

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
58th Legislative Day
Wednesday, May 26, 1993

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

Prayer by Reverend Kenneth C. Woodhams, Wayne Community Church, United Methodist.

The Journal of Tuesday, May 25, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 25, 1993

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

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Majority Ought Not to Pass Report on the RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature (H.P. 768 L.D. 1035)

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act Amending the Charter of the Brewer Water District" (EMERGENCY) (H.P. 615) (L.D. 830) which was passed to be engrossed as amended by Committee Amendment "A" (H-250) and House Amendment "A" (H-278) in the House on May 13, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-250) and Senate Amendment "A" (S-177) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto (H.P. 948) (L.D. 1277) on which the Minority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A"

(H-338) as amended by House Amendment "A" (H-393) thereto in the House on May 24, 1993.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Appropriations and Financial Affairs read and accepted in non-concurrence.

Representative Zirnkilton of Mount Desert moved that the House Insist and ask for a Committee of Conference.

Representative Chonko of Topsham moved that the House recede and concur.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: This issue is the line-item veto issue which we debated at some length last week and is back to us in a non-concurrent posture today.

The objections which were raised by some of the members last week were that the Governor could possibly have the opportunity to take some money away from some lines that he had objection with and move them into some areas that he would like to see some increased funding. It was my intention if given the opportunity to come forward with an amendment which would make that not possible.

I hope that you will give us the opportunity to work together with the other body to bring us into conformity with 44 other states in this nation and let us have this effective tool to make our budget more efficient, more accountable, more open to all of us and to the public-at-large. I ask for your support on this issue.

Mr. Speaker, I ask that when the vote is taken, it be taken by the yeas and nays.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Chonko of Topsham that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 140

YEA - Adams, Aliberti, Beam, Bowers, Brennan, Carroll, Chase, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, Erwin, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Hatch, Heesch, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kilkelly, Kontos, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Oliver, Paradis, P.; Pfeiffer, Pinette, Pouliot, Rand, Rotondi, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skوجلund, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Walker, Wentworth, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Carleton, Caron, Carr, Cashman, Clukey, Cross, Dexter, DiPietro, Donnelly, Driscoll,

Dutremble, L.; Faircloth, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Heino, Hillock, Joy, Kerr, Ketterer, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michael, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Pendleton, Plourde, Plowman, Poulin, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rowe, Simoneau, Small, Spear, Stevens, A.; Tardy, Taylor, Thompson, Tracy, True, Tufts, Vigue, Whitcomb, Winn, Young, Zirkilton.

ABSENT - Campbell, Cathcart, Coffman, Dore, Larrivee, Lemke, Morrison, Pineau, Strout.

Yes, 63; No, 79; Absent, 9; Paired, 0; Excused, 0.

63 having voted in the affirmative and 79 in the negative with 9 being absent, the motion to recede and concur did not prevail.

Subsequently, the House voted to Insist and ask for a Committee of Conference.

COMMUNICATIONS

The following Communication:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

May 24, 1993

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

Dear Speaker Martin:

Pursuant to 24 M.R.S.A., Section 1544, it is my privilege to present you and the Legislature the seventeenth annual Crime in Maine report for the year 1991.

Although the release of this report has been delayed, due in part to budget constraints and a vacancy in the publication coordinator's position, we continue to place great value in the availability of crime data as a useful reference for public officials and Maine's citizens.

The Maine Department of Public Safety, which oversees this useful tool, and the Maine State Police, which produces it, continues their efforts to improve our sole crime data collection program and it's resulting publication.

In our desire to meet the needs of the many consumers of Crime in Maine, we are seeking your feedback as to suggestions for an improved report via the reader survey form located after page 108.

It is hoped that the release of the 1992 annual report will meet the more traditional June/July time frame.

Please feel free to contact Stephan M. Bunker of my staff should you have any questions as to the report or the Uniform Crime Reporting Program.

Respectfully,

S/John R. Atwood
Commissioner

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Energy and Natural Resources

Bill "An Act Authorizing a Referendum to Ratify the Texas Low-Level Radioactive Waste Disposal Compact with Maine and Vermont and Approving the Compact's Terms" (EMERGENCY) (H.P. 1141) (L.D. 1541) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: GWADOSKY of Fairfield, JACQUES of Waterville, LORD of Waterboro, PARADIS of Augusta, WHITCOMB of Waldo, ZIRNKILTON of Mount Desert, Senators: BUSTIN of Kennebec, CAHILL of Sagadahoc, CARPENTER of York, DUTREMBLE of York, ESTY of Cumberland, LAWRENCE of York, LUDWIG of Aroostook) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative TOWNSEND from the Committee on Human Resources on Bill "An Act to Improve Child Care Services in the State" (H.P. 565) (L.D. 762) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-435)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-435) 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-435) and sent up for concurrence.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as

amended by Committee Amendment "A" (H-432) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General (H.P. 960) (L.D. 1291)

Signed:

Senators: BERUBE of Androscoggin
BUTLAND of Cumberland

Representatives: BENNETT of Norway
AHEARNE of Madawaska
DUTREMBLE of Biddeford
WALKER of Blue Hill
GRAY of Sedgwick
LOOK of Jonesboro
ROWE of Portland
YOUNG of Limestone
JOSEPH of Waterville

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

Signed:

Senator: ESTY of Cumberland

Representative: KILKELLY of Wiscasset

Reports were read.

Representative Joseph of Waterville 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 later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-433) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Treasurer of State (H.P. 961) (L.D. 1292)

Signed:

Senator: BUTLAND of Cumberland

Representatives: BENNETT of Norway
AHEARNE of Madawaska
DUTREMBLE of Biddeford
GRAY of Sedgwick
LOOK of Jonesboro
ROWE of Portland
YOUNG of Limestone

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

Signed:

Senators: ESTY of Cumberland
BERUBE of Androscoggin

Representatives: WALKER of Blue Hill
JOSEPH of Waterville
KILKELLY of Wiscasset

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 later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-434) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State (H.P. 965) (L.D. 1296)

Signed:

Senators: BERUBE of Androscoggin
BUTLAND of Cumberland

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

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

Signed:

Senator: ESTY of Cumberland

Representatives: AHEARNE of Madawaska
JOSEPH of Waterville
KILKELLY of Wiscasset

Report 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 later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 479) (L.D. 616) Bill "An Act to Reestablish Pineland Center as a Training, Education, Research and Treatment Center" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-436)

(H.P. 955) (L.D. 1284) Bill "An Act to Amend the Bill of Rights for Persons with Mental Retardation" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-437)

Under suspension of the rules, Consent Calendar Second Day notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

SECOND READER

As Amended

Later Today Assigned

Bill "An Act to Minimize Electric Rates" (S.P. 307) (L.D. 940) (C. "A" S-159)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed as amended and later today assigned.

SECOND READER

As Amended

Later Today Assigned

Bill "An Act to Centralize Licensing for Retail Businesses" (H.P. 399) (L.D. 512) (H. "A" H-408 to C. "A" H-367)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed as amended and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (S.P. 158) (L.D. 523) (Governor's Bill) (C. "A" S-171)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Maintain the Integrity of Commodity Tax Accounts (H.P. 92) (L.D. 122) (C. "A" H-371)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Taking of Sea Urchins (H.P. 98) (L.D. 140) (H. "A" H-380 to C. "A" H-366)

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

PASSED TO BE ENACTED

Emergency Measure

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

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. 119 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Amend the Laws Relating to the Lobster Promotion Council (H.P. 842) (L.D. 1147) (C. "A" H-350)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Charter of the Boothbay Harbor Water System (H.P. 1097) (L.D. 1484) (C. "A" H-390)

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

ENACTOR

Emergency Measure

Tabled and Assigned

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

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

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

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

Where is the funding for this or how is this commission going to be funded?

The SPEAKER: The Chair will respond to the question. It will be a direct appropriation under the law. The Resolve will be going to the Appropriations Table.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I believe that this is an item which is sponsored by the Representative from Corinth who isn't here right now. On the outside risk that it might not receive every vote in the House, I would ask that someone table it until he was here to explain his bill.

On motion of Representative Nadeau of Saco, tabled pending final passage and specially assigned for Thursday, May 27, 1993.

FINALLY PASSED

Emergency Measure

Resolve, Directing the Bureau of Health to Study the Problem of Violence among Children, Teens and Young Adults (H.P. 927) (L.D. 1250) (C. "A" H-387)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 7 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency

Mandate

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

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. 104 voted in favor of same and 4 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency

Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1993 (H.P. 1130) (L.D. 1531)

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. 107 voted in favor of same and 6 against, and accordingly the Mandate was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency

Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1993 (H.P. 1131) (L.D. 1532)

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. 112 voted in favor of same and 6 against, and accordingly the Mandate was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency

Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1993 (H.P. 1132) (L.D. 1533)

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. 113 voted in favor of same and 6 against, and accordingly the Mandate was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency

Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1993 (H.P. 1133) (L.D. 1534)

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. 115 voted in favor of same and 3 against, and accordingly the Mandate was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Mandate

(Reconsidered)

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

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 Gray of Sedgwick, under suspension of the rules, the House reconsidered its action whereby L.D. 1352 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-344) was adopted.

The same Representative offered House Amendment "A" (H-455) to Committee Amendment "A" (H-344) and moved its adoption.

House Amendment "A" (H-455) to Committee Amendment "A" (H-344) was read by the Clerk and adopted.

Committee Amendment "A" (H-344) as amended by House Amendment "A" (H-455) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-344) as amended by House Amendment "A" (H-455) thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Impose Term Limits on Presiding Officers of the Legislature (S.P. 167) (L.D. 559) (C. "A" S-141)

An Act to Amend the Liquor Laws (S.P. 194) (L.D. 630) (S. "A" S-184 to C. "A" S-169)

An Act to Provide for Interstate Cooperation Agreements between Neighboring Municipalities (S.P. 206) (L.D. 677)

An Act Concerning the Purchase of Liquor by Establishments Licensed to Sell Liquor on Premises (S.P. 213) (L.D. 684) (C. "A" S-170)

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.

ENACTOR

Later Today Assigned

An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices (S.P. 225) (L.D. 696) (C. "A" S-168)

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

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

PASSED TO BE ENACTED

An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights (S.P. 355) (L.D. 1069) (C. "A" S-136 and H. "A" H-395)

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

PASSED TO BE ENACTED

An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State (S.P. 400) (L.D. 1231) (C. "A" S-172)

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

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

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

I have read the bill and I know what it does, could someone please explain the rationale of it, please?

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

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative **JACQUES**: Mr. Speaker, Men and Women of the House: I would be glad to try to explain the rationale. This bill was brought to us by legislators, Representatives and Senators from northern Maine.

What is happening is Canadians are coming in unescorted, unguided and raising havoc with the fish and wildlife resource up there. A Maine citizen can not hunt and fish in Canada without a guide and all they are trying to do is get some accountability for the people that are coming in here and what they are doing.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate (S.P. 417) (L.D. 1326) (C. "A" S-173)

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

An Act to Assess the Health Risks Associated with Ingestion of Fish Caught by Noncommercial Anglers (H.P. 276) (L.D. 354) (C. "A" H-384)

An Act to Clarify the Management of Real Estate Leases (H.P. 396) (L.D. 509) (C. "A" H-370)

An Act Establishing University of Maine System License Plates (H.P. 415) (L.D. 534) (C. "A" H-378)

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.

ENACTOR

Later Today Assigned

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

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

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

PASSED TO BE ENACTED

An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System (H.P. 680) (L.D. 922) (C. "A" H-369)

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

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

An Act to Permit the Inclusion of Occupational Injury as a Reportable Condition under the Occupational Disease Reporting System (H.P. 776) (L.D. 1049) (C. "A" H-385)

An Act to Expand the Use of Telecommunications by Hearing-impaired and Speech-impaired Customers (H.P. 783) (L.D. 1056) (C. "A" H-345)

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

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

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.

ENACTOR

Later Today Assigned

An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System (H.P. 871) (L.D. 1180) (C. "A" H-368)

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

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

ENACTOR

(Reconsidered)

An Act to Establish a State Trauma Care System (H.P. 875) (L.D. 1189) (C. "A" H-386)

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

On motion of Representative Treat of Gardiner, under suspension of the rules, the House reconsidered its action whereby L.D. 1189 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-438) and moved its adoption.

House Amendment "A" (H-438) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: This is a purely technical amendment which simply changes the word "created" to "appointed" in the part of this bill that appoints the trauma advisory commission and so just clarifies the bill.

Subsequently, House Amendment "A" (H-438) was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "A" (H-386) and House Amendment "A" (H-438) in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act Concerning Repairs Performed by Rental Tenants (H.P. 900) (L.D. 1215) (C. "A" H-376)

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

An Act to Amend the Laws Governing the Recording of Deeds (H.P. 986) (L.D. 1317) (C. "A" H-383)

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

An Act to Promote State Savings through the Efficient Utilization of Funds (H.P. 1018) (L.D. 1364) (C. "A" H-372)

An Act Concerning Renewals of Valid Concealed Weapons Permits (H.P. 1043) (L.D. 1395) (C. "A" H-377)

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, to Clear Title to Land Owned by James Mercier in Unity, Maine (S.P. 433) (L.D. 1343) (C. "A" S-174)

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

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

ENACTOR

Later Today Assigned

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

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

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

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

SENATE PAPERS

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act to Make Additional Appropriations and Allocations and to Make Technical Corrections to the Laws for the Fiscal Years Ending June 30, 1993 and June 30, 1994" (EMERGENCY) (S.P. 497) (L.D. 1517) (Governor's Bill)

Came from the Senate, with the report read and accepted and the Bill passed to be engrossed.

Report was read and accepted, the bill read once. Under suspension of the rules, the Bill was read a second time, passed to be engrossed in concurrence.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-211) on Bill "An Act to Allow the Use of Polystyrene Cups in Schools" (S.P. 353) (L.D. 1067)

Signed:

Senators:

LAWRENCE of York
LUDWIG of Aroostook
CIANCHETTE of Somerset

Representatives:

CONSTANTINE of Bar Harbor
ANDERSON of Woodland
JACQUES of Waterville
LORD of Waterboro
GOULD of Greenville
POULIN of Oakland
MITCHELL of Freeport
COLES of Harpswell
MARSH of West Gardiner

Minority Report of the same Committee reporting

"Ought Not to Pass" on same Bill.

Signed:

Representative: WENTWORTH of Arundel

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-211)

Reports were read.

Representative Jacques of Waterville moved that the House accept the Majority "Ought to Pass" Report.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: It is quite lonely at the bottom here. My purpose for not signing out on the "Ought to Pass" Report and opposing this piece of legislation is more of a philosophical belief because I don't think a state that has such a strong papermaking industry should be supporting public policy that takes taxpayer dollars and spends that money on polystyrene products that are not made in this state. There will be some displacement if this bill goes through of Maine-made products for products that are made out-of-state. The people on the Majority Report, I am sure, will argue that it will save money for the schools. I don't disagree with that.

The bill is also written quite well though it assures that the recycling that is envisioned by the state, the policy that is envisioned by the state, will be upheld. However, I think the committee, in its diligence on focusing on the recycling issue did not focus enough on the issue of where these products are made and what jobs will be supported by our choice here.

I would urge you to reject the "Ought to Pass" as amended Report and go on to accept the "Ought Not to Pass" Report.

I request a Division.

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

A vote of the House was taken.

70 having voted in the affirmative and 30 in the negative the Majority "Ought to Pass" Report was accepted, the bill was read once.

Committee Amendment "A" (S-211) 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" (S-211) in concurrence.

Divided Report

Majority Report of the Committee on Labor reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-204) on Bill "An Act to Establish a Full Employment Program as a Pilot Project in Certain Counties of the State" (S.P. 212) (L.D. 683)

Signed:

Senators: BEGLEY of Lincoln
LUTHER of Oxford

Representatives: AIKMAN of Poland
LINDAHL of Northport
COFFMAN of Old Town
CHASE of China
CARR of Sanford
CLEMENT of Clinton
LIBBY of Buxton

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

Signed:

Senator: HANDY of Androscoggin

Representatives: SULLIVAN of Bangor
RUHLIN of Brewer
ST. ONGE of Greene

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-204)

Reports were read.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Minority "Ought Not to Pass" Report.

First of all, I would like to explain to you what this bill is and what it isn't.

The Labor Committee and I think many members of this chamber are anxious to explore the possibilities and potential of workfare. This bill itself was a demand that the Department of Labor and the Department of Human Services bring in a plan for workfare.

The Labor Committee spent a whole week working on this bill in committee. Then we spent a considerable amount of time and effort after that trying to create something that we felt would be workable so that we as a legislature could at least look at the policy of workfare. We tried to do it, and unfortunately I think, with the wrong document. We looked at L.D. 683 and as we tried to work into it, we found flaw after flaw after flaw and really found that we could not make a workable document out of this particular piece of paper.

Some of the problems, and I will share them with you, in this particular document is that it refers to the fact that the study be paid for with unemployment insurance funds. I think most of you remember, it was a very short time ago, maybe a month, maybe a little more than that, that we were here doing emergency legislation to protect that unemployment fund. Yet, this particular proposal would have this demanded study, the demanded program or presentation of a program paid for, funded, out of those federal unemployment insurance funds. Those are not welfare funds, those are benefits that I pay for my employees, that every employer in this state pays for their employees, that employee works for that benefit. If they want to take those monies and use them to make a presentation to go to workfare, that

is inherently wrong, it would require (to start with) a federal waiver which I don't think you would ever get. It would be misuse of the funds that were not intended in the first place for welfare. That was the first fatal flaw that made it so that we felt we could not use this document to go forward with a study.

The other thing that it did, it has an early 1994 demanded report date from the Commissioners of Human Resources and Labor. Yet, in that same time period, it says that it admits that you must go and get all these federal waivers to continue the study. It just cannot be done in the time that was presented.

Again, I want to point out to you what this bill is and what it isn't. We on the Labor Committee, as a group, bipartisan, felt that we did in fact want to study the utilization of workfare, so-called. We think it does possibly stand some careful examination and could possibly be utilized beneficially in the state. This bill does not, it will not, and the way it is written and drafted and even though the other body has attempted to change it, still cannot do that and do it in a reasonable and effective manner. So, if you can't make a study out of it, if we are not going to go ahead and create workfare now, which we obviously are not in a position to do, we have no need for this particular piece of legislation.

Along that same line, another bill was brought in that gave an opportunity, perhaps, for a study of it in a different way. I don't know about the drafting of it, but certainly anything could be better drafted than this. We, as a committee, would be willing to consider workfare and have a study done on workfare but have a study that is funded reasonably, not using funds that you just shouldn't be using, that are employer funds, have a study if you are going to have a study that is done jointly between various committees and have a study that is going to have a proper report back to the legislature without dictating what those end results will be.

Because of this reason, the Minority members of the Labor Committee and I felt that this bill should not pass.

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

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: Let me read the title of this bill, "An Act to Establish a Full Employment Program as a Pilot Project in Certain Counties of the State." The development of the program, the Bureau of Employment and Training programs, with the Department of Labor, shall develop in cooperation with the Department of Human Services a plan for implementation of a full employment program.

The purpose: The program must be a three year pilot program in which residents of the counties selected pursuant to Subsection 1 are provided with jobs in lieu of receiving coupons under the Food Stamp Program, payments under the Unemployment Compensation System or payments from Aid to Families with Dependent Children. The purposes of the program are to promote self-respect, encourage the unemployed who are willing to work to become self-sufficient and improve their position in the work force.

Waivers and Rules: The Department of Labor and the Department of Human Services, as appropriate, shall petition the federal government to obtain any exemptions and waivers from federal laws, rules and regulations necessary to implement the program and to make funds from the suspended federal programs

available to the program. Upon obtaining all such exemptions, waivers, the Commissioner of Labor and the Commissioner of Human Services shall adopt changes to the current rules as may be required to implement the program under this chapter.

Funding: Funds appropriated to or appropriated for expenditures by the state under the Federal Unemployment Tax, the Food Stamp Program and the Aid to Families with Dependent Children program must be used as necessary for the purpose of this chapter.

Eligibility: Participation in this program must be voluntary and any resident of a selected county who is 18 years of age or older must be eligible to participate in this program. Remember this is a voluntary program.

Reports by March 1, 1994, the Commissioner of Labor shall submit a report and implementation programs including any necessary legislation to the Executive Department of the Legislative Council who shall provide copies to the Joint Standing Committee of these matters.

This bill does not directly establish the program but requires the Department of Labor to develop an implementation plan including any necessary legislation to be submitted to the legislature.

I urge you to vote against the pending motion so we can go and adopt the Majority Report.

Mr. Speaker, I request a roll call.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to remind you of this golden opportunity to positively address a sensitive topic to us and our constituents. We have all heard repeatedly as we have visited with our friends back home the concern that "welfare begets welfare" and that many of those who are on it have no hope of getting off. This is the hope, an opportunity to self-sufficiency, independence, a positive program that provides a win/win/win situation. Win for the welfare recipient to convert his or her food stamps, welfare check, etcetera, to a paycheck, a feeling of accomplishment and a feeling of independence. Win for the employer to be able to develop an alternative source for good employees and win for the state and all of the taxpayers of the state whom we represent by reducing the financial drain on the welfare budget. The safeguards and securities are provided for within the bill or in the amendment. The effectiveness will be developed and improved throughout the course of this pilot study including the waiver approved to use unemployment funds.

With the conclusion of the pilot, the answer to the question of whether or not an effective welfare-to-work transition can be nurtured. And, you can hold your head high knowing you are a contributor by voting against the motion on the floor and then voting "Ought to Pass."

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

Representative ST ONGE: Mr. Speaker, Members of the House: I think the majority of us here agree with the idea and the concept and there are some committees that are working on some of those ideas and concepts right now.

There were several concerns addressed with this bill and I do not feel as though they have been resolved and I will attempt to point out a few of those concerns that I had. I would like to focus on

this from the Labor Committee from my perspective.

I would, first of all, like to say that unemployment is usually not voluntary. This bill is also not a study, it goes one step further and we are looking at an implementation plan. Looking at it from the Department of Labor, I think it is important to stress that, again, most people on unemployment are not there voluntarily. If there were jobs out there to be had they would be working. Under the unemployment laws, people must be able and available and must look for work. There are time limitations and their unemployment benefits can already today be denied if they do not.

One of the other concerns I have in regard to the unemployment trust fund is in looking for the waivers that are being requested or that are in this bill but they are asking to check into — members from the department have indicated that in researching some of this information it would be beyond the implementation date as to when they would receive this information and whether or not it could be done.

My understanding is that it is not just a waiver that we are looking for, it is also a change in some of the federal statutes.

I also want to point out that there are programs available today for training, such programs as the Job Training Program in Maine, the Job Training Partnership Act, Maine Training Initiative Program, Job Opportunities in Basic Skills and the STAR program. I think we all agree with the concept and we agree with the idea, but I think what we have to look at first prior to voting on such a bill is we really have to look at how we need to address the issue. Number one, we need to bring more businesses and more jobs to Maine. Without those jobs, it will be hard to implement this type of a program.

The second thing is usually — or let me say this bill does not provide for training and breaking the poverty cycle means training. We need to continue on with the training issue.

I hope that you will support the Minority "Ought Not to Pass" Report.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I am one of the members of the Majority of the Labor Committee who had cast an "Ought to Pass" vote for L.D. 683. I do support the efforts of the state to provide real incentives to help non-working citizens to become working and taxpaying citizens.

I initially supported a motion in committee, which did not pass, to refer this bill to the Human Resources Committee which we understood was intending to consider welfare reform. Our work sessions on this bill were held on March 24th and April 14th of this year. Since that time, a lot has happened. The Labor Committee received a Governor's Bill regarding the same topic, the relationship of welfare to work and the accessibility of the job market to AFDC recipients. That Governor's bill was subsequently heard by the Joint Committees of Labor and Human Resources.

Very recently, the Human Resources Committee supported a set of reforms that are designed, according to the press release that we all received on our desk today, to improve the state's effort of providing training and other initiatives to remove people off welfare and into paying jobs. I support

that effort.

This particular bill, under the circumstances, the present circumstances now seems redundant at the very least and counterproductive when taking into consideration the specific problems of this bill that Representative Ruhlin and Representative St. Onge have raised. I will not be voting in support of L.D. 683, I will be joining the Minority "Ought Not to Pass" Report.

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

Representative CLEMENT: Mr. Speaker, Men and Women of the House: I, too, arise on this "Ought to Pass" Report and you want to scratch my name off and put me on the "Ought Not to Pass" Report. I made a mistake in committee because I didn't really understand the bill from running to my other committee. To be honest with everybody here, I made a mistake.

In my line of work, if I get laid off for a couple of weeks, and I do sometimes, I have the right to collect unemployment. This bill is saying that I need to work for my unemployment again to qualify for it if I choose to. Well, I didn't choose to get laid off in the first place. It is a bad piece of legislation, it does not do what we talked about in committee on the issue that is at hand here. It does not do that. The ideas are there, we need to work with that idea and I think we could come up with a piece of legislation that deals with that problem and the issues that arose.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: Just to correct what the good Representative from Clinton has just addressed, if he is out on unemployment, he may continue to collect the unemployment, this is for welfare recipients, not unemployment collectors. Of course, if a job arises in his field while he is out on unemployment, he is obligated to accept that job.

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

Representative RAND: Mr. Speaker, Men and Women of the House: Before we vote on this, I would urge you all to look at the amendment (S-204). Please look at that, look at the fiscal note, look at the requirement for federal waivers, read it please. If we are going to pass responsible legislation that is going to do something for unemployment, I think that you will see that this is not the vehicle. I urge you to accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I just wanted to echo what a number of people have already said today about this piece of legislation. There are some concepts here that are certainly worth exploring and the Human Resources Committee is going to be continuing its effort on welfare reform. We are working on this, we have got a bill coming to this floor on the ASPIRE program which is our welfare-to-work program, our training and education program that we have right now. That is a very good bill. There is a unanimous committee report that is coming to you.

We are also carrying over a demonstration project so that we can work with the initiatives that come down from the Clinton administration on the whole issue of welfare reform. We are going to be

continuing to look at this whole issue. The problem here — and the last thing I want to do is act like I am in some kind of a turf battle between committees because that isn't what is going on here.

I do have to say that the first time that the members of the Human Resources Committee were aware of what this bill was about was yesterday when we saw the amendment on our desk. This deals with the whole AFDC program, it deals with food stamps, it deals with things that traditionally have been in our committee and that, for the last several months, we have been working diligently on. We also just came out with a major restructuring proposal dealing with the Department of Human Services and how many of these services are provided.

It doesn't make sense to me at this point to be enacting this piece of legislation which hasn't been reviewed by our committee at all and which has serious flaws. There are a lot of things in here that actually are violations of federal law right now. Certainly those are things that can be pursued. I know that over the summer members of our committee are going to be trying to talk to people in the federal administration about what kinds of changes might be coming down and we are going to be following that and hope that they will be doing things that are consistent with our wishes. But, to enact legislation right now, which basically violates what law we have, is inappropriate and I think there are a lot of problems with this even in the area that the Labor Committee deals with concerning the Unemployment Compensation Fund and things like that, that they have have much more expertise than certainly the members of the Human Resources Committee.

I would urge you to support the Minority "Ought Not to Pass" Report on this bill. There are going to be other opportunities to deal with this whole question and to do it in a more responsible manner.

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 Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. I ask this question to anyone who may answer.

In listening to the debate my question is, does this intend to use the unemployment monies that would ordinarily go to these volunteers or is it going to require additional monies from that unemployment fund?

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

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: The proposal in this legislation says that the unemployment fund, those unemployment insurance trust funds that the employers pay into, will be used to pay for the work done, the implementation of this program. It says that very clearly. Those are not welfare funds, they were

never meant for that purpose, it is against federal law. It would require a federal waiver to spend those monies because those are federal dollars that come back.

For those of you who aren't familiar with how it works, as an employer, we put it into our benefit chart, take that money and pay it in, that money goes directly to the federal government and it is then returned to the state. That is federal money that we are restricted by law to spend only for specific purposes. To take that money and spend it for a plan of implementation is against federal law and would require a waiver. I hope that answers your question.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: To pursue that a little bit more, Representative Ruhlin, are these funds the ones, only federal funds or are they some of the funds that go to the State of Maine?

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

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentlelady's question, these are funds that go, if you will, from the employers of the State of Maine to the federal government and then come from the federal government back to the State of Maine. They are monies going directly from the federal government to the State of Maine earmarked for a specific purpose.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: Am I to understand that the monies that go directly to the State of Maine are not included?

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

The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have kind of a different interpretation of those funds — if somebody was on unemployment, if someone was on AFDC, if someone was on food stamps, those monies that they would get for those programs would go into a pool and then those people, those voluntary people, would get paid out of that pool of money. I believe that these are some of the waivers that they would be looking for.

I also want to remind you that this is strictly a volunteer program for those people who are on food stamps, who are on AFDC. This bill does not directly establish the program but requires the Department of Labor to develop an implementation plan including any necessary legislation to be submitted before us for our approval next January or March or whenever that date is.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: The body here may not be aware of it but the federal government has encouraged — I state, for alternate uses of the unemployment fund in order to help reduce the number of recipients on unemployment. Right now in Massachusetts (and we have a proposal here in Maine) they are using

unemployment funds as a lump sum grant to individuals who are unemployed who wish to use it as start-up money for their own programs, anything that might encourage people to get off the welfare rolls or the unemployment rolls through the use of unemployment funds to find gainful employment is encouraged and this is one of those encouragements.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of issues that were brought out in the committee meeting in regard to funding and policy matters. The logistical problems, questions, about the program that produced some problems for us were how do you decide how much money to pay an individual in that pilot program? Since unemployment insurance eligibility runs week to week, would eligibility conditions be totally waived and the individual's maximum entitlement put into the project? And, how do you ensure that an individual remains in a subsidized job after the subsidy is finished? When would the subsidy be over?

In the policy area, individuals eligible for food stamps, AFDC, and earn unemployment insurance are for the most part already eligible for job training programs in Maine such as the Job Training Partnership Act, the Maine Training Initiative, the Job Opportunities and Basic Skills Training Program and the Strategic Training for Accelerated Reemployment Program. So, one issue is finding enough training dollars to serve them, not eligibility nor willingness to train.

Another point is that for many individuals breaking the poverty cycle means training, not "work experience" jobs. In order to get training, they need the supportive services for basic needs while they are in the training. The pilot only references employment, not training. Therefore, this is another area where we need some discussion. I am getting this information from the Department of Labor letter that was sent to us by the commissioner.

The bill also suggests that individuals could be employed in the public or private sector. There are a number of significant policy issues that would need to be addressed before the department could attempt a project like this.

I would wish that you would support the Minority "Ought Not to Pass" Report.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I rise not to address the House but still in an attempt to respond to the good Representative from Jonesboro, Representative Look, she had a question I did not feel was fully answered.

To remind you, the gentelady asked where those funds that were paid to the state, were those funds now being used, as I interpret her question for this purpose. I will try to explain to her and the rest of you, what actually happens to those funds when you as an employer or any employer pay those funds in, they are passed through to the federal government. The federal government then establishes a national pool that serves as a conduit to funnel those funds back to the states. The states then administer those funds.

What happens in that case, the federal government set very narrow and precise guidelines of how those funds can in fact be used. So when you say, what happens to those state monies, it is those state

monies that went to the federal monies that came back. It is still our state money but it is coming back from the federal government and it is earmarked in a precise way. The reason they do that on a national basis is because, when certain states run short, if you will, of their credit that they have in that federal fund, such as we did back in the end of March, our unemployment insurance trust fund technically was broke. That was why we were here late one night, if you remember, doing emergency legislation. We borrowed what was going to amount to about \$40 million of that federal money. So we also changed the formula of how we pay in. That is exactly what happens and that is why we do it as a federal conduit for state money through a federal conduit coming back. That \$40 million we will have to repay in that same way. That will be money that will not be conduited back to us. I hope this clearly and fully answers your question.

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

ROLL CALL NO. 141

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Lemke, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pinette, Plourde, Poulin, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Clukey, Cross, Dexter, DiPietro, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Hillock, Joy, Kerr, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michael, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Pouliot, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Coffman, Dore, Hale, Larrivee, Morrison, Pineau, Skoglund, Spear, Strout.

Yes, 81; No, 61; Absent, 9; Paired, 0; Excused, 0.

81 having voted in the affirmative and 61 in the negative with 9 absent, the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

COMMUNICATIONS

The following Communication: (S.P. 513)

116TH MAINE LEGISLATURE

May 25, 1993

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Mark R. Dionne of Sanford for appointment as the Management Representative of the Workers' Compensation Board.

Pursuant to P.L. 1992, Chapter 885, this nomination will require review by the Joint Standing Committee on State & Local Government and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

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

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

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

State and Local Government

Bill "An Act to Encourage Implementation of Total Quality Management Procedures in the Executive Branch of State Government" (EMERGENCY) (H.P. 1142) (L.D. 1542) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator BUTLAND of Cumberland and Representatives: AULT of Wayne, CHASE of China, CLEMENT of Clinton, DAGGETT of Augusta, FARNSWORTH of Hallowell, HALE of Sanford, HATCH of Skowhegan, KONTOS of Windham, PARADIS of Augusta, ZIRNKILTON of Mount Desert, Senators: BUSTIN of Kennebec, CARPENTER of York, DUTREMBLE of York, ESTY of Cumberland) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative COTE from the Committee on Judiciary on Bill "An Act Concerning Tribal Protection Orders" (EMERGENCY) (H.P. 1053) (L.D. 1405) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-442)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-442) 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-442) and sent up for concurrence.

Ought to Pass as Amended

Representative COTE from the Committee on Judiciary on Bill "An Act to Provide a Deterrent to Child Sexual Abuse" (H.P. 224) (L.D. 292) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-443)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-443) 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-443) and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 209) (L.D. 680) Bill "An Act to Enhance the Role of the State Board of Education" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-205)

(S.P. 192) (L.D. 628) Bill "An Act to Allow for the Expenditure of Certain School Construction Funds Elsewhere in the District" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-206)

Under suspension of the rules, Consent Calendar Second Day notification was given, the Senate papers were passed to be engrossed as amended in concurrence.

(S.P. 268) (L.D. 805) Bill "An Act to Clarify Maine Election Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-207)

On motion of Representative Whitcomb of Waldo, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-207) was read by the Clerk and adopted and the bill assigned for second reading for Thursday, May 27, 1993.

(S.P. 475) (L.D. 1474) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Transfer the Responsibility for Recounts of Elections to the Judicial Branch Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-208)

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

Report was read and accepted, the bill read once. Committee Amendment "A" (S-208) was read by the Clerk and adopted and the bill assigned for second reading for Thursday, May 27, 1993.

(S.P. 502) (L.D. 1525) Resolve, Authorizing the Conveyance of Certain Public Lands in Newcastle (Governor's Bill) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-210)

(S.P. 505) (L.D. 1529) Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$39,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges, Airports, Cargo Ports and the Ferry Service" (Governor's Bill) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-212)

(H.P. 48) (L.D. 64) Bill "An Act to Establish Consecutive Sentencing and Mandatory Minimum Sentences for Certain Persons Convicted of Gross Sexual Assault" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-441)

(H.P. 1119) (L.D. 1518) Bill "An Act to Bring State Water Quality Law into Compliance with Federal Requirements" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-444)

(H.P. 478) (L.D. 615) Resolve, to Require the Maine Criminal Justice Commission to Study Adult Inmate Education and Training in the Correctional System (EMERGENCY) Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-445)

(H.P. 370) (L.D. 473) Bill "An Act to Prevent the State from Discharging People from State Institutions without Adequate Provision for Alternative Services" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-446)

(H.P. 341) (L.D. 444) Bill "An Act Regarding

Community Health Centers" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-447)

Under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Papers were passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide for the Combination of Cary Medical Center and The Aroostook Medical Center in Central Aroostook County (S.P. 411) (L.D. 1287) (C. "A" S-181)

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. 118 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.

ENACTOR

Emergency Measure

(Reconsidered)

An Act Relating to the Maine Dairy Industry (H.P. 591) (L.D. 806) (S. "A" S-188 to C. "A" H-303)

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

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 806 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-303) as amended by Senate Amendment "A" (S-188) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-188) to Committee Amendment "A" (H-303) was adopted.

On further motion of the same Representative, Senate Amendment "A" (S-188) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-458) to Committee Amendment "A" (H-303) and moved its adoption.

House Amendment "A" (H-458) to Committee Amendment "A" (H-303) was read by the Clerk and adopted.

Committee Amendment "A" (H-303) as amended by House Amendment "A" (H-458) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-303) as amended by House Amendment "A" (H-458) thereto in non-concurrence and

sent up for concurrence.

ENACTOR

Emergency

Mandate

(Failed of Enactment)

An Act to Enhance Voters' Rights in Budget Approval of School Districts (S.P. 252) (L.D. 771) (H. "A" H-407 and H. "B" H-416 to C. "A" S-163)

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

Representative Mitchell of Vassalboro 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 Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: May I explain briefly to you what this is about and why it is a mandate. It is a mandate because if your SAD uses the referendum method of voting and the budget fails the first time out and you are going back again, it requires a second public hearing. The desire for people to understand what is in the proposed new budget was so important that this legislation was brought to us to require a second public hearing. That is the mandate portion of this legislation. It is a very complicated piece of work but it does not do anything to existing law other than to the basic change of requiring the public hearing.

There is a terrible concern on the part of many people in SAD's that they don't have the kind of participation they want. That is what this is designed to do and I would appreciate your support.

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 a question through the Chair.

When I read the amendment, it seemed to me to allow a second, third or fourth or even a fifth election ad infinitum until the voters finally approve some type of budget, which means we will be well into the next school year before you finally get a budget instead of the current procedure which allows one vote and if that doesn't work, you go to the district meeting. That is they way it works in my SAD anyway. That is why I oppose this bill because it looks to me like it creates a real mess at the local level.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Thank you for your question Representative Coles. I will take the time then to go through exactly what this does because I did not realize there were additional concerns other than the mandates.

There are currently two methods of approving a budget for an SAD, by referendum in each municipality or by a vote at a district budget meeting. Our Committee Amendment makes changes in both methods. One, we require that absentee ballots for the referendum be available 14 days before the referendum rather than 30 as now required. I think you can all see the importance of that as we are getting closer to trying to enact a budget. The 14 day limit will encourage a more timely adoption of a budget if the budget fails at referendum and another referendum is held. The 14 day limit also matches the current requirement to post the warrant 14 days before the referendum. As you know, it is pretty tough to complete your absentee ballots before you see the warrant.

The second thing is it requires that a public hearing be held no later than seven days before any budget referendum. Under current law, this public hearing is optional. The district budget meeting in this bill requires that voters be notified that any article in the budget may be voted on by secret ballot if 10 percent of those present wish it. You can do this but current law does not require that you notify the voters of that right. So, that is another change this amendment has.

It requires that, getting to Representative Coles question, that if the budget is not approved by July 1st, the school board must continue to present a budget until a new budget is adopted. Under current law, the proposed budget automatically becomes the adopted budget after July 1 and that has caused a lot of problems with many SAD's. It requires that if a budget had not been approved by July 1, the budget proposed by the school board is the budget in effect until a new budget is approved. There is a lot of confusing language in this amendment and I would urge you to look at that Committee Amendment as has been amended by Representative Carroll and Representative Chonko.

The point is that sometimes voters approve only part of the budget, the budget in effect until after July 1st may include portions that have been proposed by the school board but not yet adopted by the voters, we are trying to get those things together. It permits voters to authorize the school board to extend funds from the District's undesignated fund balance. The current statute is silent on this issue, there is no guidance. If adoption of the budget is delayed because the state has not yet determined the level of state subsidy available, and of course I can't imagine that happening in our state, the district may delay a first vote until after July 1st and the business of continuing referendum is current law. I am not sure it is a good idea either but we were not changing the entire policy, our committee would like to go back and look at that next year, the whole SAD voting policy needs further scrutiny.

The main purpose of this bill was to require that additional public hearing so that voters are informed and also to inquire a timely notification and absentee ballots because we are indeed late with our budgets this year and SAD's are going to be faced

with very serious problems if they do vote by referendum.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I appreciate the explanation from the Representative from Vassalboro and much of what she said is fine with me but to continue the referendum provision still continues to bother me. There appeared to be new language that says they shall continue to present a budget or a portion to the voters until a complete budget is approved. It seems to me that is a prescription for a deadlock. In my SAD, if the budget fails at the referendum, then the next step is to hold a district meeting and having it out in person, so to speak, so you can get a decision before the end of the year instead of having to have one referendum after another. I still think, in my mind, this is going to be a real pain in the neck for a lot of school districts and might end up costing a lot of money.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. This being an emergency mandate, a two-third vote is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 142

YEA - Ahearne, Aliberti, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Bowers, Brennan, Bruno, Campbell, Caron, Carr, Carroll, Cashman, Cathcart, Clement, Cloutier, Clukey, Constantine, Cote, Daggett, Dexter, DiPietro, Driscoll, Farnum, Farren, Fitzpatrick, Gamache, Gean, Hale, Heeschen, Heino, Hichborn, Holt, Jacques, Johnson, Kerr, Ketterer, Kutasi, Libby Jack, Lindahl, Lipman, Look, Lord, Marsh, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Nash, Nickerson, Norton, O'Gara, Oliver, Pfeiffer, Pinette, Plourde, Plowman, Poulin, Pouliot, Reed, W.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Saint Onge, Saxl, Simonds, Simoneau, Small, Stevens, A.; Stevens, K.; Swazey, Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb.

NAY - Adams, Aikman, Anderson, Birney, Cameron, Carleton, Chase, Chonko, Clark, Coles, Cross, Donnelly, Dutremble, L.; Erwin, Faircloth, Foss, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hatch, Hillock, Hoglund, Hussey, Jalbert, Joseph, Joy, Kilkelly, Kneeland, Kontos, Lemke, Lemont, Libby James, MacBride, Marshall, Michaud, Murphy, Nadeau, Ott, Pendexter, Pendleton, Rand, Reed, G.; Robichaud, Rydell, Sullivan, Tardy, Taylor, Thompson, Townsend, G.; Townsend, L.; Winn, Young, Zirkilton, The Speaker.

ABSENT - Coffman, Dore, Farnsworth, Larrivee, Morrison, Paradis, P.; Pineau, Skoglund, Spear, Strout, Townsend, E..

Yes, 85; No, 55; Absent, 11; Paired, 0; Excused, 0.

85 having voted in the affirmative and 55 in the negative with 11 being absent, L.D. 771 failed of enactment. Sent up for concurrence.

PASSED TO BE ENACTED

An Act Related to Mortgage Companies (S.P. 177) (L.D. 591) (H. "A" H-417 to C. "A" S-121)

An Act to Clarify What Constitutes an Emergency Regarding Disconnection of Utility Service for the Emergency Assistance Program (S.P. 184) (L.D. 620)

An Act to Amend the Long-term Care Ombudsman Program (S.P. 190) (L.D. 626) (C. "A" S-179)

An Act to Amend Certificate of Need Provisions Regarding Home Health Care Services (S.P. 226) (L.D. 697) (C. "A" S-180)

An Act to Require Postgraduate Residency Training for Podiatric Medical Licensure and to Permit Temporary Residency Licensure (S.P. 234) (L.D. 727) (C. "A" S-176)

An Act to Amend the Law Regarding Rate Setting at Residential Treatment Centers (S.P. 363) (L.D. 1120)

An Act Regarding Reciprocity of Licensing Barbers and Cosmetologists (S.P. 401) (L.D. 1232) (C. "A" S-178 and S. "A" S-187)

An Act to Amend the Mutual Holding Company Laws (H.P. 477) (L.D. 614) (H. "A" H-406 to C. "A" H-305)

An Act Related to Medical Treatment Decisions for Psychotic Disorders (H.P. 983) (L.D. 1314) (C. "A" H-392)

An Act to Undedicate Certain Revenues of the Department of Environmental Protection (H.P. 1020) (L.D. 1366) (C. "B" H-374)

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, to Expand the Scope of the Maine Committee for Global Education (H.P. 1111) (L.D. 1507) (C. "A" H-379 and H. "A" H-394)

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

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

SENATE PAPER

The following Joint Order: (S.P. 514)

ORDERED, the House concurring, that Bill, "An Act concerning the Operation of Aircraft under the Influence of Intoxicating Liquor or Drugs," H.P. 1084, L.D. 1450, and all its accompanying papers, be recalled from the Engrossing Department to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

By unanimous consent, ordered sent forthwith to engrossing.

CONSENT CALENDAR

First Day

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

(H.P. 1124) (L.D. 1523) Resolve, Regarding the Release of Certain Ballots to the Municipal Officers of the City of Rockland (EMERGENCY) Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-448)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

(H.P. 740) (L.D. 998) Bill "An Act to Promote Proper Animal Health Care and to Regulate the Purchase and Sale of Hypodermic Needles and Syringes" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-449)

On motion of Representative Tardy of Palmyra, was removed from Consent Calendar, First day.

On further motion of the same Representative, L.D. 998 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

Bill "An Act to Continue the 2-cent Gas Tax Increase" (EMERGENCY) (H.P. 1129) (L.D. 1530)

- In House, read twice under suspension of the rules without reference to a Committee and passed to be engrossed on May 24, 1993.

- In Senate, referred to the Committee on Taxation in non-concurrence.

TABLED - May 25, 1993 (Till Later Today) by Representative PARADIS of Augusta.

PENDING - Further Consideration.

Subsequently, the House voted to Insist.

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

An Act to Clarify the Tax-exempt Status of Community Mental Health Service Facilities (EMERGENCY) (H.P. 586) (L.D. 790) (C. "A" H-311)
TABLED - May 25, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Amend the Minimum Safety Standards for Firefighters (EMERGENCY) (S.P. 374) (L.D. 1130) (C. "A" S-153)

TABLED - May 25, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (EMERGENCY) (H.P. 572) (L.D. 777) (C. "A" H-301 and H. "A" H-328)

TABLED - May 25, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Final Passage.

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

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

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

TABLED - May 25, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

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

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

An Act to Amend and Clarify the Solid Waste Management Laws (H.P. 756) (L.D. 1023) (C. "A" H-298) TABLED - May 25, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1023 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-298) was adopted.

The same Representative offered House Amendment "A" (H-452) to Committee Amendment "A" (H-298) and moved its adoption.

House Amendment "A" (H-452) to Committee Amendment "A" (H-298) was read by the Clerk and adopted.

Committee Amendment "A" (H-298) as amended by House Amendment "A" (H-452) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-298) as amended by House Amendment "A" (H-452) thereto in non-concurrence and sent up for concurrence.

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

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

- In House, Passed to be engrossed as amended by Committee Amendment "A" (H-92) as amended by House Amendment "A" (H-360) thereto on May 19, 1993.

- In Senate, Passed to be engrossed as amended by Committee Amendment "A" (H-92) as amended by Senate Amendment "A" (S-185) thereto in non-concurrence.

TABLED - May 25, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Further Consideration.

On motion of Representative Mitchell of Freeport, the House voted to recede.

On further motion of the same Representative, Senate Amendment "A" (S-185) to Committee Amendment "A" (H-92) was indefinitely postponed.

On further motion of the same Representative, House Amendment "A" (H-360) to Committee Amendment "A" (H-92) was indefinitely postponed.

The same Representative offered House Amendment "C" (H-454) to Committee Amendment "A" (H-92) and moved its adoption.

House Amendment "C" (H-454) to Committee Amendment "A" (H-92) was read by the Clerk and adopted.

Committee Amendment "A" (H-92) as amended by House Amendment "C" (H-454) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-92) as amended by House Amendment "C" (H-454) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the eighth 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 25, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

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

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

An Act Regarding County Contingent Account Limits (S.P. 286) (L.D. 856) (C. "A" S-116) TABLED - May 25, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

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

TABLED AND TODAY ASSIGNED

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

An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism (EMERGENCY) (H.P. 292) (L.D. 379) (C. "A" H-304) TABLED - May 25, 1993 by Representative PINEAU of Jay.
PENDING - Passage to be Enacted.

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

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

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

- In House, Read and Passed on May 21, 1993.
- In Senate, Read and Indefinitely Postponed in non-concurrence.

TABLED - May 25, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Motion of Representative GOULD of Greenville to Adhere.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Gould of Greenville that the House Adhere and later today assigned.

The Chair laid before the House the third tabled

and today assigned matter:

Bill "An Act to Improve the Unemployment Collection Process for Employer Contributions" (S.P. 264) (L.D. 802)

TABLED - May 25, 1993 by Representative SIMONEAU of Thomaston.

PENDING - Adoption of House Amendment "B" (H-439) to Committee Amendment "A" (S-156)

Subsequently, House Amendment "B" (H-439) to Committee Amendment "A" (S-156) was adopted.

Committee Amendment "A" (S-156) as amended by House Amendment "B" (H-439) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-156) as amended by House Amendment "B" (H-439) thereto in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

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 failed of passage to be enacted in the House on May 24, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-102) as amended by Senate Amendment "A" (S-223) thereto in non-concurrence.

Subsequently, the House voted to recede and concur.

BILL HELD

Bill "An Act to Limit the Number of Bills That May Be Filed by a Legislator" (H.P. 366) (L.D. 469) - In House, Majority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted.
HELD at the Request of Representative BENNETT of Norway.

Representative Bennett of Norway moved that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted.

Representative Joseph of Waterville requested a vote on the motion to reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Bennett of Norway that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 37 in the negative, the motion to reconsider did prevail.

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

Representative BENNETT: Mr. Speaker, Friends and

Colleagues of the House: I appreciate the opportunity to reconsider this bill. Several of us in the chamber desired to at least speak to the issue of what this bill was for and why we felt it was important.

This bill, as amended, would allow any member of the legislature to be the prime sponsor on ten bills in any legislative biennium. A quick reading of mathematics would mean of course that they would be allowed 1,860 bills introduced by legislators during a legislative biennium, which is approximately, give or take a few hundred, what we are now putting into the process and have for a couple of sessions.

This bill still allows unlimited cosponsorship but we believe it encourages moderation by individual members and that it does not restrict unduly a legislator's ability to introduce legislation because, if there is a pressing reason for a piece of legislation and that member may have reached his ten bill limit, the member could persuade, perhaps, another member to be the prime sponsor so the bill could get a hearing before the legislature.

I encourage the body to consider this legislation. I think it has the possibility to reduce cost. I think it has the potential to give legislators a little bit greater accountability in choosing which bills they are the prime sponsor on.

I ask for a roll call.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to accept the Majority "Ought Not to Pass" Report. The discussion in the committee was not simply how many bills will a legislator submit to the body but more basically, what has happened to the democratic process? What has happened to representation of our constituents? What will happen to those constituents' concerns that they bring to us when in fact they would like to have an issue addressed? Sometimes there may be more than this number and the idea of asking your colleagues or seatmate if in fact you could use their allotted ten bills or one of their allotted ten bills frankly did not make a great deal of sense.

I believe that we have a process here, it is based on confidentiality but there has been an attempt to modify that process and to join together sponsors and cosponsors to put them all on a bill of like subject matter.

So, I would urge you to accept the Majority "Ought Not to Pass" Report and, as we get into the concept drafting which I believe will happen in the second regular session, more so than it has in this particular session, I believe that you will see fewer bills before the body. But, we are here to represent the people, our constituents, and those people have needs that must be met and they cannot be limited from one to ten or one to almost any other number that you might decide would be an applicable number here.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: I hope you will reject the Majority "Ought Not to Pass" Report and go on to accept the Minority Report which would limit the number of bills filed by each individual legislator in this House. I have been here about three years and the last session, I believe in the first session, there were over 1,800 bills filed. This session

there are a few less.

Each one of those bills does cost money. I don't think it is a great imposition for us to limit the number of bills to be filed by each legislator to ten. If something is important enough to get the interest of one legislator, it certainly ought to be important enough to get the interest of another. If you have gone over your ten, then you should be able to find someone else to sponsor the bill.

We do do a lot of micromanagement in this legislature. We do too much of it. We have too many bills to consider each time. We don't consider a lot of these bills with definiteness and timeliness that we ought to be doing. We need to have some way of cutting down the number of bills to the important issues rather than dealing with some of the trivia that we deal with. Other states, several other states, have limits. Some of them have limits which are much more severe than what is set forth in this bill. I urge you to think about the number of bills that your committee has to go through each session and when you finish thinking about that I urge you to vote for the Minority Report.

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

Representative LIBBY: Mr. Speaker, Members of the House: I have been absolutely underwhelmed by the support given to this bill. For years, I have heard in committee and in the halls the question of so many bills being presented during a year. If a lesser amount of bills were allowed to be sponsored, chances are a better quality of bill would come forth. It would also allow the committees more time to finalize a good bill. The difference in the amount of bills printed, labor involved with the Revisor's Office and committee time called, probably would be considerably sizeable and probably the savings in money would at this time and in the future help the state in our present money problems. I would strongly urge your support in defeating the "Ought Not to Pass" motion.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would urge you to support the Majority "Ought Not to Pass" Report on this bill. I think it is important for us to understand what our job is here and how it is people are able to access this institution and have their opportunity to bring an issue before their legislature. We are their vehicle for that process and bills created develop our agenda and that is our entire agenda. Any attempt to limit that either through going through Legislative Council or limiting the number of bills cuts off people from their legislature.

Are we going to start rewarding the people that have the fewest bills? Are we going to say the most effective legislators are the ones that never introduce any bills? Is that the way we are going with this?

Who is going to determine whose issues are important. If you have already filed your ten bills and a constituent comes and says they have got this very pressing issue and you determine that the only way to deal with it is through legislation, do you then say to that person, I am sorry, my quota is up, I will refer you to the person next door? How is your constituent going to feel about that, that their issue suddenly doesn't have importance and that you

don't have an opportunity to bring their concerns before their legislature?

Do we have problems with workloads in committee? Yes, we do have problems. Do we have some committees that are too busy and some committees that don't have enough to do? Yes. That is not a problem of the number of bills. That is a problem of how the whole process is structured and that in itself ought to be reviewed very, very carefully at the end of this session and certainly at the end of the next session for implementation for the following legislature.

One of my questions also is, does this include bills that come from the Governor and department bills? If you have ten bill slots, are those ten bills your personal bills or are those included bills that the Governor is presenting or how does that all add into it? Are people going to then say, gee, I don't want to take a bill from the Governor because that may reduce the number of other pieces of legislation I can put in?

If 186 members of this legislature each have ten bills, you have 1,860 bills. So, this change is not going to change volume significantly, it is merely going to make people feel that they have attempted a change when in fact no change actually will happen.

What we need to do is have a very thorough review of the workload in our committee, we need to have maybe a better process of determining and coordinating the bills that are introduced and more opportunity for legislators to get together prior to introducing their bills.

I would urge you to accept the Majority "Ought Not to Pass" Report on this and determine how best we can take a look at the workload of each of the committees.

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

Representative WENTWORTH: Mr. Speaker, I would like to pose a serious question. To anyone who cares to answer, is there any limitation in this bill for the number of bills that the Governor can submit during a legislative session?

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

The Chair recognizes the Representative from Kennebunk, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: No.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: Then, if that "no" is the answer, then what we are doing if limiting the Legislative's Branch ability to submit bills but not the Executive Branch which is not even supposed to be the initiator of legislation, in my mind. That seems absolutely ludicrous.

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

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I just want to make one quick point. I guess I have some problems with the bill and I want to make sure I put it on the Record that the problem I have is, what if I have ten constituents that come to me with constituent bills and then I have a couple of bills of my own? Who should I prioritize? I guess I should prioritize my constituent's bills or

should I slide one of mine in there? I guess I can't vote on this. It would be nice if we could get rid of some of the bills that are considered trivial bills by some of us but I don't think this cap is the answer.

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 acceptance of the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 143

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, DiPietro, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Jacques, Johnson, Joseph, Kerr, Kilkelly, Kontos, Libby James, Marsh, Martin, H.; Melendy, Michael, Mitchell, J.; Murphy, Nadeau, Oliver, Paradis, P.; Pfeiffer, Pinette, Pouliot, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Hussey, Joy, Ketterer, Kneeland, Kutasi, Lemke, Lemont, Libby Jack, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Pendleton, Plourde, Plowman, Poulin, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Stevens, A.; Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Young, Zirkilton.

ABSENT - Coffman, Dore, Hillock, Jalbert, Larrivee, Michaud, Mitchell, E.; Morrison, Pineau, Rand, Skoglund, Spear, Strout.

Yes, 76; No, 62; Absent, 13; Paired, 0; Excused, 0.

76 having voted in the affirmative and 62 in the negative with 13 absent, 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:

PASSED TO BE ENACTED

An Act to Improve Child Care Services in the State (H.P. 565) (L.D. 762) (C. "A" H-435)

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.

The following items appearing on Supplement No. 4 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:

(H.P. 929) (L.D. 1252) Bill "An Act to Provide Support to Maine Small Businesses" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-456)

(H.P. 716) (L.D. 967) Bill "An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine" (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-457)

(H.P. 504) (L.D. 662) Bill "An Act to Amend the Definition of 'Parcel' for Purposes of Property Taxes" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-459)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

The following items appearing on Supplement No 6 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes" (H.P. 1060) (L.D. 1428) on which the Minority "Ought to Pass" as amended Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-430) and House Amendment "A" (H-427) in the House on May 25, 1993.

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

On motion of Representative Vigue of Winslow, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Regulate the Use of Aircraft for Surveillance Purposes by Law Enforcement Agencies" (H.P. 889) (L.D. 1203) on which the Minority "Ought to Pass" as amended Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee

Amendment "A" (H-425) in the House on May 25, 1993.

Came from the Senate with the Majority **"Ought Not to Pass"** Report of the Committee on Legal Affairs read and accepted in non-concurrence.

On motion of Representative Daggett of Augusta, the House voted to Insist.

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

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-214) on Bill "An Act Establishing an Indigent Defense Reimbursement Fund" (S.P. 174) (L.D. 588)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-214).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-214) 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" (S-214) in concurrence.

Ought to Pass as Amended

Report of the Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-215) on Bill "An Act to Amend the Maine Human Rights Act to Include Provisions Concerning Employment Discrimination" (S.P. 214) (L.D. 685)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-215).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-215) 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" (S-215) in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 291) (L.D. 861) Bill "An Act to Amend the Laws Governing the Effect of a Tender in Foreclosure Actions" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-216)

(S.P. 292) (L.D. 862) Bill "An Act to Clarify Mandatory Waiver Authority Concerning Construction Requirements" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-217)

(S.P. 425) (L.D. 1334) Bill "An Act to Amend the Maine Civil Rights Act Regarding Violations of Constitutional Rights" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-218) (Senator HANLEY of Oxford - of the Senate - Abstained)

(S.P. 238) (L.D. 731) Bill "An Act to Ensure Small Boarding Homes Sufficient Funds to Remain Economically Viable" Committee on Human Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-221)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

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

Representative ROWE: Mr. Speaker, having voted on the prevailing side, I move reconsideration of our action whereby the House voted to recede and concur on Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes" (H.P. 1060) (L.D. 1428).

Mr. Speaker, Men and Women of the House: L.D. 1428 is a bill entitled "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes." This has been amended with House Amendment "A" (H-427). There were a couple of changes to the original bill that I will explain.

This bill was submitted by me to reduce the access by minors, specifically by individuals under the age of 18, to cigarettes in the State of Maine. Current law prohibits the knowing distribution or sale of cigarettes by use of vending machines in locations that are at all times under the direct supervision by an adult during the hours the machines is accessible.

L.D. 1428 as amended by House Amendment "A" would change the law in the following ways. Number one, it would make the law applicable to vending machines sales of all tobacco products, not just cigarettes.

Number two, it would restrict the placement of cigarette vending machines to specific types of facilities, facilities that individuals under the age of 18 do not frequent.

Number three, it would require that vending machines be located inside the facility and be in the plain view of the person in charge and under the direct control of the person in charge.

Finally number four, the bill would change the civil penalties. Presently the civil penalty for violation of the act is a forfeiture of not less than \$100 and no more than \$500. This bill, as amended, would change it to the forfeiture of not less than \$100 and no more than \$1,000 so it would raise the top end from \$500 to \$1,000, thus bringing the penalty here in line with the statute regarding the knowing sale of tobacco products to minors, that is Title 22 MRSA, section 1579.

I sponsored this bill because the current

cigarette vending machine law in Maine is inadequate. Presently, we do not have single individual in the state dedicated to enforcing the law. I checked with several departments including the Division of Liquor Enforcement and that was the conclusion that I reached and no one can tell me differently.

I would encourage you to stop in at stores, restaurants and motels and see for yourself if you haven't already. Cigarette vending machines are placed in locations that are at all times under the direct supervision of an adult or that person in charge.

I also sponsored this legislation because I know that many children purchase their first cigarette from vending machines. How do I know this? Because I have spoken with many youngsters myself. I have also seen statistics that bear this out.

I won't belabor the point, you have heard a lot about the smoking bills in the last few days but I do want to cover a couple of statistics that I think are important. Each year over 6,000 Maine children begin to smoke before the age in which it is legal for them to purchase cigarettes, i.e., that age of 18. The overwhelming majority of Maine smokers began to smoke when they were teenagers. In fact, 96 percent of male smokers are between the ages of 18 to 24 and 93 percent of women smokers in the state are between the ages of 18 to 24. I don't think I articulated that correctly — let me say that again, 96 percent of the male smokers between the ages of 18 and 24 began to smoke when they were teenagers and 93 percent of the women smokers in the age group 18 to 24 began to smoke when they were teenagers.

Maine has the third highest rate of smokers in the age 18 to 34 category in the United States. Only Kentucky and Tennessee, two tobacco states, are ahead of Maine. In Maine, 23 percent of high school seniors smoke cigarettes. Even more alarming is the fact that 3 percent of fifth graders in the state are smokers, 7 percent of seventh graders and 17 percent of ninth graders.

Now about vending machines — a study was done by the National Automatic Merchandising Association, this is a trade association of vending machines companies, and the study showed that younger teenagers, those 13 years old, were most likely to purchase cigarettes through vending machines. Twenty-two percent recorded doing so often. Teens found that vending machines were attractive because of easy accessibility. Fifty-six percent responded that no one prohibit them from buying cigarettes from vending machines.

The Inspector General of the United States Department of Health and Human Services recently did a study on the enforcement of state laws limiting tobacco use, all 50 states were studied, and one of the recommendations made by the Inspector General was that states ban vending machines sale of cigarettes.

I know that I don't need to go on to address the health effects of smoking nor do I need to go on about the cost of Maine people in terms of health care dollars that we spend on diseases that result from smoking. My concern here is young children who begin to smoke.

The restrictions in this bill are not radical. In addition to their state laws prohibiting the sale of tobacco to minors, 21 other states and Washington, D.C. have passed laws that restrict vending machines in almost identically the same manner as this bill

before you. Let me clarify that, I did misstate — there are nine states that have laws identical to L.D. 1428 or almost identical. There are 21 states and Washington, D.C. that have restricted the placement of vending machines in some manner.

I think this is an important bill. Again, I ask you to look at the amendment with a filing number of H-427 and see what this does, I ask you to recall when you go to restaurants, when you go to places of business and you see the vending machines located around the corner. Lately, I have made an inspection of several facilities and I can assure you that vending machine laws are not being adhered to. I talked to a vending company owner about this, one of the largest in the state, and he acknowledged that there is a problem. In fact, he testified at the hearing and, while he didn't agree with this bill, I did consult with him prior to putting the bill together and actually the bill, I thought, was a compromise by incorporating some of his concerns but he said, even though they place the machines, the owner of the premises tell them where to place the machines and that is where they place the machines. I think we have a problem. I don't think this is going to cost the state any money in terms of aggregate sales of tobacco products, I don't think this is going to cost the state any money in terms of lost revenue, in fact you may want to take a look at the fiscal note that was done for this bill. Let me read you the fiscal note — it says, "The additional workload in administrative costs associated with a minimal number of new cases filed in the court system can be absorbed within a budgeted resources of the judicial department. The collection of additional fines may increase General Fund revenues by a minor amount."

I won't continue, the pending motion is to reconsider the motion to recede and concur and I would ask that you vote to reconsider the motion and then I would like to make another motion to Insist and ask for a Committee of Conference and deal with the other body.

Mr. Speaker, I request the yeas and nays.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to stay with your previous position. Please oppose the motion to reconsider and vote red.

My position on this is strictly a position of business. Here we are once again interfering in the operations of the businesses. We are telling people where to place vending machines. This has nothing to do with smoking but where to place vending machines. We are micromanaging business. We wonder why businesses are leaving the State of Maine, this is one good reason.

The Representative from Portland says that this is not a radical change, we are going to a \$500 fine and in another case \$2,500 for allowing a young adult to buy cigarettes from a machine. Let me tell you something, I don't care where you place these machines, these kids will outsmart any businessman or any law that we might be able to pass to prevent them from smoking. If you want to stop them from smoking, you teach them how and why and the damage to their health. If you are going to play around with machines, it is going to hurt businesses.

I asked for the report, the Committee Report, this was a Majority Report, 9 to 4, and the way it

got by the first time was an accident, it slipped by and it was my fault. I ask you to please listen to the people on the Committee Report and please stay with your position. Please vote red.

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

Representative HøGLUND: Mr. Speaker, Men and Women of the House: This did not get by accident, this bill was a held over bill, it did not have a public hearing and half the people were not in the Business Legislation Committee when we took a vote.

Representative Rowe asks for reconsideration and he has some important facts about it that was not given to the committee so I felt they were substantial enough to bring it back for reconsideration. Four of us brought it out, with not a full committee group, so I ask you to vote yes for reconsideration, let them have a Committee of Conference and let them work it out. That would be fair.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: When this bill came before the Business Legislation Committee, I had a real hard time making up my mind because, for the most part, I am really concerned about businesses in the State of Maine. I agree with some of Representative Vigue's concerns but I must tell you that cigarettes are damaging our young people and that certainly is not news to anybody. I feel very strongly if this small move to have businesses place cigarette vending machines in a place where it is less convenient for young children to get in and buy the cigarettes without being noticed or for anybody to say anything, if the vending machines are in a more public place where they are going to be seen by some adults, if we save one young person in the State of Maine from picking up the habit, to me it is worth the small inconvenience.

I am a little uncomfortable with the fine part of the bill, I will admit that, but I would hope that we would never get to the part of having to enforce those fines.

I would ask you to support Representative Rowe's request and reconsider the bill. I know that it isn't a perfect bill but, again I say, if we save one young person from starting to smoke, I think it is worth the effort.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I must disagree with my House Chair. We did have a public hearing, we did. At the public hearing, all these points were brought up.

I tell you my people back home are telling me, businesses, "please, please leave us alone. Do not micromanage our businesses."

Regardless of where you place cigarette machines, these children, these young adults will find a way to get to the machines. If you don't believe so, let me tell you something — you let them go and I will guarantee you that they will get cigarettes whether they get them from the store or they get them from the machines, they will find a way to buy their cigarettes and this is not going to help. This is only going to hurt businesses, they will end up paying fines that they don't deserve to pay and I ask you to please oppose the motion.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I don't intend to speak much more but I just want to clear up something that the Representative from Winslow said. The top end of the forfeiture would simply increase from \$500 to \$1,000. I don't know the other figure he quoted, I am not sure where he got it.

I heard yesterday about restaurants and banning smoking from restaurants — I understood that argument, that if somebody was a smoker and you had a big sign "No Smoking" and if they knew you could not smoke in Maine restaurants, they might not want to go there if you are a smoker. I don't see anybody not going into a facility because there is a cigarette vending machine in there, I really don't buy that. How is it going to hurt business? If adults use these machines, people who are smokers are going to buy cigarettes, my concern is the kid starting to smoke. My concern is that these machines are located all over the place. Kid can go up, there is no supervision.

I wish we had debated this and we had time to go out and find out for yourself. Regardless of how you vote, if you defeat this, I will bring it up again. I feel strongly about it, maybe not this time around, but I would ask you to conduct your own search.

I appreciate the impact that some of these bills have on business in Maine so you know that that sounds real handy to use every time, business/business — how about these kids who become smokers and then develop disease and have problems? You know that costs the state a lot of money in terms of health care.

I think we owe it to the kids, and I don't consider myself anti-business, but I do consider this to be a good bill. I would ask for your support on the motion to reconsider.

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

Representative LIBBY: Mr. Speaker, Members of the House: The existing law that we already have on the location of cigarette vending machines says "that they must be in a place where they can be supervised."

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

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

Regarding House Amendment "A" (H-427) — it appears to me in line 43 and 44 a change in the fiscal impact of this amendment would result in reduction of fines from \$2,500 to \$1,000. I do not see that that amendment carries a fiscal note and I would ask if it complies with Joint Rule 22?

The SPEAKER: The Chair would advise the Representative from Falmouth that the Chair allowed the debate to continue on the motion to reconsider when in fact it had nothing to do with the motion to reconsider. Therefore, the Chair is not in a position to rule on House Amendment "A" since it is not before the body at this time.

The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of points, to Representative Vigue's point about children still getting cigarettes, he is right, I will concede that. I am not that naive, I know I live in Rumford but it is not that far out of the mainstream of the

world.

Again I say, if we can make this a little less convenient, it may prevent even one, two, three or four from getting them.

And to Representative Libby's comment about the law that is in existence, he is absolutely right, the problem is that it is not being enforced. This may help pressure the people who put these vending machines in their places of business to do what needs to be done and put them in a location — again, I emphasize what Representative Rowe said, the people who own the vending machines have no control over where they are put, they are located in businesses according to where the owner designates. Again, if we can just ask them to move them to a place where it is a little less easy — I remind you that a young person buying cigarettes over the counter has to walk up and face somebody and ask them to break the law. When they walk up to that machine, nobody says, "Are you 18 years old?" Nobody says anything so it is just a little less inconvenient.

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 Portland, Representative Rowe, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 144

YEA - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, Dexter, Donnelly, Driscoll, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Johnson, Joy, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Lemke, Libby James, Lipman, Look, Lord, MacBride, Marsh, Marshall, Melendy, Michael, Mitchell, J.; Murphy, Nickerson, Norton, O'Gara, Oliver, Pendexter, Pendleton, Pfeiffer, Pinette, Plowman, Rand, Richardson, Robichaud, Rowe, Ruhlin, Rydell, Simonds, Simoneau, Stevens, A.; Stevens, K.; Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, Young, Zirkilton.

NAY - Aikman, Bailey, H.; Carleton, Caron, Carr, Clukey, DiPietro, Dutremble, L.; Erwin, Farnum, Farren, Foss, Greenlaw, Jacques, Kerr, Lemont, Libby Jack, Lindahl, Nash, Ott, Paradis, P.; Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Rotondi, Saint Onge, Saxl, Small, Tardy, Taylor, Thompson, Townsend, G.; True, Tufts, Vigue, Whitcomb.

ABSENT - Coffman, Dore, Gamache, Hillock, Jalbert, Joseph, Larrivee, Martin, H.; Michaud, Mitchell, E.; Morrison, Nadeau, Pineau, Ricker, Skoglund, Spear, Strout, Sullivan, The Speaker.

Yes, 94; No, 38; Absent, 19; Paired, 0; Excused, 0.

94 having voted in the affirmative and 38 in the negative with 19 being absent, the motion to reconsider did prevail.

The SPEAKER: The pending question now before the House is the motion of the Representative from Winslow, Representative Vigue, that the House recede and concur.

The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House: For all the reasons that I just sat forth, I would ask that you vote against the pending motion to recede and concur so that we can go on and Insist and ask for a Committee of Conference.

Mr. Speaker, is the motion to Insist and ask for a Committee of Conference appropriate at this time?

The SPEAKER: The Chair would answer in the negative. The pending motion is the motion to recede and concur, which has priority.

Representative ROWE: Mr. Speaker, I would ask that when the vote is taken, it be taken by the yeas and nays.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Winslow, Representative Vigue, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 145

YEA - Aikman, Bailey, H.; Caron, Carr, Chonko, Clark, Clement, Clukey, Cross, DiPietro, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Gould, R. A.; Greenlaw, Hale, Hatch, Heino, Jacques, Joy, Kerr, Lemont, Libby Jack, Libby James, Lindahl, Marshall, Nash, Norton, O'Gara, Ott, Paradis, P.; Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Rotondi, Saint Onge, Saxl, Small, Tardy, Taylor, Thompson, Townsend, G.; True, Tufts, Vigue, Whitcomb.

NAY - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carroll, Cashman, Cathcart, Chase, Cloutier, Coles, Constantine, Cote, Daggett, Dexter, Donnelly, Driscoll, Faircloth, Fitzpatrick, Gean, Gray, Gwadosky, Heeschen, Hichborn, Hoglund, Holt, Hussey, Johnson, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Lemke, Lipman, Look, Lord, MacBride, Marsh, Melendy, Michael, Mitchell, J.; Murphy, Nickerson, Oliver, Pendexter, Pendleton, Pfeiffer, Pinette, Plowman, Rand, Richardson, Robichaud, Rowe, Ruhlin, Rydell, Simonds, Simoneau, Stevens, A.; Stevens, K.; Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, Young, Zirkilton.

ABSENT - Birney, Coffman, Dore, Gamache, Hillock, Jalbert, Joseph, Larrivee, Martin, H.; Michaud, Mitchell, E.; Morrison, Nadeau, Pineau, Ricker, Skoglund, Spear, Strout, Sullivan, The Speaker.

Yes, 51; No, 80; Absent, 20; Paired, 0; Excused, 0.

51 having voted in the affirmative and 80 in the

negative with 20 being absent, the motion to recede and concur did not prevail.

Subsequently, on motion of Representative Rowe of Portland, the House voted to Insist and ask for a Committee of Conference.

The Chair laid before the House the following matter: An Act to Amend the Laws Relating to the Lobster Promotion Council (H.P. 842) (L.D. 1147) (C. "A" H-350) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: My intent is, and I will tell you right up front, not to influence your vote on this situation, it is merely to advise you that I will be voting against it and why I am voting against it.

I did not intend to debate this issue until yesterday when a flyer was placed on our desks. It is an editorial from the Courier Gazette and within that article, it refers to my constituents and I will read it. "The Council's critic, mostly lobstermen from down east, say they do not want to pay the \$25 surcharge on their lobster licenses that goes to fund the Council. They cannot see the point in paying something that does not seem to be having an effect on the boat prices." Now what we are talking about here is about prices and how much they are paid for their catches.

I think all of us are entitled to feel that if we pay out money, we are entitled to receive something in exchange. I think that what transpired within the committee disturbs me and, more importantly, what disturbs me is some of the comments that I have heard over the years that I have been representing the people from my district in down east Maine. I have heard remarks which consider that their voice is really not important, that we must go along with the crowd and I say that I am here to be their Representative and that is why my voice vote will be no. I am representing the many down east lobstermen.

They feel that their promotion is not perhaps necessary. I am not going to speak against the promotion from my personal viewpoint but in behalf of them, I am saying to you that is their opinion.

There are other issues concerning this that they have expressed to me that come into their decisions. We have in this state a plan whereby a poundage value is placed on imports from other countries. They feel that the same plan should apply in this case so I want you to know where I am coming from representing them.

I do resent my people are considered to be obstructionists and against everything that takes place.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: It takes courage to stand up here and oppose the good lady from Jonesboro, who is a fine Representative and I appreciate the fact that she represents her people well. I am here to influence your vote, to support this particular piece of legislation.

Keep in mind that the concept of the lobster

promotion council came from the industry itself. The catch of the lobsters are up to the point where we are probably catching more lobsters now than we have ever done and there is a need to maintain a price. You probably can recall a few years ago, there were many boats along the coast of Maine that tied up because the price dropped so low that they just could not afford to fish. There are so many dollars out there in the world that buy seafood and we have to compete with Alaska, Hawaii, California, eastern coast of the United States, Canada and Europe.

To say the least, fishermen on the coast of Maine are an independent lot and if on any given day you can get 51 percent of them to agree to anything, you have accomplished quite a lot. Now I am not disregarding their independence or their input, what I am saying is that to be a lobster fisherman, you are a very unique individual. You don't punch a clock, you go to work, you quit, you do all of these things when you want to. You fish the days you want to and it is difficult for fisherman, if I were a lobster fisherman, I think it would be very difficult if someone came along to me and said "Well, we are going to tack on a \$25 surcharge onto you for lobster promotion" but keep in mind that this concept came from the industry itself.

The goals of the council are many and I will just mention a few. They are to promote year-round demand for lobster, not just during the season when we have a lot of tourists in the area. They are to develop new markets, to develop the concept of new shell lobsters rather than the soft shell lobster which commutates a lesser quality product. They are to be leaders in issues that affect the overall industry and they are to manage crisis situations. You recall, just awhile ago that there was some concern as to whether or not lobsters were good to eat because of the fat content and whether or not lobsters carried cholesterol — well, from this promotion council came the slogan and you probably have seen it, it has been nationwide, "If you eat lobster, good for you."

During the promotion of last August and September, there were some 400 supermarkets in the United States that did a promotion through this council in the peak season when we had a lot of new shell lobsters. The Maine Lobster Council put out guidebooks for cooking and eating lobster. Perhaps as you came into the State of Maine from a visit out of state last summer, you might have seen a number of restaurants that had a 30 foot inflated lobster flying over them or attached to the roof, this was part of the lobster promotion council. At one time last summer, there were six radio stations in the State of Maine and two in New Hampshire that did a lobster promotion. We do international promotions, such as one in the food markets or trade show in Paris. I could go on and on and mention the promotions that are now going on, even though this organization is in its infancy. Trade shows in Boston, Chicago and Paris. Two ads in Sea Food magazine, "This council has brought to the State of Maine 500 new leads for possible marketing of lobsters that are now not sold in that market area."

The 1993 budget of the promotion council, they will expend two-thirds of that total budget on promotion of the lobster itself.

It is difficult to measure promotion, we know that. We have had lobster fishermen who testified at our committee saying, "Gee, I don't want to pay that

\$25 surcharge because I don't see anything happening."

Well, we know if you go home tonight, you turn on the television and you will see ads on the TV. When you buy your Sunday paper, it is filled with fliers, how do you think the tobacco industry and the liquor industry got to where it is today? Did they believe in promotion? You bet your bottom dollar they did. Why is it that the blueberry industry in the State of Maine has a promotion council? Why does the potato industry have one and why does the herring industry have one or the sardine industry? Because, in time, they know it will work.

One thing comes to mind that some who are in opposition of the council have said that they have a problem with supporting the Canadian lobster. We are selling Canadian lobsters here in the State of Maine or they are shipping lobsters into the State of Maine, we are spending Maine dollars to promote them. Well, ladies and gentlemen, keep in mind that that is true but also we ship to Canada 6 to 7 million pounds of lobster a year and they are promoted out of Canada under their promotion. So, it is a two-way street.

In my district, I had 78 lobster fishermen who signed a petition, not at my request, and delivered it to me saying, we don't want a different way of funding this council. The lobster fishermen don't want to carry the whole thing. Right now the lobster fishermen pay a surcharge as do the dealers, the pound owners and the transporters. The lobster fishermen in my area said if we do it on a poundage basis, the lobster buyers are going to knock off a nickel a pound and we are going to carry the whole load and we don't want that.

One thing that stands out in my mind of all the testimony that we had in the hearings on this was, someone asked the question in one of the hearings as to whether or not this thing was working. I recall a fisherman from Kittery who stood up and said, "I don't know if it is working for you but my lobster, my overall lobster poundage and my per pound income, was between 30 and 40 cents more a pound this year than last year."

Ladies and gentlemen, I would ask your support for this particular bill.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I rise also as a representative of Washington County fishermen. In the last session when this bill was first proposed before the Marine Resources, I opposed it. I opposed it because fishermen from my area (not so much my area but in the area adjacent to mine) raised a number of concerns that I thought were legitimate concerns. Since that time, each and every one of those concerns have been refuted.

The good Representative from Boothbay, Representative Heino, has touched on a couple of them, the myth that we were promoting Canadian lobsters when our lobsters were also going over there, so that's a wash. The myth that dealers were not paying a share of this, their licenses have a fee attached on it as well. Their arguments started to wear thin as they went on. They refute that marketing their lobsters is going to increase the price.

I will tell you a little story that happened this past weekend. Senator Harry Vose was down east and he stopped in Machias on his way home to buy some

lobsters. The gentleman there selling them, he paid \$3.75 a pound for them. That is a pretty decent price, I would assume. I bought some lobsters the very next day. I bought mine in Canada, I paid \$3.00 a pound for them. That is just one incident. We are getting more over here for them now than they are over there.

The good Representative from Jonesboro rightfully sticks up for her people and takes offense when people call them obstructionists and what have you — and I agree with her somewhat. However, I want you to know what they have reverted to in fighting this bill. Once the facts and their arguments have been refuted, this is what they have reverted to, personal attacks. There was an article, I believe Mike Brown wrote the article and the officer of the Down East Lobsterman's Association reverted to personal attacks on this bill. Some of the things he stated and you can make up your own minds about this, I actually find them kind of funny but he says Representative Townsend does everything Harry Vose tells him to do. He says Representative Constantine shows up for a meeting for a few minutes and then leaves before a vote is taken. This is some of the things that they have reverted to as well. So, this is a two-way street here.

Lobster fishermen are hard workers. It is true, I think a lot of people in Washington County think that, and they may or may not be true, sometimes I think it is and sometimes it isn't, they get left behind and they don't get considered. But, consider this, the Lobster Promotion Council offered the Down East Lobsterman's Association to come down and sit down with them and talk about this issue and see how they could help that organization. That organization voted and refused to hear them, wouldn't even hear the other side. I don't know how to deal with that.

I was adamantly opposed to this in the last session. The arguments against it have been refuted. One particular incident, the American Heart Association came out with a warning here recently about how lobster was bad for those who had heart conditions and cholesterol. The Lobster Promotion Board jumped on that and they convinced them that, no, it wasn't the lobster, lobster is low in cholesterol and is good for your heart, it was the butter and condiments that you use with it that was bad for the heart. The American Heart Association reversed their articles and went out and told people this is good for your heart.

It is hard for me to get up here and say this saves X-amount of dollars for the lobster fishermen of Maine, I don't know but it is bound to help and, if that damaging report by the American Heart Association hadn't been refuted, who knows how much business might have been lost?

The lobster fishermen of down east Washington County are hardworking, honest folks, they really are. I feel that they are misguided in this. I feel they are wrong and I feel this is good for their business. I would like to see them at least make an effort to get the facts in the case.

I urge you to support this lobster promotion and let us do something for the fishermen of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Mr. Speaker, Ladies and Gentlemen of the House: As a lobsterman, I would like to thank Representative Townsend and

Representative Heino for their gracious comments.

I believe the Lobster Promotion Council is very important to the lobster industry. In 1992, you have heard some of the other Representative's touch on some of their great accomplishments. I would like to add to the new shell promotion that did alleviate the glut we face in the state in Augusta and September and this bill has been amended to allow the council to sell their materials now and raise some revenue. The council has also utilized the Maine Tourist Information Centers here at home.

I will get a little plug in for lobsters at this time — you have heard about the cholesterol — cholesterol, fat and calories are lower in lobster than in white skinless chicken, so I hope you all run out to buy lobster, we could use the business.

They participate in trade shows, the International Boston Seafood Show which is mandatory for us to be there, everyone in the world is there pushing their seafood. They participated in the Chicago National Restaurant Association where they shared a booth with the Wild Blueberry Council from Maine. I state this for the obvious reasons, the blueberry growers think it is important to promote their product around the country and it is also important to promote the lobsters.

They also participated in a trade show in Paris where 90,000 people had the opportunity to see live Maine lobsters. This resulted in a 70,000 pound purchase by France.

They participated in a promotional event with the American Heart Association. They produced the Lobster Tail Newsletter which informs the industry about activities and also where the money is going. It is hard to have a true account of its success of the Lobster Promotion Council, but as a lobsterman, I can tell you the price last season was stable, it never reached the depths of prior years and we didn't have the boat tie-ups up and down the coast, especially in Casco Bay.

In 1993, the Lobster Promotion Council has such aggressive goals as the Maine Lobster Identification Program, sales and promotional materials to replenish and create new ones, public relations where they anticipate targeting media, regionally, nationally and internationally to increase visibility and consumption, promotions, trade shows, direct mail, industry development and career links with major buyers.

I don't know if this will be successful but it is certainly worth exploring. The days of the Maine lobster promoting itself are gone — every year record catches, gear increases and newer, better, sophisticated equipment.

Financing, let's talk a little bit about the surcharge. It varies from \$25 to \$200 which you have already heard. When we heard this bill in committee, we heard many ways to finance this but one interesting point was brought up by a fisherman in my area, my district. He said \$25, that is nothing, I would like the ability and the opportunity to contribute more to this worthwhile council, so the bill has been amended and they will have the flexibility to do that.

The Maine Lobsterman's Association, the Southern Maine Lobsterman's Association both endorse this bill. As a lobsterman, a member of the Marine Resources and cosponsor of this bill, I feel strongly about this legislation and hope you all support it.

The SPEAKER: The Chair recognizes the

Representative from South Portland, Representative Johnson.

Representative JOHNSON: Mr. Speaker, Men and Women of the House: This is a personal note of experience that the Council is hard at work. A member of my family is importing lobster from Maine to Stockholm, Sweden. He called up several weeks ago and said he needed some promotional stuff and I called the council and it was immediately sent over. If we are out of here by July 6th, I should be eating Maine lobster by July 7th in Stockholm, Sweden.

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

Representative GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I also represent a district in Hancock County that has a considerable amount of lobstermen. At their annual meeting last year, they voted unanimously to abolish the Lobster Promotion Council. I think it was for several reasons but there were two comments that I heard tonight I would like to comment on. From Representative Heino, he said this bill comes from the industry, I don't think we are talking about the same industry here. I am talking for the lobstermen, not the dealers. I think there is a difference there. The fee is charged on both.

The other point I would like to make is that in times like these when we don't have biologists in the State of Maine to protect the shellfish industry, in the Department of Marine Resources we are spending hundreds of thousands of dollars to promote something that promotes itself. I hope you will consider voting against this motion.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I was a cosponsor of this Council when it was originally passed two years ago. I was not asked to be involved by the dealers in my district, I was asked to be involved by the harvesters, the lobster fishermen, because they know that lobster prices are set by supply and demand. Because of the vast increase in supply, prices have been dropping. They know that the best way to deal with this problem is to increase demand. You don't increase demand unless you market. Even the ones who aren't enthusiastic about the \$25 surcharge or the prospects for the Promotion Council say, well, what the heck, \$25 is worth it. The price goes up a penny a pound and I pay for it many times over. It only makes sense for this state to promote lobster. It not only helps the lobster business, it helps the State of Maine generally because lobstermen are so closely identified with the State of Maine.

If you look at the blueberry industry, for example, because there are very few people that can afford to run it through dealers and because they are produced in Maine. In the lobster business because it is so varied and people are so independent and there are so many different ways of doing business, the only way, the only fair way, to fund a council like this is through the surcharge we now have on harvesters and on dealers.

The council itself is run by harvesters and dealers, it is not a state agency. Its sole employee is not a state employee or will not be when this bill passes. It raises something around \$240,000 and it stretches that money as far as you can possibly stretch that kind of money.

It has done a lot in its first six months of

operation and if we shut it down now, we will be taking a very short-sighted step.

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

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

It has come to my attention within the last day that the Committee on Marine Resources has raised fees on all shellfish harvesters to \$30. Could I get an answer if in fact that is true that it is to promote and continue their agency?

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

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would be happy to answer the question. On Monday, when the Marine Resources Committee was asked to cut \$2.3 million from the Department of Marine Resources for the biennium which the department has a \$6.2 million budget, a substantial cut, we met, we couldn't make it.

Everyone on the committee, I think, feels strongly that we need to hire some biologists. These biologists had been on the General Fund but to save money they were transferred to federal funds and the federal funds dried up. The biologists weren't there and if they are not there, then the program that the department runs of certifying their clamflats are clean cannot continue and it is cut back substantially and puts a lot of people out of work. When we were faced with the cut, we decided — it wasn't unanimous but the committee voted to recommend an increase in the license fee of \$30 to cover the cost of the five biologists we need to keep the clamflats open. We made that recommendation to the Appropriations Committee.

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

Representative COLES: Mr. Speaker, Men and Women of the House: If we were to follow through the implication of the Representative from Sedgwick's question about the biologists, she would suggest that perhaps we would take the lobster surcharge money and use that to fund the biologists for the shellfish industry — that would be unfair, these are two separate issues. The lobster fishermen and the industry organizations, with the exception of the Down East Lobsterman's Association, asked us to do this. They asked for an opportunity to provide a common, coordinated marketing effort. To confuse that with the Department of Marine Resources' budget problems, this simply would be flat out wrong.

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

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

If in fact the Lobster Promotion Council was abolished, would the money then go to the General Fund?

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

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: If the Council was abolished right now, there would be no money because in fact next year's money wouldn't be collected.

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

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

It is my understanding that the fees were collected as of December 1st or January 1st, is that not true?

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

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: Yes, they were. They were used to pay expenses for the current year.

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

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to repeat what has been stated by my good Washington County colleague, Representative Look, but there's been several references to the blueberry industry, an industry that I am quite well aware of.

I can tell you that when the first bill came before the Marine Resources Committee concerning lobster promotion, it was stated that they were going to pattern the Lobster Promotion Council after the Blueberry Commission because of its successes. At that point, I took them at their word. However, the funding for the Blueberry Commission is not a surcharge on every grower, it is a per pound charge that is assessed to fund that Commission.

I don't think that it is a question — at least not from my perspective — of promotion. There are those that say that promotion is not needed, lobster will sell themselves. If there are many people out there like myself, that would be true, but there are those that don't know about the lobster itself.

I do feel very strongly that in order for it to continue to do an adequate job, the surcharge is not going to be sufficient to do that job. I mentioned that to the Executive Director at one of the occasions that she was down here that they better be looking for other sources of funding because this surcharge, as it is at the present time, only raises about \$225,000 or \$235,000. You don't make many trips to Paris or trips to Chicago or prepare a lot of brochures and pay the salaries of one and a half or maybe two people with that amount of money.

I will also further state that some of the successes of the Blueberry Commission has been the result of a joint effort on the part of the Canadian blueberry industry and the Maine blueberry industry under the guises of WBA, World Blueberry Association. At this time, and maybe it is too early to tell, but I have seen no attempt to do that. In fact, I would doubt that it would happen very quickly because for those of you who don't know, the Canadians have a lock on what they call the chicken lobster because of the size limit that is on our lobster. I just feel very strongly that it's too bad that there seems to be dissension between the east and the west, it should not be, but we have an obligation as Representative Look mentioned to represent our constituency and that is what I will do as long as I am here.

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

Representative LINDAHL: Mr. Speaker, Ladies and

Gentlemen of the House: I, too, am a commercial lobsterman now and I don't feel in today's market we can allow the industry to promote itself. This all takes time and the effects may not be seen for several years. I think we are expanding markets to Europe and Japan and I think this is money well spent. This went into effect in 1991, this current legislation keeps it through 1997. I think we ought to at least try it for that much longer.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I thought of a couple of more things. I do want you to know that representing the people that sent me down here is very important. I also feel that we are leaders down here as well. Sometimes we have to take a step out on that branch when we feel we are right and doing what is right for our constituents. I feel that promoting their product is right for the hardworking folks in Washington County.

We had a little bit of an argument — the good Representative from Gray was arguing about the different fee increases and what have you — a couple of things I want to point out and I hate to compare with other states, but nonetheless our fees that we charge here in the state for all lobster fishermen and fishermen in general is considerably lower than a lot of our neighbors.

Also, I don't want anyone to think this is entirely east against west. There are those in Washington County that support the Lobster Promotion Council, they are in the minority, there is no question about that.

In Mr. Brown's article, the officer of the Down East Lobsterman's Association, in his personal attack, he said that Senator Vose claimed to have a petition and he actually claimed that he didn't believe that. Well, I have seen the petition, there are not a whole lot of names on it, there's about 49 names I counted. There are a number of names from Jonesport/Beals, that should be known here, they are not unanimous on that.

I think it is important to point out that the Down East Lobsterman's Association recently formed here during the last debate on this lobster promotion to fight the \$25 fee, they pay \$40 a year in dues to fight this \$25 a year fee on the license so I think that is hurting them as well. This is good for lobster fishermen and all of Maine. This Lobster Promotion Council is promoting all Maine lobsters. Even though the Down East Lobsterman's Association has refused to meet with the Lobster Promotion Council or even hear what they have to say, they nonetheless will be promoting their lobsters as well as everyone else.

Representative Farren of Cherryfield 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 passage to be enacted.

The Chair recognizes the Representative from Blue

Hill, Representative Walker.

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

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, pursuant to Joint Rule 10 and House Rule 19, I request permission to be excused from this vote. My wife and I derive quite a lot of our income from selling lobsters.

There has been quite a lot said about the quality of Maine lobsters here tonight, I want to draw the House's attention to the Tide Calendar that she and I print. On this it says that we have "the world's best lobster."

The SPEAKER: The Representative from West Gardiner is obviously in conflict and the Chair will grant permission to be excused from voting.

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. 146

YEA - Adams, Ahearne, Aikman, Aliberti, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Cashman, Cathcart, Chase, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, Donnelly, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gean, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hatch, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Lemke, Lemont, Libby Jack, Lindahl, Lipman, MacBride, Marshall, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Nash, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Plowman, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Simoneau, Small, Stevens, A.; Stevens, K.; Swazey, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Treat, True, Tufts, Vigue, Wentworth, Whitcomb, Winn, Young, Zirnkilton, The Speaker.

NAY - Farren, Gray, Joy, Kneeland, Libby James, Look, Michael, Norton, Poulin, Saxl, Thompson, Tracy.

ABSENT - Anderson, Caron, Chonko, Coffman, DiPietro, Dore, Dutremble, L.; Gamache, Hillock, Jalbert, Joseph, Larrivee, Lord, Martin, H.; Morrison, Pineau, Plourde, Ricker, Spear, Strout, Sullivan, Tardy.

PAIRED - Skoglund (Yea)/ Walker (Nay).

EXCUSED - Marsh.

Yes, 114; No, 12; Absent, 22; Paired, 2; Excused, 1.

114 having voted in the affirmative and 12 in the negative with 22 being absent, 2 having paired and 1 excused, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Representative Chase of China was granted unanimous consent to address the House:

Representative CHASE: Mr. Speaker, Men and Women

of the House: I wish to speak on the Record. I was not recorded as having voted on Roll Call #137, which was a motion to indefinitely postpone L.D. 687 and all its accompanying papers. That L.D. was "An Act to Amend the Occupational Disease Law." I wish to go on Record as having voted in the negative on the motion to indefinitely postpone.

(Off Record Remarks)

On motion of Representative Bowers of Washington, Adjourned at 8:30 p.m. until Thursday, May 27, 1993, at three o'clock in the afternoon.
