TO BE ENACTED

Emergency Mandate

An Act to Reapportion Maine School Administrative District No. 72 (H.P. 511) (L.D. 669) (H. "A" H-336)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. 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 1 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Mandate

An Act to Amend the Charter of the Northern Maine Regional Planning Commission (S.P. 140) (L.D. 431) (C. "A" S-117; S. "A" S-124; H. "A" H-318)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. 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. 108 voted in favor of same and 8 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Mandate

Later Today Assigned

An Act to Ensure Compliance with Existing Energy Efficiency Building Standards (S.P. 241) (L.D. 734) (H. "A" H-323 to C. "A" S-102)

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

Representative Gwadosky of Fairfield 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.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned. (Roll Call ordered)

ENACTOR

Mandate

(Failed of Enactment)

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. 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. 82 voted in favor of same and 44 against, and accordingly L.D. 746 failed of enactment.

PASSED TO BE ENACTED

An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents (S.P. 87) (L.D. 241) (S. "A" S-143 to H. "A" H-171)

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.

PASSED TO BE ENACTED

An Act Concerning the Mandatory Use of Car Safety Seat Belts (S.P. 155) (L.D. 486) (C. "A" S-88)

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

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

Representative STROUT: Mr. Speaker, Men and Women of the House: First, I want to make sure that I ask for a roll call.

The second thing, in the spirit of saving time, I would ask you Mr. Speaker, rather than someone who was a sponsor on the Committee, that where this bill is the mandatory use of car safety seat belts, would this in fact not be a mandate on municipal law enforcement officers and would you care to answer that?

The SPEAKER: The Chair would advise the Representative that the mandate requirement deals with the expenditure of funds. Since seat belts are already part of the vehicle and would probably lower the insurance rates, it would not be a violation of the mandate requirements.

Representative Libby of Buxton moved that the House suspend the rules for the purpose of reconsideration.

The SPEAKER: There is objection to suspending the rules for the purpose of reconsideration. The Chair will order a vote. The pending question before the House is suspension of the rules for the purpose of reconsideration. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 33 in the negative, the rules were suspended.

On motion of Representative Libby of Buxton, under suspension of the rules, the House reconsidered its action whereby L.D. 486 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-330) and moved its adoption.

House Amendment "A" (H-330) was read by the Clerk.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I wish to speak briefly to my amendment. House Amendment "A" sends the question of the seat belt mandates to the people for referendum. Everybody seems to have an opinion about seat belts, but more importantly, I believe that people in Maine can weigh the issue of social responsibility versus individual rights and civil liberties just as well as we can. If we put it to referendum, it is the type of issue that will lend itself to a clean campaign and discussion of the issues and would actually help to educate the public on the seat belt debate.

I also agree with the importance of wearing seat belts, so I think that that would be a noble objective. The people of Maine want a say in this even though some editorial writers may not. I hope you will join with me and embrace this compromise amendment.

The SPEAKER: The Chair recognizes the

Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: Sending this issue to referendum, I feel, is doing a disservice to the people in the state. I think we have been elected to be leaders in implementing the public state policies regarding the public safety in the state. We should be leaders and we should have courage to dictate policy that makes sense.

Should the public be upset with the decisions we make, then the referendum process is there for them to use. I think that it has been demonstrated in the past that citizens of the state have no qualms about initiating referendum processes when they are really upset with what goes on.

I think we do a disservice to the people in this state because whenever we have a referendum, no matter what the issue is, there will always be misconceptions, mistruths and myths that always surface. I say to you the people of this state that have the resources to address those misconceptions and those mistruths and those myths are operating under a gag order from their boss on the second floor, the Department of Public Safety cannot defend this legislation in any way. I think it is unfair to the citizens of this state to put forth a referendum in their lap when we do not have the resources available to address the educational issues that would and should come out but will not be able to come out because the personnel in the Department of Public Safety are not allowed to do their job.

I refer to an editorial that was written in the Portland paper today and it says, "Why voters must ask, should we vote on safety belts that strap our bodies and not on state spending that straps our wallet? If legislators want to duck one issue, let them duck them all, send everything from spending and taxes to combining eliminated state services and agencies to the voters for decision, then lawmakers can shut out the lights and go home until November."

Passing laws that protect the public safety is the legislature's job. I urge you to defeat the motion to send this issue to referendum.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I hope you will not vote to add House Amendment "A" to this bill to send this to referendum. We all know how costly it is to send this. One item could cost up to \$80,000. The people want us to make the decisions.

Earlier this week, we won this vote by a majority of ten. I say we have made the decision, let us go ahead, vote against this motion so that we can pass this bill and send it on to the other body, then we can start concentrating on the real big issues that we have before us. We continue to pull these things back. I tell you, when you make a decision, let's stick by it.

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

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

If we send this out to referendum, would this not be a mandate because the individual municipalities would have one more item to count and it would cost them money?

The SPEAKER: The Chair would allow the members to make their own conclusions.

Representative Pendexter of Scarborough requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "A" (H-330). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 109

YEA - Ahearne, Anderson, Bowers, Cameron, Caron, Carr, Clark, Clement, Coffman, Cross, Farren, Hale, Heino, Hichborn, Jacques, Jalbert, Joseph, Joy, Kneeland, Libby James, Look, Lord, Marshall, Martin, H.; Michael, Michaud, Murphy, Nash, Nickerson, Plowman, Pouliot, Reed, W.; Ricker, Tardy, Townsend, G.; True, Tufts, Whitcomb, Young, Zirkilton.

NAY - Adams, Aikman, Aliberti, Ault, Barth, Beam, Bennett, Birney, Brennan, Bruno, Campbell, Carroll, Cashman, Chase, Chonko, Cloutier, Clukey, Coles, Cote, Daggett, DiPietro, Donnelly, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadlosky, Hatch, Heesch, Hillock, Hoglund, Holt, Hussey, Johnson, Kerr, Ketterer, Kontas, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Plourde, Poulin, Rand, Reed, G.; Richardson, Robichaud, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, The Speaker.

ABSENT - Bailey, H.; Bailey, R.; Carleton, Cathcart, Constantine, Dexter, Dore, Erwin, Kilkelly, Lipman, Nadeau, Norton, O'Gara, Ott, Pineau, Rotondi, Winn.

Yes, 40; No, 94; Absent, 17; Paired, 0; Excused, 0.

40 having voted in the affirmative and 94 in the negative with 17 being absent, House Amendment "A" was not adopted.

Subsequently, L.D. 486 was passed to be engrossed as amended by Committee Amendment "A" (S-88).

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

The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Cathcart of Orono. If she were present and voting, she would be voting yea; I would

be voting nay.

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

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

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

ROLL CALL NO. 110

YEA - Adams, Aliberti, Barth, Beam, Birney, Brennan, Bruno, Carroll, Chase, Cloutier, Daggett, DiPietro, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gwadosky, Heesch, Hillock, Hogle, Holt, Johnson, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Oliver, Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Rand, Reed, G.; Reed, W.; Richardson, Rowe, Ruhlin, Rydell, Simonds, Simoneau, Stevens, A.; Stevens, K.; Sullivan, Taylor, Thompson, Townsend, E.; Townsend, L.; Treat, Vigue, Walker, Wentworth, Young, Zirnkilton, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bennett, Bowers, Cameron, Campbell, Caron, Carr, Cashman, Chonko, Clark, Clement, Clukey, Coffman, Coles, Cote, Cross, Donnelly, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heino, Hichborn, Hussey, Jacques, Jalbert, Joseph, Joy, Kneeland, Lemont, Libby Jack, Libby James, Look, Lord, Marshall, Martin, H.; Michael, Michaud, Murphy, Nash, Nickerson, Pendleton, Plowman, Poulin, Pouliot, Ricker, Robichaud, Saint Onge, Skoglund, Small, Spear, Strout, Swazey, Tardy, Townsend, G.; Tracy, True, Tufts, Whitcomb.

ABSENT - Bailey, H.; Bailey, R.; Carleton, Constantine, Dexter, Dore, Kilkelly, Lipman, Nadeau, Norton, O'Gara, Ott, Rotondi, Winn.

PAIRED - Cathcart (Yea)/ Saxl (Nay); Paradis, (Yea)/ Erwin (Nay).

Yes, 68; No, 65; Absent, 14; Paired, 4; Excused, 0.

68 having voted in the affirmative and 65 in the negative with 14 being absent and 4 having paired, L.D. 486 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PASSED TO BE ENACTED

An Act to Clarify the Appointment, Powers and Duties of Building Committees (S.P. 178) (L.D. 592) (C. "A" S-119)

An Act to Provide Local Control for the Job-start Program (S.P. 246) (L.D. 765) (S. "A" S-128 to C. "A" S-126)

An Act to Amend the Maine Hunting Laws Relating to Hunting from Paved Ways and Discharges of Firearms across Paved Ways (S.P. 282) (L.D. 853) (C. "A" S-120)

An Act to Regulate Credit Insurance and to

Require Disclosure to Borrowers (S.P. 354) (L.D. 1068) (H. "A" H-296 to C. "A" S-115)

An Act to Amend the Selection Process for the Administration of the Mexico Water District (S.P. 430) (L.D. 1340)

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

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

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

An Act to Shorten the Appeal Procedure for the State Bidding Process and to Provide Consistent Administration of Appeal Hearings (H.P. 476) (L.D. 613) (C. "A" H-253)

An Act to Prevent Unauthorized Use of the Name Passamaquoddy (H.P. 584) (L.D. 788) (H. "A" H-292 to C. "A" H-210)

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

An Act Regarding Municipal Shellfish Licenses (H.P. 701) (L.D. 953) (C. "A" H-260)

An Act to Exempt Lawful Marine Harvesting Activities in Coastal Wetlands from the Natural Resource Protection Laws (H.P. 710) (L.D. 961) (H. "A" H-275 to C. "A" H-255)

An Act to Establish a Mechanism for Ensuring Adequate Preservation and Maintenance of the State House (H.P. 779) (L.D. 1052) (C. "A" H-258)

An Act Pertaining to the Appointment of Code Enforcement Officers (H.P. 855) (L.D. 1160)

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

An Act Related to Unavoidable Equipment Malfunctions (H.P. 903) (L.D. 1218) (C. "A" H-261)

An Act to Amend the State Contribution to Pollution Abatement and Overboard Discharge Replacement Laws (H.P. 941) (L.D. 1270)

An Act to Prohibit the Board of Environmental Protection from Adopting a Numeric Water Quality Criterion Prior to January 1, 1994 (H.P. 1002) (L.D. 1348) (C. "A" H-254)

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)

An Act to Require That the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority (H.P. 490) (L.D. 648) (S. "A" S-140 to C. "A" H-176)

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.

FINALLY PASSED

Resolve, for Amending the Laws Pertaining to Job Classification Specifications (H.P. 122) (L.D. 163) (C. "A" H-252)

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

Resolve, to Establish a Land Swap in Carrabassett Valley (H.P. 632) (L.D. 863) (H. "A" H-329)

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

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment 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:

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-105) - Minority (5) "Ought Not to Pass" - Committee on Agriculture on Bill "An Act to Extend the Repeal Date of the Laws Governing Biosynthetic Bovine Somatotropin" (EMERGENCY) (S.P. 198) (L.D. 634) - 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-105) as amended by Senate Amendment "A" (S-123) thereto.

TABLED - May 19, 1993 (Till Later Today) by Representative TARDY of Palmyra.

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

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: I would urge you to support the pending motion to accept the "Ought Not to Pass" Report and reject a moratorium on the use of BST that I don't feel is necessary. I will try to explain that to you.

Bovine Somatotropin or BST is a hormone that occurs naturally in cows and it occurs in the milk naturally, the milk that you drink every day. The chemical companies, Monsanto in particular, through research, has synthesized this hormone. When this hormone is injected into the cow, it can, under

optimum conditions, cause the cow to increase production in the neighborhood of 12 to 15 percent.

The Food and Drug Administration has not yet approved BST for general agricultural use, not because of human health concerns, those issues have been addressed and laid to rest, but because lingering questions of dairy herd health. What are the results of the use of BST, for example in the progeny of these cows? What about the increased incident of mastitis and other problems with dairy herd health?

Right now, there are no fewer than three bills pending in Congress that would impact on whether the FDA approves the use of BST or not. Milk, you may or may not know, is an agricultural commodity that enjoys federal price support. If BST is approved and becomes something that is used nationally and you see a 12 to 15 percent increase in milk production, obviously that is going to impact very severely upon the U.S. Department of Agriculture's budget. So, the federal government certainly has a concern. Milk is a commodity that is already in surplus and I guess what I am telling you is the bad things about BST.

A substantial increase in national production countrywide, they fill a 55 gallon drum compared to the dixie cup that we produce in Maine. If you take an increase in national production or lowering prices, an adverse consumer reaction is possible because it is a hormone, it is an additive to the system. You could see a decrease in consumption, it could be devastating for the dairy farmer in the State of Maine.

It is certainly unfortunate that biotechnology of genetically engineered products had to deal first with milk. Why couldn't it have been a potato, one that would resist the Colorado potato beetle without the use of pesticides? Why couldn't it have been a tomato that would stay ripe on the shelf longer and not spoil or a strawberry? No, it had to be milk and we all know that milk is somewhat sacred as an agricultural commodity. My own school board debated two and a half hours whether to allow them to serve milk with an additive known as chocolate syrup, imagine if it had been BST, they would still be debating.

It is no wonder that BST has been met with hysterical reaction and somewhat of a lack of reason and logic. If it were up to me and I were the FDA, I would probably deny the use of BST, not because of the science but because of the economics of it. I would say, "Good Monsanto, you did a good job, you developed this, now put it in the refrigerator until the world needs it, but right now, we can get these efficiencies in the dairy industry in another manner." We don't need to keep creating a surplus.

Now that I have established why BST is bad and why we don't need it, I want to tell you why the moratorium is wrong-minded legislation. Last year, we passed a moratorium bill because we thought the FDA approval was imminent, apparently we still think it is imminent. This moratorium may or may not get through both bodies with an emergency preamble so it may or may not be effective at the time that the FDA does approve the use of BST. It runs out February 1, 1994. The moratorium could be here in the time table, come and go, and BST never be approved, never be needed.

BST, when it is injected into the cow, the cow increases its milk production but the milk that comes out of that cow is no different than the milk that

comes out of a cow that has not been injected with BST. There is no scientific way to test that milk to tell whether it came out of a BST cow or not. As such, we would be passing a moratorium that may or may not be effective and is certainly not enforceable. There is no enforcement mechanism for this moratorium. The marketplace, I think, has alleviated the need for a moratorium. Every processor of milk in the State of Maine has publicly come out saying they will not buy milk from farmers who have opted to use BST as a management tool, if the FDA opts to allow BST to be used as a management tool.

Grant's Dairy, for example, in Bangor has their farmers sign a monthly affidavit that they are not using BST on their farms. So, even if the FDA approves it and there is a negative consumer reaction, Maine milk has created for itself a market niche, we ought to see an increase in consumption.

We should be concentrating our efforts, not on a moratorium, but perhaps on establishing a registry which is being suggested on the federal level of who BST is being sold to, who is using it so we know where it is because there is no test for it once it has been used.

A moratorium is like sticking our finger in the dike and praying that the flood will never happen. I think it is wrong-minded legislation, it is unnecessary. I think that in state government and local government, if there is an issue that we lack the time to deal with in a straightforward manner or we lack the courage to deal with in a straightforward manner, we tend to do one of two things, we create a study or we pass a moratorium.

I would ask you to support the "Ought Not to Pass" Report and not create a moratorium.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I come from an area where there are many dairy farmers, they have specifically urged me to support the moratorium for the reasons that you see stated in the letter from the Farm Bureau. I urge you to reject the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the "Ought Not to Pass" Report so that we can accept the Majority "Ought to Pass" Report.

I do appreciate the remarks from the good Representative from Palmyra, Representative Tardy, two-thirds of his speech I agreed with because he did tell a lot of the problems with BST, the use of BST in our animals here in Maine. This is a very controversial bill and it has created a lot of controversy between consumer groups, the scientists and the biotechnology and the chemical companies.

What is caught in between is the dairy farmers of the State of Maine. I stand before you today as one of those farmers and I can say that I believe in biotechnology. As Representative Tardy said, there is a lot of good things going on in biotechnology in plant development and I wholeheartedly support that kind of research. There are many good things to come. I do believe that when we are studying research like that, we sometimes have to weigh the balance between the economics and the scientific studies that we have. Today, I am real concerned

about the economic impact in the future of dairy farming here in the State of Maine if BST is allowed to be used here in Maine, New England and even the country.

Dairy farmers have been fighting the surplus problem and depressed prices for a number of years. In fact, if you remember five to six years ago, the government had a dairy buy-out program. That was because there were so many cows and such a surplus of milk that they felt it was worthwhile to spend millions of dollars to reduce the numbers. It did work and it has helped.

A surplus of milk means lower prices and I think if we value our farming community here in Maine, we should be concerned about prices. In the last 13 years, we have seen a 42 percent decline in the number of dairy farmers in the State of Maine. In 1978, we had 1,133 dairy farms; in 1991, we had 659. That was the last official count and probably today there is less than 659.

The use of BST is going to result probably in a 10 to 15 percent increase in production of milk. On the other hand with the consumer reaction, we are going to probably see a 10 percent decline in the consumption of milk. This translates probably into a \$10 million to \$20 million reduction or loss to businesses and farmers here in the State of Maine per year.

As Representative Tardy said, all the dairy processors here in Maine are so concerned about that that they indicated to their farmers that they do not want them using BST, they are signing affidavits and going through processes — even Agri-Mark and New England Dairy Co-op of 3,500 dairy producers in New England have said they will not accept milk if they have used BST on their farms.

Individually, we can have our thoughts on whether we would want to use milk from cows with BST, but it is the perception that we have got to be concerned about. The perception is what will help and determine the marketing of our milk. Even though scientifically they may prove there is nothing wrong, although some scientists say "yes, there is," we can have our own thoughts but the perception is out there that we are fooling around with mother nature's milk, therefore, we should stay away from it and we should be saying here as a state we are against it.

I believe if we pass this moratorium, it sends a message to many people and especially to the Maine consumers that we do want to put out a pure product.

There have been a lot of surveys done and probably 90 percent of the dairy farmers in Maine do not want to see the use of the BST and they do support a moratorium to see what does happen on the national level.

During our testimony, one of the people that testified in Committee was a Stuart Smith, former Commissioner of Agriculture and now an Ag economist at the University of Maine. He made a lot of good points. One was, if we spend all this money, why not keep it here in the state instead of sending it out to the drug companies? The money that we would be sending out to these drug companies on this chemical product, if we used it right here in Maine to enhance our own management programs and continue to produce pure Maine milk, we would be far better off.

I could go on and on with facts but I would like to sum it up by saying that I do oppose it strictly because of economics and that a clear majority of our dairy farmers do not want it. Our consumers do not

want it and it boils down to there is only one group of people that really want it and that is the chemical companies. Maine cannot afford to lose our dairy farms.

Tourism is our second largest industry here in the State of Maine. I, myself, live in a mid-coast area where we have a lot of tourists, I see many of them in the summertime come to my vegetable stand and they say how they love to get out of the city where they have all the development and see the open fields and crops and animals and that is why they leave the city. Maine is known for its trees, fields and open land.

I think we need to listen to our dairy farmers and be able to keep them and not lose them.

With that Mr. Speaker, I request a roll call when the vote is taken.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I hope you will vote to keep this mandate on this ban. To me, it is good public relations for the dairy farmers of the State of Maine. I am all done milking cows but I know some of these fellows that are milking and they are having a hard job getting by. To me, it is good public relations. This is going to tell the consumers in the State of Maine that we are going to have a good dairy product, a good wholesome product that isn't going to be full of chemicals. I think it will help all the dairy farmers of the State of Maine and when our tourists come in, they can advertise this and they are going to like our milk too. I hope you will defeat the pending motion.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House: I rise today for you to keep the moratorium on BST. I want to clarify a few points here. I am a pharmacist, I work with drugs and, for those of you who do not know, Somatotropin also is growth hormone. Growth hormone is naturally occurring in the body and it occurs naturally in every animal that we have. We use it in treating diseases in children. We inject growth hormone into children everyday in this country. It has provided great relief to these children for some of their diseases. There is nothing wrong with biotechnology, biotechnology found us insulin. People who are denied insulin everyday, we would not say you cannot have your insulin, but we are dealing with a different subject here, it is not the fact that Somatotropin is a hormone that we want to ban from the cows.

The only reason I am going to support the ban on BST is because of the economic effect it is going to have on the dairy farmers in this state. I am not going to vote against it because of the scientific issue. Like I said, we use growth hormone everyday in children in this country and there is no reason why we can't use it on cows. The problem is the economic effect it is going to have on our small dairy farmers in this state, an increased production of milk will increase the amount of dairy farmers going out of business and I am totally against that.

The FDA has not even approved this for use in cows yet, let's see what happens with further study. I will support my friend from Nobleboro in extending the moratorium and I hope that you do also only for economic reasons, not for scientific reasons.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I will be brief. I would like to add my voice to those who are urging you to push your red button and defeat the Minority "Ought Not to Pass" Report.

I am not on the Agriculture Committee, I represent District #85 which includes Benton and Albion and Albion is one of our larger dairy communities. When this bill was first brought to my attention, I contacted my dairy farmers, the Farm Bureau, I have spoken to every dairy farmer and they all urged me to extend the moratorium against BST — that is to say, defeat the Minority opinion.

Further reasons that have already been stated to you, that is that we already produce a surplus of milk, we do not need cows to produce more, that our public relations effort for milk in the State of Maine is that it is a wholesome food and the dairy farmers do not want people to distrust the milk whether or not the milk is in fact adversely affected by BST.

Please, I urge you to push your red button.

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

Representative AULT: Mr. Speaker, Men and Women of the House: I, too, would be remiss if I did not speak on this issue. The dairy farmers in my district do not want to use BST and want the moratorium continued. They cite many reasons, among them a lack of consumer confidence in using a synthetic hormone.

Recently, one dairy farmer's milk was cut 20 percent by his buyer. It is inconsistent to me to recommend the use of a hormone that would increase milk production when milk buyers are cutting back on the amount of milk they are buying from Maine dairy farmers.

I urge you to vote against the pending motion.

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

Representative ALIBERTI: Mr. Speaker, Fellow Colleagues of the House: I am just going to make one brief statement. As a member of the Agriculture Committee, it is my responsibility to make you knowledgeable of the extended testimony that took place on any legislation that comes before the Agriculture Committee. The one point I want to make to you, you can interpret it as you wish, is one of leadership. Both members of the leadership of that committee voted against this recommendation, both members. They favored the "Ought Not to Pass" Report, and most importantly, the one department that is responsible for all agricultural activities testified in favor of lifting the moratorium. That is all I want to say to you.

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

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't choose to speak now except that I would like to put on the Record a viewpoint that hasn't been addressed yet this morning. I would like to say with respect for the American Medical Association and our State Epidemiologist, a member of Maine's Biotechnology Commission, is opposed to this effort to extend the moratorium on BST.

I don't think we need to be reminded that scientific solutions to problems sometimes backfire

in the most unexpected ways.

In the 115th Legislature, I was sorry to have to remind my colleagues that when I was a nurse in an enormous hospital with a lot of premature babies, we were trying to save their lives by making them better able to breathe and, of course, oxygen is a natural thing, we breathe it everyday so we upped the concentration of oxygen in their little incubators and whoa, we found later we were causing blindness in many of those little babies. I don't expect that kind of horror to happen from BST, and in this instance, there isn't even to everyone's satisfaction a problem at this point, for milk production, as you have heard, is more than adequate.

In reading a pro-BST article, supportive of BST use from the Journal of the American Medical Association based on a technology conference on BST in 1990, I was struck by the frequency of these qualified statements in support of it. For example, "Available evidence indicates BST use can be an important management tool for the farmer." And, on mastitis in cows which is a most costly disease of the dairy industry, the journal said, "Published data do not allow definitive conclusions about its effects." And this, "No data suggests BST survives human digestion or will produce unique fragments of proteins that might have biological effects." What's more, "BST does not seem to affect appreciably the general health of dairy cows." And this, "The long-term effects of BST on cows have not been evaluated."

Not long ago, we tried to produce two birthings in sheep so we could increase our lamb product and that didn't work out because it was very bad for the sheep. Well, the uncertainties continue.

An expert who wrote for the Consumer Report, consumers union, reported on a policy institute review of BST use and there was a concern that antibiotic use might be increased if mastitis is increased and mastitis occurs in larger producing, greater producing milk cows. So, there is a possibility of increased drug residue in milk, but what is more important here is that the general accounting office says that the Food and Drug Administration does not have effective methods for monitoring these drug residues. That is a problem in today's society in much of the foods that we are eating and drinking. Unfortunately, truly independent studies have not yet been done and not for a long enough time.

I hope that we may vote no on this "Ought Not to Pass" Report to extend the moratorium. What we ought to be doing is bending our efforts in Maine to developing a truly sustainable agriculture with management tools such as grazing patterns that will put money in farmers' pockets at the local level and keep good pure food on our table.

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

Representative CROSS: Mr. Speaker, Men and Women of the House: My first time that I have stood up, the first time that there has been a bill that was controversial in regard to the committee I am on. Again, I was one of those that favored to continue the moratorium.

I always thought that the Commissioner of Agriculture and the agricultural group were to represent the farmers. Everywhere that I have gone and all the farmers that I have seen, and I will echo

Representative Townsend's report and Representative Spear's report, the farmers do not want this. I ask you, why does the Agricultural Commission continue to push it? I think you are here to represent the people that are out there and I urge you to vote against the "Ought Not to Pass" Report.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support my good friend, Representative Spear. I also must tell you that I am one of those statistics that he referred to. I grew up on a dairy farm and, frankly, I — although this might seem rather strange, this is an emotional issue to me. I love that way of life, I would love to have been able to raise my children in that way of life, but due to the economics that Bob referred to and for a number of other reasons, I was not able to do that.

I feel very strongly that if anybody in this state, particularly this legislature, can do anything to help those people out there that are still farming and trying to survive in that way of life and raising their children on the land — let me tell you folks, you will not find a better place to raise your children. There are not many opportunities left for those children to grow up in that kind of life.

I would echo the comments about the tourists, they do enjoy stopping by the farms in the summer and watching the animals in the pasture. Unfortunately, in the community that I live in, there is one dairy farm left. When I grew up in that area, I would venture to say there were 30 to 35 dairy farms in my community, they have all gone out of business.

Again, I urge you to vote against the present motion on the floor.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: I, too, urge you to reject the "Ought Not to Pass" motion so we may go on to accept the "Ought to Pass" Report.

Many of you will recall last year former Representative Nutting's eloquent discussion of this issue. I think that many of the same reasons we needed the moratorium then continue today. Some of the major issues that have been brought up here include human health, animal health, economics and the science involved.

With regard to the economics of this, it was noted that there may be severe stress on the dairy farm industry. In fact, the projections of 30 percent or so of dairy farms going out of business do not reflect the most recent consumer projections survey so that we may find an even greater impact than the economic studies heretofore have shown.

With regard to the human health, it has been stated that the growth hormone is the same as present in humans and other animals and it is true that this particular growth hormone works through intermediary insulin-like growth factor and it is identical in cows and humans.

One of the problems we have is we don't have any long-term studies of either the animal health or the human health. So, although it is also true that a lot of vitamins are natural, there is a limit to how many vitamins you would want to ingest in any given period. The same may be true with things like the IGF-1 or the whatever may be in the milk.

With regard to animal health, again, 90 to 95

percent of the studies on BST have been short-term, six to eight month studies focusing mainly on production aspects of this. There have been relatively few long-term studies. Furthermore, the monitoring protocol for presence of BST in the milk has not exactly been right for determining what the varying levels may be because the way this works, 90 days after the lactation injections begin (and they occur every two weeks, at least this was the case in the test herds), the protocol asked for two tests of the milk to determine presence of the hormone in the milk sometime in that two week period. A better approach would have been to test every day so that you would see whether there was an immediate rise in the milk immediately after the injection. We don't know that, the test could have been the day before they gave the shot.

The FDA itself acknowledged in a March 31st meeting where it had to review a GAO, General Accounting Office report and suggested that the mastitis issues had to be addressed before FDA could approve this. Mastitis, for those of you who do not know, is an udder inflammation and frequently is treated with antibiotics. The FDA itself acknowledged that the incidents of mastitis in BST treated cows is around four times the incidents in non-treated cows. It also acknowledged that the length of treatment for these instances of mastitis was about seven times longer than the length of treatment of ordinary mastitis infections. So, not only is there more frequent mastitis problems, but the length of time that this problem exists is longer, the longer the time period in which some sort of medication may be necessary. Also, there is concern about increasing resistance to some of the stronger antibiotics that are necessary for these longer infection periods. Those are both some of the concerns that deal with both animal health and human health.

I would like also to mention that (as I noted) most of the tests so far have been short-termed production type tests. There have been a few long-termed tests. I have a statement from a dairyman from Minnesota who was in one of the early BST test herds, 1985-88, a three and a half year period. It was a two lactation study, not just a six or eight month production study, it was a two lactation period. The bottom line is that at the end of this period, they had 60 cows, 20 cows for the control herd, 20 cows getting a certain dose of BST and 20 cows getting, I believe, a reduced dose of BST. At the end of the test period, there were no BST treated cows left in the herd.

The dairy farmers who took part in these tests had to sign an agreement of silence with regard to the test. This guy's period of enforced silence was up in April of this year and he came forth with this statement. What happened basically is that, I am going to quote from his statement here, he did note that when they first started the injections in the first lactation there was a great increase in milk production. Basically, "These cows were triggered to perform and to produce more milk, taking fat and body reserves that they had and turning them into milk." "Because it was 5 1/2 weeks", he said, "after they started the injections, the cows' food intake began to match the output of milk." So, "It took 5 1/2 weeks for them to make any significant response in dry matter intake to make up for that increased production. As we milked these cows on BST, we had

no opportunity to put body condition back on these cows in the latter part of the lactation." He said that "these cows went into the dry period with a decline in body condition, they put in a tremendous amount of effort to get condition back on these cows, even feeding some supplemental fat in the dry pen. Going into the first lactation, we really had no problems with breeding. The goal was to have all the cows bred back by 90 days essentially by the time we began the BST injections. That didn't occur. Out of the 40 cows on BST, there were 14 that conceived after we started the injections. What resulted was that all 14 that conceived after the injections began had multiple births. There were no single births among these cows." That was part of the problem in the body condition because the cows had to put out even more of their reserve in order to take care of the larger calf load.

"In the second lactation, we were starting at a real deficit as far as body condition scores on the cows. I don't have the data summarized from here on (for the second lactation) because the chemical company won't receive our data. The raw data has all been sent to the company but they have refused to take it and it was sent back on two occasions. I have talked with them by phone and their comment to me was, when they are ready for that information, they will come by the farm and pick it up.

By the time we had finished the second lactation we had none of the cows that received BST stay in the herd. One hundred percent of those cows failed to conceive during the second lactation. We had a 19 percent death loss and a 14.8 percent 'down cow' loss." That means the cow went down and it was no longer able to rise.

I believe this is an annual percentage.

"The cows had taken so much calcium out of their skeleton...they sent the cows to the University of Minnesota to be analyzed...taken so much calcium out of their skeleton even their shoulder blades had a ripple effect like a ripple potato chip where they had pulled the calcium out of their skeleton to produce milk...The production increase was significant but short-lived because the cows could not eat enough to support themselves. So, the second lactation our problems were magnified beyond the point of being able to do anything to help these cows out. And, the protocol was such that we couldn't pull these cows off the BST. The longer the cows were on it, the more severe the problems became. A lot of the information that the FDA has available is short-term, but the long-term effects are a real concern to me."

I believe they should be a real concern to all of us.

I would just briefly like to address the question of enforceability which has come up. There are other ways of enforcing this other than just testing the milk. One is the standard inspection process. Each dairy farm has got to be open for inspection of all its drugs and that is the process that already exists and is one way of detecting the presence of any particular chemical on a farm.

I would note, as has been said, the dairies here do want the ban continued. In fact, the Maine Marketing niche that Representative Tardy mentioned that is a great potential for us here would be reinforced by the ban. Just as an analogy to that, there is precedent for this in Maine.

The FDA has approved Laverside for chicken feed.

This is something that chickens eat so they won't get maggots in the feces. The Maine Poultry Board asked the Maine Pesticide Commission to ban this drug. This is an FDA approved drug and they did and our poultry industry is using this successfully to market drug-free eggs. I think that we really do have to be concerned and extra conscious about this consumer driven movement here.

Once again, I urge you to defeat the motion on the floor so we can go on to accept the "Ought to Pass" Report.

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

Representative MICHAEL: Mr. Speaker, Men and Women of the House: I promise to speak no longer than 60 seconds. I would like to join with the previous speakers, as well as the former Commissioner on Agriculture, Stu Smith, and I think the overwhelming majority of dairy farmers in supporting this legislation.

I served eight years on the Committee of Agriculture, it was a very nice time and I served as its chair for a couple of terms. I want to remind you all what we are doing with this legislation is extending the existing moratorium for eight more months, that is all we are doing. To do anything else would be a very dangerous and irresponsible act.

Representative Whitcomb of Waldo 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 Old Town, Representative Coffman.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: This morning at 6:00 a.m., I was standing in a pile of cow manure or several piles of cow manure, so if you should smell anything on my feet, that is the reason. It doesn't do well on the shine of the shoes, by the way.

I was talking with a farmer, Raymond Ellis, who used to be the President of the National Dairy Association. He was the Maine president for a number of years. He is strongly opposed to this. He reminded me it was just a few years ago that the federal government bought out dairy herds because there was such an excess of capacity that the prices were going down, the farmers couldn't even get enough money to pay their bills, much less make a profit.

In 1991, more than seven percent, five million tons of the milk supply wound up in government store houses, estimate of the price American's pay for this oversupply through price supports and import limitations are in the \$9 billion a year range, \$9 billion a year. What we could do with that money, huh?

If we can't get by without this hormone, we should — wait a minute — we should extend the moratorium so that our cows will be "udderly" thankful and so will our dairy farmers and so will our consumers. Maine means quality, Maine means purity. That is what we should have with our consumer products like milk.

There are a couple other things that I would like

to mention here in this debate that maybe some people aren't aware of. There are some critics that say that Monsanto, the producer of this hormone, has used their money and their influence to buy their way into the Department of Agriculture in this state. I would just like to make you aware that two commissioners, Michael Aube and Commissioner Shaw, were paid to go to St. Louis to look over the operation of Monsanto and their biotechnology company. I would like to read to you what Michael Aube stated in a letter to the Editor of the Bangor Daily News dated May 4th. He said, "This bill sends a negative signal to the emerging biotechnology industry in Maine. Maine now has 27 biotech companies with 800 employees. Workers are highly skilled and highly paid and employment is projected to double to 1,600 employees by 1996. Biotechnology is the kind of industry Maine needs to foster and encourage. If Maine adopts an aggressive stance of banning biotechnology products, which the FDA and other reputable scientific bodies find to be safe, the stance represented by L.D. 634, biotechnology companies will leave Maine and relocate in a friendlier atmosphere. This is the wrong signal to be sending to Maine business in 1993. It is time for Maine to stop looking backward with fear and to start looking forward confidently to the future." That's his opinion, not mine.

I would just like to point out, as I think this article has stated, that Michael Aube's concern here is the 27 biotechnology companies that exist in this state with presently 800 employees. That is one of the things behind why the Commissioner of the Department of Economic Development opposes this ban.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I would like to quickly summarize a couple of points that I think have been brought to attention during the course of this debate. Since I am one of the few remaining people in the House who has not yet spoken on this subject, I would like also (to the surprise of no one) speak out against the majority of the dairy farmers, at the surprise of no one because I seem to be speaking out against the majority quite frequently in this body.

I would like to bring up another point of view. First of all, I would like to state very clearly that the family, my family, the family that owns the farm that I work on, has absolutely no intention of using this chemical. We have talked about it very seriously, we have read about it, studied about it in the Popular Farm Press as well as the Popular Press and the other reason that we have no intention of using this chemical if it were legal, either federally or under state law, is that the people who buy our product, a certain processing company in Portland, has said that they will not buy any of that product should we choose to use that chemical, which is the perfect reason for us to make that decision barring any scientific analysis.

I was the original sponsor of the moratorium on BST in this state. It has had a rather convoluted history as it has gone through this process and has been debated far more than most of you can stand. I have changed my position on that bill because what has happened is that the free market has interfered with the government process and said, ban or no ban, the marketplace will not accept this product.

Let me tell you how powerful that influence is. It is rather absolute. There is no one in this state

who will buy milk from a farmer who uses that chemical, period. So, there is absolutely no one in this state at this point in time who will use that chemical. I happen to think that is the way a marketplace economy ought to work.

I haven't heard such a long lecture on cows since I left college nearly 20 years ago, so it has been a rather fascinating process today. But, I think there are a few misconceptions that may be in people's minds, one is the perception out there that this product, should it be approved by the federal government and should our state decide that people be allowed to use it, would cause an increase in antibiotics in milk that you may happen to purchase to drink or put in your coffee or whatever.

Let me discuss with you the incentive, shall we call it, that Maine farmers have for not putting antibiotics in milk. Again, it is rather absolute. There is a sample taken from our farm every morning when a milk truck comes to pick up the milk to test to see if there is any antibiotics in our milk tank. There is also a sample taken from the truck when it arrives at the plant. Should we make a mistake and put milk from a treated cow into the tank, which believe me we don't do, and should that be found also in the whole milk tanker that arrives in Portland, we not only lose the several hundred dollars of value of the milk that comes from our farm, we buy the whole tanker of milk after it arrives in Portland. Believe me, you only do that once or twice in your then abbreviated career of farming because there is no antibiotic product that arrives on the shelf in the store, whether the cows have been treated with BST or anything else. Again, a rather absolute marketplace incentive for not having an antibiotic treated product in front of the consumers. I happen to think that is the way it should be. We have, unfortunately, once or twice on our farm made a mistake of putting milk in the large tank that holds 10,000 gallons from an antibiotic treated cow and that whole product has gone down the drain, not having been sent to the marketplace.

It seems to me we are debating a couple of things with this argument. I appreciate that there are a lot of farmers in the state who wish that this product were not here for non-scientific reasons, but there should have been a lot of these other kinds of debates to interfere with the economics. If we are going to create a tiny niche in this state that says that we are going to mandate that small farms can survive, that we are going to be different, we also better plow a rather broad furrow across the interstate somewhere south of Maine so that no product from out-of-state can come into Maine to interfere with our marketplace because there are many forces beyond our borders which we as a legislature, fortunately sometimes, have not been able to control that still impact Maine farmers. Maybe better yet, we should have banned the whole University of Maine because since I left there, the production per cow has doubled, so that in and of itself is why unfortunately for the Representative from Rumford, there are half as many farms now as there were ten years ago. We have progressed scientifically in this state. It has been to the benefit of the consumers, it has not been of benefit of farm families if they wish to stay in that lifestyle at a subsidized rate of income.

Perhaps it is the hour that the alarm clock goes off at my farm that tempers my love of the lifestyle

with a little bit of the economics that go along with it. There are those who will argue that this product may or may not allow small Maine farms to continue, that, believe it or not, animals do receive injections of one type or another presently and the small farms would be in the best position to use this product should they so choose. I happen to think that there are a lot of considerations that a farm must make before they happen to decide to use this naturally occurring product which, by the way, is currently in your mouth, the BST hormone, it is not something you haven't been around before. It has been used in agriculture since at least World War II where it was used in England to help people have some milk when there was little to be had. It has been approved in most countries of the world, which means nothing to us because obviously we want to have stronger standards, but in places where people are really hungry, it is an important product and it is used.

There is a division among farmers. Many farmers in Maine care not to use it and I think that is an intelligent decision because you have got to make a lot of other decisions about how to feed cattle and how to handle this product. Again, it is very clear that we will not use it — one, when our buyer is not planning to buy a product that has been produced from BST treated animals and there is a lot of publicity against it. Ben and Jerry's has been one of the national leaders in publicizing not using BST.

I think that there are a lot of considerations to go into this debate but it seems to me a legislative body who has made such a strong statement on an issue like choice is now saying, we don't think people ought to be allowed to make a choice on something that there is no scientific reason for, being opposed to in very questionable economic reasons to be opposed to. We can pass this ban and sort of pretend that this is going to stop the decline in Maine farms. I don't think you will ever be able to prove that that is the case. There is no reason to ban this product in Maine beyond the federal ban. It is being handled in the marketplace and, although I believe no Maine farmers will use it, there is still no reason for us as a legislature to continue the moratorium.

I urge you to support the position of the Chairman of the Committee and support the "Ought Not to Pass" Report.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Again, on the basis of credibility, I made a statement on the floor of this House before and I will reiterate it at this time in support of a good corporate citizen. I resent and I take issue with the remarks made by the good Representative from Orono, Representative Coffman, in the innuendos against a corporate structure that shares more than their due in support of many, many, many things. I think by innuendo I am speaking about the editorial in the Bangor paper, I think is ill-advised and not taken in good stead. Being one of the three that support this bill, I hope that you will just give consideration to what has been said here today.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: I just want to respond to a couple of

things that have been said, one, Representative Whitcomb said that most countries in the world are using or approve this. That may be true if you count numbers but I should note that in Canada there is a ban that is continuing for another couple of years. In Europe, there is a ban that is continuing for another 18 months. So, there are countries who have very strong concerns about this.

With regard to good corporate citizens, this particular product is the subject of an intense lobbying effort at all levels. In fact, the National Dairy Board, who is very much promoting this particular product, hired a public relations firm in New York to hire people to pose as housewives to attend the Farmers' Union BGH meetings. One of the large companies that is doing this, Eli Lilly, hired Berson Marsteller, one of the country's largest public relations firms, who in fact worked for the Emir of Kuwait during the late war to create a fake citizen environmental group to monitor in both Wisconsin and Vermont local farm advocacy concern about BST. So, I think that there is not only a very strong pressure at the legislative level, but there is some questionable activity going on out in the rural areas.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Tardy of Palmyra that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 111

YEA - Aikman, Aliberti, Birney, Caron, Chonko, Daggett, DiPietro, Farnum, Foss, Greenlaw, Hillock, Hussey, Jacques, Ketterer, Kutasi, Michaud, Morrison, Paradis, P.; Plourde, Reed, G.; Reed, W.; Ricker, Stevens, A.; Strout, Swazey, Tardy, Taylor, Vigue, Whitcomb.

NAY - Adams, Ahearne, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Carr, Carroll, Cashman, Chase, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Donnelly, Driscoll, Dutremble, L.; Farnsworth, Farren, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Jalbert, Johnson, Joseph, Joy, Kerr, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Murphy, Nash, Nickerson, Oliver, Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plowman, Poulin, Pouliot, Rand, Richardson, Robichaud, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, K.; Sullivan, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Walker, Wentworth, Winn, Young, Zirkilton.

ABSENT - Bailey, H.; Campbell, Carleton, Cathcart, Dexter, Dore, Erwin, Faircloth, Kilkelly, Nadeau, Norton, O'Gara, Ott, Rotondi, The Speaker.

Yes, 29; No, 107; Absent, 15; Paired, 0; Excused, 0.

29 having voted in the affirmative and 107 in the negative with 15 being absent, the Minority "Ought Not to Pass" Report was not accepted.

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

Committee Amendment "A" (S-105) was read by the

Clerk.

Senate Amendment "A" (S-123) to Committee Amendment "A" (S-105) was read by the Clerk and adopted.

Committee Amendment "A" (S-105) as amended by Senate Amendment "A" (S-123) thereto was adopted and the Bill assigned for second reading Friday, May 21, 1993.

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

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) TABLED - May 19, 1993 (Till Later Today) by Representative PARADIS of Augusta. PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, retabled pending passage to be enacted and specially assigned for Friday, May 21, 1993.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first 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-338) - Committee on Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto (H.P. 948) (L.D. 1277)

TABLED - May 19, 1993 by Representative CHONKO of Topsham.

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

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not accept the Majority "Ought Not to Pass" recommendation and will in fact go on to accept the Minority "Ought to Pass" as amended Report.

I had distributed to you an editorial which appeared in a statewide newspaper this morning which talks about some of the virtues of a line-item veto. There are in fact right now 44 states in this country which provide their Chief Executive with a line-item veto. They do so in a variety of different ways, four of those states require only a simple majority to override those line-item objections. This is what I have proposed to you here today, that our governor be given the opportunity to line-item veto appropriation bills and that all you would need is a simple majority to override his objection.

It would accomplish several things, one, it would ensure that as we go forward, the Governor would not be able to say, well, I went ahead and let that bill go by because it wasn't worth vetoing the entire thing but it had a lot of things in it that I didn't

like. That wouldn't happen anymore because from this point forward, if the people were to go ahead and approve this, the Governor would have the opportunity to single out his specific objections, return them to us for us to focus on and, if a majority of the members of this body felt that his veto should be overridden, it would be overridden but not before we had an opportunity to, just for a moment, for a few moments, focus our attention on a line that otherwise would have disappeared off from that big budget somewhere.

I am hopeful that we will be able to recognize the value of going ahead and passing something like this. As I mentioned, 44 states do have it, four of them do it by a simple majority override, another few do it by three-fifths and the overwhelming majority of them do it by two-thirds which, of course, we have for other matters.

Just to summarize the whole thing, if we went ahead and passed it, we would be creating an additional level of scrutiny, an opportunity for us to, once again, go over any problems which the Governor might see and return to us. We would not be doing away with or diminishing any of the power which the majority now enjoys because, quite frankly, you would be able to override the Governor's objection without one single Republican vote, if that is what you chose to do. I think the opportunity to make the Governor accountable politically for the budget equally as accountable as we are here is something that you will agree is worthwhile. I hope that you will give this an opportunity to go forward.

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

Representative CHONKO: Mr. Speaker, Men and Women of the House: We, in Maine, have a long tradition of negotiating each budget that goes on to enactment. If the legislature includes items that the Governor views as unnecessary, our Constitution already specifies a process whereby the bill can be vetoed. Nine states do not have a line-item veto. It is interesting to note that of those nine, four of the states are in New England, New Hampshire, Rhode Island, Vermont and Maine. Of those four New England states, all independent thinkers and do their own thing, it is important to remember that each is a part-time legislature. There is nothing really broken about the enactment process for the budget right now and I urge you to support the Majority "Ought Not to Pass" Report.

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

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

Would the Representative from Mount Desert please clarify the Constitutional and legal circumstance regarding the reality that budget appropriations are passed with a two-thirds majority of members elected? Would it be the case that if a veto override was by a simple majority of members present, how would that relate to the original legal mandate, constitutional mandate, that those appropriations be passed with a Constitutional two-thirds?

The SPEAKER: The Representative from Portland, Representative Richardson, has posed a question through the Chair to Representative Zirkilton of Mount Desert who may respond if he so desires.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: Not being an attorney I will do my best to try to answer that question. As I understand this legislation, it would in fact be an amendment to the Constitution. It certainly is not my intention to do away with the initial requirement of two-thirds to move the budget in its final form to the Governor's desk. My intention — and perhaps if you are more focused than I, you might be able to tell me whether or not I am achieving my goal — my intention is to give the Governor the opportunity to return specific portions of that budget, once passed by two-thirds of the members here, for him to return specific portions which he might find objectionable and that we then in turn would override those objections by a simple majority after the initial budget receives the two-thirds to get to him in the first place. That is my intention. Perhaps you could tell me whether or not I am achieving that in your mind.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I appreciate the Representative from Mount Desert's intentions on the matter, I can understand that. But, I think this issue is a critically important issue and it relates to the fact that whether a proposed majority vote on a line-item veto for which there are a lot of cases that can be made where, out through the Constitution, can be turned into a two-thirds of elected members. I am still unsure of the answer to that question as to what will in fact happen were this Resolution to pass. I would hope that could be clarified.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I cannot directly answer that but I certainly can tell you that the language in the bill is specific and states that only a majority of the members would be required to override the Governor's objections. I don't see how anyone could interpret that any other way. If it says majority, it does not mean two-thirds.

If I may briefly respond to Representative Chonko's concerns, I would agree with you, that we, like many of our other New England states, are in fact independent and today we demonstrated an independence within our New England caucus as well. For example, the other day New Hampshire rejected it, the seat belt bill, today, this morning, this House enacted it — mandatory seat belt legislation.

It seems as though we sometimes use what all the other states are doing if it serves our purpose and we talk about our independence from those states if that serves our purpose as well.

The budget situation in this state briefly is as follows: in 1982, General Fund expenditures were \$638,597,000; in 1992, it was \$1,533,844,000. Inflation from 1982 to 1992 cumulatively based on the CPI was 67 percent. If we were to only add inflation during that ten year period, we would have had a General Fund budget in 1992 of \$1,054,000,000 so we are spending somewhere in the vicinity just shy of a half a billion dollars a year more than inflation. Many of you will be able to come up with a variety of different reasons as to why this is the case. But, I would suggest to you that the delicate compromise

that exists on the Appropriations Committee between both Democrats and Republicans and eventually whatever coalition is put together here to garner the necessary 101 votes to move it forward sometimes does not necessarily serve us at our best if our goal is to make sure that spending efficiently is our greatest concern.

I think the same problem has happened in Washington, the gridlock that they have had, in my opinion ignorant as it may be, in the past was a Republican President with a Democrat Congress and, instead of one of them or the other giving, they both got what they wanted. The end result is that we are all going to get it because we are going to have to pay for it, a \$4 trillion dollar debt accumulated by a presidency which was concerned with building up defenses, a Congress which was concerned with not making that effort at the cost of the programs they were concerned about, so they both got what they wanted. The end result was excessive spending that we cannot afford.

I would hope that if we could pass a little simple measure, a little simple thing which doesn't take away any of the control this legislative body now enjoys, any of the control that you as a majority now enjoy, and if this little thing might result in us focusing on small items, which some might say that we don't need to spend money on, if the Governor sent it back and said, we don't need to spend money on this line, we will then have the opportunity to look at it. If a majority, a simple majority of the members of this body say, yes, we do need to spend money on that and this is why, it would then move forward despite the Governor's objections. What in this could anyone find so offensive? What in this could anyone say diminishes the power of this legislative body? I simply don't understand, but I welcome any thoughts that you wish to express on it.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

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

I am trying to understand this amendment. It says that the Governor may disapprove any item or items. Does this mean the whole line or may it be any part of any line?

The SPEAKER: Representative Coles of Harpswell has posed a question through the Chair to Representative Zirkilton of Mount Desert who may respond if he so desires.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: As I mentioned to you earlier, different states have a variety of ways they approach it. Some allow only that line, some allow parts of the line, some in fact allow the Governor to not only take up parts of the language, but indeed reword the language, put in amounts that are greater or lesser than what was originally proposed.

What I have asked for is that we allow the Governor the opportunity to take out the line and in fact propose a lesser amount if he chooses to. He might say, for example, that I don't think we should be spending this amount, but instead this lesser amount.

I am not sure whether or not that specifically answers your question but it is my attempt at it.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women

of the House: I would take that to mean in fact any part of the line may be vetoed even though it isn't specified either way in this amendment.

It goes on to say that if he replaces an item, he may not decrease the total amount appropriated or allocated. I don't understand how he can then propose under this amendment a lesser amount as just suggested by the Representative from Mount Desert. Could he explain that please?

The SPEAKER: Representative Coles of Harpswell has posed a question through the Chair to Representative Zirkilton of Mount Desert who may respond if he so desires.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for not being more clear to the Representative. The Governor would not be able to go ahead and ask for an additional amount over and above that line to be spent. At the same time, if there was a deappropriation in there, he would not be able to propose that the deappropriation be a lesser amount than is proposed because in fact that would then require an additional expenditure. Is that somewhat clear?

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I thank the Representative for clearing that point up.

Another question would be, if the Governor vetoes an item in one area, can he then replace it with spending on any other area he wishes to propose?

The SPEAKER: Representative Coles of Harpswell has posed a question through the Chair to Representative Zirkilton of Mount Desert who may respond if he so desires.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, but could the Representative restate his question?

Representative COLES: Mr. Speaker, Men and Women of the House: If for example the Governor vetoes the appropriation to the area biologists in the Department of Marine Resources, can you take that same money and use it to subsidize the elderly low-cost drug program?

The SPEAKER: Representative Coles of Harpswell has posed a question through the Chair to Representative Zirkilton of Mount Desert who may respond if he so desires.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I understand the Representative's question now and the answer is no. The Governor would not be able to propose to take the savings that he is proposing in one line and then propose to increase spending in another area. He would simply be able to propose a lesser amount, if he chose to or no amount at all.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I guess I still don't understand that point. It says the Governor shall specify distinct item or items that are revised but doesn't appear to place any restrictions and a part or parts of a legislative document but doesn't appear to place any restriction on taking money from one area and specifying a revision in another area?

The SPEAKER: Representative Coles of Harpswell has posed a question through the Chair to Representative Zirkilton of Mount Desert who may respond if he so desires.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The Representative is correct, but the amended version in the Minority Report does make that very clear. If the Representative has had an opportunity to view that amendment, I believe that that will answer his concerns.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I would like to pose another question through the Chair. If I understand this correctly, the Governor may veto a sum item and propose some replacement? If the legislature fails to act, for example because it is out of session, regardless of the proposed replacement, it becomes a law without any legislative review whatsoever. Is that a correct understanding?

The SPEAKER: Representative Coles of Harpswell has posed a question through the Chair to Representative Zirkilton of Mount Desert who may respond if he so desires.

The Chair recognizes that Representative.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, if I may impose upon you for a moment, I think you might be able to better answer that question.

The SPEAKER: The Chair would respond to the question in this fashion. The Chair had no intention of supporting the bill so I didn't read it. I have no idea where it appears in the Constitution. If it appears in the same place as the veto presently appears, if it were vetoed after the legislature adjourns and was not returned within the ten days, then it would be a pocket veto and would remain that way until the legislature convened. If it were at the end of the session and the legislature were not to reconvene, pursuant to present Constitutional requirements, the veto stands and there is no way to reconsider it at the end of the two year session.

The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: What I am hearing, and rightfully so, are a lot of questions regarding the technical parts of this particular piece of legislation. What I am not hearing is philosophical objections that are with a great amount of merit, in my opinion.

I think that if there is a willingness on the part of the members of this body to go ahead and work this thing out, then I am sure that we can find a way to address those technical concerns. If there is someone in this body who is interested in doing that, perhaps they would be willing to table it and let some of us go ahead and try and address those concerns that have been addressed.

Representative Kerr of Old Orchard Beach moved that L.D. 1277 be tabled one legislative day.

Subsequently, the same Representative withdrew his motion to table one legislative day.

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature (H.P. 768) (L.D. 1035) (C. "A" H-277)
TABLED - May 19, 1993 by Representative O'GARA of Westbrook.
PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Friday, May 21, 1993.

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

SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-141) - Minority (2) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Impose Term Limits on Presiding Officers of the Legislature" (S.P. 167) (L.D. 559)
- 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-141)
TABLED - May 19, 1993 by Representative PARADIS of Augusta.
PENDING - Motion of Representative JOSEPH of Waterville to accept the Minority "Ought Not to Pass" Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report and specially assigned for Friday, May 21, 1993.

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

HOUSE DIVIDED REPORT - Majority (6) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-307) - Committee on Legal Affairs on Bill "An Act to Change the Time of the State Primary" (H.P. 488) (L.D. 646)
TABLED - May 19, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Motion of Representative GRAY of Sedgwick to reconsider acceptance of the Majority "Ought Not to Pass" Report.

Subsequently, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: This bill was dealt with rather quickly a couple of days ago here and there wasn't much debate. I would just like to make a few remarks on the June primary. The reason that Maine has a

June primary and a November election dates back to the early first half of the 20th Century when Maine was the only state that had a September election for Governor. Up until the 1956 election when Governor Muskie was reelected, Maine held its election in early September. To accommodate a September election, there was a June primary. During those times, the saying, "As Maine goes, so goes the nation" was a slogan used across the United States because usually if a Democrat got 40 percent of the votes in the race for Governor of Maine, the country elected a Democratic President when the national election was held in November. If the Democrat got less than 40 percent, the country usually elected a Republican President. That is where that came from. In 1954-55, that was changed. We changed the date of our General Election to coincide with all the other states in the country but we did not change the date of the June primary, so Maine has a primary in June and an election in November. That is how we got into that situation.

Election campaigns go on and on and on. The people who participate in them and who are parts of these campaigns get deeply involved but the people out there in the street, I think, are kind of tired of it. I think it would be better to start the election, have the primary in September as they do in New Hampshire, and then go from that directly into the General Election and have a situation where people are not bombarded with a huge election in the spring. There is a little bit of a recess during the summer months and it all builds up again. If we could change our primary date until September, we would have a shorter period of time, it would be fair, we could get the same amount done and I think it would benefit all the people of Maine.

So, I hope that we do not accept the "Ought Not to Pass" Report but instead accept the "Ought to Pass" Report and change the date of our primary. I urge you to vote against the "Ought Not to Pass" Report.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I hope you will continue to accept or will again accept the Majority, the bipartisan Majority "Ought Not to Pass" Report. Those who feel that this will shorten the length of the campaign season I am afraid are somewhat mistaken. Following on the heels of a lengthy presidential campaign and what would seem to be a lengthy gubernatorial campaign which is coming up, we can see that the length of those two campaigns is not related to the time of the primary. In fact, they extend over a great period of time and changing the date to September is not going to affect the length of the those campaigns. Currently, we have a June primary and State House races have generally been suspended during the summer and campaigning begins again after Labor Day. I would suggest to you that this is appropriate. Maine people are not interested in having July and August filled with campaigning. It is very difficult for State House campaigners to campaign during the summer because many people are away. Those of us who have seasonal property in their districts have difficulty differentiating between people who are here seasonally and who are here year-round. Those who win a June primary have an opportunity to organize their campaign and do some of the organizational things that are necessary

without having it conflict with the time in which they have to take their campaigns directly to the voters. I think that Maine State House races are based primarily on and, frankly, should be based primarily on meeting the voters and meeting the public and that happens during the Fall today and, if this changes, it would require campaigning during August and July. So, I hope that you will accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Mr. Speaker, Distinguished Members of the House: This is the only bill that I introduced in this session and it came from the frustration of my constituents. As I ran for my primary and the General Election, I continued to hear from constituents and citizens that they were sick and tired of the campaign process lasting so long.

Representative Daggett is absolutely correct in saying that perhaps this will not slow the process on some campaigns. However, I think that it sends a message to our constituents that we are willing to have a registration date of July 1st and a September primary as our neighboring state does and then continue on to the General Election.

I feel that the summer issue that was addressed by Representative Daggett — people do not stop campaigning in the summer. I started campaigning in March and continued until November. There is an awful lot of people out there who would like to get involved in the campaign process but won't because it is too lengthy. I think that this will help aid people to the process in the campaigns because they do not have to spend six, seven or eight months campaigning for the candidate of their choice.

It is a beginning to expedite efficiency in the political process and all of our constituents have asked for that. I sincerely believe that by passing this law and rejecting the "Ought Not to Pass" Report that your constituents will greatly appreciate your vote.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: A couple of quick points in response the good Chairwoman of the Legal Affairs Committee with whom I pleased to serve with, Representative Daggett — Representative Daggett is correct, this is not a partisan issue. In fact, not only on the Report but throughout our population, there are people who are Democrats and people who are Republicans, unenrolled and others in this state, that would like to see this legislation enacted. It is a bipartisan and non-partisan issue on both sides.

She is also correct that this bill does not guarantee shorter campaigns. There is no guarantee of that, people can begin campaigning whenever they want. I would contend that they do so at their own peril because people are getting tired of long, lengthy campaigns and I think we have seen a reaction to it. Any one of us who has been out campaigning in the last few years knows what the reception was like those last couple of weeks before the election when we may not have been doing it but they are tired of seeing the advertisements on the television constantly. They are tired of hearing the radio and they are tired of picking up the papers. Unfortunately, I have to say that that goes along with democracy but we can do what we can to reduce

the amount of time, allow people to focus on the issues and allow people to campaign efficiently to get more people involved in the process, as Representative Birney suggested.

Representative Daggett is correct that this will not guarantee shorter campaigns but it does allow and encourage shorter campaigns and, therefore, it deserves your support and I ask for a roll call, Mr. Speaker.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: The first experience I ever had up here in Augusta as being a part of the legislative process was when I came with the former Town Clerk of the Town of Lubec on this very issue back in the 1950's. The arguments were the same then as they are today but let me say this, we were Town Clerks and we knew what it meant to have to prepare for elections and the follow-up of elections. I say to you that this may not grant the sufficient time after an election to get things ready for the Fall election. We went through that this year if there were recounts. That time in 1950, the debate was over the process of the recount and the same thing can prevail again.

I do not favor changing the date of the Primary Election. Let's give us time enough to do the job right and get things ready for a Fall election. This doesn't mean you have to go out there and campaign all summer long, it gives you time enough to get your materials ready, you will know back in June if you are the candidate, you can get your materials ready. Then you have time later on after the summer season, the tourists are gone, so when you walk up and talk to somebody, you know they are not a tourist, then you can concentrate on the citizenry.

I support the "Ought Not to Pass" Report and hope you do too.

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

Representative MARSHALL: Mr. Speaker, Colleagues of the House: While I would support the idea of shortening a campaign, which I think we are all quite sick of, I am reminded of my own primary campaign this year where there was a glitch in the Primary Election, nothing to do with any ballotgate or any intentional ballot tamperings but there was just an honest mistake in the way the ballots were handed out in one town and the many districts in that town. As a result of it, we had to go through a ballot inspection, a ballot recount, and then finally to a reelection.

I am concerned if we move up to the date suggested that there just physically wouldn't be time for all the legal maneuvering and the politically correct things that have to be done for this to take place. I would reject the idea that we change our primary.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I wish to urge you to reject the Majority "Ought Not to Pass" Report. I also wish to refute the statement made by the good Representative, Representative Look, in drafting the amendment on the "Ought to Pass" as amended Report. It took into consideration the amount of time that the Clerk's need to prepare for the General Election following the Primary Election as well as the

material and the amount of work involved with handling materials following a Primary Election. This is the reason that the date has been put in the amendment for the first Tuesday after the first Monday in September, very early in the month of September. We met and discussed this time frame with election representatives from the Secretary of State's Office to make sure that they were given adequate time to handle this change.

I agree that by changing the date of the primary, we may not shorten campaigns but we will definitely send a message to the people that we are responding to their requests for shortened campaigns. As was stated before, I believe anyone who chooses to run a lengthy campaign will do so at their own peril, I believe was the quote.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't normally speak on this issue but I was asked to consider switching my vote and I would like to share with the ladies and gentlemen here why. I can't switch my vote. I went through an election and I took the summer off. Maine has a long tradition of summertime's spent with families, spent with children who are out of school — I am a single parent, I have six weeks in the summer with my children, that's the only thing that is more important than this job or running for election. I wouldn't give that up and I think things should stay as they are. I think a lot of people in my district, even during the summer when I had time to make some connections, were out at camp away from their homes and I think it would be fruitless to have a campaign during the summer.

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 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. 112

YEA - Ahearne, Anderson, Bowers, Brennan, Carroll, Cashman, Chonko, Clark, Cloutier, Clukey, Coffman, Coles, Cote, Daggett, Driscoll, Dutremble, L.; Farnsworth, Farnum, Farren, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Look, Lord, Marshall, Martin, H.; Michaud, Mitchell, E.; Murphy, Nickerson, Oliver, Paradis, P.; Pendexter, Pendleton, Pineau, Pinette, Poulin, Pouliot, Rand, Reed, G.; Richardson, Ricker, Rowe, Rydell, Saint Onge, Saxl, Skoglund, Small, Spear, Stevens, A.; Strout, Sullivan, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Winn.

NAY - Adams, Aikman, Aliberti, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bruno, Cameron, Campbell, Caron, Carr, Chase, Clement,

Constantine, Cross, Dexter, DiPietro, Donnelly, Faircloth, Foss, Gwadosky, Heesch, Heino, Hichborn, Hillock, Joy, Kneeland, Kutasi, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, MacBride, Marsh, Melendy, Michael, Mitchell, J.; Morrison, Nash, Pfeiffer, Plourde, Plowman, Reed, W.; Robichaud, Simonds, Simoneau, Stevens, K.; Swazey, Tardy, Taylor, Thompson, Tracy, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Carleton, Cathcart, Dore, Erwin, Kilkelly, Nadeau, Norton, O'Gara, Ott, Rotondi, Ruhlin, The Speaker.

Yes, 73; No, 66; Absent, 12; Paired, 0; Excused, 0.

73 having voted in the affirmative and 66 in the negative with 12 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

JOINT ORDER - Relative to Joint Rule 13-B - Joint Select Committee on Rules (H.P. 1114)

TABLED - May 19, 1993 by Representative PARADIS of Augusta.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative Paradis of Augusta, tabled pending passage (2/3 Vote Required) and later today assigned.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act Concerning the Taking of Sea Urchins" (H.P. 98) (L.D. 140) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-366) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-366).

Representative Mitchell of Freeport offered House Amendment "A" (H-380) to Committee Amendment "A" (H-366) and moved its adoption.

House Amendment "A" (H-380) to Committee Amendment "A" (H-366) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The amendment before you deals with the first urchin season which will begin in Maine this summer if this bill passes. The committee originally was going to start the urchin season on June 6, 1993. The amendment says that it would start on June 6, 1993 or 7 calendar days after the effective date of the Act, whichever is later. The reason for that is to give time for the passage of this bill, to sort of distribute among the urchin processors, so that no one would accidentally be

caught breaking the law.

Subsequently, House Amendment "A" (H-380) to Committee Amendment "A" (H-366) was adopted.

Committee Amendment "A" (H-366) as amended by House Amendment "A" (H-380) thereto was adopted.

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

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-366) as amended by House Amendment "A" (H-380) thereto and sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-347) on Bill "An Act to Ensure Economic Benefits from Purchases by Generators of Nuclear Power" (H.P. 289) (L.D. 376) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of the Representative from Millinocket, Representative Clark, that the House accept the Majority "Ought to Pass" Report.

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

Committee Amendment "A" (H-347) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-347) and sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-348) on Bill "An Act to Amend the Laws Governing the Conversion of Fuel Systems" (H.P. 284) (L.D. 371) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-349) on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Clark of Millinocket that the House accept the Majority "Ought to Pass" Report.

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

Representative AIKMAN: Mr. Speaker, Men and Women of the House: I urge you to oppose the pending motion and I would ask for a roll call.

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

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

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I hope you will join

Representative Aikman and myself and oppose the motion before us. The difference between the two reports is very small indeed. They both agree that there is a program that needs to be in place to allow people to switch.

One bill takes off the books a former law from the 115th Legislature which asks the PUC to come up with a program to allow people to switch that would be paid for through that program. As you know and we all know, the only way PUC has money is they access it through rates. When I first put the bill in to repeal that law, the first inclination was to switch it to the General Fund. The fiscal note that came back by switching the law that was on the books to be funded by the General Fund was \$275 million. For the program to proceed through funding on the rates would cost \$275 million to the ratepayers. No matter how you dice it, with 1.2 million people in the state, that is a high jump in the electric rates. The committee was sensitive to that and we drew down on a very fine line of making a difference.

I hope that you will oppose this motion, go along with the Minority Report, and go for a free market solution and I hesitate saying that seeing what happened the last time it was said on the floor but go for a free market solution to allow people to make the economic decision to switch from electric heat to another source and pay for it themselves.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I couldn't help noticing the other day on the fact sheet that Representative Donnelly passed out on this bill that one of the points in his position's favor was that Central Maine Power Company endorsed his position. Boy, now that's what I call an endorsement. When I want a bill to pass this body, I make sure that the Central Maine Power Company is behind it 100 percent.

Men and Women of the House, hearing Central Maine Power Company promise me lower rates is like hearing Emmet Kelley promise me spiffy clothes. You are going to end up in rags either way.

I would remind you that only one winter ago when the electrical rates went up for many of us about 26 percent, electrical bills, therefore, went up for some of us to the rate of 200 and 300 percent. This legislature heard that complaint loud and clear. Over a third of the entire legislature signed our petition to the Public Utilities Commission to reopen that entire case. The entire legislature, 100 percent of us, unanimously, endorsed a Joint Resolution of the legislature, insisting that the Commission reopen that case, which they reluctantly did. One of the other results was that the Utilities Committee unanimously endorsed a program to get people off this extremely inefficient means of heating your home and stopped the drain on public tax dollars because overwhelmingly those people who are on electric heat and cannot afford to do anything about it themselves are those who are either elderly, very poor, or on General Assistance. You and I pay for them when they cannot afford to pay for themselves.

All the law we passed did was state that the Utilities had to make proposals about how to get people off this wasteful and inefficient method of paying for electric heat. If you do not like the idea of ratepayer money being used to help pay to do that, I don't blame you, neither did the

legislature. The only people who ever proposed to make you pay to do that is the Utilities themselves, the only people who ever put forth a plan that would tax you and I separately to remove poor people, elderly people and fixed income people off electrical heat were the Utilities themselves. If you don't like it, I don't blame you. If you don't like it, you should know that the Public Utilities Commission didn't like it either and defeated every single one of those plans.

What the Majority Report does is keep that law simply requiring that these plans be in progress on the books. It also puts into law an alternative method, if we can ever find the money, that would allow the Maine State Housing Authority to assist in programs to get the neediest people off electric space heat.

I promise you that not one penny of any of our money has ever gone to convert anybody, poor, elderly, indigent or trapped in a home they don't own with electric heat to switch to another fuel. The only people who have ever done it have been those people who can afford to do it on their own and they have done it in droves, I assure you.

If you don't like having to pay for others to do it, don't worry, the legislature doesn't, the Public Utilities Commission doesn't, only the Utilities would love it, they who have been taking the checks for electric heat, cashing it and putting the money in their pocket all these years. If you would like to know where they could have found that money to make those conversions themselves, I can point out to you two ways real quick. In 1991, the new President of the Central Maine Power Company came and spent a few months here, lost a job, and went home. That total package cost \$1.4 million to have him come here. We bought two condos for him when he got here, paid for the one condo he was leaving in Florida, we brought him out of his Florida system of retirement into the Maine system of retirement at the Central Maine Power Company. When everything went wrong, we bought those two condos back, bought him a new condo in Florida and paid him half a million dollars in severance pay on top of his own salary. That gathered up \$1.4 million. Who paid for that? I think you know. How many people could that have helped? You can do the math.

I would point out also that Central Maine Power Company has 14 Vice Presidents, each of whom earn more than an average of \$100,000 a year. It is not at all infrequent for us to sit in the Utilities Committee and have three chairs occupied by three people representing among them close to \$400,000 in salary telling us why it is bad for them for us to help poor people to get off electric heat. Given a choice between those three chairfuls of executives and the poor folks, I don't have any trouble making up my mind. It seems to me the thing to do is to break the cycle, get folks who we finally can off the electric heat, get them off the public rolls, get out of the cycle and get on to better business. That's what the Majority Report would do, I urge you to hold onto it, I urge you to vote for it and I thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Utilities Committee, I have looked forward to the opportunity to help the ratepayers of the state. When the fuel conversion bill was passed in the 115th Legislature,

it was clearly a case of funding a social welfare program with money taken from the ratepayers of the electric utilities committee.

I can agree with the good Representative from Portland that there may be some excesses in management levels of the Utilities but I hardly think that is germane to the problem. There is no way that this program is going to be funded by anyone other than the ratepayers.

I urge you to respect the Majority Report and let's put the ratepayers out of the program or, excuse me, reject the Majority Report and accept the Minority Report and put the program where it belongs with the owner of the home. This is just an unfunded mandate with the mandate running instead to the ratepayer, this should be a thing of the past. If the legislature feels that this is program that needs to be done, then it should be funded by the legislature.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: One of the pieces of information that I found compelling when we looked at this issue in the committee was that already ratepayers are helping offset the costs for low income, residential ratepayers who cannot pay their bills. Let me give you some statistics that we found alarming and one when you hear these figures realize that these costs are automatically translated into costs for operating the Utilities and those costs are then absorbed ratepayers. In the year of 1990 to 1991, CMP had \$9.2 million in uncollectibles. There is no incentive at this time for them to do very much about that because they can automatically pass those cost onto the other ratepayers who will absorb those uncollectibles on the books.

Bangor-Hydro, for the same period in 1990 and 1991, had uncollectibles of \$1,251,788. Maine Public Service for this same time period had \$329,352 for a grand total of those two years of over \$10 million, almost \$11 million, dollars of uncollectibles.

It is to the Utilities advantage not to get low income ratepayers off of electric space heat because they can automatically write off those uncollectibles which are absorbed by other ratepayers. So, the argument that you have heard that ratepayers ought not to be subsidizing these programs, in my mind, is a moot point. The reason that it is is because we are already subsidizing those folks because they can't pay their bills. We are doing that through an accounting mechanism that is perfectly understandable and acceptable in rate cases through the PUC so I encourage you to support the Majority "Ought to Pass" Report. It stands on its own merit where these are accounting issues that need to be addressed in committee and we will continue to wrestle with them. We have had compelling information in committee to support this position so I hope you vote green.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I felt I should stand up and just clarify a couple of things that have been said.

There is only one source for this money to come from, only one place that the Utilities can collect this from and that is from you and your constituents who have electricity.

As for the uncollectibles of the percentage of

collectibles, they figure about \$275,000 worth of that were low income people. Now that is 1 percent of the cost of switching everyone who has electric heat or 75 percent of those people. Like I said earlier, there is \$275 million dollars to have some of these people switch.

Let me also point out that there is no clarification, there is nothing in the law on the books that says this is for only low income persons.

Let me throw out a wild situation — I am a land developer, I am a pretty sharp character and I think I have a cheaper way to build some property and sell it. I am going to develop and build ten condominiums, put electric heat in and then ask the PUC, under the program, under the statute that is on the books, to switch those to oil heat, and you will pay for it. It is not limited by income, it is not limited by any social definition. If we were to do that, it would be a much more confined program and I would have a much less objection to it.

I would hope that you would follow this free market solution that the Minority Report support wholly and reject the Majority "Ought to Pass" Report.

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

ROLL CALL NO. 113

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Carroll, Cashman, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Driscoll, Dutremble, L.; Faircloth, Gamache, Gean, Gray, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Jacques, Johnson, Joseph, Ketterer, Kontos, Larrivee, Martin, H.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Gould, R. A.; Greenlaw, Heino, Hussey, Joy, Kerr, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Melendy, Morrison, Murphy, Nash, Nickerson, Norton, Pendexter, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Young, Zirkilton.

ABSENT - Cathcart, Dore, Erwin, Farnsworth, Fitzpatrick, Hillock, Jalbert, Kilkelly, Lemke, Lipman, Nadeau, O'Gara, Ott, Rotondi, Townsend, G.; Winn.

Yes, 72; No, 63; Absent, 16; Paired, 0; Excused, 0.

72 having voted in the affirmative and 63 in the negative with 16 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-348) was read by the Clerk and adopted and the bill assigned for second reading Friday, May 21, 1993.

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed all matters that required Senate concurrence.

BILL HELD

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

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby L.D. 746 failed of enactment.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

On motion of Representative Ruhlin of Brewer, Recessed until five o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Extend the Probationary Period for Teachers" (H.P. 384) (L.D. 497)

Signed:

Senators: O'DEA of Penobscot
LAWRENCE of York
AMERO of Cumberland

Representatives: PINETTE of Fort Kent
AULT of Wayne
SIMONDS of Cape Elizabeth
OLIVER of Portland
PFEIFFER of Brunswick
MITCHELL of Vassalboro
SMALL of Bath
CLOUTIER of South Portland
STEVENS of Orono

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

Signed:

Representative: NORTON of Winthrop

Reports were read.

Representative Mitchell of Vassalboro moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti. Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I ask for your indulgence for two or three minutes.

I solicit your support and consideration of passage of L.D. 497, An Act to Extend the Probationary Period for Teachers, from the current two year period to the proposed three year period. This is not, I repeat, not an attempt to threaten the professional welfare of the classroom teacher but an attempt to assure the probationary teacher the opportunity to be assured of retention through this most important and critical period.

The intent of this legislation and its objectives are to provide greater assurances than now exists to work with talented staff to reach their pinnacle of professional talents and gifts. The two year period is too abbreviated to concentrate on the improvement and evaluation of the probationary teacher. This amounts to about 12 months.

Many teachers have been retained and not terminated in the past, had a dedicated and identified program that had been established and identified with the responsible concentration on their need to improve. Often weak and unidentified concerns of the probationary teacher remained unaddressed. This is not, I repeat, not a termination bill but a determination bill requiring identified needs and weaknesses of the truly professional person and evaluate that potential with stated educational objectives.

Assuming equal responsibility for their experience and tenure tiers is consistent with educational and professional responsibility. The need to return to the three year probationary period becomes more and more an educational direction to pursue because of the lack of evaluation. The time frame is not enough.

I would like to continue this with a personal frustration that I encountered in an attempt to present this legislation, some of the positives and some of the negatives. I ask you to address the need for the passage of L.D. 497, An Act to Extend the Probationary Period for Teachers from two to three years.

The status of the bill before you has already been identified as a sure loser. It has the moniker of extreme underdog. My underdog status was established and identified early as a member of this body. The underdog status becomes a part of us at one time or another as we serve this body, the asides are what are the most difficult to relate to. This L.D. 497 exposed me to a few unexpected and unpleasant political realities, a reality that I found most difficult to accept and support. Your tenure cannot be completely fulfilled without some time having a similar challenge. The immovable position of the Select Committee on Education was immovable and dedicated to one of the most powerful lobbies that you would come in contact with. I do

not wish the frustration on any of you, my respected colleagues.

Secondly, the committee absenteeism and thirdly, the early determination of an immovable position that L.D. 497 was doomed. Active and unsolicited support of the Maine School Management testimony of Don Caldwell from the Maine Superintendents' Association, the Maine School Boards Association and School Administrators and many of the professional staff, the unsolicited and total surprise support of a South Paris teacher, a credible person that I found out made valuable contributions in education by the name of Andrea Hurd Burns, a primary teacher in SAD #17 for 23 years, hometown of Waterford.

I cannot conclude this testimony without first acknowledging the graciousness of the House Chair and her respectability towards me as a member of this organized unit here. Also Representative Norton, the elicit person on this bill that kept his commitment and his word and displayed a touch of class.

Finally, please consider this appeal based on my legislative record as an advocate for increased service to our public school population, especially as there are no costs to the school system. I ask for your support.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I wish to thank the good gentleman for his kind remarks about the committee.

I would like to very briefly explain why 12 members of my committee did not believe that this was the appropriate legislation for us to accept at this time. It would be easy to characterize this bill as labor versus management. We did not do that. The bottom line for us in every decision that we tried to make this year is what is best for the child, not what is best for the teacher, not what is best for the school board, but what is best for the child.

The comment has been made that two years is really too short a time to judge whether a probationary teacher should be given a contract to continue in the school system. It has been over a decade since we have used this two year period in terms of making that decision. The bill would suggest that we go back to the three year period. Our concern as a committee is that giving an extra year to those people who are responsible for deciding which teacher are best for their system and which has the potential of growing into the kind of caliber of teacher we want for our young people simply let the children continue to work with the teacher who may or may not reach that level. Why should they have to wait an extra year for a teacher who may reach that level?

The Maine School Management Association did testify for this bill because as I said it would be very simple to put it in that category. Obviously, management would like another year without having to make a decision or a commitment. But, the numbers that they use to support the bill are the very numbers that bothered me. They talked about if some of these probationary teachers could continue, and they used some numbers, they said in 1990, of the 250 probationary teachers released from teaching positions, 92 of them would have continued for another year on a probationary basis. But, here is the line chilled my feelings about this bill — they said, "with one or more years more of on the job

experience, they might have become good teachers." The responsibility for knowing whether someone has the potential and for working with a beginning teacher belongs to management very early on. I think that that is what is at stake here, ladies and gentlemen.

I know the intentions of the sponsor, frankly, are to make things better but I wanted to share with you why our committee very, very strongly rejected this argument. We believe that a teacher's potential for being a good teacher can easily be recognized in the first two years.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: With a great deal of respect, I would like to respond to one of the statements made by the good Chair.

If a school system determines that after two years under this legislation they wanted to issue a continuing contract, they have the option to do it. So, nothing has changed as far as that is concerned.

It is that attempt to retain those that are not given the opportunity to become a part of the professional community because of the lack of dedication on the part of the administration, support groups, superintendents and the school board in allowing these professional people to reach their full potential.

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

A vote of the House was taken.

58 having voted in the affirmative and 26 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

REPORTS OF COMMITTEES

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" (H-364) on Bill "An Act Imposing Term Limits on Legislative Leadership Positions" (H.P. 546) (L.D. 742)

Signed:

Senators: BUTLAND of Cumberland
BERUBE of Androscoggin
ESTY of Cumberland

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

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

Signed:

Representatives: AHEARNE of Madawaska
JOSEPH of Waterville
WALKER of Blue Hill

Reports were read.

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

On further motion of the same Representative, tabled pending her motion that the House accept the Minority "Ought Not to Pass" Report and specially assigned for Friday, May 21, 1993.

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

REPORTS OF COMMITTEES

Divided Report

Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-367) on Bill "An Act to Centralize Licensing for Retail Businesses" (H.P. 399) (L.D. 512)

Signed:

Senators: CIANCHETTE of Somerset
BUSTIN of Kennebec

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

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

Signed:

Senator: MARDEN of Kennebec

Reports were read.

Representative Heglund of Portland moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the pending motion and would like to further explain the reasons why I object to this legislation being put out by that particular committee the way it has

been.

There a couple of reasons actually. One is that, a couple of years ago, the 115th Legislature directed the Department of Economic Development to study the process in getting all the permits and licenses brought together so that we could try to address the needs of the business people. When I was made aware that the committee had this particular bill before them, I asked to be part of the process and was invited to one subcommittee meeting and apparently they didn't like the way the direction of the subcommittee was dealing with this or perhaps some of the suggestions but I think it is quite unfortunate that this has been something that was before our committee. As a matter of fact, we have another piece of legislation to deal with it. This deals with the very small piece of what is needed and the way this is being proposed is going to be extremely difficult because we have to have the Economic Development Department come up with ways of being able to centralize things initially and already they are trying to reach out.

Representative John Michael's bill, this bill here in front of us, says that it should be going out to the municipalities and the municipalities are the ones that should be responding to this. I think it is putting the cart before the horse. If anything, it is going to hurt the process that we already are working on trying to make things easier for businesses. As a matter of fact, the Chamber of Commerce and the small businesses are looking to have it centralized first. If we can then, down the road, see if the municipalities can handle it but the way it is now with over 270 of the permits and licenses having extremely different needs and so forth, it is going to be unwieldy because municipal offices continue to change and it is going to be very costly. There is an additional cost to people applying for licenses through this and I really think it is a bad bill and would like to see it defeated so that we can continue to work at something that I think will help businesses in the future.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I am on the "Ought to Pass" side of this Report. Our committee spent a lot of time working on this. Quite frankly, I and a number of the rest of us on the committee were uncomfortable with this bill at its inception and found the subcommittee and brought in the people who would be involved and spent a lot of time talking about how this would work. After having done that and then bringing it back to our committee and we spent a lot more time discussing it. After we had done this, the committee as a whole, felt very strongly that this was a real help to business.

As many of you know, if you were to go out and start a retail business today, you would have to come to Augusta to get a license to sell gas and get a license to sell lobsters and a license and a license and a license, depending on the type of retail business that you were going to be involved in. When it gets to the point where some of these local retail businesses have to get 10, 15, 20 and as many as 25 or 30 licenses to run their business, we have created a situation where some people throw up their hands and go home and say I can't deal with this and I am just not going to do it.

This proposal, I think, goes a long ways to help

small individuals who want to start new businesses by coming to one location. At that location, the people will be able to tell them all the licenses that they do need, then those licenses will be brought together, contact will be made to all the departments by this locale, not the individuals that are going to start the business. They can do all of their business at one location; thereby, making the entire process simpler and, hopefully, creating some more businesses and some more jobs.

I urge you to vote for this, it is a good bill.

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

Representative HOGLUND: Mr. Speaker, Men and Women of the House: This also allows municipalities and towns, if they want to, to do this. If they don't want to do this, they don't have to. What it does is have the Department of Professional Finance and Regulations work with municipalities to have a one-stop shop to help create businesses from spending lots of money. If a city or town wants to work this out, what they would do is apply for 14 or 15 business licenses that they have to have, such as your liquor license, your food license, your occupancy license and all that, you go in and fill out an application, you give them the money, it costs you \$2.00 for every application and what happens is, the state turns around and mails it back to you. That way, you don't have to go to 15 places in the state to do so. If you want to go to the 15 places in the state to do so, you may do it, but this is what has happened to small businesses in the area that they are out arguing that it is costly to do business in this state because of the rules and regulations in the licensing procedure. What we tried to do is break it down so that we could do this. We had the DECED work with us on this and we had Mike Aube work with us on this. The committee broke down, both Republican and Democrats, we had people come in who spoke about how they felt about the one-stop shop and found that it would be beneficial for small towns to be able to go to one place, get their work done and it would be very efficient.

I would urge you to vote for it.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I am not saying that this is not a good idea. What I am saying is that the way it is trying to be handled in this particular bill is, I think, harmful in the sense that it is increasing the cost of licenses and permits to the people involved and that is not what we are trying to do to businesses.

It is also causing additional costs to municipalities. They are saying, how do you keep a fiscal note off from something — what you do is you don't mandate it, but then what you do is start charging them some additional fees. I just think by not working with the committee of jurisdiction that has been working with the Department in trying to create the best thing for businesses and then negating them out of the subcommittee process has created something that, I think, is opposite of what has been worked on through a study committee that was done two years ago and what was passed in the 115th Legislature.

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

Representative HOGLUND: Mr. Speaker, Men and Women of the House: This is not a mandate, if the towns and cities, they may. What we tried to do was to create a one-stop shop so that businesses could get some relief from all the expenses that they would have to pay. If you do it on the state level which is probably a great idea to have the one-stop shop on the state level, but the problem is you have to create a whole bureaucracy at this point to do so. We are not prepared to do that because of the money situation right now. It is not going to cost anyone a lot more money to get their license, it is a convenience for \$2.00 to get everything done. It is simple, it is easy, it is a one-stop shop. If you do it on the state level, it is going to take more than one or two years, it is going to create a whole bureaucracy of secretaries setting up a whole department of combining the DEP, Conservation and all those these different things. It is a good idea but we are not ready for it right now. At this time, we are ready for small business to be able to do in and do the one-stop shop. We all say we want to do something for business, this is a good opportunity to try it.

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

Representative GRAY: Mr. Speaker, Men and Women of the House: The State and Local Government Committee has been looking at this issue off and on for a few years in restructuring. It is a major piece that needs to be done. If in fact this committee hadn't taken it up, I would be suggesting it to the Committee on State and Local Government next week. I think it is an important bill and I hope you will vote for it.

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

Representative MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I also worked with Representative Hoglund on this subcommittee and I think the ideas on this are very good. I think in Housing and Economic right now we have got another bill coming along that will do what this one does and perhaps a little more. It looks like this one is limited to small retail business, I think the bill we are working on right now is going to hit more than just the retail business. I believe, if it would help, I would like to move that we postpone this for one legislative day so perhaps we can get together and talk about it.

I move that we table one legislative day.

The SPEAKER: The Chair appreciates the motion but it is out of order.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree with Representative Melendy, I think it is an excellent idea; however, it is only taking one little piece of the pie and I think we should be waiting for Housing and Economic Development to do the whole pie at once and cover everything. So, I urge you to vote against the motion on the floor.

On motion of Representative Whitcomb of Waldo, tabled pending the motion of Representative Hoglund of Portland that the House accept the Majority "Ought to Pass" Report and specially assigned for Friday, May 21, 1993.

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

MICHAUD of East Millinocket
 POULIOT of Lewiston
 CHONKO of Topsham
 KERR of Old Orchard Beach
 RYDELL of Brunswick

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-372) on Bill "An Act to Promote State Savings through the Efficient Utilization of Funds" (H.P. 1018) (L.D. 1364)

Signed:

Senators: PEARSON of Penobscot
 TITCOMB of Cumberland
 FOSTER of Hancock

Representatives: CARROLL of Gray
 KERR of Old Orchard Beach
 POULIOT of Lewiston
 CHONKO of Topsham
 FOSS of Yarmouth
 REED of Falmouth
 MacBRIDE of Presque Isle
 MICHAUD of East Millinocket

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

Signed:

Representatives: HICHBORN of Howland
 RYDELL of Brunswick

Reports were read.

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

Committee Amendment "A" (H-372) was read by the Clerk and adopted and the bill assigned for second reading Friday, May 21, 1993.

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-373)

Signed:

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

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-374)

Signed:

Senator: FOSTER of Hancock

Reports were read.

Representative Kerr of Old Orchard Beach moved that the House accept Report "A", "Ought Not to Pass." The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I encourage you to vote against the pending motion so that we can go on and consider the "Ought to Pass" as amended by Committee Amendment "B" Report which amends the bill.

This bill, in summary, is a piece of legislation that is designed to bring increased accountability to the Department of Environmental Protection. Over at the Department of Environmental Protection, they have several funds which are entitled to receive fines and penalties. What this does is basically they can accept these fines and penalties and then turn around and use that money for personnel and programs of the Environmental Protection. I think this violates the central principle of the power of government to fine in the central principle of budgeting and that is that an agency should not be able to use their penalties and fines to encourage and to pay for more staff and more programs for their own department. It becomes very difficult for the citizen and for the legislature to feel comfortable that the money is being used for the purpose other than to increase state bureaucracy.

Unfortunately, many people in our state do not believe that the Department of Environmental Protection is accountable. Many people are unhappy and whether that is real or perceived, this bill would help address that problem by undedicating only the penalties and the fines from those accounts which are entitled to receive them for the purposes I described earlier. It would exempt the reimbursement or recovery of cost incurred by the department including legal costs in remediating or mitigating the environmental effects resulting from the violations. It would also exempt late payments for the violation so the department would still be able to get those funds in the revenue stream but would not be able to keep money beyond that to pay for additional programs and personnel.

We have all heard the complaints against the

REPORTS OF COMMITTEES

Divided Report

Nine Members of the Committee on Appropriations and Financial Affairs on Bill "An Act to Undedicate Certain Revenues of the Department of Environmental Protection" (EMERGENCY) (H.P. 1020) (L.D. 1366) report in Report "A" that the same "Ought Not to Pass"

Signed:

Senators: PEARSON of Penobscot
 TITCOMB of Cumberland

Representatives: CARROLL of Gray
 HICHBORN of Howland

Department of Environmental Protection from our constituents, this is a chance for us to do something about it, either in a real way or a perceived way. I would encourage you to take a look at this bill and to support the Minority Report by rejecting the pending motion.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: The principle which the Representative from Norway outlined is a sound principle. The DEP should not in fact be funded by fines and penalties because it creates the perception there may be a conflict of interest in their decisions. However, Representative Bennett failed to take into account the practical effects of his bill. Hazardous waste, the fund, gets \$200,000 right now in penalties per year on an average. That fund (right now) does not generate enough money to pay the cost of the licensing of hazardous waste facilities or the enforcement of licenses of responding to hazardous waste spills.

Thirty-eight percent of the positions allocated to those functions are vacant right now because there is not enough money to fill them. If we are to maintain a hazardous spill response team, we have to meet strict federal standards for training. These people are dealing with dangerous materials.

If you look at the fund balances right now, that fund balance is negative in the spill response by a large margin. In the Hazardous Waste Licensing Enforcement part, it is positive by about the same margin as the spill response is negative. That means that fund is barely doing the job even with 38 percent of the positions not filled for lack of money. So, if we are going to make a switch like this, we have to provide if we are going to be responsible, an alternative source of income. That means raising fees on people who handle hazardous materials and hazardous waste.

Do we want to raise fees on all the businesses in Maine who do this, this year? Or, do you want to still take \$200,000 a year from people who are violating the law?

One last point, the Representative said that this is a chance to do something about all the complaints we have had about DEP — if the response to complain is to somehow "do in" DEP, good, we ought to do that. But, if in fact you want DEP to be available when somewhere in your district a truck overturns and spills half of its material of hazardous waste, then I urge you to vote against Representative Bennett's position.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: One of the things I learned in researching this bill is that it is very difficult at times to get information out of the Department of Environmental Protection regarding these funds. As a matter of fact, the Appropriations Committee found that it was very difficult because there had been apparently a clerical or some sort of error misapplying account balances or misapplying the numbers.

Just today I learned some information obtained from the department by the Office of Fiscal and Program Review that yesterday at 1:13 p.m. the Maine Hazardous Waste Fund, according to these records and

perhaps the good member that is a member of the Energy and Natural Resources Committee has better access to these numbers than I do, but the numbers show unobligated in this fiscal year \$1,602,400 in the Maine Hazardous Waste Fund. That includes both "All Other" and "Capital" and "Personal Services."

It is true that they budget of \$200,000 in the Maine Hazardous Waste Fund from penalties but they can never tell from one year to the next how much money there's going to be. Some years it may be zero, some years it may be \$800,000 so they rely upon that as any sort of basis for budgeting is bizarre from the department's point of view as well as from the legislature's point of view. These numbers are completely unpredictable and if we really want to provide a good environmental protection service in licensing and all, we should provide them a more secure stream of revenue. This is not the only stream of revenue for the Maine Hazardous Waste Fund, they get more than just that \$200,000 or whatever the number may be for that particular year.

I believe that they should compete for General Fund money just like everyone else in that respect. I would also remind the Representative that this does not deal with license fees. The amended version of this does not deal with license fees regarding the Maine Environmental Protection Fund which was Section 1 of the bill, stricken. It also doesn't deal with license fees that accrue to those particular funds like the Maine Hazardous Waste Fund. If we want some predictability, if we want some accountability, if we want some consistency in the enforcement of our environmental laws, then we ought to give them a better revenue stream than what they are getting through this system.

I encourage you, again, to reject the pending motion.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I appreciate the amendment to the bill and I know that we are talking only about the penalties. Information that I obtained today from DEP says there is less than half a million dollars as a balance right now in that fund but that money is encumbered. They have a budget and the money comes in on an irregular basis as the Representative pointed out and they need to have sufficient balance over the course of a year or two years to be able to maintain the staff necessary to operate the programs. I would like to repeat that they have right now an income level sufficient to maintain only 60 percent of the authorized programs. That means that they are not doing the licensing of these facilities without delays. We are not getting the enforcement we should be getting.

Again, the principle is sound but if we are going to take a substantial portion of the money that they are expecting this year to pay for the staff and to pay for the hazardous spill response operation, we must replace that funding somehow. The only way to replace it is to assess fees on Maine businesses that handle hazardous materials.

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 Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: You know, sometimes we have to pay for those things that benefit the greater good in this society. Sometimes that means taking stances that are tough politically to take but I don't like to see the quality of the food in the jail determined by how much the Sheriff can save in the budget. Neither do I like to have broadbased community services of interest to us all paid for in a dedicated revenue of this kind. Therefore, I am torn on this question but, because I don't like to see revenues dedicated to an agency collecting them for distribution of a common good, I am certainly going to support Representative Bennett in this because I think it is worthy of a broadbased tax and I don't happen to like most evidences of dedicated revenue. You always have to qualify yourself because there is always an exception but that is my position on that one. I just thought I felt strongly enough about it to voice it.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I always feel that it is appropriate when I take a position on a Divided Report to let you know why I have done that in the hope, faint though it may be, that it is of interest to you.

My position on this bill is not based on any sense of fraternal collegiality because it happens to be sponsored by a member of my caucus. It is not based on a particular desire for nor enjoyment of contentiousness because those of you who know me well know that I don't particularly enjoy contentiousness. Neither is it based on any personal animosity toward the Department of Environmental Protection — quite the contrary, I have a great respect for the functions that they perform. It is, however, based on the same premise that caused me sometime ago to join with my colleagues on the Appropriations Committee in rejecting a proposal by the Administration to take the Bureau of Taxation and make them a dedicated revenue account and allow them to exist, if you will, on the fruits of their labor. It is of deep and abiding concern to me when any bureau, agency, department or entity of government earns its keep, if you will, through what we might suspect would be from time to time overzealous enforcement. Do we in fact allow the judiciary to keep the fines that they bring in? Of course, we don't. We want from the judiciary objective and detached enforcement, we don't want vested self-interest to have them accruing revenues based on their fines.

Now, you might say the concern is unfounded, what is it based on? Well, it is based on some data that you will find, if you choose to look at it, in your budget Volume 1a on page 104. You may look at that if you wish or I will share the reason for my concern. There is an account down there near the bottom called DEP fines, its object, 2081. In 1992 fiscal year actual revenue is \$173,000, a modest amount. Budgeted for 1994, ladies and gentlemen, \$4,377,217. That causes me concern. Are we to assume that the people of Maine are suddenly going to become a lawless rabble and generate that sort of

fine? I think not. I am concerned by that amount. I asked that question of officials of the department during the hearing and received no response, other than perhaps it was an error. I think it is an error and it causes me a great deal of concern and I hope that you will think about it and perhaps it will cause you some concern as well and that you will oppose the pending motion and go on to accept the Minority "Ought to Pass" as amended by Committee Amendment "A" Report.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope you vote for the pending motion before you today. I think this bill is a terrible bill. The Representative from Winthrop, Representative Norton, says that it should be taken out of the general revenues but, ladies and gentlemen of the House, as you well know, there's not much there for general revenues.

Over the years, when I was on the Energy and Natural Resources Committee and I was one of the three members who had a report to the Appropriations Committee, at that time the Appropriations Committee said, gee, we've got to cut back, can't you find ways to cut within DEP or fund it in some other manner? Well, we did, we set up dedicated accounts. That is how we funded most of DEP's operations. If you look over the years, you will see the amount of General Fund revenues that DEP received has gone down because what the Energy and Natural Resources Committee has done over the years, and I believe continue to do, is to support the functions of DEP for those who use it. True, some of the fines do go into this account, however, this is not the only account, the Inland Fisheries and Wildlife managed to keep their fines as well.

I think this is a terrible bill. I hope that this body will go along with the "Ought Not to Pass" Report.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in a curious position of having to enter into this argument. Sometime ago, we debated the issue of the Workers' Compensation Board and political activities and Representative Bennett made a very good point that day and I voted with him. He said, if you are going to be discussing this policy, we ought to apply it broadly across departments. We ought not to pick one particular area and it strikes me that the same argument can be made here.

If we are talking about the policy of whether it is appropriate for any one department to retain the fines that it levies, let's address that broad policy as it applies to every department. I see no reason to address simply the DEP. If in fact you would rather have an argument about whether the DEP is a valuable department or not, that is a separate issue. That is why I will be voting with Report "A", having learned something from Representative Bennett.

Representative Bennett of Norway was granted permission to speak a third time.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: It is not often that I consider myself an instructor and I am glad I helped the Representative in some way but I would like to respond briefly to Representative Townsend's comments

because I respect her and I respect her point of view.

I think it is fair to say that it is the general policy of state government in this state that fines are not kept by the department. I think it is fair to say that one of the reasons the Department of Inland Fisheries and Wildlife keeps their fines because of the Constitutional Amendment that was passed. I would further say that I believe that allowing the DEP to keep these fines, these penalty revenues and to expend them, is an anomaly, and the reason that I presented this bill as an emergency, which requires a 101 votes, fully aware of that, is that I believe that we ought to make that decision now so that it will take effect with the next budget. Then it will not be something that becomes enacted and effective after the budget begins so that the Appropriations Committee can take that into account when they craft the budget and, as Representative Coles suggested, make sure that the DEP is properly funded.

My desire here is not to affect DEP, my desire here is to affect positive accountability on the part of this department so that we can help rebuild faith in that department and provide greater levels of predictability to that department.

So respectfully, I request again that you reject the pending motion.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of points I would like to make. One, the reason that the Fisheries and Wildlife keeps their fines has nothing to do with a Constitutional Amendment, it has been that way during the entire length of my service in this body and on that committee. I assure you, I assure you that the fact that they can keep that money has not had a mass amount of criminal prosecution by the warden service. The fine money is somewhere around \$200,000 and really has not fluctuated from that amount over the last five or six years. It will increase, and the reason it will increase, is because we passed three or four bills this year that increases the penalties for the crimes in the Fisheries and Wildlife Department.

I agree 100 percent with what both Representative Bennett and Representative Norton have said about how this is not a good way to do business but, unfortunately and quite frankly, that is the only way we have been able to do business. Because whether we want to say it or not, the fact that DEP has jobs that angers some of our constituents and some of our industries is a simple fact that when it comes time to dole out money, they just don't get it. As demands from our constituents, yours and mine, increase on enforcing the illegal dumpers, nuclear waste laws, landfills and on and on and on has increased, and the department's revenues stayed flat or were decreased, the challenge was given to the Energy and Natural Resources Committee to come up with other ways of doing it.

The theory behind this whole program is that the polluter pays, that your fine is not a slap on the wrist. I've got to tell you that in most cases the fine is considerably lower on the final settlement that is usually negotiated between the A.G.'s Office and the polluter than the statutes require because they take into consideration all factors. That money goes into a fund that is then used to make sure that

others do not continue to pollute and violate the laws of those specific areas in the DEP.

It is, indeed, unfortunate and a sad state of affairs when your constituents and my constituents have to count on the actual prosecution, conviction and negotiated fines of businesses or individuals in this state to enable a department to do a job that is necessary for the very life and breath of every citizen in this state. That is what we have been relegated to, men and women of the House, and it is through no real fault of our own but actually through all faults of our own.

I've got to tell you that after the negotiations and after the budget work that we did, when your constituents find out what the overall effect of the budget cuts are going to be in the DEP and the fact that when they make many calls wanting to know about problems with our environment, there is going to be no one at the end of the phone. There is going to be no one who is going to come and find out what that stuff is coming out of the ground in your neighborhood where your children and grandchildren play or what that funny orange stuff is in your landfill or a myriad of other problems you and they will understand the full impact of the cuts that are going to be made, even under the best of conditions in the State of Maine today.

If you support this proposal, yes, you will have some effect on DEP. Yes, you will bring people's attention to the fact that fine money is being used for enforcement and yes, men and women of the House, you should know that you will reduce by a great margin the ability for those departments to respond to your calls and your constituents and protect you and your constituents in every day of their life. Realizing that and understanding that, you should vote the way you see fit. The simple fact of the matter is, don't do it because you are angry at DEP, we have piled on rules and regulations and laws onto the DEP to protect our people, their groundwater, their air and their land. We have never given them the money to do it. We came up with a way to provide a little of that money. Should you choose to take that away, just understand the consequences, understand the results and when the department gets a call, there will be nobody there to answer. Explain that to your constituents, tell them how it came about and if you can do that, then I guess you will be all set. That's what this bill really does. It further hampers the pathetic efforts, the embarrassing efforts being made a department to protect your children and your grandchildren and your constituents in this state.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here listening to this debate and thinking about something that I have experienced with the DEP. I don't think anyone is pushing to eliminate the DEP or to seriously hurt the DEP. I totally subscribe to what Representative Reed said about allowing enforcement agencies of any kind to keep the revenues they raise to support themselves, especially fines. As I understand this, what we are talking about this evening are fines and fines only, punitive things that the agency has the authority to raise.

Listening to Representative Jacques talk about the AG's Office, I would like to tell you a little

story about a client of ours, a manufacturing concern. They employ about 150 people and they have spent tens of thousands of dollars trying to comply with the DEP regulations. They deal with all sorts of solvents, things of that type. They have a small quantity of a particular solvent that they use in their manufacturing process. They hadn't met some small provision of the DEP laws and DEP came in and presented them with a Consent Decree about an inch thick that they had to agree to and that they wanted to agree to. They had to pay some costs to this and the DEP also suggested levying a penalty of \$15,000 against this company. I can remember reading the cover letter signed by the head of the DEP suggesting that a \$15,000 penalty, advising these people that they could appeal the penalty to the Attorney General's Office and then it went on to say, "however, we must warn you that if you appeal this to the Attorney General's Office, the Attorney General generally is more stringent in the interpretation of these rules and the application of fines." You think about that just for a second, how quick are you going to be to appeal a fine when you have been warned by the person hitting you with it that, if you do appeal it, it is probably going to be increased along with the result in legal fees you have to pay.

This bill, I think, is just common sense, when no one is trying to hurt the DEP but let us take away this ability to hit someone over the head with a sledge hammer and keep the penalty that you extract. Please think about that.

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 Kerr of Old Orchard Beach that the House accept Report "A" "Ought Not to Pass." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 114

YEA - Adams, Ahearne, Aliberti, Anderson, Bowers, Brennan, Carroll, Cashman, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Holt, Jacques, Johnson, Joseph, Kerr, Kontos, Larrivee, Lemke, Marsh, Martin, H.; Michael, Michaud, Mitchell, E.; Mitchell, J.; Oliver, Paradis, P.; Pfeiffer, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlman, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Vigue, Wentworth, Winn, Young, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Gamache, Heino, Hussey, Jalbert, Joy, Ketterer, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, MacBride, Marshall, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau,

Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, True, Tufts, Whitcomb, Zirnkilton.

ABSENT - Bailey, R.; Beam, Carr, Cathcart, Chase, Coffman, Dore, Erwin, Greenlaw, Hillock, Hoglund, Kilkelly, Lord, Melendy, Morrison, Nadeau, O'Gara, Pineau, Townsend, G.; Walker.

Yes, 74; No, 57; Absent, 20; Paired, 0; Excused, 0.

74 having voted in the affirmative and 57 in the negative with 20 being absent, Report "A" "Ought Not to Pass" was accepted. Sent up for concurrence.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Protect Children from Illegal Tobacco Sales" (H.P. 554) (L.D. 750)

Signed:

Senators: CAREY of Kennebec
HALL of Piscataquis

Representatives: DAGGETT of Augusta
BOWERS of Washington
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" as amended by Committee Amendment "A" (H-375) on same Bill.

Signed:

Senator: HANDY of Androscoggin

Representatives: LEMKE of Westbrook
MICHAEL of Auburn

Reports were read.

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

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Friday, May 21, 1993.

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

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following

items appeared on the Consent Calendar for the First Day:

(S.P. 111) (L.D. 312) Bill "An Act to Establish a Surplus Energy Program" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-157)

(S.P. 245) (L.D. 764) Bill "An Act to Determine Eligibility of Child for Benefits" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-161)

(S.P. 203) (L.D. 639) Bill "An Act to Make Corrections to the Salary Reductions Authorized in Public Law 1991, Chapter 780, Part III" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-162)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 21, 1993, under the listing of Second Day.

(S.P. 252) (L.D. 771) Bill "An Act to Enhance Voters' Rights in Budget Approval of School Districts" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-163)

On motion of Representative Carroll of Gray, was removed from the Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-163) was read by the Clerk and adopted and the Bill assigned for second reading, Friday, May 21, 1993.

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

ORDERS

On motion of Representative COTE of Auburn, the following Joint Order: (H.P. 1134)

Ordered, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill, "An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine's Courts."

Was read and passed and sent up for concurrence.

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

ORDERS

On motion of Representative DAGGETT of Augusta, the following Joint Order: (H.P. 1135)

Ordered, the Senate concurring, that the Joint Standing Committee on Legal Affairs report out to the House bills entitled "An Act to Limit the Influence of Money in Elective Politics" and "An Act to Set

Voluntary Limits for Campaign Spending."

Was read and passed and sent up for concurrence.

The Chair laid before the House the following matter: Divided Report Majority Report (9) of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Impose a Moratorium on Certain Sources of Energy until a State Energy Policy Is Adopted" (EMERGENCY) (H.P. 709) (L.D. 960) and Minority Report (4) of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-352) on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Clark of Millinocket that the House accept the Majority "Ought Not to Pass" Report.

Representative Zirnkilton of Mount Desert requested a Division.

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

A vote of the House was taken.

78 having voted in the affirmative and 26 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: Mandate, An Act to Increase Tenant Representation on Housing Authorities (H.P. 550) (L.D. 746) (C. "A" H-264) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would like to express deep gratitude to Representative Jacques for his willingness to give us the opportunity to speak to this issue. This morning when the bill failed of passage due to the amendment which was a mandate amendment, I think many of us were just stunned. First, we had not expected this to be classified as a mandate and I will talk about that.

Secondly, we were caught a little bit surprised and Representative Jacques, though he does not agree with my position or other members of the Committee's position, was extraordinarily kind to give us an opportunity to explain to you.

The Committee's unanimous report worked through the desire to have one more tenant voice in making decisions at local housing authorities. The reason I think this is an extraordinarily important idea, we have so much rhetoric about empowering people, about making people responsible for their lives and, as you recall, the last director of Housing and Urban Development, Jack Kemp, wanted tenants to be able to buy and own their rental units. This certainly doesn't go that far but it does begin to say that there should be one other tenant. You know this could be elderly, low-income, whoever lives in public

housing projects should have a bigger say. We are not talking the majority here, one other representative was added by the committee, one more tenant representative plus one additional public member.

Quite frankly, often when you are a resident of assisted housing, you may be sometimes intimidated by all the professionals who sit on the board. I think their voices might be heard a little better if there are at least two of them to talk about the issues of those people who live in assisted housing.

I implore you to vote for enactment of this bill. The cost issue is because of this wide net that we have cast about mandate issues. The only thought that I can come up with and someone else can add to it is there might be travel expenses to a meeting and those are local housing authority expenses. It really could not be a lot of expense and it is not to the municipality but rather to the local housing authority. So, I would implore you to vote for passage of this bill and make sure that those people who live in assisted housing, be they elderly or low income, have an opportunity to go to those meetings and talk about what is the best way to run their unit.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I am in sympathy indeed with the purpose of this bill, I know many people who live in the housing projects in the District I represent. However, I have heard from local officials who tell me that they can't find anyone who wants to be, they have a hard time, they don't think they would be able to do this, they have tried and there aren't people who want to do this, what would happen if they can't find someone?

I have heard other Representatives tell me the same thing.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: Actually, if they can't find anybody, they can do what is typically done and that is leave a seat vacant.

I just want to note that the bill originally asked for three out of six, six is the currently designated number of local housing board representatives. A number of people who testified in opposition to that were actually not adverse to just simply adding one additional tenant representation to the board and making a total of seven because in fact a lot of people noted that six was not a very good number of people to have on a board and that seven provided an odd number. So, with one move, we solved essentially two problems. I would urge support of this bill.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: It is interesting to me that Bangor's experience is very similar to that in Bath. As a municipal official, I was in a position to make those appointments and to review those applications. In Bangor, there were not those applications that came in from tenant representatives. If they had, we would not have needed designation, we would have welcomed their participation but there were not that number of tenants who wished to serve on this board. So, though the intent is noble, in practical reality

it would be very difficult for my community to be able to fill those positions.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: I recognize the problem that my colleague and good friend from Bangor, Representative Saxl, has addressed because I have also served on the council and on the committee making those appointments.

However, in our Housing and Economic Development Committee, as we debated this, we did have that sense that when you are a tenant and you are going to be sitting on a board with others who are non-tenants, there is a little bit of fear and trepidation and that is true about many boards that citizens will be asked to serve on, therefore, we felt that by having a second one, when they know there can be someone else with them who will have the same feelings and have that same comradery from the project.

The other point is, for instance, in the larger cities, there is more than one Assistant Housing Development. Therefore, we could have representation from different developments in the city.

I would urge you to vote the motion on the floor and ignore the miniscule mandate.

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

Representative OLIVER: Mr. Speaker, Men and Women of the House: I think it is very interesting to me having worked in poverty issues for most of my adult life to understand where a question would come that someone would not participate. I think that is true, in some cases, you would find that there would be a lack of participation, a lack of interest on serving on a board.

I think as adults in a community that believe in democracy and believe in inclusion and believe in participation which is the key to democracy, then we have to look further. If we look further, I think we start to understand that people don't participate because of the crushing weight of poverty, because their self-image is poor, because they may feel they don't dress correctly or they may feel they do not understand the procedures or the parliamentary maneuvering of a committee meeting. So, there are a lot of reasons people do not participate but to challenge in a democracy is to help people to participate. So, I am encouraging you to vote for this bill.

I agree very much with Representative Mitchell, this is an important bill and I really appreciated the remarks of Representative Sullivan but what we need here is education and encouragement, outreach, because we are dealing with people who have never made decisions in their lives, have been locked out of the greater society, have been crushed by the terrible weight of poverty and raising families.

What this bill says is that we want you to be included and that you can develop the skills and your voice is important over those decisions that are made in your community and are affecting the lives of your families.

Believe me, that those housing authorities a year from now with that increased participation will all say that that was a valuable participation because, if you had a committee made up of very generous citizens, who give their volunteer time but have never lived in poverty, may never have stepped into a housing project, may never see the flow and the ebb

of what a community in a housing project may look like, they may not understand the subtleties and the intangibles and all those things that you only understand if you are living in the project and you are suffering under poverty. But, to make intelligent decisions to move forward and recreate neighborhoods and recreate the sense of pride that we like to believe we have in our communities, then what we need is inclusion. Inclusion doesn't come easy for people who have never participated.

It takes an effort, it takes an education effort, an outreach effort and certainly some broad support as they learn the skills. But, if we criticize people for being dependent and not give them the opportunity to develop the skills and participate in the decision making, then we are the ones that are at fault because they are dependent. If we say people should practice self-help, create solutions in their community, care for their property, create collective feelings for their neighbors, then they have to participate. If I am not participating and people are making decisions for me, I have very little vested, I don't own it, it is not my property, it is not my neighborhood, it belongs to outsiders.

If you are trying to solve problems in these neighborhoods and you want to know whether drugs are being dealt, they will know, those tenant representatives. If you want to know where the teens who are acting out that need social service help, they will know because of the tenants and they live in that neighborhood. If you want to ask where the light should be put to create the safety so that there is a glow on the streets, then it is the neighbors because no one in the larger city ever goes into the projects at night.

I have seen time after time the waste of public money because someone down in city hall had a great idea that would help those people in the projects. The only missing link was not goodwill or not creative ideas, it was the input and the consensus of people in the project to make that work. So, here we would tromp down another three social workers with an idea of helping people in poverty only to get their hubcaps stolen or get frustrated with a few tough words and then give up on the project.

People have to have ownership, things don't work without ownership. I like to feel that I am a real participant in my community. We live in New England, the town meeting is sacred, it is an honor tradition, it is inclusive. Everyone comes and everyone speaks and they are expected and here we had people that we isolated in many cases in poorly designed housing projects, away from the general population, away from the bus routes, and we ask why they don't participate in the larger society.

This is a wonderful bill, it harms no one. We all gain and I hope you can vote for it.

Representative Donnelly of Presque Isle requested the Clerk to read the Committee Report.

Subsequently, the Committee Report was read by the Clerk.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I believe that report was unanimous for a good reason. I think the committee worked very hard to make what was a decent piece of legislation a better piece. I think what they started off with was the idea that people who live in

the communities that have low-income housing deserve a right over where they live, deserve a better say. What is the best reason for doing that? Because it gives them better responsibility. People are going to take more responsibility over the place they live in when they have more say on what goes on there. I think you will find that the most conservative members of these housing type authorities are the people who live there. They come out with the ideas on how to do it better. In my community, we have a very active housing group. They have done a lot of wonderful things to better the housing authority. They want a better say or a larger say on that board.

What is another reason for having two members? Well, probably diversity. I think in most communities you can say that there are low-income housing, elderly housing, different populations with different ideas and probably each one of them has something to say that is slightly different and maybe have a good spin, something good to add.

What is another good reason to vote for this bill? Simply put by Representative Heesch is that even the housing authorities that came to testify against the bill said that the six members was not good because they would frequently have deadlocks and an odd number was preferable. That is the mandate part of this bill. The mandate part is increasing it to seven and that is the part that the housing authorities thought was a good idea.

I hope that with these very simple concepts in mind that you will give it the thought and consideration that the committee on Housing and Economic Development gave it. I hope that you will give it the 101 votes it needs to pass this House.

I want to thank you for your consideration.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I would like to briefly address this issue. As a commissioner on the Portland Housing Authority, I strongly support this initiative, this piece of legislation. In the past, we have benefited from the person, from the tenant representative that we currently have and I think that we would benefit by having two tenant representatives.

Secondly, I think the other part of the bill that is good is it preserves the current public participation that we have. That public representation that we have has been extremely helpful in being able to administer and to effectively run the housing authority.

I want to address a couple of issues that have been raised. First, in terms of the recruitment, we have never had a problem recruiting a tenant representative on the Portland Housing Authority. If anything, we have had a number of people who have applied to be on the housing authority but have not been able to be accepted because we have had limited number of seats. For the public part of the housing authority, every time that there is an advertisement run saying that there is a vacancy, we have a number of applicants that apply for those seats. So, I think the problem is not lack of interest, it is probably more in the recruitment mechanism that is used by local municipalities.

The other thing that I would like to point out is that this applies to not only public housing but Section 8, all subsidized housing that is operated by a local housing authority, so the pool of potential

applicants is far greater than those that just simply live in public housing. So, I would suggest that those municipalities that have had difficulty recruiting people to serve on the housing authority that the pool will be large enough that they will be able to recruit people to participate.

The other point that I would like to make is that of the mandates. I was initially mystified as to why this mandate was applied to this particular piece of legislation. Having been a commissioner for eight years, I have never been reimbursed for mileage or other expenses associated with attending meetings. I think that would continue to be the case and in fact, any cost that would be associated with the additional representation would be paid for by the housing authority, not by the local municipalities.

In sum, I think this is a good piece of legislation, I think it is a good compromise, there's going to be no additional cost to the municipalities and I think with adequate recruitment mechanism that this will be a win/win situation for everybody and I urge you to support this bill.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and 24 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Mandate, An Act to Ensure Compliance with Existing Energy Efficiency Building Standards (S.P. 241) (L.D. 734) (H. "A" H-323 to C. "A" S-102) which was tabled earlier in the day pending enactment and later today assigned. (Roll Call ordered)

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 of that motion will vote yes; those opposed will vote not.

ROLL CALL NO. 115

YEA - Adams, Ahearne, Aikman, Aliberti, Bowers, Brennan, Campbell, Carroll, Cashman, Clark, Clement, Cloutier, Coles, Cote, Daggett, Dipietro, Donnelly, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Heino, Hichborn, Hوجلund, Holt, Jacques, Johnson, Joseph, Kerr, Kontos, Kutasi, Larrivee, Lemke, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nash, Nickerson, Oliver, Ott, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Skوجلund, Stevens, K.; Sullivan, Swazey, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Tufts, Wentworth, Winn, Young, Zirnkilton, The Speaker.

NAY - Anderson, Ault, Bailey, H.; Barth, Bennett, Birney, Bruno, Cameron, Carleton, Caron, Clukey, Constantine, Cross, Dexter, Farnum, Farren, Foss, Gray, Gwadosky, Hussey, Jalbert, Joy, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; H-839

Murphy, Norton, Pendexter, Pendleton, Plowman, Reed, G.; Reed, W.; Robichaud, Ruhlin, Simoneau, Small, Spear, Stevens, A.; Strout, Tardy, True, Vigue, Whitcomb.

ABSENT - Bailey, R.; Beam, Carr, Cathcart, Chase, Chonko, Coffman, Dore, Erwin, Gamache, Greenlaw, Hillock, Ketterer, Kilkelly, Morrison, Nadeau, O'Gara, Townsend, G.; Walker.

Yes, 80; No, 52; Absent, 19; Paired, 0; Excused, 0.

80 having voted in the affirmative and 52 in the negative with 19 being absent, L.D. 734 failed passage to be enacted. Sent up for concurrence.

Bill Held

Bill "An Act to Ensure Economic Benefits from Purchases by Generators of Nuclear Power" (H.P. 289) (L.D. 376) as amended by Committee Amendment "A" (H-347)

HELD - at the request of Representative Taylor of Cumberland.

Representative Taylor of Cumberland moved that the House reconsider its action whereby L.D. 376 was passed to be engrossed.

The same Representative moved the matter be tabled one legislative day pending his motion to reconsider.

Representative Clark of Millinocket requested a Division on the motion to table.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Taylor of Cumberland that L.D. 376 be tabled one legislative day pending his motion that the House reconsider its action whereby L.D. 376 was passed to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 30 in the negative, the motion to table did prevail.

Subsequently, L.D. 376 was tabled pending the motion of Representative Taylor of Cumberland that the House reconsider its action whereby L.D. 376 was passed to be engrossed and specially assigned for Friday, May 21, 1993.

(Off Record Remarks)

On motion of Representative Tracy of Rome, Adjourned at 6:40 p.m. until Friday, May 21, 1993, at eight-thirty in the morning.