

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
64th Legislative Day
Friday, June 4, 1993

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

Prayer by Honorable Theone F. Look, Jonesboro.

The Journal of Thursday, June 3, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 3, 1993

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, Dr. F. Langdon Davis of Augusta for reappointment to the Animal Welfare Board.

Sincerely,

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

Was read and ordered placed on file.

The following Joint Order: (S.P. 527)

ORDERED, the House concurring, that the Joint Standing Committee on Banking and Insurance report out a bill, "An Act to Collect Baseline Data to Facilitate Health Care Reform."

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following Joint Order: (S.P. 528)

ORDERED, the House concurring, that Bill "An Act to Amend the Motor Vehicle Emission Inspection Program" H.P. 1005, L.D. 1351, 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.

Resolve, Authorizing the Ellsworth School Department to Transact a Land Exchange to Avoid Wetlands and Ledge Discovered During Project Development of the New Ellsworth High School (S.P. 523) (L.D. 1545)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-273).

(The Committee on Reference of Bills had suggested reference to the Committee on Education.)

Under suspension of the rules and without reference to a Committee, the Resolve was read once.

Senate Amendment "A" (S-273) was read by the Clerk and adopted.

Under further suspension of the rules, the Resolve was read a second time, passed to be engrossed as amended by Senate Amendment "A" (S-273) in concurrence.

Ought to Pass as Amended

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-275) on Bill "An Act to Establish Minimum Regulatory Standards for Insurers to Permit the Bureau of Insurance to Seek National Accreditation" (S.P. 472) (L.D. 1464)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-275).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-275) 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-275) and sent up for concurrence.

Ought to Pass Pursuant to Joint Order (S.P. 516)

Report of the Committee on Banking and Insurance reporting "Ought to Pass" Pursuant to Joint Order (S.P. 516) on Bill "An Act to Amend the Laws Regarding Health Insurance and Health Care Services" (S.P. 525) (L.D. 1548)

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 and sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-272) on Bill "An Act Related to the State Valuation of the Town of Mexico" (EMERGENCY) (S.P. 432) (L.D. 1342)

Signed:

Senators: BALDACCI of Penobscot
CAREY of Kennebec
SUMMERS of Cumberland

Representatives: DORE of Auburn
TARDY of Palmyra
DiPIETRO of South Portland
RAND of Portland
HOGLUND of Portland
FARNSWORTH of Hallowell
SIMONEAU of Thomaston

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

Signed:

Representatives: NADEAU of Saco
MURPHY of Berwick
SPEAR of Nobleboro

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-272)

Reports were read.

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

On motion of Representative Zirnkilton of Mount Desert, tabled pending the motion of Representative Hوجلund of Portland that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Governing Legislative Ethics" (S.P. 321) (L.D. 974)

Signed:

Senator: BERUBE of Androscoggin

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-271) on same Bill.

Signed:

Senators: BUTLAND of Cumberland
ESTY of Cumberland

Representatives: JOSEPH of Waterville
DUTREMBLE of Biddeford

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-271)

Reports were read.

On motion of Representative Rowe of Portland, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-265) on Bill "An Act to Register the Use of the Title of Registered Interior Designer" (S.P. 467) (L.D. 1459)

Signed:

Senators: CIANCHETTE of Somerset
BUSTIN of Kennebec

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

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

Signed:

Senator: MARDEN of Kennebec

Representative: THOMPSON of Lincoln

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-265)

Reports were read.

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

Committee Amendment "A" (S-265) was read by the Clerk and adopted.

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

On motion of Representative Hوجلund of Portland, the House reconsidered its action whereby Committee Amendment "A" (S-265) was adopted.

The same Representative offered House Amendment "A" (H-605) to Committee Amendment "A" (S-265) and moved its adoption.

House Amendment "A" (H-605) to Committee Amendment "A" (S-265) was read by the Clerk and adopted.

Committee Amendment "A" (S-265) as amended by House Amendment "A" (H-605) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-265) as amended by House Amendment "A" (H-605) thereto in non-concurrence and sent up for concurrence.

Representatives: O'GARA of Westbrook
STROUT of Corinth
PLOURDE of Biddeford
BAILEY of Township 27
RICKER of Lewiston
BAILEY of Farmington
DRISCOLL of Calais
HUSSEY of Milo
MARTIN of Van Buren
MELENDY of Rockland

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Create a State Municipalities Investment Pool" (S.P. 298) (L.D. 884)

Signed:

Senators: BUTLAND of Cumberland
BERUBE of Androscoggin

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-270) on same Bill.

Signed:

Senator: ESTY of Cumberland

Representatives: KILKELLY of Wiscasset
JOSEPH of Waterville
AHEARNE of Madawaska

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

Reports were read.

On motion of Representative Rowe of Portland, the House accepted the Majority "Ought Not to Pass" Report in concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate" (S.P. 222) (L.D. 693)

Signed:

Senators: BRANNIGAN of Cumberland
PARADIS of Aroostook

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-274) on same Bill.

Signed:

Senator: GOULD of Waldo

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-274) as amended by Senate Amendment "A" (S-286) thereto.

Reports were read.

On motion of Representative O'Gara of Westbrook, the House accepted the Minority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (S-274) was read by the Clerk.

Senate Amendment "A" (S-286) to Committee Amendment "A" (S-274) was read by the Clerk and adopted.

Committee Amendment "A" (S-274) as amended by Senate Amendment "A" (S-286) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-274) as amended by Senate Amendment "A" (S-286) thereto in concurrence.

Non-Concurrent Matter

Bill "An Act Regarding Lobbying" (S.P. 295) (L.D. 881) which was passed to be engrossed as amended by Committee Amendment "A" (S-183) as amended by House Amendment "B" (H-498) thereto in the House on June 1, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-183) as amended by Senate Amendment "B" (S-278) thereto in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

Resolve, to Establish the Commission on the Status of Alleged Child Abusers (EMERGENCY) (H.P. 991) (L.D. 1322) on which the Majority "Ought to Pass" as amended Report of the Committee on Audit and Program Review was read and accepted and the Bill passed to be engrossed as amended by Committee

Amendment "A" (H-525) in the House on June 2, 1993.

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

The House voted to Insist and ask for a Committee of Conference.

Non-Concurrent Matter

An Act to Amend the Maine Civil Rights Act Regarding Violations of Constitutional Rights (S.P. 425) (L.D. 1334) (C. "A" S-218) which was passed to be enacted in the House on June 2, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-218) and Senate Amendment "A" (S-264) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Provide Property Tax Adjustments Necessary for the Town of Portage Lake" (EMERGENCY) (H.P. 972) (L.D. 1303) on which the Bill and accompanying papers were recommitted to the Committee on Taxation in the House on June 3, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-569) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase Tourism Visits and Tourism Revenues for the State (EMERGENCY) (S.P. 480) (L.D. 1478) (C. "A" S-198) (Governor's Bill) which was passed to be enacted in the House on May 27, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-198) as amended by Senate Amendment "A" (S-247) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation" (H.P. 250) (L.D. 329) which was passed to be engrossed as amended by Committee Amendment "A" (H-389) in the House on May 24, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-389) as amended by Senate Amendment "A" (S-257) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes" (H.P. 864) (L.D. 1173) which was passed to be engrossed as amended by Committee Amendment "A" (H-343) in the House on May 20, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-343) as amended by Senate Amendment "C" (S-280) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Repealing Advisory Boards on Housing and Economic Development Matters (H.P. 806) (L.D. 1092) (C. "A" H-473) which was passed to be enacted in the House on June 1, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-473) as amended by Senate Amendment "B" (S-281) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

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) (H. "A" H-476 to C. "A" H-242) which was passed to be enacted in the House on June 1, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-242) as amended by Senate Amendment "B" (S-285) thereto in non-concurrence.

The House voted to Insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Related to Lottery Machines" (H.P. 159) (L.D. 211) on which the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-319) in the House on May 19, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-319) as amended

by Senate Amendments "A" (S-190) and "B" (S-283) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State" (H.P. 1036) (L.D. 1388) which was passed to be engrossed as amended by Committee Amendment "A" (H-545) in the House on June 3, 1993.

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

The House voted to recede and concur.

Non-Concurrent Matter

Resolve, to Provide Savings in the Elderly Low-cost Drug Program (H.P. 543) (L.D. 739) which was passed to be engrossed as amended by Committee Amendment "A" (H-573) in the House on June 3, 1993.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish the Penobscot County Budget Advisory Committee (H.P. 1050) (L.D. 1402) (C. "A" H-482) on which the Bill and accompanying papers were indefinitely postponed in the House on June 2, 1993.

Came from the Senate passed to be enacted in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State (S.P. 400) (L.D. 1231) (C. "A" S-172) which was passed to be enacted in the House on May 26, 1993.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Insist.

By unanimous consent, all matters having been acted upon requiring Senate concurrence, except those

matters held, were ordered sent forthwith to the Senate.

COMMUNICATIONS

The following Communication:

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

June 2, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 159 An Act to Prohibit Insurance Companies from Denying Coverage Based on Preexisting Conditions

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

Sincerely,

S/Sen. Dale McCormick
Senate Chair

S/Rep. Edward L. Pineau
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

June 2, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1540 Resolve, Relating to Access for People with Disabilities

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

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

June 2, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1423 Resolve, Directing That the State's Coastal Zone Management Program Be Amended to Include Monitoring of Shellfish Harvesting Areas by the Department of Marine Resources

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON TAXATION

June 2, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 300 An Act to Increase Insurance Tax Premiums

L.D. 390 An Act to Amend the Eligibility Requirements for the Maine Residents Property Tax Program

L.D. 402 An Act to Amend the Percentage of Certain Taxes That are Paid by Banks

L.D. 949 An Act to Require That Sales Tax on Extended Warranties and Extended Protection Plans Be Paid at the Time of Sale

L.D. 1539 Resolve, to Study the Tax Assessment Practices of Municipalities Regarding Mobile Homes

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

Sincerely,

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

Was read and ordered placed on file.

ORDERS

On motion of Representative CHONKO of Topsham, the following Joint Order: (H.P. 1152)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills concerning tax anticipation notes for fiscal year 1993-94 to the House.

Was read and passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative LARRIVEE from the Joint Select Committee on Corrections on Bill "An Act to Clarify Statutory Provisions Related to Juveniles" (H.P. 1103) (L.D. 1490) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-578)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-578) 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-578) and sent up for concurrence.

Ought to Pass as Amended

Representative MARSHALL from the Committee on Housing and Economic Development on Bill "An Act to

Establish a Development Authority for Loring Air Force Base" (EMERGENCY) (H.P. 1137) (L.D. 1537) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-579)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-579) 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-579) and sent up for concurrence.

Ought to Pass Pursuant to Joint Order (H.P. 1146)

Representative MELENDY from the Committee on Housing and Economic Development on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds for Assistance to Maine Businesses" (H.P. 1148) (L.D. 1547) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1146)

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 and sent up for concurrence.

Ought to Pass Pursuant to Joint Order (H.P. 1135)

Representative DAGGETT from the Committee on Legal Affairs on Bill "An Act to Set Voluntary Limits for Campaign Spending" (H.P. 1149) (L.D. 1549) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1135)

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 and sent up for concurrence.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-582) on Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (EMERGENCY) (H.P. 138) (L.D. 183)

Signed:

Senators: McCORMICK of Kennebec
CAREY of Kennebec

Representatives: PINEAU of Jay
TRACY of Rome
ERWIN of Rumford
RAND of Portland
KUTASI of Bridgton
JOSEPH of Waterville
TOWNSEND of Canaan
CAMPBELL of Holden
HALE of Sanford

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

Signed:

Senator: KIEFFER of Aroostook

Representative: CARLETON of Wells

Reports were read.

Representative Pineau of Jay moved that the House accept the Majority "Ought to Pass" Report.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: Since I was the only member of the House on the Banking and Insurance Committee to vote against this bill, I feel a brief explanation for my reasons are in order.

This bill mandates an increase in mental health coverages as a mandated benefit for employers in this state. When fully implemented, this mandate by itself will increase the cost of insurance coverage by 10.9 percent for our employers, just this one mandate.

It will also increase the cost to our state health insurance program when fully implemented by about \$800,000 per year. I realize there is a fiscal note on this bill which talks in terms of \$90,000 this year and about \$130,000 next year, but this bill sets forth a step increase over about four years. So, by the end of the fourth year, the cost will be in the \$800,000 range for the state per year. The effect on our employers is going to be much larger than that because the state already has more generous mental health benefits than most private employers do.

This mandate does not apply to all people, it applies only to certain employers. It doesn't apply to employers who are self-insured. Indeed, this state legislature cannot enact anything that is going to affect them because of federal law.

Third, and very briefly, the proponents of this bill argued that the mental conditions covered in this bill are caused by brain disease and that it is therefore discriminatory to have less coverage for these particular conditions, which are covered by this bill, than other diseases.

Without getting into it in any great detail, I think that the division of mental illness between those which are caused by brain diseases and those that are not is not a proper basis for deciding what the coverage is going to be, there are other public policy issues.

It is also shaky science and I won't get into the details of that.

The fourth point is, even if we agree that coverage for mental health services should be increased, and I do agree, this bill calls for a drastic expansion of those benefits. For instance, the maximum number of inpatient days mandated under the bill is increased over a four year period by a factor of four, from 30 days to 120 days.

Second, the lifetime benefit required to be covered as a mandate is not quadrupled, it is increased by a factor of 40 from \$25,000 over a lifetime to \$1 million. You will see an amendment which will limit it to \$1 million. I accept the word of the sponsor that there will be an amendment to so limit it.

Again, I think that mental health benefits could stand to be increased. I think that this is the wrong time to do it and I think that the bill, which is actually in the form of a repealer to a repealer, goes too far.

Mr. Speaker, I ask for a Division.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: Let me start out by saying, good morning.

Now, we will go to the bill in front of you. The bill in front of you is a compromise from the bill that came in. For those of us who sat in the 115th Legislature, we enacted the first part of this, it is a step system.

My colleague from Wells has spoken of the cost of this. I think what we have to do here is we have to set this on the table and let the policy of the table decide if in fact how it is going to be covered or if it is going to live because the real cost is the human cost. Whether it be a physical disease or a mental disease, it ought to be covered.

The argument of increasing it 40 times of what it is now only gives more credibility to the bill because what that does is it shows how low right now people with mental diseases are treated even though they have insurance. This legislature has always taken the position that we are out there to cover those who cannot speak for themselves. This bill says that. It is a credible bill.

The bill speaks against the taboo's of old, simply because it is a mental disease. The scientific studies that are coming out on that now — we know where it goes, we know how we can define what it is and what ought to be covered. Why in fact should a person not have coverage on their insurance because it is a mental disease and not a physical disease?

The good Representative from Wells also spoke of the amendment. I would like to get this bill through the first reading so it would be ready for the amendment as it comes out of the Revisor's Office for the \$1 million cap which most policies have, medical policies. It is treating it fairly and equally.

The idea of the 30 days that go to 120 phase-in over four years, I think it speaks strongly (again) for the credibility of the bill. That gives us time to look and assess the cost of this and see what in fact is happening and if in fact this legislature should intervene and change it at that point.

With the changes that are going on in health care now, mental disease is a part of all the discussions. Right now, we have a population out there that is not covered, that needs this coverage. Homes are being lost, financial crisis is coming on out of no action of their own.

If we are going to speak about cost, let's go after the smokers, the drinkers and people that speed in their vehicles that causes themselves medical problems, let's not cover them.

I ask you, ladies and gentlemen of the House, vote yea on this, set it up for an amendment and then we can send it to the other body.

The SPEAKER: the Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: L.D. 183 repeals the sunset on Public Law 881. It provides a fair and necessary

private insurance coverage for severe mental illness equal to that for any other covered medical illness. It recognizes that mental illness is a real diagnosable and biologically based-treatable disorders that nobody chooses or anticipates.

This Public Law recognizes that the lack of access to mental health insurance to treat mental illness does not save money. The cost of treating mental illness in Maine has continued to be shifted to Medicaid and General Fund monies. Families with a family member with mental illness are driven to extreme means to pay for care, people give up their homes and marriages fall apart.

We heard testimony before the Human Resources Committee during this session that it is estimated that 1,500 families in Maine have abandoned their children with mental illness while seeking payment for residential treatment for mental illness.

The typical lifetime limit on group insurance policies for mental illness is \$25,000. In Maine, the typical lifetime limit in group health plans for other physical illnesses are \$1 million. It is time we stopped discriminating in treating heart disease, cancer, kidney disease differently than we treat recognized mental illnesses.

If you look at the original bill that became Public Law 881, you will notice that there are a finite number, a very short list of diagnoses covered under this piece of legislation or this bill. These are the diagnoses that are recognized by the National Institute of Mental Health as being biological in nature. Research over the last ten years has proven that these are illnesses treated with medication, illnesses treated in medical settings. The typical \$25,000 lifetime limit is used up in a matter of months if an inpatient's stay is necessary.

The cost of L.D. 183 or Public Law 881, when compared to the human cost and the cost to the state to the General Fund and to the Medicaid program, are not only reasonable but minimal.

I ask you to support L.D. 183 which repeals the sunset on P.L. 881 because it recognizes the basic unfairness of treating some biological illnesses differently than others. It will lift the burden of funding mental health care from the General Fund and Medicaid and will enable families to weather the storm of mental illness.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House: I rise today to ask you to support L.D. 183. As someone who dispenses the medication for the mentally ill, I know the effects that these medications have on treating these people with mental illness. The only time they do not do well is when they do not take their medication. That tells me that this is a biological disease. When we can treat someone with medication and make them better and capable of living a normal life, that tells me it is a biological disease.

It is unfair that the insurance companies treat this any different than any other disease. This is equivalent to someone having a heart problem or someone having pneumonia that you treat as an illness and they get better. If we can dispense medication that makes these people better, we can do it, and the insurance companies have to realize and they do realize that this is a physical illness and not a so-called mental illness, we can treat it.

I ask you to support this and accept the Majority

"Ought to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Pineau of Jay 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.

88 having voted in the affirmative and 10 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-582) 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-582) and sent up for concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-581) on 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) (Governor's Bill)

Signed:

Senators: BUTLAND of Cumberland
BERUBE of Androscoggin
ESTY of Cumberland

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

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

Signed:

Representative: GRAY of Sedgwick

Reports were read.

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

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

Representative GRAY: Mr. Speaker, Ladies and Gentlemen of the House: This is the only time I have ever been on a report by myself and there are two reasons. I would like to explain them and then of course you can vote how you would like.

The difference between this and The Total Quality Management Bill that we passed out before — there are two differences that I see, this is the Executive Branches' version. The difference, number one, that really bothered me is on employees. In this bill, they guarantee reemployment somewhere in the state if in fact TQM replaces them. I think that should be done under contract and I don't think a guarantee in

statute for employment is right.

The other reason is that these are public monies and in this version if an agency saved a million dollars are allowed to save 30 percent of that and use it for training or equipment. Again, I think because the times are bad that this kind of incentive with public money is wrong.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, during the 115th Maine Legislature, we enacted a Resolve requiring the implementation of Total Quality Management or TQM throughout all branches of state government. That Resolve defined TQM as a management system that emphasizes total customer satisfaction and the importance of frontline and rank-and-file workers in the improvement of production or services within an organization. Pursuant to that act, the Governor of this state has established the Maine Quality Management Council which consists of commissioners and directors of each state agency, representatives from the various unions, there are two members of the legislature and also there are representatives from the private sector who have familiarity and expertise with total quality management. I was asked, along with Senator Butland from the other body, to serve on that particular council and they have been working for several months now attempting to craft an initial vision statement for state government.

The Total Quality Management Council is a group that is responsible for coordinating and facilitating Total Quality Management throughout state government but in reality the real total quality management comes from each department and each agency including the legislature which has a total quality management council in which rank-and-file members become more involved, become empowered in the ability to have a say on how the departments are being run, in terms of making suggestions that can improve the productivity and performance of state government. It is a six year plan that is being envisioned and it really requires us to institutionalize and internalize TQM emphasis throughout state government so that, regardless of future governors and future commissioners, it is going to happen on a regular on-going basis because rank-and-file members are going to be established in this process. It is a terribly exciting proposal. Most companies have done it, non-profit organizations have done it and succeeded, many states are now moving in the same direction. Obviously, we had embraced this as members of the 115th Legislature two years ago.

This bill does three basic things. First of all, it puts into statute the management council that has already been established by executive order. Then it does two other important things, two things that have been negotiated by the unions of this state and by the administration. First, it guarantees to union members that jobs — we all know that during this downsizing and restructuring that jobs are going to be lost and changes are going to be made but this bill would guarantee to state employees that they could be assured that their positions would not be lost as a result of TQM initiatives. In fact, if a TQM initiative did result in the loss of a job, they would be guaranteed the opportunity to work in another location and provided with the necessary

retraining. That is all that has to be done consistent with collective bargaining. The unions have developed a language with Commissioner Millett and the Administration to make that happen. It is a very important safeguard for rank-and-file members to be able to come to the table and offer the type of suggestions and realize that those are going to be received in a fair and trustful manner.

The second part of this bill creates an incentive. We all know what happens at the end of each biennial. If you are in a department now in state government and you have funds left over at the end of the fiscal year, there is no incentive now to do anything but spend down that money because the reality is, if you don't spend down your money, you are not going to get it in the next two years because when you go to appropriations, they are going to say, you didn't spend all your money, obviously you didn't need it. So, there is no incentive now in state government now for departments not to spend down their money in their particular agency or their department. The reality is there is not a lot of money hanging around here. We have gone through two sweeps during the first six months of this year and there is not a lot of extra money. This bill creates an incentive for each department and agency of state government — it says up to 25 percent of the money you have left at the end of the fiscal year will be allowed to go back to your department to be used for TQM initiative, training and development. Each department, once again, has a TQM committee made up of labor and management, they will develop initiatives that they think are important for training, for workplace safety, if that be the case. Those have to be approved later on by the management council, but there is an incentive right now for every agency and department in state government to create savings because in fact they will benefit, not cash obviously, but will be investing on the human side of this budget, investing back in state employees.

If we were in private business, we would be doing this in profit sharing, we would be saying to employees, if you can create more efficiency, if you can meet certain goals, we are going to give you cash incentives. We can't do that in state government so we create incentives to provide the necessary training that state employees desperately need in state government. We have got a wonderful Bureau of Human Resources that does some tremendous work training people but the reality is they can't train everybody. Supervisors don't get the type of training they need and deserve and we can engage people throughout state government in a process like we have never seen before.

The reality is, if we don't create an incentive for each department so they can save 25 percent, we are losing the 70 percent that goes to the budget. Right now every department in state government, for the most part, with the exception of a few, they don't have the ability to carry over funds so everything goes back towards the General Fund, everything lapses into the General Fund. There is no incentive right now for departments to create savings because they are not rewarded. This creates, in statute, a reward for each department and agency to create savings in their departments to be more productive and to create more efficiencies.

I think it is a terribly exciting proposal and beyond that, if you could have been a part of the

process of this management council in which labor and management has engaged upon and embarked upon, it has been a terribly exciting process. They have met and discussed these issues, they have begun to develop a mission statement for state government that was provided to you two or three weeks ago. Each department now will create their own vision statement that is a little bit more unique. There has been a strong feeling of trust developed between labor and management and interbranches of state government.

I am convinced that Total Quality Management is the way to go for us all. It is going to create a safeguard for state employees in terms of employment. It is going to create an incentive for our budget process and accountability and I think it is the absolute way to go. I hope that you are as excited about it because I think it shows and provides a great deal of promise to state government.

I would urge you to support the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Men and Women of the House: I hope you do support this initiative. I will tell you one thing, there is a caveat that has to go with it and that is to extend the career laddering in government and bring continuity and experience back into the system.

Right now with the filtering system you have, you may as well whistle because you will never get near TQM under the present filtering system that has too many political appointees at too low a levels in the government. If we, next session, deal with an L.D. that I put in and get at that problem, then I think you would get fruition in this system. I can tell you that business of not rewarding people who don't spend all their budget because maybe they made a management change that resulted in efficiencies has been something that I have been trying to get at for 20 years.

Everything's time comes and I don't pretend to have all the answers but I believe in those areas that we need to make some changes and, that done, I think some of the reservations that were expressed by Representative Gray would probably be taken care of. I hope this does pass and I wish it the best in the future.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Representative Gwadosky of Fairfield described the TQM process but I do want to assure you this bill took into consideration the concerns of Representative Gray.

This piece of legislation, Section 2, would be sunsetted at July 1, 1995. That is to assure all of us that this process is working. If the percentage that would be retained by the department or agency is too low, then it could be increased. If the percentage is too high, then it could be decreased. So, in that vein, I would encourage you to support the Majority "Ought to Pass" Report.

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

Committee Amendment "A" (H-581) 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-581) and sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Making Campaign Finance Reforms" (H.P. 1087) (L.D. 1466)

Signed:

Senators: CAREY of Kennebec
HANDY of Androscoggin
HALL of Piscataquis

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-586) on same Bill.

Signed:

Representative: MICHAEL of Auburn

Reports were read.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Restrict Private Political Campaign Contributions in State Elections" (H.P. 1085) (L.D. 1451)

Signed:

Senators: CAREY of Kennebec
HALL of Piscataquis

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-587) on same Bill.

Signed:

Senator: HANDY of Androscoggin

Representatives: LEMKE of Westbrook
MICHAEL of Auburn
BOWERS of Washington
GAMACHE of Lewiston

Reports were read.

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

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-588) on Bill "An Act to Authorize Video Gaming" (H.P. 683) (L.D. 925)

Signed:

Senators: CAREY of Kennebec
HANDY of Androscoggin

Representatives: DAGGETT of Augusta
BOWERS of Washington
GAMACHE of Lewiston
MICHAEL of Auburn
LEMKE of Westbrook
NASH of Camden

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

Signed:

Senator: HALL of Piscataquis

Representatives: BENNETT of Norway
ROBICHAUD of Caribou
STEVENS of Sabattus
TRUE of Fryeburg

Reports were read.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

I am sure many of you are familiar with the bill which would allow for video gaming machines in the State of Maine. I would just like to let you know that the committee has worked very hard on this bill building on the work that has been done in the past. We worked on it with representatives of the Department of Public Safety and the Attorney General's Office to be able to present to you a bill that has very careful controls, good security of the machines, there is restrictive placement of these machines, limits on the number of machines that can be allowed at certain locations. We have made every effort to avoid the problems that have appeared in other states due to lack of security and control.

The bill also makes the gray area machines illegal and they are an area which is not controlled today.

I hope that we have your support and that you will join me in voting for the Majority "Ought to Pass" Report.

Representative Rand of Portland 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 Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, I would like to pose a question.

Representative Daggett, could you explain exactly what a video lottery terminal is and how it works? I am not sure I understand.

The SPEAKER: Representative Rowe of Portland has posed a question through the Chair to Representative Daggett of Augusta who may respond if she so desires.

The Chair recognizes that Representative.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I will do my best to try to explain this. These machines are a video machine that you play and they play certain games of chance. For example, if you were playing a game of poker, the cards appear on the screen and you touch the screen to decide which ones you want and then you win or lose and either get a credit for winning or you lose a credit if you don't win. It is a form of gambling. It is done on one of these little machines — I am not very good at describing it.

There are limits on the amount of money you can put in it. Money does not actually come out of the machine, you play and when you are finished, you get a little computer printout that indicates what your pay-out is if you get a pay-out and then you take that to the — the machines are restricted to bars or to areas where minors are not allowed — you take your slip to presumably the bartender or someone at the bar to get your money.

The committee has looked at the machines, we have heard from experts who work on the security of these machines, it is an extremely elaborate process where the bill would provide for them all to be monitored on-line by computers so that if anyone tried to violate the machine and take money or change the programming, change the odds, the machine immediately shuts down and sends that information. It is a computer linkup that is monitored by the State Police so that any time there would be a problem in a machine, whoever is monitoring the system, would see that.

I hope I have answered your question.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde.

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I urge you to support the pending motion. As the good Representative from Augusta has already indicated, this has been here before. I will tell you that the committee looked at this bill very closely and scrutinized it and improved what was lacking two years ago. The tight security of this activity has improved astronomically

and, as the good Representative from Augusta mentioned, this on-line system is a check and balance to improve the gambling activity or the games of chance.

I would like to remind people that this state seems to consider itself a vacationland, that we want to attract tourists and want to improve activities to increase our revenue base, this activity will. It is projected, if you look at the fiscal note on the amended version, approximately \$24 million in the biennium, which is going to run approximately 18 months.

I feel that the committee has done an excellent job and I hope that you will support this measure.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I know the House does not want an extended debate on this bill. I do expect it to pass, but I think somebody should place on the Record a couple of perspectives about it.

One, it should be absolutely clear that these video gaming terminals will be placed in bars, which are obviously places for the consumption of alcohol, throughout the State of Maine. They will be associated with alcohol and the environment in which one can go through a lot of money quick, we are talking about an enormous amount of money involved in this process, it will be everywhere. It will be a financial hemorrhage to the people of the State of Maine.

I think it can be summarized by simply describing a comment told to me by the friend of an acquaintance of mine who was introduced to me who is in the business. He simply said that, if this bill goes through, he is a millionaire. He realized what he said then and was a little embarrassed about it.

The simple reality is that these machines amount to a lot of money and that money will be coming out of the discretionary or perhaps the essential income of Mainers and will not be available to the spending on other matters or other essentials of life out of which there is usually revenue generated for the State of Maine. The fiscal note that is described in this somehow implies that that money being spent comes out of the air. In fact, of course, it comes out of an environment where it could have been spent in other areas of the economy.

I think they are a mistake and I am not one who is opposed to gambling and casino's. I expect to vote for a casino bill later on but I think these, on the premise, all over the place, terminals, benefit essentially one constituency which is the manufacturer and those involved in them, they do not benefit, I believe, the people of the State of Maine.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: If we vote to enact this legislation today, we will be creating in this state a new \$400 million plus industry. I would submit that we are not prepared as a state government or as a people to have video gambling in our communities.

I am bothered by many parts of this bill and many parts of this approach to solving our fiscal problems. In my view, state government, with this legislation, is being bought off with promises of high returns in an area that I consider bad public policy. Unlike the Lottery, video gambling preys on

people who think they can enhance their chances of winning through skill. That is clearly not the case.

Unlike the Lottery, it also takes advantages of the lowered inhibitions affected by alcohol.

Representative Richardson raises a very valid point about the necessary marriage between bars and taverns and video gambling. If you don't believe that, then I would ask the supporters if they would favor these video gambling machines out of the venue of alcohol, out of the bars, out of the taverns in this state? They will not because they won't make as much money.

This bill, in my view, by linking alcohol consumption and gambling encourages addiction. It encourages compulsive gambling. The notion of the state government participating in this, I find appalling.

I request that you vote against the pending motion.

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

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: I encourage you to vote against the pending motion of "Ought to Pass" so we can go on to accept the "Ought Not to Pass" Report.

I will begin by clarifying a misnomer that has been attached to this bill. This is not a measure that would allow video lottery. Passage of this bill would allow video poker and other such games, so really what we are dealing with is video gambling, a video gaming bill.

Many proponents are going to refer this particular activity as adult entertainment. The fact that it is being placed in establishments that serve alcohol and obviously are restricted to minors leads to that description.

The proponents will also blur the distinctions between gambling of this sort and other permitted games of chance such as the State Lottery and Beano. The fact remains that this bill seeks to have this generally outlawed form of wagering legalized in Maine under the pretense that it is really no different than these other games of chance. The truth is that gambling, video gambling, is considerably different and is the reason why it has been prohibited in most of our states and foreign nations.

Gambling by its nature and by its rules and procedures invites a person to spend money by the implication and on the premise that a person's skill, wisdom, or other personal abilities to play the game will overcome the odds against winning and that he or she will thereby be rewarded with great sums of money. Because this premise is so alluring but so fundamentally fraudulent, gambling deserves its widespread legal ban and other condemnations. Lotteries, bingo and beano games are quite different, the odds of winning and being paid off, while also remote, are well-known and advertised. Simply posting the odds of winning on the video terminal as are required in the bill will not dispel the myth that someone can beat the machine by being clever. It is still a game of random chance.

More importantly though, there is no aspect of a lottery or beano type game that suggests to a player the seductive and false notion that his or her skill, knowledge or wisdom will affect the outcome of the game. It is here that video gambling falls far short of being an acceptable enterprise to be run by business, the state or any combination thereof.

The existence of harness racing is also offered by proponents of legalized gambling as an example of an officially sanctioned game of chance. Yet, on examination, this comparison also breaks down. In harness racing, there is no overt or covert suggestion that a better special talent will affect the outcome. More importantly, in harness racing, each race results in some betters winning. This is certainly not the case with video gambling whereby its very operation here, electronically, is designed to avoid winning by the players. The odds, unlike harness racing, are controlled by the house, so to speak, and winning is calculated to be an infrequent possibility. It is for this reason that gambling is so extraordinarily profitable and harness racing is a struggling business here in Maine and elsewhere.

Why or how would the promoters of video gambling be assuring us of large revenues unless the experience and the operation of these machines show that the operators are certain to make a profit at the expense of the players? Gambling generates revenue at the expense of those who are invited to play these games and these players would be the people of the State of Maine.

The revenue figures cited by the proponents are based, in my understanding, on experiences in South Dakota and Canada where they have had video gambling. I have an article that appeared in a New Hampshire newspaper, New Hampshire was also debating a video gaming bill and this article describes Nova Scotia's recent experience with video gaming. It states that two years ago, this economically depressed eastern corner of Canada legalized video gambling to raise needed revenue. On January 20 of this year, Nova Scotia's premiere under public pressure gave up this windfall and agreed to unplug 2,500 of the machines. Critics said that they had addicted and impoverished thousands of Nova Scotians in the cause of raising revenues for the government. Nova Scotia may offer a warning to governments turning to legalized betting as a so-called painless way to ease their budget problems. In a province with a large budget deficit and unemployment rate in the double digits, higher taxes were not feasible and the appeal of revenue from gambling was that it was a voluntary tax. Only those people who played the games could be contributing. However, stories began appearing in the local news media about people who were spending so much money on video gaming that they did not have enough left for groceries or rent. Premier Donald Cameron said storeowners told of customers cashing paychecks or social security checks and using all of the money for gambling. Others said people will spend all day in front of the machines leaving their children to roam unattended. A psychologist warned that compulsive gambling had become an epidemic.

One woman, Kay Peters, said her husband Roy lost nearly \$100,000 in the video gambling machines in a nine month period. He was fired from his job when he borrowed company funds to gamble. The couple was then forced to sell all their assets, including their home, to repay the money. It hits people so fast, said Kay, your whole life is destroyed in a matter of months.

Teachers and school administrators in Nova Scotia said students who are most susceptible to gambling machines because they belong to the video generation were asking for help in treating their gambling addiction, even though the use of the machines were

prohibited for those under the legal age of 19 in Nova Scotia. Organized labor also called for a ban on the machines.

In South Dakota according to an article that appeared in the U.S.A. Today newspaper, video poker was originally perceived by officials to be the ideal betting machine, easy to play, impossible to cheat, and wildly profitable, but the revenue had its price. "Video gambling turned a lot of good people bad," says Randy, a member of Gambler's Anonymous in Rapid City, South Dakota. "Ninety-nine percent of the people in our group have problems with video gaming," he said.

Across the nation, video is taking legalized gambling by storm making it more available and experts say more seductive than ever. "The crack cocaine of gambling, the fastest track to addiction," says Therapist Michael Boston at St. Mary's Medical Center in Reno.

Video gambling machines are programmed to play almost any game, poker, blackjack, keno, and their animated graphics and sound effects would put pac-man to shame. Jackpots can be generous because players spend huge amounts. Video's are much faster than gaming tables, a person could lose two dollars every six seconds.

A report on pathological gaming written for New Jersey's Governor's Advisory Commission on Gambling, Dr. Henry Lausier of St. John's University found that compulsive gambling not only harms the individual but creates serious problems in the family. Financial problems as a result of gambling losses often lead to physical and psychological abuse of family members by the gambler. The spouse and children are more likely to be substance abusers and have eating disorders than the general population. Suicide attempts are four times more frequent than among the general population. Job disruptions produced by pathological gambling only accentuate these problems.

Very often financial difficulties as a result of pathological gambling lead to crime, the most frequent being white collar crime among those who have not been incarcerated and street crime and drug sales among those who have been in prison. An estimated 30 percent of prisoners in New Jersey are probable pathological gamblers and most of them are also addicted to alcohol and drugs.

Dr. Lausier also said that New Jersey, who has had legalized gambling for many, many years still does not have adequate resources to deal with these types of problems.

By instituting these games, what we are doing is we are making our most vulnerable citizens put in an even more treacherous situation.

Former Representative Laurence Bagley of Winthrop came before the committee during this hearing and told us a story of when he had visited Atlantic City and he said as he was walking by one of the casino's, he saw a woman sitting on the sidewalk crying. He asked the woman what the problem was and she explained she was a widow with three children. She originally had enough money to buy one pair of shoes. Then she went into a casino to do some form of legalized gambling and figured, well, I have enough money for one pair of shoes, if I win, I could have enough money for three pairs of shoes. Well, the reason she was crying is because she lost all that money and now she had nothing for her children.

I believe that if we institute legalized gambling as a means as is being proposed to solve our

budgetary problems, we are only going to make matters worse in this state. This is not the way for Maine to go.

New Hampshire just debated their video gaming proposal and a New Hampshire legislator said that because that state relies on its quality of life and tranquility to lure tourists, gambling would destroy the image and result in an increase in crime and an overall loss of tourism revenues. "Compulsive gambling and corruption will rise," said this legislator, "for every winner, there are many losers." I believe that if we allow this to go through, the State of Maine and the citizens of the State of Maine, will be the losers in the final analysis.

So, let me close by saying that the temptation for increased revenues should not lead us to participate in an enterprise that most governments have wisely rejected many times for many years. The character of our state and our traditions of raising revenues in legitimate and fair ways demands that we not succumb to the entreaties of taking money by these means.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, it is interesting that the Representative should mention South Dakota because last Friday night after I got home, I was watching the television show 20/20 which, some of you may have seen, and they did one of their segments on video gambling in the State of South Dakota. It was with great interest that I learned of some of the problems that they have experienced as a result of their video gaming. The human suffering was what was most notable to me. Just a few minutes ago, this body overwhelmingly sent a bill on its way toward doing more for those who suffer from emotional stress, mental problems and now it sees as though we are poised to enact something immediately after which is going to cause emotional stress and more mental problems. People demonstrated problems that were unbelievable as far as their addiction. They gambled away their homes, their cars, people were stealing from their employers to support their habit. How many? I don't know, but the fact remains that some will be sucked into that problem and they will go ahead and they will lose. They will lose much more than they can afford to possibly spend. Some of them are able to get help through some kind of a gambler's anonymous type situation, others were not and they killed themselves because they could find no other alternative when they couldn't break their habit.

I guess the question that I have to ask you today is, what exactly is it that you hope to accomplish with this bill and at whose expense will we accomplish it? Will whatever you hope to gain justify the suffering that some will very definitely have and, in some cases, possibly even the loss of life?

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize, I guess she has left, to the good Representative from Caribou, I thought she was seated, I didn't know she was standing at the time.

I would just like to tell you that video games

are nothing new in the Greater Portland area. Everybody has a video game in their bar now and everybody has a video game in their restaurant.

I think the only thing that I can add that hasn't been added here is that if everybody is paying everybody off now, which they are, you can collect on Friday's, all week long you collect chips, Friday's you go in and you collect your cash. If you can do that — they are in every Eagle's and every organization going — why isn't it that the State of Maine can't receive some revenue from it? It is there, people are doing it, they are gambling, it is not a new idea. All I can say to you that they are going to do it, they are going to play, they do it every year and every day. I just think that the State of Maine should receive some revenue from it.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: It should come to no surprise to any member of this House that the State of Maine is a very diverse state and we, as a diverse society, the forms of amusement that we participate in and enjoy are equally as diverse. Whatever the nature of our job and/or family responsibilities are, we all look forward to our leisure time as a time of recreation, relaxation and a chance to recharge our batteries and a wide variety of recreational opportunities. Some choose a dinner in a fancy restaurant, perhaps going to a movie theater, others will spend a fair amount of money on a ski trip to one of our local ski areas within the state, others it may be a novel. However, among them, the various types of amusement that are enjoyed by Maine people are a variety of forms of gaming. The State of Maine, ladies and gentlemen, has legalized harness racing, we have legalized beano, we have legalized lucky sevens, pull tabs, pick three, pick four, scratch and win tickets, off-track betting — the public question is no longer if Maine people will accept these types of gaming, Maine people have already made that determination, that these are in fact something they do decide.

Representative DiPietro told you that these games already exist in the State of Maine. If you think they don't, you need to look around because they do exist in the State of Maine. It would seem to me that the public policy question should be, how do we regulate these gaming activities to ensure honesty, to ensure accountability, oversight and a fair accounting of the revenues?

In recent years, and it was referenced to the hospitality industry, this legislature has enacted legislation that has increased costs and lowered revenues to the hospitality industry. We have increased the taxes on alcoholic drinks. We have passed legislation dealing with several liability, we have created stricter OUI laws that have resulted in reduced alcohol consumption. I supported each and every one of those measures as did many of you because I thought it was in the best interest of public policy to do so and I still think we made the best interest in public policy. Combined with the recession however, those laws have had a dramatic impact on Maine's hospitality industry.

The bill being addressed here today, I would suggest, would provide a boost to the hospitality industry and would increase the chances of survival of many of Maine's smaller businesses by enhancing

their ability to attract non-alcoholic revenues. Let me repeat this because I dispute the suggestion that it is going to increase alcoholic consumption, if you would look at the other states, they would prove that theory that is being articulated today — I believe that this legislation will help some 1,600 small businesses in the State of Maine increase their non-alcoholic revenues and it will give them a new profit center that they currently don't have.

Because of Maine's high degree of tourism, a significant amount of the revenue that will be generated will be from out-of-state travelers.

South Dakota was mentioned here. What was not mentioned was, when South Dakota implemented this, they saw the creation of some 800 jobs as vending businesses expanded their operations and establishments hosting video game machines hired more employees and supplies and services, all of which helped their local economy throughout the state.

Accountability is a key ingredient to this bill and it can be done through a successful cooperation between the state and gaming operators as has been described by Representative Daggett and Representative Plourde.

Finally, I think what brought me to my feet perhaps more than anything else was the pain and suffering that we are going to be causing some people by the adoption of this particular legislation. I am the first to admit that we spend a fair amount of time in this legislature trying to protect people from themselves. We do it successfully sometimes and sometimes we don't do it nearly as successfully as we would like.

There have been those this morning that have indicated that this is simply an inappropriate way to raise revenues. It is an inappropriate way to raise dollars and cents. I envy the ability of those to draw the line with such distinction as to what is an appropriate way to raise revenue and what is an inappropriate way to raise revenue.

While I respect the right of those to suggest that this particular bill may be an inappropriate way to raise some \$20 million, I hope those would also respect my right to suggest that just maybe that some of the proposals we have seen from the Administration in this particular budget, perhaps the sale of \$4.7 million on I-95 that will raise some \$60 million over the next two years at a cost of \$54 million — just maybe that is an inappropriate way to raise revenue.

While I respect the right of those who suggest this is an inappropriate way to raise revenue, I hope they would respect my right to suggest just maybe that the cuts in mental health that would make us in violation of the Consent Decree for AMHI, perhaps at a cost of some \$10.6 million or on the federal level with the Boring Amendment for \$41.8 million, just maybe that is an inappropriate way to raise revenue.

While I respect the right of those to suggest that this is an inappropriate way to raise revenue, I would hope that there would be others here who would respect my right to suggest that just maybe the administration's proposal to reamortize our retirement debt over 40 years to save \$120 million at a cost to taxpayers of \$8.9 billion is perhaps, just perhaps, an inappropriate way to raise revenue.

There are no easy answers here, we all know what the budget is going to be looking like when it comes down here in the next two or three weeks. It is going to cause us to make some gut-wrenching, dramatic decisions that won't be easy and we will be

held accountable to our constituents back home. I, for one, don't feel like rejecting out-of-hand any new source of revenue that doesn't increase taxes but helps small businesses, provides a new profit center for some 1,600 small businesses, will create jobs and I think can aid our tourism industry.

That is my opinion. You are free to vote any way you wish to vote but I would hope that those who suggest that this is an inappropriate way to raise revenue would put it in the context of the reality that there is no appropriate or perhaps best or inappropriate way to raise revenues these days. We ought to be looking for things that in fact can help the State of Maine.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I had not intended to speak on this issue, in fact, I have been wrestling with it for a long time. I find it is a very rare occasion indeed when I actually vote along with Representative Robichaud and Representative Bennett, so I feel I wanted to explain.

The problem I have with this bill is that it seems to me that it reinforces the message that we are already sending out over the airwaves daily via television and radio to our citizens — "Hey, don't get an education, don't bother with hard work, hey, tough discipline doesn't matter, buy a ticket, you will be a millionaire." Then we make sure it happens just often enough that people keep buying those tickets. I think this is just one more reinforcement of that effort. Then, we get up here and we grumble, "Hey, what has happened to the work ethics, how come nobody wants to work anymore, where is self-discipline?" I think it is a contradiction. We just keep sending out this insidious message to people and I think it is wrong. I am going to be voting against this measure.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks of my good friend from Fairfield with regard to being able to draw the line. I will try to tell you very briefly how and why I draw the line here. If someone can answer for me whether or not anyone in the State of Maine has lost their home or maybe even their life because they gambled too much in the Maine State Lottery, maybe I would have drawn the line there too.

People have told me that people are in fact losing their homes and of course the children are the ones who suffer the most when something like that happens and, in some cases, losing their lives.

When you can see the problem head on before you go into it, then I guess you have to ask yourself, why you are just going to keep on going?

There is no question that we could in fact raise some revenue with this. There is no question that some of the things that the good Representative referred to that have been proposed as far as our budget process so far, may also not be good ideas, but to go ahead and advance this in a way of comparing it to something else, two wrongs aren't going to make a right.

I am just going to again ask you whether or not you think that the \$20 million or however much this might raise is going to be worth the suffering that we know will result? That is the question you have

to ask yourself. If you are comfortable and if you think that that amount of money does justify the human suffering, then I certainly respect your right to go ahead and vote for it.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Men and Women of the House: I have just one question and I am going to answer it myself. Where is all this gambling money going to come from? It is going to come from rent money, clothing money, and it is going to come from food money.

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

ROLL CALL NO. 167

YEA - Ahearne, Aliberti, Bailey, H.; Beam, Bowers, Brennan, Cameron, Caron, Carroll, Cashman, Cathcart, Clark, Clement, Cloutier, Coles, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Gamache, Gean, Greenlaw, Gwadosky, Hale, Hatch, Hichborn, Johnson, Joseph, Kerr, Ketterer, Larrivee, Libby Jack, Libby James, Martin, H.; Melendy, Michaud, Mitchell, E.; Nadeau, Nash, O'Gara, Oliver, Paradis, P.; Pendleton, Plourde, Poulin, Pouliot, Ricker, Rotondi, Rydell, Saint Onge, Simoneau, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, G.; True, Vigue.

NAY - Adams, Aikman, Anderson, Ault, Barth, Bennett, Birney, Bruno, Carleton, Chonko, Clukey, Coffman, Constantine, Cote, Cross, Dexter, Donnelly, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gray, Heesch, Heino, Hogle, Holt, Hussey, Jacques, Joy, Kilkelly, Kneeland, Kontos, Kutasi, Lemont, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Michael, Mitchell, J.; Nickerson, Norton, Ott, Pendexter, Pfeiffer, Pineau, Pinette, Plowman, Rand, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Ruhlin, Saxl, Simonds, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Tufts, Walker, Wentworth, Whitcomb, Winn, Young, Zirkilton.

ABSENT - Bailey, R.; Campbell, Carr, Chase, Gould, R. A.; Hillock, Jalbert, Lemke, Lipman, Morrison, Murphy, Skoglund, The Speaker.

Yes, 60; No, 78; Absent, 13; Paired, 0; Excused, 0.

60 having voted in the affirmative and 78 in the negative with 13 being absent, the Majority "Ought to Pass" Report was not accepted.

Subsequently, the Minority "Ought Not to Pass" Report was accepted. 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:

(H.P. 1064) (L.D. 1432) Bill "An Act to Allow Political Parties to Determine the Method of

Nominating Candidates" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-585)

(S.P. 182) (L.D. 596) Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-277)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 434) (L.D. 1344) (C. "A" S-258)

Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Allow the Transfer of Surplus Lands from the State Nursery (S.P. 89) (L.D. 243) (C. "A" S-235 and H. "A" H-520)

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 3 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 Expand Opportunities for School-to-work Transition Services Utilizing the Jobs for Maine's Graduates Model (S.P. 509) (L.D. 1535) (Governor's Bill) (C. "A" S-260)

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

PASSED TO BE ENACTED

An Act to Amend the Laws Pertaining to the Visitation Rights of Grandparents (S.P. 34) (L.D. 40) (C. "A" S-259)

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

ENACTOR

Later Today Assigned

An Act to Provide Consistency in the Animal Welfare Laws (S.P. 345) (L.D. 1040) (C. "A" S-256)

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

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

PASSED TO BE ENACTED

An Act to Provide Additional Funding for the Department of Inland Fisheries and Wildlife and the Atlantic Sea-Run Salmon Commission through Increased License Fees (S.P. 369) (L.D. 1126) (C. "A" S-248)

An Act to Amend and Improve the Laws Related to Education (S.P. 405) (L.D. 1263) (C. "A" S-262)

An Act to Amend the Laws Governing the Conversion of Fuel Systems (H.P. 284) (L.D. 371) (S. "A" S-263 to C. "A" H-348)

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

(Reconsidered)

An Act to Amend the Laws Governing the Committee to Advise the Department of Human Services on AIDS (S.P. 451) (L.D. 1418) (C. "A" S-254)

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. 1418 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-254) was adopted.

The same Representative offered House Amendment "A" (H-595) to Committee Amendment "A" (S-254) and moved its adoption.

House Amendment "A" (H-595) to Committee Amendment "A" (S-254) 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 technical amendment, it doesn't change the content of the bill in any way.

Subsequently, House Amendment "A" (H-595) to Committee Amendment "A" (S-254) was adopted.

Committee Amendment "A" (S-254) as amended by House Amendment "A" (H-595) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-254) as amended by House Amendment "A" (H-595) thereto in non-concurrence and sent up for concurrence.

ENACTOR

Later Today Assigned

An Act to Clarify the Process for a Direct Initiative of Legislation and to Simplify Questions Presented to the Voters at a Referendum (H.P. 1101) (L.D. 1488) (C. "A" H-497)

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.

By unanimous consent, all matters having been acted upon requiring Senate concurrence, except those held, were ordered sent forthwith to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-566) - Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (H-567) - Committee on Energy and Natural Resources on Bill "An Act to Exempt Gravel Pits with Less Than 5 Unreclaimed Acres from Regulation by the Department of Environmental Protection under the Site Location of Development Act" (H.P. 406) (L.D. 519)

PENDING - Motion of Representative JACQUES of Waterville to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-566) Report.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: Welcome back to the rocky

road of gravel pit debate.

You heard a lot of arguments opposing the Majority Report last night and I want to briefly touch on some of them because in fact they are irrelevant arguments. For example, we heard that under the Majority Report a gravel pit could be installed in Capitol Park — well, if that is true, the same is true of the Minority Report and the same is true of the current Site Location Law because none of them are zoning laws. None of them determine what an appropriate use is for a given area. What all three of them do address is issues of environmental and natural resource protection.

We heard that under the Majority Report there is no control on noise. If that is true, the same is true of the Minority Report because the standards on noise are identical in both reports. In fact, the environmental protection standards are identical in both reports regarding solid waste, groundwater protection, protected natural resources, property boundaries, erosion and sedimentation control, surface water protection, storm water management, traffic, noise, dust control and standards for reclamations. In fact, both the Minority and the Majority Reports represent a significant shift in public policy from regulating gravel pits by requiring permits from DEP to regulating gravel pits, moderate size gravel pits, to performance standards. There is a shift design to improve efficiency, reduce costs to the operators, and provide resources, the resources we now don't have for enforcement and compliance of our gravel pit standards.

Neither report in any way affects, modifies or otherwise restricts or inhibits the town's ability to regulate gravel pits on any particular issue. A town doesn't even have to adopt a whole elaborate environmental protection ordinance, they just simply adopt an ordinance regulating operating hours under both reports and of the current site law. In fact, the differences are relatively few between the two reports.

One, in the Majority Report, there are variances allowed for certain limited — in certain areas, the size of the pit may be increased somewhat, the slope of the banks may be changed from two and a half to one to two to one under certain circumstances.

The depth that the operator has to stay above the water table may be decreased under certain circumstances.

In each of these cases, these options are now available under current law through this permit review process. In each of these cases, these variances will be granted by DEP and not by any municipality. It will assure consistency on a statewide basis.

In each of these cases, the operator must offer proof satisfactory to DEP that there will be no adverse affect on the environment on our natural resources. So, the variance issue is not a significant difference.

Another difference is, in the Majority Report with respect to significant wildlife areas, the only areas affected are those that are mapped by the Inland Fisheries and Wildlife Department.

The Minority Report includes mapped and unmapped areas.

The reason the Majority Report did not include unmapped areas is because no one knows — there is no easy means of determining whether an area is a "significant wildlife area" or not. The only people

who do this are IF&W biologists and at the moment, they will not guarantee a site visit in less than two months for anyone applying for a permit. That is one reason why it takes a long time to get a permit.

I thought long and hard about this as did other members of the Majority because I was concerned. But, there is no reasonable way to switch to a performance standard method of operating if you are going to include prohibition against these unmapped significant wildlife habitat because no one can tell you whether an area is a significant habitat or not except for IF&W. We have not given IF&W the resources to provide visits quickly. In fact, even the Minority Report doesn't prevent you from going into an unmapped significant wildlife habitat area because an unmapped area will be determined — the fact that an unmapped area is there can be determined only by a visit from the regulator, either DEP or the town. If the regulator doesn't visit, then there is never a determination, so there is an insignificant difference there, in my opinion.

The final difference is the size allowed before the normal current site law review process will kick in and they would have to apply for a permit from the Department of Environmental Protection. The reason that I agreed to 30 acres is because I don't believe 15 acres is a large enough size to allow this new method of regulating gravel pits to have a fair test.

If we believe that we should be switching to a performance standard system where appropriate, we have got to give it a fair test. Fifteen acres is simply too small to allow the law to work long enough to see if it works properly.

I would urge you to support the Majority Report.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: The Representative from Harpswell, Representative Coles, has given you a nice theoretical explanation of the minor differences between the two reports. I would suggest in reality that there will be quite significant differences if the Minority Report is adopted and not the Majority Report, important differences in some key areas.

Representative Coles cited the issue of protection of unmapped significant wildlife habitat. I consider this a very important because the Department of Inland Fisheries and Wildlife has not completed the task of mapping significant wildlife habitat across the state. The way they usually discover these areas that are significant is when development takes place and they come in and do an inspection because of a permitting process. They don't just have biologists running around the state trying to find these areas randomly. They find them when development takes place.

Under the Minority Report, there is an opportunity to stop a pit from expanding if upon inspection they find that a significant wildlife habitat, based on the criteria that they use to determine that, would be disruptive.

Last night in the debate, we heard some suggestions about the generosity of the pit operators and owners in this process, that they came forward with an offer to pay annual fees in order to cover the cost of enforcement personnel — that is a load of dirt.

In the original bill, which supposedly was drafted by the pit operators at Representative Lord's participation in that, there is absolutely no

reference to any system to assess these for better enforcement. In the other bills we heard in committee, no provision was contained either. It was at the insistence of the department that the only way this would work is if they got proper enforcement staff that there was a willingness to come forward. This sounds like a big sacrifice, they got to pay an annual fee under this provision (I admit it is under both reports that they have to pay this annual fee) of \$250. Now, what they are sacrificing here is a process that may cost them \$10,000, \$20,000 or \$30,000, that is a real trade-off. They are going to get an incredibly expedited process and for as little as \$750, they can go from no pit to 30 acres for as little as \$750. The burden of proof under this system is on the state to prove that they don't know how to operate their pit. No longer is the burden of proof on the pit operator to show that he or she has the ability to comply with all the environmental regulations.

The issue of enforcement staff has been brought up a number of times by myself and others. Yes, this bill under either report will provide extra funding for enforcement staff. But, there is no allocation for a position or positions for additional enforcement staff in this bill and there can't be an allocation because the Office of Fiscal and Program Review can't determine how much money would actually be generated by this. The policy is that we are not going to establish new positions until we know the money is going to be there. So, we are going to go home at the end of this session and on October 1st, this new provision is going to kick in and, regardless of how well it works, until the next legislative session, there is no mechanism to get new staff at DEP to do the enforcement. So, we will just hope that it works well through those Fall months, then we will hope, if we get the new staff position approved by this legislature, that they can do the job.

I think the record at DEP shows that that is a leap of faith.

Under the Minority Report, as well as the Majority Report, the signers have been willing to take that leap of faith. The big question is, how far should we go?

Some people have been concerned that we need this change in the law in order to spur on development in this state. Most of this state, which is covered by the Land Use Regulation Commission, will not be affected by this provision. In LURC territory, permitting begins at five acres, so, we are not going to be changing radically the policy in most of the area of the state.

I can just hear the pit owners when this bill passes regardless of what report is accepted, CB radios will be crackling across the state, "Guess what boys, for as little as \$750, you can go from zero to 30 acres."

I think that is a big risk.

Some of the differences which are between the two reports are laid out on the fact sheet that I gave you.

Representative Coles has suggested that there aren't significant differences here. You can judge for yourself. One of the arguments that has been presented is that municipalities can adopt ordinances to regulate gravel pits and that is true, under both reports they can. But, the practical reality is, it is not going to happen quickly across this state.

Under the Minority Report, we asked the Department of Environmental Protection to just do a simple assessment of what ordinances exist out there in municipalities so that when the committee acts in the future we have an understanding of what towns are doing across this state. That seems like pretty simple, fundamental knowledge that we need to have before we can act appropriately.

Another provision in the Minority Report that is not in the Majority Report is the requirement that the working group that is set up look at the issue of minimum standards for pits under five acres. This is something that even the Maine Forest Products Council has advocated. I would suggest that it is appropriate that this working group look at this issue as we change radically this process of permitting.

We are not suddenly going to get more enforcement staff at DEP under either report.

We are not suddenly going to see good will generated throughout the entire gravel industry. There are renegades out there who are violating the law right now and even with changing this process, I would suggest are not going to be real interested in having the state regulate their activities.

As the Majority Report does, the Minority Report also has an amnesty period to try to get pit operators in under this provision. Hopefully, that will work, but if it doesn't, as I said last night, this legislature will be hard-pressed to correct the environmental problems, the real environmental problems, next session. It will be a lot easier if everything worked smoothly to increase the threshold side for site law review.

I would suggest that is an important step that we take, that you bury the Majority Report and we go on to accept the Minority Report.

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

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

I would like a little clarification on the fees. This is directed to anybody perhaps who could respond. On Page 12 of the bill, it is noted that there is a \$250 initial fee but then at the end of that section, there is a clause that says "notwithstanding any other provision of this section, a total for all fees paid under Section 1, 2 and 3 for one pit in one year may not exceed \$250." So, as I read this, if a pit operator starts up and pays their \$250 fee and then they wish to have a variance on one or more or any number of sections that they can get a variance on, which supposedly triggers a \$250 fee for each variance and then they also expand in that one year period and there is supposedly a trigger of \$250 for an expansion, will they pay no more than \$250 for all this in one year?

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

The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Members of the House: The answer is yes. Under the Majority Report, no pit operator would pay more than \$250 for the initial filing fee or the annual fee or the variance fee for the total of the three.

The only way that a pit owner would pay any more than \$250 in one year is if they filed a notice of intent to expand beyond ten or 20 acres in the same

year that they also paid the annual fee or the initial fee or a variance request. It is an inconsistency in the Majority Report that does not exist in the Minority Report.

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

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

I am not quite sure I understood that because the "notwithstanding any other provision" it says the total for all fees under Subsections 1, 2, and 3 and 1 is the initial fee, 2 is the annual fee and 3 — oh, excuse me, there is the 4, the expansion. I apologize.

I have a different question. Does this fee structure, this notwithstanding, in this limitation here take precedence over local fee structure in a local gravel pit ordinance?

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

The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Members of the House: If a municipality is granted primary enforcement authority by the Department of Environmental Protection because they have adopted an ordinance, they would get the fees and they could adopt this fee structure or any structure they wish except for under the Majority Report for variances in which case the variance fee, I assume, although it is not entirely clear in the Majority Report, would be paid to the state because the state is the only entity that can grant the variance. A municipality, if they have an existing ordinance that regulates gravel pits in some other way other than this and there is a fee charged for that, that would not be changed.

Again, I would argue that the inconsistency or the problem about variance fees does not exist in the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Men and Women of the House: It is not often I speak twice on the same bill. I have spent half of my working life working in the bottom of a gravel pit. I thought I was doing a great job. I furnished sand for the municipalities in the winter time to sand roads so people didn't run off the road. I furnished rock and gravel for sewer systems so sewer systems were done efficiently and worked well under the ground. But, after hearing what some people in this body have described, I am beginning to wonder about my credibility. Well, I guess I will still keep it.

There has been big discussion over the 30 acres. The reason we have stayed with the 30 acre thing, we initially had 40 acres and then compromised with the intent to try to get a unanimous report which didn't happen but the reason we stayed with the 30 acres is that we all know that there are a lot of pits out there that are very close to this number, very close to this figure. If we allow them the amnesty of two years and up to 30 acres, we are going to get a lot of these pits in, this is what our intent is.

I am not saying that this bill is a perfect bill but most of them we put out here are not and we have to make adjustments next year. I am sure there will have to be some adjustments made to this bill. There is all kinds of reporting back. Under L.D. 519, we

have DEP coming back for the next four years and telling us what impact L.D. 519 has done on compliance, on enforcement, on citizen complaints. I think we have covered it pretty well. I would hope that you would still support the Majority Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I don't particularly care for either report although I am supporting Representative Wentworth's report and I think probably the best thing you could do for your people is to kill this bill.

I would like to discuss with you what happens in many of our lives, most of us want to buy a home in our lifetime, we go out and get a mortgage and we pay that mortgage over 30 years. If you happen to go out and buy a home, under the current law, someone could come in next door and dig a five acre hole and not have to get a permit. You are changing the law now so that you can go out and you can get a 30 year mortgage and you can pay that mortgage for 30 years and make all the payments on time and at the end of 30 years have your house and if the land next door has gravel underneath it and it is sold to someone who wants to develop it, they can go in there and start digging out that gravel and you have no recourse. There is no opportunity to sit down and sort of discuss and negotiate the issues that are going to affect your property and your life's work. Try to picture yourself having paid 30 years on a mortgage, finally owning your home and having a gravel pit come in next door that is 30 acres and ask yourself whether you think you can get the money you put back in your home back. Well, maybe you can, maybe you can't, if you bought it at a low price 30 years ago, you might get some of it back but you certainly won't get much back.

Now, try to imagine selling the house. I guess you would have to have your open houses on Sunday and hope that the gravel pit wasn't operating next door because, once they start operating next door, it is pretty hard to sell a house while the rock crusher is going or while there is a cloud of dust blowing by.

I think when you have a large operation of 30 acres, which is half again as big as this park across the street, there ought to be an opportunity early in the process for all the people who are affected to sit down and decide on some ground rules for the operation of the pit.

Representative Wentworth's proposal is much better than the majority proposal. The best thing you could do probably is to kill this bill outright and continue with the current system and ask the Energy and Natural Resources Committee to instruct the DEP to enforce the laws that we have now.

Throughout the hearing, there were no complaints about the law, all the complaints were about the DEP administration of the current law.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: You know last night after I went to sleep, I fell in these deep holes two or three times. One time I drowned and the other time I had to walk out, I was all dirty and dusty from all this dirt and stuff. My ears were plugged so I couldn't hear all night long. There is a lot of rhetoric here that doesn't amount to anything. For gosh sakes, just forget about it.

We have heard about the fee. The initial fee of \$250 is when these pits that are unlicensed, they put the permit in, send the \$250 that is going to DEP first because the towns haven't got the ordinances and this gives them a year to get their pits in order. The next year, they are going to pay \$250, they are going to pay \$250 every year that they operate that pit if they sell over 2,500 yards of gravel.

Now, they say we have got thousands of pits. I took just for a figure 1,500 pits at \$250, that is \$375,000 that DEP is going to have to go ahead and hire people to go out and inspect these pits that are not being inspected now. They could go out and inspect these pits one year or every year or every time that they want to go ahead and expand a pit, which starts at ten acres and they go to 20 acres. They are going to have the money to do this job. The pits that sell less than 2,500 yards are going to be paying \$50. So, I took the figure of \$50 times 500, and I think that is a very conservative figure, that is \$25,000. So that is going to give DEP \$400,000 to hire people. Naturally DEP is not going to come in with any people on the bill now because they don't know what is going to happen. If we keep fooling around with this bill, the ground is going to be frozen so they can't dig any gravel any way.

I am asking you to go with the Minority Report, let's try it. If it doesn't work, if there is something in there that needs to be changed, we will change it next year.

Representative Martin of Eagle Lake 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 Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: I will be very brief. I want to make the point that the Site Location Law is not a zoning law, it never has been a zoning law. The Site Location Law provides that if you can meet the state's standards for environmental protection, you are entitled to get a permit. If you have a house and have a 30 year mortgage and you pay 20 years in an area that is unzoned and provides no restrictions on the use your neighbor can put his land to, the Site Location Law does not offer you any protection anymore than the Majority or Minority Report does.

The situation Representative Mitchell described is simply not relevant to the Site Location Law. There is no recourse for those homeowners under the current Site Location Law. So, in fact, killing this bill won't change that situation either. The only solution to that situation is to have a local zoning to determine what uses are appropriate in what neighborhood.

Please don't be distracted by issues that simply aren't relevant to this debate.

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

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

I am just trying to understand the differences between the Majority and Minority Reports. I looked at the definition of medium borrow pit and I see it goes from 5 to 30 acres in the Majority Report and 5 to 15 in the Minority except that both allow the working pit to be not larger than 10 acres. I have two questions, one, is it reasonable to have a ten acre working pit and only five additional acres for the total borrow pit?

Secondly, what are the exceptions? It says, "Except as otherwise provided in both reports, a working pit not larger than ten acres" — when might the working pit exceed ten acres?

The SPEAKER: Representative Rowe of Portland has posed a series of questions 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: The theory behind this is, if in fact you have no more than ten working acres, if you reclaim as you go, you will never have an open pit larger than 10 acres. That is one reason why I don't see a significant difference between 15 and 30 because in fact the open area, the kind of picture you saw in the Sunday Telegram last Sunday, won't happen.

There is a variance provision which allows that to be expanded to 15 acres for purposes of stockpiles if in fact you are going to process in the pit rather than up on top or somewhere else.

We did that because we believe it is more desirable to have processing down in the pit than it is to have it up on the surface or have trucks carry everything somewhere else to process. It creates less dust problems and less noise etcetera, etcetera.

I am sorry, I have forgotten the second question.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I think you answered my second question about when are there exceptions to the ten acres. The first question was simply, if you don't pile within the hole, the pit, is it reasonable to have only five additional acres for the total borrow pit for the purposes of stockpiling your pile?

The SPEAKER: Representative Rowe of Portland 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 I understand that question, the Representative is asking if that will be enough area for a working pit. That was a matter of some discussion. Some operators would have preferred more the judgment of the committee was, yes, that is enough, at least that is all we wish to grant them at this point.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: I just want to clarify a few points. Town officials are reluctant to take enforcement action in my town and other towns partly because gravel pits are such big generators of property tax revenues, we have to keep that in mind.

Registration doesn't necessarily mean that DEP can do something about a pit. DEP closed down two pits right on Route 17 in Washington back in 1989.

Both of those pits had infringed on a neighbor of mine's property. They had dug up his gravel on his land in his right-of-way. He has had a lawsuit against these operators for several years, it still isn't settled.

Two weeks ago, one of those operators went into those pits and opened up the pit again. He wrote a letter on May 23rd to DEP, they still haven't arrived.

Three years ago, DEP was given a list of all the gravel pits in the Town of Washington, they were told the size, they were all surveyed for them, the work was done for them. They have barely arrived. So, I don't think the registration is really going to take care of the problem, that is what I fear.

It is a fair test with 30 acre maximum, fails, then we are going to have holes twice the size than if we go with the 15 acre size.

My last concern is what about the law-abiding gravel pit operator who has spent \$20,000 or even \$30,000, waited up to two years to get their permits, is this a fair shake for them? The people that have been operating illegally have had the edge over these folks and now the people that are going to have permit by rule are going to have the edge over these folks.

I urge you to push the red button, this bill is the pits.

The SPEAKER: A roll call has been ordered. 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.

ROLL CALL NO. 168

YEA - Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cashman, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Dexter, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Farren, Fitzpatrick, Foss, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heino, Hichborn, Hognlund, Hussey, Jacques, Johnson, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Nadeau, Nash, Nickerson, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Pinette, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Saint Onge, Saxl, Simoneau, Small, Spear, Stevens, A.; Strout, Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, G.; True, Tufts, Vigue, Walker, Whitcomb, Young, Zirkilton.

NAY - Adams, Beam, Bowers, Brennan, Cathcart, Chonko, Coffman, Daggett, Dore, Farnsworth, Gamache, Heeschen, Holt, Kilkelly, Michael, Michaud, Mitchell, E.; Mitchell, J.; Norton, Oliver, Pfeiffer, Pineau, Rand, Richardson, Rowe, Rydell, Simonds, Skoglund, Stevens, K.; Townsend, E.; Townsend, L.; Tracy, Treat, Wentworth, Winn.

ABSENT - Bailey, R.; Carr, Chase, Hillock, Jalbert, Lemke, Morrison, Murphy, The Speaker.

Yes, 107; No, 35; Absent, 9; Paired, 0; Excused, 0.

107 having voted in the affirmative and 35 in the negative with 9 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-566) was read by the

Clerk.

Representative Mitchell of Freeport offered House Amendment "A" (H-576) to Committee Amendment "A" (H-566) and moved its adoption.

House Amendment "A" (H-576) to Committee Amendment "A" (H-566) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The amendment before you just increases the penalty if you don't comply with the standards that are set out in the law and makes it easier to enforce. It says, if you have two violations, you have to shut down and go into the site review permit and that is an incentive to run your gravel pit properly.

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

Representative LORD: Mr. Speaker, I move this amendment be indefinitely postponed.

The fine for a violation is \$100 to \$10,000. The original bill said \$1,000 and \$100 a day for the violation. We compromised on this and it is the same as on many other things that are violations and that is the general. It seems to me if somebody is going to do a job, they are going to do it right. Not only that, but just as Representative Jacques said yesterday, if a fellow has got payments on his equipment, he isn't going to go ahead and make these violations so that he gets the pit shut down.

You could have a minor violation. For instance, they are supposed be reclaiming the pit as they go along and not have more than 10 acres. Maybe a fellow did only three-quarters of an acre and I don't believe that would be a violation strong enough. If the violations are real strong, the inspector, whoever it may be, a code enforcement officer or somebody from DEP, if there is too much, they could shut them down that day. I don't think this is necessary.

I urge you to indefinitely postpone this amendment.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: It seems to me if we are going to weaken this law and make it a lot easier to own gravel pits, and we are going to do this on the promise that things are going to be run better, then we ought to have some sort of mechanism in the law to make sure that people run their gravel pits better since they are going to be able to go from five acres to 30 acres.

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

Representative COLES: Mr. Speaker, Men and Women of the House: Again, we are not weakening the law, we can strive for more effective and efficient means of administering it. In fact, the Representative from Waterboro is absolutely right, the problem with the amendment is it doesn't distinguish between insignificant and significant violations. With two minor violations such as not having the spill control plan in a proper location, can put you out of business and that is just not right.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I could not let this opportunity go by with the Representative from Harpswell,

Representative Coles, suggested that we were not making the provision in this law less stringent. That is not the case.

Again, I will remind people, the idea is that we will get more folks coming into compliance under the standards in the law but the fact is that many of these standards that are in the compliance regulations are less stringent than what is required under the site law review.

Significant wildlife habitat is not protected as well.

Solid waste disposal does not require a bonafied plan, it will merely identify on the map where it goes.

Private drinking water supplies — the distance from the pit from those drinking water supplies is lowered from 300 feet to 200 feet.

Roads and setbacks are reduced.

Erosion and sedimentation control no loner requires that any qualified person produce a plan to protect from erosion and sedimentation, you merely have to say that you are going to comply with the best management practices.

Traffic is not regulated as well under the Majority Report we have adopted.

The areas where potentially the standards will be less are overall groundwater protection. No longer do you have to have any kind of professional assistance to assure that groundwater protection standards are met nor surface water protection, storm water management, spill prevention or noise. No professional assistance in developing any of the plans to comply with those provisions in the law. So, it is not fair to characterize this as somehow being just as stringent as current regulations.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Lord of Waterboro that House Amendment "A" (H-576) to Committee Amendment "A" (H-566) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 26 in the negative, House Amendment "A" (H-576) to Committee Amendment "A" (H-566) was indefinitely postponed.

Subsequently, Committee Amendment "A" (H-566) was adopted and the bill assigned for second reading Monday, June 7, 1993.

BILLS HELD

On motion of Representative Pineau of Jay, the House reconsidered its action whereby Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (EMERGENCY) (H.P. 138) (L.D. 183) (C. "A" H-582) was passed to be engrossed.

The same Representative offered House Amendment "A" (H-607) and moved its adoption.

House Amendment "A" (H-607) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: This is the amendment I spoke of earlier that puts the same cap as on medical.

Subsequently, House Amendment "A" (H-607) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-582) and House Amendment "A" (H-607) and sent up for concurrence.

On motion of Representative Treat of Gardiner, the House reconsidered its action whereby it Receded and Concurred on Bill "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation" (H.P. 250) (L.D. 329).

On further motion of the same Representative, the House voted to Insist and ask for a Committee of Conference.

The Chair laid before the House the following matter: An Act to Provide Consistency in the Animal Welfare Laws (S.P. 345) (L.D. 1040) (C. "A" S-256) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tardy of Palmyra, the House reconsidered its action whereby L.D. 1040 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-256) was adopted.

The same Representative offered House Amendment "A" (H-577) to Committee Amendment "A" (S-256) and moved its adoption.

House Amendment "A" (H-577) to Committee Amendment "A" (S-256) was read by the Clerk and adopted.

The same Representative offered House Amendment "B" (H-608) to Committee Amendment "A" (S-256) and moved its adoption.

House Amendment "B" (H-608) to Committee Amendment "A" (S-256) was read by the Clerk.

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

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

The mandates that are in this bill, will that require a two-thirds vote of this House for adoption?

The SPEAKER: The Chair would advise the Representative it depends on whether or not the intention of this body would be to have the state pay the mandates. If there is no mandate language and it requires a mandate, then the legislature would have to pay for the mandate. The Chair is not in a position to determine the intent of the supporters of this legislation.

Subsequently, House Amendment "B" (H-608) to Committee Amendment "A" (H-256) was adopted.

Committee Amendment "A" (S-256) as amended by House Amendments "A" (H-577) and "B" (H-608) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-256) as amended by House Amendments "A" (H-577) and "B" (H-608) thereto in non-concurrence and sent up for concurrence.

On motion of Representative DAGGETT of Augusta, the House reconsidered its action whereby it Receded

and Concurred on Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State" (H.P. 1036) (L.D. 1388).

On further motion of the same Representative, the House voted to Insist.

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

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

An Act to Amend the Occupational Disease Law (S.P. 216) (L.D. 687) (S. "B" S-240 to C. "A" S-92 and H. "A" H-365)
PENDING - Passage to be Enacted.

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 687 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-92) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "B" (S-240) was adopted.

On further motion of the same Representative, Senate Amendment "B" (S-240) was indefinitely postponed.

The same Representative presented House Amendment "B" (H-603) to Committee Amendment "A" (S-92) and moved its adoption.

House Amendment "B" (H-603) to Committee Amendment "A" (S-92) was read by the Clerk.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: Could the gentlelady please tell us what 603 intends to do?

The SPEAKER: Representative Ruhlin of Brewer has posed a question through the Chair to Representative Chonko of Topsham who may respond if she so desires.

The Chair recognizes that Representative.

Representative CHONKO: Mr. Speaker, Men and Women of the House: The Statement of Fact says that it is a mandate.

On motion of Representative Ruhlin of Brewer, tabled pending adoption of House Amendment "B" (H-603) to Committee Amendment "A" (S-92) and later today assigned.

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

An Act to Facilitate the Assessment and Collection of Municipal Property Taxes (S.P. 402) (L.D. 1233) (C. "A" S-242)
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 fourth item of Unfinished Business:

An Act Concerning the Clerk-of-the-works (H.P. 219) (L.D. 287) (S. "A" S-241 to C. "A" H-382)
PENDING - Passage to be Enacted.

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

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

An Act Repealing Advisory Boards on State and Local Government Matters (H.P. 810) (L.D. 1096) (C. "A" H-483)
PENDING - Passage to be Enacted.

On motion of Representative JOSEPH of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1096 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-550) and moved its adoption.

House Amendment "A" (H-550) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-483) and House Amendment "A" (H-550) in non-concurrence and sent up for concurrence.

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

An Act to Clarify the Laws Pertaining to Mortgages and the Laws Pertaining to Taxation of Real Estate Transfers (H.P. 934) (L.D. 1257) (C. "A" H-485)
PENDING - Passage to be Enacted.

On motion of Representative Dore of Auburn, under suspension of the rules, the House reconsidered its action whereby L.D. 1257 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-596) and moved its adoption.

House Amendment "A" (H-596) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-485) and House Amendment "A" (H-596) 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 Transfer the Responsibility for Recounts of Elections to the Judicial Branch

(S.P. 475) (L.D. 1474) (C. "A" S-208)
TABLED - June 2, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Final Passage.

On motion of Representative Daggett of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1474 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-594) and moved its adoption.

House Amendment "A" (H-594) was read by the Clerk.
The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, I was wondering if Representative Daggett could very briefly explain to us what the amendment was that we just adopted?

The SPEAKER: Representative Zirkilton of Mount Desert has posed a question through the Chair to Representative Daggett of Augusta who may respond if she so desires.

The Chair recognizes that Representative.
Representative DAGGETT: Mr. Speaker, Men and Women of the House: The amendment adds an omitted section. There was a section where a deletion of the words "election and" had to be removed and then it deletes some language that did not apply to disputed elections.

Subsequently House Amendment "A" (H-594) was adopted.

The Resolution was passed to be engrossed as amended by Committee Amendment "A" (S-208) and House Amendment "A" (H-594) in non-concurrence and sent up for concurrence.

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

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

An Act Amending the Charter of the Brewer Water District (EMERGENCY) (H.P. 615) (L.D. 830) (C. "A" H-250 and S. "A" S-177)

TABLED - June 2, 1993 (Till Later Today) by Representative CLARK of Millinocket.
PENDING - Passage to be Enacted.

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 830 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-555) and moved its adoption.

House Amendment "B" (H-555) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-250); Senate Amendment "A" (S-177) and House Amendment "B" (H-555) in non-concurrence and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-432) - Minority (2) "Ought Not to Pass" - Committee on State and Local Government 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)
 TABLED - June 2, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Motion of Representative JOSEPH of Waterville to accept the Majority "Ought to Pass" as amended Report.

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-433) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government 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)
 TABLED - June 2, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Motion of Representative JOSEPH of Waterville to accept the Minority "Ought Not to Pass" Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-434) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government 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)
 TABLED - June 2, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Motion of Representative JOSEPH of Waterville to accept the Minority "Ought Not to Pass" Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

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

Bill "An Act to Centralize Licensing for Retail Businesses" (H.P. 399) (L.D. 512) (H. "A" H-408 to C. "A" H-367)
 TABLED - June 2, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Engrossed.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I urge you to defeat the pending motion. Although the concept of this bill is a very good one, one that we all believe in and would really wish to have, the way this bill has been drafted defeats the intent.

I would like to remind you that this is the bill that was set aside the other night to see if we could work out some kind of a compromise. I talked with the Chair of the Committee and told her that my problem with the whole bill dealt with municipal officers being involved in this but I did say that I was willing to meet with them.

A couple of meetings were set up in the Governor's Office. The first one I had not been invited to but I do want to thank Representative Cameron because during the meeting, he did suggest that perhaps I should have been involved.

The second meeting was set up, I went down, Representative Hoglund was there and the Senate Chair also appeared, but the Governor's Office broke off because they were busy with something else, so that meeting was called off.

Then a third meeting was set up and the Governor's Office told them at the meeting that I had been informed, but in talking with her in the hall, she realized that she had actually reminded me that maybe they would set something up the next day and not give a time. I don't want you to think that although we were not able to meet with them specifically that we have not been considering it because what I did was take the amendment and had somebody from DECD come in - the amendment that was drafted for that subcommittee and which they ultimately rejected. What I would like to do is to remind you that the committee does insist that municipalities remain and that is the part that is so objectionable. So, here we are again today dealing with the amended bill and not a new draft.

The committee has been selling L.D. 512 as one stop shopping. I would like to remind you that it is anything but. Instead of centralizing the ability of businesses to obtain licenses and permits, this bill further decentralizes the process by bringing it to another level. It allows municipalities to be part of the process if the municipalities choose to do it. I have not yet heard of any municipality who wishes to be a part of this.

It deletes the need for four departments of government to be a part of the process. It also allows all departments to decide for themselves in the future if they want any of their future licenses or permits to be included in the process. It certainly doesn't sound like centralization to me.

L.D. 512 also de-allocates monies from several agencies of government to fund this so that the

municipal people can be involved.

How will this impact these other departments of government in a year when they have already been so severely cut?

It will also cost business people in the amount of up to \$40 if they choose to get their licenses locally.

This bill also directs the Department of Economic Development to train municipal employees to be able to do this licensing and permitting and inspection but does not provide enough funding for DECD to do the job as it would have to be done if it was going to be effective. It doesn't allow for any monies that would deal with some more computer software programs and so forth that are needed.

The committee will probably tell you the Chamber of Commerce supports this — well, the other day when we were talking about this specific issue out in the hall, I had Mary Faye LaFaver from DECD and Jack Dexter meet and we were talking and asking if the Chamber was going to be supporting this. Jack had not really gone through the bill at the time but then said, "Oh, I don't care if it is properly funded or not or if it works properly or not, at least it is a beginning. I would say, pass it, the funding will have to follow. DEP always does that." Well, I think that is really irresponsible. It is a real waste of money.

I would also like to mention, a couple of years ago when we first started dealing with what we are going to do to centralize, which is really close to happening only the funding is not there this year, our committee felt it would be prudent to hold the bill that we have in our committee until next year and, hopefully, we would have the proper funding, but meanwhile, we are still telling DECD some of the things that they should be doing with the different departments of government in the interim without additional funding. They are doing it, they are working well with the different departments and I can see it all happening.

Last year, when we had directed DECD to start talking with the departments and get the listing of permits and licenses and so forth, we also said at that time that because the funding was not there, we felt as though maybe they needed some assistance. There were so many things that came in to our committee that deals with the public working with the state that we suggested perhaps the Chamber of Commerce would want to get themselves involved. Jack Dexter said, "Absolutely, if we can get this thing going, the Chamber will then jump in." When they were asked to jump in, then all of a sudden Jack didn't feel like he was going to be able to come through on it. So, when I hear them say that the Chamber is supporting this, it makes me a little uneasy.

I don't believe that it makes any sense to set up a department to fail as this bill would do.

Like I said, we do have something in our committee that should be coming out next year. We are looking for some funding for it and it would address the needs of all businesses, large or small, and retail businesses as well as service businesses.

I urge you to defeat the pending motion.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: I concur with Representative Melendy of Rockland. I would ask you to defeat the

motion on the floor.

There are just a couple of points I would like to make and one is to sort of give you a scenario. A small business needs (maybe) ten licenses to operate. If the municipality in which that business is located is to be the issuing agent, the small business goes to the town or city hall, checks off the ten licenses needed and then pays the municipality \$4 per license as a fee for service in addition to the cost of the licenses. Therefore, the business has immediately an extra \$40 charge for the convenience of doing business at the local office.

If the inspection is done, then there is an additional charge for that. That additional charge is also kept by the municipality. All of the license and permit fees then collected by the municipality, the municipality keeps 50 percent and the other 50 percent is sent to DECD. DECD then has to turn around, and for those ten agencies which had supplied the licenses, they must return that money on a pro rata basis. In other words, if an agency does ten percent of all the licenses and permits issued statewide, then it will get ten percent of that money back. Another agency does a .2 percent, they get .2 percent back and so forth. That is how the DECD must distribute the money that they had had returned from the municipality.

There is an awful lot of "make work" for something that is supposed to be centralizing and easing the burden.

Another note, the bill adds — let me emphasize that — adds two positions to DECD in a time when we are talking about cutting back and so forth, adding two positions. The fiscal note of \$34,000 for the partial year would cover those two positions and so-called the operating costs. It does not indicate that DECD has the authority to go to these agencies and actually take their licenses to give to municipalities to issue. They are working with the agency. They have a good working arrangement and securing authority to do so. At the same time, one of the things we talked about is the number of licenses — the inventory that has been done by DECD shows that there are 548 licenses and permits issued statewide. Of that 548, 270 or just about one-half, are directly connected to businesses. Therefore, the one checkoff sheet that the municipality would need would have to have those 270 permits and licenses listed.

There is a fallacy that has been promoted, it has been stated here on the floor that the proposal that DECD is planning to come out with will take at least two years or more. That is not correct. It is well under way.

Another point that has been made to me is that this is something that we can do. Everybody is looking for us to do something for business now, let's do it.

I am concerned yes, we want to do something to help business, that is the focus of Housing and Economic Development, however, we don't do something just for the sake of doing something. We want to do something that is going to work and work well.

I have been told this bill is a first step, all we have to do is get started with the first step — my major concern there is that too often a first step becomes the last step. The reason for that would be, a year from now when a proposal from DECD comes forward which would be a comprehensive plan to centralize licensing and actually be one-stop

shopping, if this has not been successful because municipalities do not want to participate and, as Representative Melendy indicated, so far, we do not find municipalities interested in participating, then we would be looked at as a failure. We would often hear the response, "Oh, well, it didn't work, we tried to do it, so there is no sense in going on." That would be a very sad situation.

The idea of centralizing to me means that we have one location, and I don't care whether it is in Augusta or any other part of the state, but one location where you could go for your business and get any one of the 270 licenses and permits that you need in one place, not still going to any of the agencies or to your local town or municipality.

I urge you to defeat the motion on the floor.

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

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

I would like to ask a question of anyone who would respond and that is, does this legislation affect the placement of lottery machines or the selection of agency liquor stores?

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

The Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Men and Women of the House: The placement of lottery machines or the selection of agency stores — no, it would have nothing to do with that.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to encourage you to please vote for this bill. I think it is an excellent start.

My understanding is that this idea has been in the works for ten years now. I also understand the commissioner is saying it is still not time to do this and that he needs three or four more years before he is ready to start.

I am a proud cosponsor of this bill. I am also a member of the committee that worked this bill and I am also the proud prime sponsor of the bill which Representative Melendy has been referring to. I think this is a good first step and a good pilot program.

I don't know whether or not the municipalities will be interested in doing this or not but it is optional, it is not something they are going to have to do. I think this is a good start. Next year we can work on the bill that I am sponsoring and, (hopefully) by then, the Committee on Housing and Economic Development will be ready to put that out and, hopefully, the commissioner will be supportive of it.

I just want to thank you for considering this and I encourage you to vote for it.

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

Representative HOGLUND: Mr. Speaker, Men and Women of the House: This bill will simplify and streamline the process of getting permits and licenses for small retail business. It will just allow municipalities, if they wish to, help small business under 12,000 square feet get permits and licenses. It is the same as you or I if we were

going to open up a business. If you and I were going to open up a business, we would have to travel around to any four, ten or maybe fifteen licensures and it would cost us a great deal of money. Now it could be set up to a point — if the municipality wants to, they can set it up, they can get all your licensing, help and advise you and then get it for you and save some time.

I want to tell you, however, I have worked with the office of DECD, the Housing and Economic Development Committee and we tried very hard to come to some kind of compromise. Unfortunately, we didn't but I do want to tell you that I do not believe that this will interfere with the DECD study. It will not interfere with the DECD program. If anything, they can continue with that program and, hopefully, it will work out whether it be six months, a year and a half, two years or five years. That has been tossed out and no one really knows, it is not on line, it is not ready to go. There is a certain kind of computer system that they would like to have and all good and well that this will work for all of us and save the state money. The object of our job is to cut back as much as we can and this bill will help us (as a pilot type program) to see if it will work, if we can do it and if it does, it will all work together. The same sponsors who are sponsoring this piece of legislation have the same bill in in the DECD because they are working very hard to get this type of thing working for the betterment of business in the State of Maine and everything else that has to go with it.

I urge you to please vote for passage of this bill.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that when we debated this issue one day earlier this week or the end of last that it passed the House with only four dissenting votes. Nothing in the bill has changed, we still view it as a pilot effort, we still view it as an opportunity to try out the concept to see how people respond to it and mold it from there.

Representative Melendy is exactly right, we did have a compromise offered to us. It was drawn up by Mary Faye LaFaver and, frankly, most of the pieces of that compromise I liked very much. I think that Representative Melendy's reference to the other bill is right, there are some wonderful things in the other bill but that does not preclude us from going ahead with this bill. I do not see where this bill is going to interrupt any of the efforts being made on the other bill. The other bill is a larger, much more comprehensive bill and, as I said the other night, we view this as an opportunity as a trial balloon and from there make adjustments as to the problems that may arise.

The other thing that I just want to say, I would appreciate your supporting us the way you did the other night and when the vote is taken, I ask for a roll call.

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

Representative BIRNEY: Mr. Speaker, Members of the House: I have to rise in opposition to this bill today. It is a great concept, it is something that has been worked on for about a year now. I sincerely believe it will become law at some point but I do not think that this is centralization. Centralization to me is either regional or one area where people can go

get permits. This is an option for towns. It is only for small retail businesses. DECD is not set up to do this now.

It was mentioned earlier that there is a fiscal note, that they are going to have to have two positions to follow through with this legislation and I just feel that that money would be better spent later when we are ready to centralize and be fair to all businesses in the state where they can all get one-stop shopping.

I cannot vote for this today and I urge you not to.

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

Representative CAMERON: Mr. Speaker, Men and Women of the House: I just want to respond to the comment about the fiscal note. You are exactly right, there is a fiscal note on this but I want to emphasize that the reason that we rejected the compromise is that the fiscal note on this compromise is larger. They are asking for three positions and we knew that if we went along with the compromise, when this went back to Appropriations, it was DOA. That is exactly why. It wasn't the concept of the compromise that we were opposed to, it was because we knew the three positions going before Appropriations was DOA.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: I, too, urge you to oppose this motion. Again, I think it is a good concept but it is certainly premature.

It has been said that this is going to reduce the central bureaucracy — in fact, it is going to create redundancy and require more bureaucracy overall.

DECD has had two people working the business answer line for the last few years and they have had a lot of experience with the kind of questions that businesses ask when they need to find out what kind of licenses they need to have and they know where to send them because they have been working there.

No matter what kind of training a municipal officer is going to have in this short period of time, it is not going to be sufficient to be able to know offhand, right away, what kind of licenses may be required when we are talking about hundreds of potentially different licenses. There is not a sufficient body of experience there and demand for it to build up that kind of expertise. Therefore, the municipal officers are going to be continually coming to the DECD for backup and advice. I think it is premature, we are working on this issue, we have been working in the committee for the last couple of years on this issue, we have a process going and we want to continue it. I see this as an evolutionary dead end in the nature of one-stop shopping, one that we are going to have to undo later in order to get back on track.

I would urge you to oppose this.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: Isn't it amazing today that everybody is concerned that the municipal officers can't do this. Let me tell you, it is not going to be the municipal officers that are going to do it anyway, it is going to be the municipal staff.

Look back a few years ago when we started the registration program for motor vehicle, everybody

said it wouldn't work. Ask your people today whether you would rather go to the municipal office to do that or go to the branch office? What about registration of snowmobiles? What about registration of ATV's? What about the registration of boats that we have taken on? Just ask your people out there what has happened the last few years as far as taking on these responsibilities. It is amazing to me that we are so concerned that we don't want to allow a few of these options to go back to the local level and let them give it a try.

Come on folks, you are going to put two positions on here but I will guarantee over the last ten years the municipalities have saved money on the state level. If you had kept those programs in place, you would have asked for a lot more money to help your state programs to keep those people in place to do these things that the municipal staff back there has done and relieved a lot of those expenses.

I just say to you, don't be afraid to give these people a chance.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I am referring to a handout which we got regarding this L.D., I believe we got it yesterday and it does indeed talk about a liquor license and a lottery agency license. I would just express my concerns about how this would work.

I would not disagree with Representative Strout regarding some of those permits and licenses which are available to anyone who needs a very basic set of criteria, snowmobile registrations and car registrations, but lottery agent licenses are not available just to everyone. In fact, there are some specific relationships that lottery agents have with the state with electronic fund transfers and issues of that kind that I can't imagine a municipality would be in a position to grant that or continue it without having a conversation with or to check with the state agency to find out what in fact had happened or hadn't happened. In fact, I would say the same thing in regard to the liquor licenses. These agency store licenses are a franchise-type agreement, they are not available to everyone. So, those two situations are a very different kind of relationship than the registration of an automobile or a snowmobile.

I am concerned that there is some prematurity here in including those kinds of licenses in with the others.

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

Representative HOGLUND: Mr. Speaker, Men and Women of the House: Representative Daggett, if I could answer you, and I think I understand what you are saying is, is your agency liquor stores and your groceries who sell wine and liquor etcetera, right now when you open up or have any liquor on the premises, you do have to go through a municipality for your food license and your food and liquor all have to work together, so they are already doing that. I, as a private entity, can do all that but now I can go to the municipality and they will do all that for me. That just intermingles what is already being done, I believe.

At this point, the Speaker appointed the

Representative from East Millinocket, Representative Michaud, to act as Speaker pro tem.

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

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors on this piece of legislation primarily because, when I went door-to-door last year, I also stopped in on the businesses in my community and there was tremendous frustration how complicated, how complex and overwhelming it can be to have to go to several different agencies in this state to get a license to do business.

Forgive me, I am on the Taxation Committee, and I think about the state often in terms of revenues. The simpler you make it for people to go into business and operate, the more sales tax dollars you get and the more income tax dollars you get. I know that may not be of a concern to many of you but when your near and dear programs are getting shot down this year, part of the reason is that it is very complicated for people to go into business. It is very complicated for people to get additional licenses. This simplifies that process and makes it easy for people to have those small businesses in their community.

Whether you know it or not, most of your tax revenue comes from small businesses in terms of looking at income tax and where it is. It is small business who generates income tax and it is small business that generates jobs. I think you need to consider that possibility.

I would also like to pose a question through the Chair. I would ask the chair of the committee what the Committee Report was and also has there been a vote in the House already and, if so, what that vote was?

The SPEAKER PRO TEM: Representative Dore of Auburn has posed a question through the Chair to the Chair of the Committee who may respond if she so desires.

The Chair recognizes the Representative from Portland, Representative Hوجلund.

Representative Hوجلund: Mr. Speaker, Men and Women of the House: Representative Dore, it is a 12 to 1 report and it was voted ten days ago, 112 to 4.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: If I might speak about the vote the other night — I believe that vote was to encourage the committees to go back to work on a compromise so the numbers there certainly didn't affect me. This, I felt, was something that needed to be hashed out a little bit more and that is what happened and it is coming back with the very same bill in front of you. In fact, some of the very people that voted for it the other night spoke against it today.

I would like to respond to Representative Strout if I may — I have no problem with municipalities being involved at the proper time. Right now, if

they are going to be asked to do something that has not been streamlined already, it is going to make it more difficult.

The thing that I fear the most is what is being set up as something that will be an answer to all businesses. If we wait just a little bit longer and do it in the proper fashion, then municipalities definitely will be able to be involved and the answers will be there for them. Right now, they are being asked to do inspections through this bill and there are many inspections that are very technical. As a matter of fact, we received something from the Department of Agriculture and I think there is concern there.

I think if we look at the funding for these two positions, \$33,000 for two positions really doesn't make sense because you are not even talking about the benefits and so forth. You haven't included the benefits in that package.

When you talk about leading four departments out of this process — I know Representative Dore is saying that it is going to be so much easier for businesses, I don't know how she can figure that out because you are leaving four departments out so you are saying, go to the municipality, if the municipality wants to deal with it. If not, go to DECD or you can go back to the department. I think if you wait for the bill that is going to be coming forth in another year, something that is being really supported heavily by the Economic Growth Council, you are going to find that all departments are going to be willing to work with DECD. There are going to be some licenses that they absolutely should not be involved in but the application will go out there so that if a business needs ten licenses or permits or what have you, they can send them all to that one location. We intend to have someone in that process that if something does go to DECD and if the response is not done in a timely fashion and so forth, there will be someone there to intervene and assist the businesses.

I believe this has been well hashed out, I think if we continue debating it, it is only going to be offending you and I don't intend to offend you. I had hoped to be informing you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I have some concerns about the bill after having discussed it with several people the last couple of days. One thing the Representative from Rumford, Representative Cameron, said concerns me that the Business Legislation Committee, I believe he said, liked at least some, if not all, of the proposed amendments made by the DECD representative but because there was a proposal to add one additional person that caused you not to accept that. I guess I am troubled if that was the only reason, because if we can add one individual and improve the process greatly, I think we ought to consider that. I don't want to be hasty in rejecting the attempt to compromise on this. I would invite any comment the Business Legislation Committee members might have.

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

Representative Hوجلund: Mr. Speaker, Men and Women of the House: Representative Rowe, I believe what Representative Cameron and I were trying to do at the time was to compromise as much as we could to

make it work because it will work, we believe it will work.

The idea of adding one more person, that was not the position. What had happened was to add the two people the way it is going, was adding to the DECD and helping the DECD because they will be working both of these together. Then they came back and they added more positions and a \$250,000 fiscal note in the Omnibus Bill to it and then it ended up that it would not be able to get off the ground for another year and a half until their bill came through. So, it was actually dead on arrival, it would not be able to go before the Appropriations Committee with three or four people added with a \$250,000 fiscal note. So, we went back to the original idea of let it be an option from the cities and towns to be able to do that with that amount because we feel that amount of money will come from the municipality by people getting licenses and permits anyway.

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

Representative KONTOS: Mr. Speaker, Men and Women of the House: As you may have inferred from the ongoing debate, I believe much of the problem with this bill is a jurisdictional one and in my very short tenure here I will tell you why it is even more obvious than this issue. The original L.D. was written out in Title 10, the amendment comes in Title 5. Title 10, I think, has to do with business and professional something or other. Title 5 is DECD's jurisdiction in statute.

The complication arises when the Title 10 bill was referred to the Business Legislation Committee, but the amended language comes in Title 5 which is the jurisdiction of the Housing and Economic Development Committee over DECD, so the problem happened fairly early on in the process and clearly didn't get resolved between the two committees' jurisdiction.

My problem with the bill is twofold, one, I cannot imagine how we are going to satisfy this fiscal note given the fact that our committee, Housing and Economic Development, has worked with Appropriations to cover DECD's budget. I have read the language that indicates how departments are going to funnel back money to DECD and it bogs my mind how that will work. I have heard it in principle and a theoretical approach but understanding how the agency has worked, I am absolutely dumbfounded that that could actually happen in the amount of money that is required.

Secondly, in Committee Amendment "A", the committee of jurisdiction, even with my protest and different folks, continues to be Business Legislation's even while the statutory language for the amendment is in Title 5, even while DECD is going to have jurisdiction over this permitting process and yet the committee of jurisdiction, the reporting group will continue to be Business Legislation. So, even if we pass this language, you have not eliminated the jurisdictional battle that prompted the debate we are having today and that we had ten days ago.

Third, you have heard people say, and I am going to reinforce it again, Housing and Economic Development has worked closely with DECD and we believe in a responsible matter not to put something on the table that has a risk of failure. I know all of you would like to take home to your businesses a one-stop permitting bill that you can be proud of and

that you can say you supported. I am here to tell you you will have that next year. Voting against the measure before you does not mean you will not have an opportunity to vote for this concept which I think has fairly widespread support.

I will be voting against this motion before us knowing we will have an opportunity to vote on what I think will be a much more comprehensive bill next session.

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

Representative MARSHALL: Mr. Speaker, Colleagues of the House: I think the idea of this bill is a relatively good idea. However, I am in fear that it is of the wrong approach to achieving help for our businesses.

I have here a list that I got from DECD of business licenses issued by the state, 275 of them. I am tempted to read them all but I think that would be abusive. I think at least two of these are overlapping. I think probably more than two of them are overlapping. This is only half of the list. By the way, there is another 200 and some odd, so I am told by DECD, for a total of some 500 or so licenses that you have to apply for if you want to do something in the state. I would dare say if you were to read through this list, you would find that there is very little that you can do in this state without having to get a license. The problem is that we have too many licenses, we have too big a bureaucracy and we micromanage just about everything anybody wants to do.

I am fearful by accepting 512 that rather than decentralizing, which it will not do, we will have to set up another bureaucracy or another organization or commission or whatever you want to call it to be the intermediary between the town municipal officials and the almost innumerable commissions and boards that we have in Augusta that issue licenses and permits. I think it would be wise at this point to put away 512 and wait until next year until we can have a better thought-out program.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope we do move forward to pass this bill to be engrossed and send it down to the other body so that we can give the State of Maine a genuine streamlining of its central licensing process.

The battle here is simply a prelude of what you are going to see over the next couple of weeks because, as we tackle the momentous two, three, four, five-hundred million dollar deficit we have in this state, if we try to make those numbers balance, we are going to be bombarded with comments from the bureaucracy about how we can't cut this, we can't cut that, how they can't do this, how they can't do that, how they need more and more staff and this is just a prelude.

There was an offer by the DECD and there was one important difference that has already been mentioned and that was they wanted \$250,000 more for their projects. Well, I wish them good luck. I wish the other bill, which I am a cosponsor of, in which Representative Winn is the sponsor of and which Senator Bustin is the other cosponsor of, which all of us support 512, I wish that bill and its process and the objecting committees the best of all results, I will be supporting you next year. I hope DECD gets

their money. I hope they set up their computer system. I hope they are successful in their idea and I kid you not, this is what they actually said, their idea of central licensing is to have all the businesses with a computer and a modem and they get to hook into that system. I don't know about you but my little grocery stores back home don't have modems, let alone computers, but I still wish them luck. I think that is a noble idea and I think they should pursue that next year under that other bill.

The battle here is between local control and the bureaucracy. If you believe everything that is good that comes out of government has to come out of Augusta, that we need to assign all this power and authority to Augusta, then you should vote against this bill. But if, as the gentleman from Corinth suggested, you actually think the municipalities are somewhat competent and that they have done a fairly good job of registering motor vehicles and registering snowmobiles and so on and so forth, then I think we should send this out because I promise you one thing, the bureaucracy is not the agent of change. Their job is to perpetuate everything and keep it the same. Like I said, we are going to be confronting that in the next couple of weeks. You and I are the instruments of change. It is up to us to be the bully pulpit to get out in front and say, look, this is the way things are going to be, you work for us, we don't work for the bureaucracy. So, that is the simple issue here.

This bill, I will tell you once again, I wish I thought of this, it was not my idea, I wish it had been my idea, it is a great bill and I am proud to be on it.

If there are any small problems, I promise you, the departments will come out next year with an omnibus bill, they will suggest this and this and this, that is what they always do, that is how the process works. This won't begin to go into effect for more than a year, the municipality part of it won't go into effect for a year and a half.

Here is how the bureaucracy works, they will come down here, they will tell you everything they need to tell you to try to kill a bill and to try to keep everything the same and to expand their fat. Now they are telling us 271 licenses is what we are going to need. Now, they know that is not true. We are dealing with ten or fifteen licenses, that is what the intention of this bill is.

I have a letter here from the Maine Grocers Association, that is almost all the medium-sized grocery stores in the whole state and they have listed thirteen State of Maine licenses that they have and they said that this is all that they can think of. A couple of them are amended out of the bill anyway, so we are talking 11 licenses for them and there might be three or four more. If something comes along that is a problem, I promise you we will hear from it next year, we can handle that. The little details which may need to be adjusted, we will handle that.

This is a great bill, I hope you pass it out.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I guess I am rather confused because when I hear him say that there are just ten licenses that they would be dealing with, apparently they are only talking about retail grocery stores. If that is exactly what they are doing, then they

should spell it out that way because under the 10,000/12,000 feet retail, banking is considered retail. There are several other businesses that are considered retail, so I think that needs to be clarified.

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

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

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

ROLL CALL NO. 169

YEA - Ahearne, Aliberti, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gould, R. A.; Gray, Hale, Hatch, Michborn, Hogle, Mussey, Jacques, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Martin, H.; Michael, Nadeau, Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Pendleton, Pineau, Plowman, Pouliot, Rand, Reed, G.; Reed, W.; Rotondi, Ruhlin, Saint Onge, Saxl, Simonds, Simoneau, Small, Spear, Stevens, A.; Strout, Swazey, Tardy, Thompson, Townsend, E.; Townsend, L.; Tracy, True, Tufts, Vigue, Walker, Winn, Young, Zirkilton.

NAY - Adams, Aikman, Anderson, Ault, Beam, Birney, Campbell, Carroll, Coles, Constantine, Daggett, Dutremble, L.; Gamache, Gean, Greenlaw, Gwadosky, Heesch, Heino, Holt, Kneeland, Kontos, Kutasi, Marshall, Melendy, Mitchell, E.; Mitchell, J.; Oliver, Paradis, P.; Pfeiffer, Pinette, Plourde, Poulin, Richardson, Ricker, Robichaud, Rowe, Rydell, Skoglund, Stevens, K.; Sullivan, Taylor, Townsend, G.; Treat, Wentworth, Whitcomb.

ABSENT - Carr, Chase, Cote, Hillock, Jalbert, Michaud, Morrison, Murphy, The Speaker.

Yes, 97; No, 45; Absent, 9; Paired, 0; Excused, 0.

97 having voted in the affirmative and 45 in the negative with 9 being absent, L.D. 512 was passed to be engrossed as amended and sent up for concurrence.

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

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

TABLED - June 2, 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 fourteenth item of Unfinished Business:

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

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-159) on May 25, 1993.
 TABLED - June 2, 1993 (Till Later Today) by Representative CLARK of Millinocket.
 PENDING - Adoption of Committee Amendment "A" (S-159) as amended by House Amendment "A" (H-468) thereto.

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-468) was adopted.

On motion of the same Representative, House Amendment "A" (H-468) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-522) to Committee Amendment "A" (S-159) and moved its adoption.

House Amendment "B" (H-522) to Committee Amendment "A" (S-159) was read by the Clerk and adopted.

Committee Amendment "A" (S-159) as amended by House Amendment "B" (H-522) thereto was adopted.

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

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-159) as amended by House Amendment "B" (H-522) thereto in non-concurrence and sent up for concurrence.

On motion of Representative Adams of Portland, the House reconsidered its action whereby L.D. 940 was passed to be engrossed.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: One of the concerns that both the Majority and Minority Reports on L.D. 940 and indeed one of the concerns of the sponsors of the bill have had was that its intent be not misinterpreted by any of the parties who perhaps had a different intent than we did or any of the deliberative bodies that may take it up at a later time, including the Public Utilities Commission. For that reason, I believe it is important that the Record reflect it was not the intent of the legislation nor the intent of the legislature that this bill should be interpreted as an endorsement of declining block rates.

Maine is not, in either case, backing away from our commitment to an aggressive pursuit of cost effective conservation and this L.D. should not be interpreted as suggesting that we do so. We do not endorse any particular rate design proposal in this L.D. that may be later considered by the Public Utilities Commission and we do not intend this legislation to send a signal suggesting any return to declining block rates for that purpose.

Maine remains convinced that the existing energy policy it has is the best policy and that the best way to achieve lower utility costs and lower utility bills for all Maine ratepayers is in the long-run through cost effective conservation and through energy efficiency. That is the long road we all must travel. That is the trip we must all take together and our eyes and our laws must be set upon the long road and the long range.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: L.D. 940 was presented to the Utilities Committee on March 18th. I regret very much that such a reversal of the long-standing utilities policy comes before us at nearly lunchtime in June.

The Majority Report on this legislation was strongly supported by Central Maine Power, Bangor-Hydro and Maine Public Service, the major electric power utilities in our state. Many people who know a great deal more about utilities than some members and most of us on the Utilities Committee believe this legislation, as presented, would lead Maine in the wrong direction, opening the door for totally abandoning energy efficiency programs which save energy, yes, but they also lower bills and also better protect our air and water. I hope we don't want to see this happen.

L.D. 940's Majority Report without the amendment which has come before you today, which you should have in hand and which I would like to read to you and this is it, "As a result of giving equal consideration to the goals of minimizing costs and minimizing rates" and sometimes those two things are in conflict and it is very hard to give equal consideration to them "or in approving any proposals for rates that allow incremental use" that is using more electricity "or maintenance of the existing use" in other words, keeping the amount of electricity we are using now in place "pursuant to this act. The Public Utilities Commission may not adopt any rate design that results in increased rates for residential customers with usage of less than 750 kilowatt hours per month." In other words, they say they are not going to raise rates of lower of the average consumer of electricity in this state through this legislation. That was the amendment that was pressured into being by many people who are concerned that rate design coming along would penalize the average consumer. I think you may remember a handout that you received about that rate design proposal. Then, it goes on as a kind of shield, "Nothing in the preceding sentence may be construed to prohibit the Public Utilities Commission from increasing rates for residential consumers with usage of less than this amount, 750 kilowatt hours per month, to the extent justified by other legitimate rational principles or legislative mandates.

In the Utilities Committee, I have become very used to words that slip around on the page and sometimes I have to take the proposals home and look at them until one or two in the morning and that is why I am a little flaky the next day once in awhile. It is difficult, very difficult kinds of issues to grapple with a language of its own. We hope that what it says it will not do, but I don't feel any great assurance of it to tell you the truth.

In any case, the rate design that is before the PUC being worked upon would have the majority of the customers of PUC have raised their rates by over 50 percent and 25 percent of us would see a doubling of our electric bills if that goes through. This amendment is supposed to prevent that kind of thing that the good Representative from East Millinocket gave to you but I am not entirely sure.

Since March, we have had amendment after amendment and long, difficult deliberations and a piece of legislation that requires so many hammerings

into some kind of shape and so many different arrangements of words on the paper, sometimes you wonder about the true intent.

L.D. 940 — both reports were represented to the Utilities Committee and lead to lowering rates for larger users without assurance of lowering rates for the rest of us. Especially important, ladies and gentlemen of the House, those of us who have been trying to be energy efficient in our homes and our work places and our businesses, neither report, nothing in L.D. 940 as presented to you today, rewards adding jobs, for example, and nothing rewards energy efficiency as I said. Please remember it is lower use and lower bills for everyone that will allow economic development and greater productivity. That's what we want, good economic development and greater productivity. We know that energy efficiency is the most important tool for being competitive in the market today and tomorrow. Nations that are twice as energy efficiency as we are will get the lead on us in economic development and grab the markets because they will have more money to invest in the new products and the new jobs.

The Minority Report, which you didn't have before you, was an attempt to impress upon the PUC that we want excess electricity used in a way that is fair and that does not interfere with efforts to become more efficient, dear beloved State of Maine.

The Public Utilities Commissioner, Commissioner Nugent, wrote to the Utilities Committee these words about this bill, "We believe the existing statutes that we already have in law gives us all the authority we need to reverse long-standing policy if the facts support that. We are now engaged in a rigorous examination of those facts." The Public Advocate did not strongly support any of the amendments that came to this legislation nor the bill itself. What I am saying is, in essence, this legislation is unnecessary and I want the Record to so show.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I think what we are getting with this bill is layer upon layer of conflicting language. We are getting layer upon layer of interpretation upon interpretation. When you get language that says nothing may be construed to encourage or discourage or nothing may be construed to compel. I think we are just making a confusing issue more confusing. What we are definitely going to get out of this is our rate monies being used for the Utilities to try to convince the Commission that in fact, though nothing may be construed to compel and though nothing may be construed to encourage or discourage, nonetheless, a rate schedule similar to that which they put forward in Docket 92315, which would increase the average residential consumers' rates by 54 percent, nonetheless, they are going to make this argument that this kind of thing should be encouraged.

I think we have, as Representative Holt noted, an unnecessary piece of legislation. It is going to make things more difficult and more costly for us and I think if you read between the lines here, you can practically guarantee there will be a rate increase for residential customers as a class.

Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think you need to read in between the lines, I think when we write legislation, we put language on paper so we can read it and it specifically says in the amendment that Representative Clark just put on this bill that nothing in this bill is there to negatively affect the consumer, the residential consumer. You needn't read between the lines, you can read the lines, and that sends a clear message and we are very good at sending messages from the legislature to different branches. We have bills come in and we tell the DEP that we don't like what they are doing and, hopefully, they will change their behavior. We do a lot of things like that.

I hope you will vote against indefinite postponement of this bill and all its accompanying papers. We had tremendous support on this bill in the past and I hope it will continue.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I want to echo my good colleague, Representative Donnelly, the fact that we ought not to kill this bill, this bill had a good hearing, it had a good vote in the other body and it had a good vote in the House. I indicated some time ago in debate that this was probably one of the better bills we would be putting out of our committee. We worked it, we worked it real hard. As you know, for the last 10 days, we have been trying to make it a lot better for the few people who had a concern, we brought it in and the people had it signed off, I think it is a real good bill, I know it is a real good bill and I hope when you vote, you vote the way you did back about ten days ago.

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

Representative HOLT: Mr. Speaker, Women and Men of the House: I would like to urge you to support the motion before you. I want you also to know something that I forget to tell you when I spoke before and that is that our Public Advocate wrote to the committee and to the State Legislature and I hope you had a chance to read it. This is what he said, "We understand that a representation has been made that the Public Advocate support the Majority Report, Committee Amendment "A" to L.D. 940. This is inaccurate. The Public Advocate does not endorse either the Majority or the Minority Report to this bill. However, the Public Advocate strongly preferred the language of the Minority Report, if L.D. 940 is to be passed in some form." You have not before you the Minority Report, you have the Majority Report with language that is supposed to protect the average electricity users, consumers.

I also would like to remind you that if a bill protests that it is not its intent to do something or you mustn't construe that it will do something is not an ironclad guarantee. The way to h... is paved with you know what.

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

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: I feel compelled to respond to the Representative from Presque Isle's representation that in fact essentially residential consumers will be held harmless under this bill.

That is absolutely not the case because the language, and you can read it yourself, just says nothing, may be construed to encourage or discourage development of a particular rate design including one that affects low use residential consumers more severely than other residential consumers.

If we were going to hold residential consumers or even low use residential consumers harmless, we would have clear and unequivocal language in here that holds them harmless. This is absolutely not the case. In fact, the low users under the proposed rate schedule could see rates increase by 300 percent so I think that you want to look very carefully before you accept the allegation that this is going to hold them harmless. It is going to cost us a lot of rate money, just for the Utilities to try to prove that in fact that it doesn't matter.

I encourage you to support the motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly, I would urge you not to move to indefinitely postpone at this time. It is my understanding that there is going to be a different amendment offered. In fact, the amendment that was offered may have been offered in advance of another amendment that was more desirable. I think since we can't talk about amendments that are not around, House Amendment "B" was put on and I think you are going to see House Amendment "C" offered momentarily, should this motion be defeated. I realize that House Amendment "C" won't make those who have spoken today change their position potentially but I think we need to get the bill in its best form.

I would urge you to oppose the motion to indefinitely postpone at this time to allow the Representative from Millinocket the opportunity to eliminate House "B" and put House "C" back before the body so we could continue to debate at that point.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from Wilton, Representative Heeschen, that L.D. 904 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 65 in the negative, the motion to indefinitely postpone did not prevail.

On motion of Representative Clark of Millinocket, the House reconsidered its action whereby Committee Amendment "A" (S-159) as amended by House Amendment "B" (H-522) was adopted.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "B" (H-522) to Committee Amendment "A" (S-159) was adopted.

On further motion of the same Representative, House Amendment "B" (H-522) to Committee Amendment "A" (S-159) was indefinitely postponed.

The same Representative offered House Amendment "C" (H-592) to Committee Amendment "A" (S-159) and moved its adoption.

House Amendment "C" (H-592) to Committee Amendment "A" (S-159) was read by the Clerk and adopted.

Committee Amendment "A" (S-159) as amended by House Amendment "C" (H-592) thereto was adopted.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Heeschen.

Representative HEESCHEN: Mr. Speaker, Members of the House: If you read House Amendment "C" you will find that not only are we having an interpretation of the equal consideration language but we have got to have another sentence in this amendment to interpret the first sentence, first clause of this amendment. So, I think that we are just getting deeper and deeper into ambiguities here and we are just setting ourselves up for a disaster at the Public Utility Commission.

I would strongly urge you to oppose this — actually, why not do it again? I move indefinite postponement of L.D. 940 and all its accompanying papers. I have no need to repeat what I said before because this particular amendment is convoluted in itself.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hope when you vote today you don't vote for indefinite postponement of this bill.

The bill has been around, we worked it and we put a real good amendment to it to make it even better than the original bill was. You saw the last vote, you saw the vote that was taken in the other body, you saw the vote that was taken in the House some ten days ago, we tried to compromise to all groups and I think we did a real good job putting it together. If you listened to the debate that took place this morning, I think no matter what we do in putting on an amendment, they are not going to be satisfied so when you vote today, I hope you vote not to kill it.

Mr. Speaker, I request a roll call.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I appreciate the amount of work that has gone into this bill and I appreciate the concern but I have heard two things today that really bother me and one is that the Public Advocate does not support the Majority Report and strongly supports the Minority Report.

The second thing is the language that Representative Heeschen just read clearly does not protect ratepayers in a way that I would consider very secure. If there is one thing that I think every single Representative hears most often, it is the concern about electric rates. I believe after all this work they have not been able to securely protect the ratepayers and the Public Advocate opposes the Majority Report, perhaps it is time to indefinitely postpone the bill.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Wilton, Representative Heeschen, that L.D. 940 and

all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 170

YEA - Beam, Bowers, Brennan, Carroll, Cathcart, Chonko, Coffman, Coles, Cote, Daggett, Dore, Farnsworth, Fitzpatrick, Gamache, Gean, Gray, Hale, Heeschen, Holt, Johnson, Joseph, Kilkelly, Kontos, Larrivee, Lemke, Mitchell, E.; Mitchell, J.; Oliver, Pfeiffer, Pinette, Rand, Richardson, Rotondi, Rowe, Rydell, Saxl, Simonds, Skoglund, Stevens, K.; Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn.

MAY - Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Cashman, Clark, Clement, Cloutier, Clukey, Constantine, Cross, Dexter, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Farren, Foss, Gould, R. A.; Greenlaw, Gwadosky, Hatch, Heino, Hichborn, Hillock, Hussey, Jacques, Joy, Kerr, Ketterer, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Michael, Nadeau, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Saint Onge, Simoneau, Small, Spear, Stevens, A.; Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, G.; True, Tufts, Vigue, Whitcomb, Young, Zirnkilton.

ABSENT - Adams, Carleton, Caron, Carr, Chase, Høglund, Jalbert, Melendy, Michaud, Morrison, Murphy, Pineau, Ruhlin, Strout, The Speaker.

Yes, 46; No, 90; Absent, 15; Paired, 0; Excused, 0.

46 having voted in the affirmative and 90 in the negative with 15 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, L.D. 940 was passed to be engrossed as amended by Committee Amendment "A" (S-159) as amended by House Amendment "C" (H-592) thereto in non-concurrence and sent up for concurrence.

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

An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke (H.P. 666) (L.D. 904) (S. "B" S-232 to C. "A" H-358)

TABLED - June 2, 1993 (Till Later Today) by Representative PARADIS of Augusta.

PENDING - Motion of Representative SIMONDS of Cape Elizabeth to Reconsider Failing of Passage to be Enacted.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Simonds.

Representative SIMONDS: Mr. Speaker, Colleagues in the House: I want to thank those who supported the motion to reconsider the other day and also those who helped me execute that motion.

There are reasons why I think reconsideration is indicated and I would like briefly to let you know what those reasons are.

First and foremost, it was clear in talking with

certain members that there was confusion between this bill and another, namely the restaurant bill, which was debated and earlier defeated. I voted for that bill, I was sorry to see it defeated but nevertheless it was. This bill does not, in any way, change the existing restaurant law. In the same vein, it does not change the laws affecting places of employment, schools or hospitals. Those are all in place.

There were, as you will see from the Senate Amendment to the Committee Amendment, changes made. Some compromises were made, some reasonable and sensible compromises that made the bill better we think. That was done and the large number of health-related organizations in this state, working long and hard on this proposal over the years, have, I think, crafted a good piece of public legislation.

There were also questions raised about the impact on business and the good Representative from Clinton cited the potential for perhaps closing some enclosed indoor tracks that feature radio-controlled cars. All that business needs to do, as is the case with other major public areas of entertainment, is to simply provide an enclosed area, which I think only makes sense because in that case these are places that are frequented by families and by children so you simply need to separate the area where families and children are from those areas provided for smokers.

Questions were raised about fairness, about impact on business and let me tell you why I think that this in essence is a good bill for business. In the first place, all businesses will now operate under the same law. To use a much used phrase, under this Act, there is now a level playing field for all businesses.

The second reason is that now that we know and have such very strong evidence that there is indeed a clear causal effect between environmental tobacco smoke and illnesses that I believe the prudent business person would want to take steps to remove any potential for possible liability and suit. That's a negative motivation, there is a more positive motivation for businesses. I think most businesses in this state are caring people and that they will want to take steps to provide access, understanding now how serious this problem can be. In the end, I think there will be more business. Perhaps for every one person businesses may lose, I am sure, I am convinced there will be at least two more who will now have access and provide additional business.

I have a case in point. It was announced the other day that I had my sixth grandchild, it turns out there were seven, I lost count. I tried taking one of my grandchildren to an event at the Civic Center in Portland, the Ice Capades, I thought this would be fun for all of us, but it so happens that an allergy strain runs through my family and we couldn't tolerate that. I went down and asked where the smoking section was located, I was told that I was standing in it, so it would be possible for me now to take my grandchildren, other children who have tendencies to allergies, other children who have much more serious conditions, respiratory conditions subject to asthma, to places of public enjoyment such as the indoor track for radio-controlled cars that was mentioned in our earlier debate.

Finally, I would ask the members of the body as they consider the motion to reconsider — again the question of fairness — and I would ask members to

ask themselves, is it fair to deny access to children, to families with respiratory problems knowing that there is a serious problem with environmental tobacco smoke and there are, as we know, about 85,000 people who are so affected and do not have access and is it fair to deny protection to these children and their families knowing how serious a health problem this is?

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

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

Representative PENDEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I think it is rather unfortunate the twist this debate has taken and has made this issue now sort of an unfriendly one towards employers in small businesses.

It almost seems today that if you want to kill a bill, all you have to do is sort of stand up and argue about the fact that it is going to hurt small businesses and employers and I find myself thinking, was that a really legitimate argument that we had last time? I consider myself a business-friendly legislator and I would like to share with you maybe different arguments on how this might affect small businesses.

In the debate that we had prior, several weeks ago on the seat belt issue, I cited statistics where employers in small businesses pay \$54.8 billion annually from injuries suffered by their employees with motor vehicle crashes but the very people who have used the argument to protect small businesses on this issue weren't listening when we were discussing the seat belt issue because it didn't support their cause. I ask you to think about when the airlines banned smoking on domestic flights — did smokers stop traveling? I don't think so. I don't think that the fact that they are not allowing people to smoke on an airline is what is affecting their business today.

Small businesses should be excited about the fact that now 85,000 new clientele who will now be able to use the smoke-free environment can now support their businesses. Employers of small businesses should take notice that ETS is a public health problem and precedence has been set in certain courts where damages have been awarded because of the harmful effects of environmental tobacco smoke. It seems to me that a prudent business owner would welcome legislation such as this.

I ask you to remember the powerful and moving testimony of Representatives Plowman and Sullivan who so descriptively shared with us some real life effects and consequences of environmental tobacco smoke. Let's support L.D. 904 for our colleagues from Hampden and Bangor.

Finally, I remind you of the ETS study done at the Foundation at the Blood Research which showed that nicotine by-products were present in the diapers of infants, 8 weeks of age. As a student nurse many years ago, we had this surgeon (when we did our surgical rotations) who would always make sure that he gathered everybody together when he was doing surgery on a smoker because he always wanted to show us the black lungs of the smoker. I will never forget what that looks like.

Just recently, we had a flyer on our desks with an article that shared with us the fact that the sister-in-law of the owner of Moody's Diner, who

never was a smoker, has lungs as black as a smoker. I think we need to think about that.

I ask you to support this legislation because we know the harmful public health risks that environmental tobacco smoke imposes on our citizens. We have an obligation in the name of public health to protect those who choose not to smoke.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: My wife and I are some of these small business people that we have heard so much about this session. We made a decision when we built our new building in 1988 that we would keep it smoke-free and I don't believe it has hurt our business at all. We certainly have had a lot of people that have thanked us and we never have had anybody complain because we did it.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

To any member of the committee, who is going to implement this non-smoking policy? If we make this a law, who is going to implement it, number one? Number two, who will be fined? Will the storeowner be fined or will the person who is smoking be fined? Who is going to decide this? Could I possibly get some answers, please?

The SPEAKER PRO TEM: The Representative from South Portland, Representative DiPietro, has posed a couple of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Cape Elizabeth, Representative Simonds.

Representative SIMONDS: Mr. Speaker, Members of the House: The answer to the first question is that the beauty of this Act has been true with the previous public laws prohibiting smoking in certain locations because it is essentially self-enforcing. We know that now from experience and we would expect the same kind of adherence, the same kind of compliance with the additional places covered under this law as did the former.

There is no agency of state government that is designated in the law. Like any other law affecting businesses or individuals, complaints can be made and the local enforcement officials would then take the proper action. This is civil law and there are fines. They are in the Act, I would have to dig them out to find out exactly what they are, but I believe it was a \$200 fine and I know that both the owner and the perpetrator, the person who is smoking in the wrong place, if indeed a complaint is made, would be liable for penalty. I think in practice it is much more apt to be the owner of the establishment. Perhaps someone else on the committee could add to that response.

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

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I, too, agree that I think that this bill is not a detriment and will be good for business. There are a lot of people who have health problems and they do stay away from certain places that allow smoking because of their condition.

Representative Simonds has brought up a lot of

good points but I would like to refer to what Representative Pendexter spoke about, the memo we had put across our desks the other day regarding Moody's Diner. I know we lost the bill that had to do with smoking in restaurants but, at that very same time, that particular week, Moody's Diner did do away with smoking and that is in my district and I visit there a lot, patronize there a lot. All their workers are real happy with that move that they made but, most of all, business has not gone down and a lot of people now will and are patronizing Moody's Diner even more because at least they can walk to the restrooms without having to walk through the smoke. I think we are finding this is just an example of business in a lot of ways doing what has happened at Moody's Diner, so giving that as an example, I would encourage you to go along with this motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: There certainly was no confusion in my mind between the restaurant bill and this bill when I arose the other day or when I rise today to ask you to vote against the motion on the floor.

We talk about enclosed areas — this is a cost to business that is a mandate. Are we prepared to pay for these mandates? They have already invested in expensive air infiltration systems in their places of businesses. I am very pleased to hear, and I am sure you are too, that the restaurants and businesses that have gone non-smoking are successful but remember this, ladies and gentlemen of the House, it was their decision to do this, not our saying that you must do this. We are here to act in a reasonable manner. This bill here is not reasonable. We have exempted taverns, lounges, private offices, Bingo, Beano, smokeshops, private chartered buses, that's fine, they can make the decision. We also say we did this in the name of children, we did not do this in the name of children, children may go in bars and lounges until 8 o'clock at night, children may go to Beano and do go to Beano with their parents or grandparents. As far as public meetings, AA and Al-Anon are public meetings, anyone is allowed to go in there. In fact, they encourage people to come to encourage them in their fight in life, but they certainly should not be disallowed from smoking if they so choose to do it.

I ask you ladies and gentlemen of the House to stick to your prior motion and vote no.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Ladies and Gentlemen of the House: I find myself having to rise again on an issue that was very emotional for me a couple of weeks ago and I apologize and will try to present what I need to present to you.

Some of you weren't here and I see the hall has cleared again but I will try to tell you a little bit about what I have to do for my two children who are asthmatic when I want to take them to the mall. The reason I have to do this is because their favorite place in the mall is the toy store and the smoking area in the mall is 20 feet from the toy store, so to take my kids to the mall, I have to dose them up with steroids. The steroids come in a form of a spray or a liquid depending on how old you are. Steroids are not good for them, they fool the body into thinking that what they are breathing is okay. They fool the

lungs into not spasming. They fool the lungs into not constricting so that the child continues to breathe without distress, not visible distress anyway, but the child is still breathing the smoke, we are just not seeing the visible distress on their lungs. The long-term effects of steroids are not good on children and when a child has a bad asthma attack, you have to give huge doses of steroids to them, steroids that can impair the ability of their adrenal glands to kick in.

You never know what is going to happen to a kid, they have accidents, they fall down, they get really sick. They need operations sometimes and they need to have adrenal glands that can kick in when faced with these kinds of situations. So, that is what I do for my kids. There have been times when I have had to hold a kicking, screaming child on my lap, hold a mask over her face with a nebulizer to administer the steroids that she needs so I can take her out and not have to worry about her being exposed to smoke and that's a child.

My friend Sarah is not a child, she is a grown woman, she has a lung disease. Sarah didn't want to be housebound by her lung disease so she had a tube implanted in her chest so she can carry oxygen with her. She is still limited to the places she can go. Sarah is a mean nintendo player — you know why? Because Sarah doesn't get to go very many places because she will be exposed to secondhand smoke.

There are businesses that already have smoking policies, walk through the mall, walk through clothing stores, do they allow you to smoke in there? They may not allow you, they may prohibit you from smoking for different reasons, they don't want damage done to their clothing, they don't want damage done to their stock, they have a whole different reason for doing it. They want you to smoke out in the hall, they don't care if you smoke in the hall. I have to walk through that hall to take my kids to the toy store. Sarah has to walk through the mall to get to CVS.

We didn't make great strides providing access for the disabled until we told businesses that they had to. These people are technically disabled, they can walk very freely where they would like to go but they are very limited as to where they can sit down and enjoy themselves or where they can walk through without distress. The medicines that we have to administer to our children to keep them from being in distress are not without side effects and not without long-term effects. So, yes we are telling businesses, we are sending a strong message to the businesses and to the people in the State of Maine that we really do understand the stress that this causes, a very physical, real distress, this is not an imagined disease. Asthma is not something that is in your head so I ask you to please consider this an access issue for the people who are denied the access, people like my kids and the other 85,000 people in the State of Maine.

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

Representative BRUNO: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to stand here and tell you about the health effects of smoking because I think everybody is aware of them. I know them firsthand so I am not going to espouse on that.

What I am going to tell you about is my store that is over 4,000 square feet, we have people that come in the store who don't know that there is a law

in effect right now and what we do is say, "Excuse me but you are not allowed to smoke in the store." So they politely leave and go put their cigarette outside.

We used to have a smoking area for our employees but the company realized that we need to be concerned about the effects on the other employees who don't smoke anymore so now we ask our employees when they need a cigarette to go outside and smoke. The employees didn't quit on us, they are still there, they still smoke and when they need a break, they go outside and do it. This is the same that any customer can do.

If you want to know what really hurts businesses in this state, it is some of the other laws that have been passed in this body, state mandates, Workers' Compensation, high unemployment costs, that's what is hurting my business in this state, it is not the "no smoking" law that went into effect in 1984, 1985 or 1986 or whatever it was. All I know is that it has stopped me from having to replace merchandise that had burn holes in it, everything is much cleaner and we don't have to clean the place every day. This law will only benefit business in this state, it will have no detriment at all to business in this state, so I ask you to support L.D. 904.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Ladies and Gentlemen of the House: I will keep this brief. There has been much concern about how businesses will be hurt by this bill but let me tell you that business is already hurting from this bill. I am not asthmatic nor do I have medical problems from cigarette smoke, I grew up in a house full of cigarette smoke, and I will not go into a business that has cigarette smoke. I will not transact business with a business that allows people to smoke cigarettes in the building and I think there are a lot of other people like me as well.

I encourage you to vote for the motion.

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

Representative GRAY: Mr. Speaker, Men and Women of the House: I haven't been sitting and listening to the debate because I knew before I came in here how I was going to vote but I came in when Representative Plowman was speaking and I have two questions I would like to ask her and then make a couple of comments on what I have listened to.

I would ask Representative Plowman if she discusses matters about her children with the management of that mall? I believe most business people are concerned and would deal with it responsibly.

The other question I would ask her is, is secondhand smoke the only element in nature that affects her children? I mean this with due respect. I believe most asthmatics have several different things that bother them.

On the other issue that I heard, Representative Bowers said that he made the decision himself not to go in these places — I think it is about time that people were responsible and don't go into businesses that bother them and then businesses would change. For us to dictate every little minute thing in business, that's what is happening, not just Workers' Compensation but everything.

I hope you will not vote for reconsideration.

The SPEAKER PRO TEM: The Representative from

Sedgwick, Representative Gray, has posed a question through the Chair to Representative Plowman of Hampden who may respond if she so desires.

The Chair recognizes that Representative.

Representative PLOWMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have not discussed secondhand smoke with the management of the mall. Yes, my children are allergic to other things, the mere smell of tobacco smoke on my clothes can bring on an asthma attack. The smell of kerosene or gas can bring on asthma attacks. Spraying an aerosol into the air can bring on asthma attacks. These are not the usual things that we run into in the mall but I am sure if we did run into spilled kerosene in the middle of the mall or someone sprayed aerosol that that would probably bring on an asthma attack. No, it is more likely to be something like that.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I am one of the statistics. I have asthma and, while it is true that other factors will trigger an asthmatic attack once in awhile, they do not always but, without question, every time that I have any prolonged exposure to secondhand smoke, I do have an asthma attack, so there is no question as far as I am concerned.

A couple of times I have run into close calls here when I go into the retiring room to make a phone call. While the room next to it is closed off, when the door is opened and a lot of smoke comes into that retiring room, it does bother me but I simply leave the room so I am not campaigning to have that done away with. My point is that, sure, someone cutting grass if I am out there for a long time, could have some effects, some other molds etcetera will affect it but, without question, every single time that I am exposed to secondhand tobacco smoke, I do have an asthma attack. So, I would appreciate for my own self-preservation if you would support L.D. 904.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I think we have covered the health effects of this quite adequately but I want to get into the dollars and cents of this.

This legislation is probably the most business-friendly legislation this legislature has considered this session. I wrote the law in 1985 and I had yet to have one complaint from any business of 4,000 square feet or larger as a result of that legislation. I have a file that is an inch and a half thick of letters from businesses across the state that were happy that was passed because of the level playing field it presented, because of the tremendous costs that were eliminated with results of secondhand smoke.

Jordan-Marsh spent tens of thousands of dollars a year and gave away clothes that were destroyed by the smell of cigarette smoke, the rugs that had to be replaced, the filtration systems that, not only had to be cleaned but had to be replaced. The smoking public of which we know, 75 percent of the adults don't smoke. If you count the children, it probably would be only 20 percent or 15 percent of our total population who smoke.

Let's not kid ourselves, we know that it is a health issue, we know that it is a Class A carcinogen. It is time that we look at business and treat them fairly and allow a level playing field.

If you want to go to a store that is over 4,000 square feet in the mall, you have to run a gauntlet of cigarettes, secondhand smoke, to get there. That's ridiculous. It is time that the health needs of the silent majority of these innocent people be served.

Let's reconsider this and pass it on its way.

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

Representative GRAY: Mr. Speaker, Ladies and Gentlemen of the House: To respond to Representative Hillock's comments, when I am in Augusta I go out to eat a lot. Two days ago, I went out to eat with Representative Hale. We were accosted by the owner for what goes on in here with the smoking and other regulations. Last night, I went to dinner with Representative Look, the same thing happened, so I do think business is concerned with what we are doing here.

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

Representative CLEMENT: Mr. Speaker, Ladies and Gentlemen of the House: I talked to a lot of businesses and I disagree with some of the statements that were said on the floor here. They asked, why are we passing laws that are going to put restrictions on their businesses? Let them decide whether they want smoking in their bowling alley or not.

This bill is not a fair bill. You can smoke in a tavern or lounge or Bingo or Beano halls but you can't smoke in a bowling alley. At twelve o'clock at night in this bowling alley, they have special bowling for adults only. The R.C. radio-controlled racetracks that I talked about, it is an open space, they have large tracks in there, it is a wide open space.

This is not a fair bill. If you want to pass a smoking bill against everybody in every public building it would be a different story, but you categorize these people that own a certain business, it is not a fair bill.

The owner of a bowling alley that I talked to recently spent between \$15,000 to \$30,000 on a recycling air freshener in his building. He doesn't smoke, he did it because he didn't like the smoke in his building that he does business in. He said, if I put a sign on the door that says "no smoking" his business is going to close.

All I am saying is, let's let the people that own the businesses make that decision, they know if they can do it with a sign on the door that says "no smoking." Let's leave it up to the owners. Let's not pass something here that is going to bother the businesses in this state.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: The other day Representative Jacques of Waterville gave one of the most persuasive and articulate speeches I have heard since I entered this body. He was speaking about the environmental arena. He said we always wait and wait to solve these issues. We wait until the evidence is irrefutable, until the consequences are drastic and until the remedy is difficult. I would say that the same applies in public health and I would say that we have arrived at that moment in history on this issue. The evidence is now irrefutable, the EPA study has made it clear that secondhand smoke is

poison, the consequences are drastic. Dotty Moody is now, as far as I know, the first documented case in Maine of a non-smoker dying, dying ladies and gentlemen, not suffering, but dying as a result of being exposed to secondhand smoke.

Yes, the remedy is difficult, it is too late for Dotty Moody, but we can do something now to help other people, the other 85,000 in this state who suffer from respiratory ailments.

I would like to remind you that we are not merely discussing the concerns of customers with this issue, there are workers who must be considered as well. Many of those workers are women and very often they are pregnant, but no matter who they are, we need to consider their health concerns as well. I urge you to support this bill.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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 Simonds of Cape Elizabeth that the House reconsider its action whereby L.D. 904 failed of passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 171

YEA - Adams, Aliberti, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Campbell, Carleton, Carroll, Cathcart, Clark, Coles, Constantine, Dexter, Donnelly, Faircloth, Farnsworth, Fitzpatrick, Foss, Gould, R. A.; Gwadosky, Heeschen, Heino, Hichborn, Hillock, Hogle, Holt, Jacques, Johnson, Joseph, Kilkelly, Kneeland, Kontos, Kutasi, Larrivee, Lindahl, Lipman, Lord, MacBride, Marsh, Melendy, Michael, Mitchell, E.; Mitchell, J.; Nadeau, Norton, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pinette, Plowman, Reed, G.; Richardson, Robichaud, Rowe, Rydell, Simonds, Simoneau, Small, Spear, Stevens, K.; Sullivan, Taylor, Townsend, E.; Townsend, L.; Tracy, Treat, Tufts, Walker, Wentworth, Zirkilton, The Speaker.

NAY - Ahearne, Aikman, Anderson, Bailey, H.; Cameron, Cashman, Chonko, Clement, Cloutier, Clukey, Cote, Cross, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Gamache, Gean, Gray, Greenlaw, Hale, Hatch, Hussey, Joy, Ketterer, Libby Jack, Libby James, Look, Marshall, Martin, H.; Michaud, Nash, Nickerson, O'Gara, Pendleton, Plourde, Poulin, Pouliot, Rand, Reed, W.; Ricker, Rotondi, Ruhlin, Saint Onge, Skoglund, Stevens, A.; Strout, Swazey, Tardy, Thompson, Townsend, G.; Vigue, Winn,

Young.

ABSENT - Caron, Carr, Chase, Coffman, Jalbert, Kerr, Lemke, Lemont, Morrison, Murphy, Pineau, Saxl, True, Whitcomb.

Yes, 79; No, 58; Absent, 14; Paired, 0; Excused, 0.

79 having voted in the affirmative and 58 in the negative with 14 being absent, the motion to reconsider did prevail.

Subsequently, L.D. 904 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-516) - Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (H-517) - Committee on Human Resources on Resolve, to Establish the Health and Social Services Transition Team to Develop the Governor's Restructuring Proposal to Combine the Departments of Human Services and Mental Health and Mental Retardation and the Office of Substance Abuse in a New Department of Health and Family Services (EMERGENCY) (H.P. 1112) (L.D. 1508) (Governor's Bill) TABLED - June 2, 1993 by Representative BRUNO of Raymond.

PENDING - Motion of Representative TREAT of Gardiner to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-516) Report.

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

Representative BRUNO: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in a quandary here, we have one bill with an amendment on it, a Minority Report which I support and an amendment that I support so it makes it tough for me to sit here and argue against the amendment, but what L.D. 1508 does is restructure state government. It restructures the Department of Human Services, restructures the Department of Mental Health into one agency.

The amendment to the bill also restructures and it restructures it in a very good way, that is why I am in a difficult position here. The reason I support the Minority Report was that it save a million dollars more than what the Committee Amendment does. In our budget document, L.D. 283, there is a \$1.5 million savings to restructuring and the only way of achieving those savings is to go along with the Governor's proposal and make one department.

I am not going to go on and on about this but the only reason I am standing up here is for the financial impact of savings. Restructuring needs to be done in the Department of Human Services, we need to be more efficient in the way we deliver these services. I think whichever way you go on this bill, we are going to win.

I am going to ask you to support the Minority Report for the sole reason of saving a million dollars more than what the amendment does.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: Just very briefly on this, we think this is an excellent bill, the Majority Report is —

everyone except two persons who dissented on it, it is a bipartisan approach, it adopts the findings of the Commission on Restructuring as well as the Governor's Task Force on Restructuring of the last two years.

We looked at the initial bill that was presented and it essentially would have established a kind of mega department or the HMHS as some of us put it, putting together the Department of Human Services, which is already one of our largest state agencies and the Department of Mental Health and Mental Retardation. The consensus really was on the Committee that approach was not likely to improve the delivery of services, particularly the Department of Human Services, a department that doesn't work as well as it should, and I certainly had concerns that the suggested savings in fact would not result. In fact, we would end up with more bureaucracy, not less.

The committee discussed this at some length and, at one point in our deliberations, we said, why aren't we really discussing the restriction proposal of last year which passed in both the House and the other body and went on to the Governor? It was only vetoed for the sole reason that it also included the abolition of the State Planning Office so we said maybe we should look at that, we had previously had testimony from the Commission on Restructuring because we knew that we were going to be looking at this issue later on this session and were very impressed by the proposals that they had put forward. So, we went back to the files and pulled out the bill that passed this legislature the year before, took a look at the original Restructuring Commission Bill and put together a joint bill that took the best out of both of those proposals.

What the bill does is outline (on your fact sheet), I was criticized for talking too much about our other bill so I am going to sit down. I assume you have had a chance to read that fact sheet and if you have any questions, you can ask me or other members of the committee.

I hope you will support the Majority "Ought to Pass" Report as amended by Committee Amendment "A."

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

Representative PENDEXTER: Mr. Speaker, Ladies and Gentlemen of the House: When I think of restructuring, I am not always moved by the financial benefits. I think the things that drive me more is the fact that we will improve services to the people we serve.

This Majority Report is based on the Governor's proposal of two years ago and it is also based on the Special Commission on Governmental Restructuring, who I think very carefully thought out and worked through its recommendations in a very deliberate calculating process. I feel comfortable standing before you and asking you to support this Majority "Ought to Pass" proposal because it does share bipartisan support and would have passed two years ago were it not for the political games that were playing themselves out at that time.

It is very easy for me to stand before you and advocate for children. A voice at the cabinet level will only enhance the agenda of children and their families, addressing their problems at their point in life. In advocating for preventative and educational initiatives can only provide us with very positive long-term outcomes. I urge you to support the motion

before you.

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

Committee Amendment "A" (H-516) was read by the Clerk.

Representative Treat of Gardiner offered House Amendment "A" (H-600) to Committee Amendment "A" (H-516) and moved its adoption.

House Amendment "A" (H-600) to Committee Amendment "A" (H-516) was read by the Clerk and adopted.

Committee Amendment "A" (H-516) as amended by House Amendment "A" (H-600) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-516) as amended by House Amendment "A" (H-600) thereto and sent up for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-501) - Minority (5) "Ought Not to Pass" - Committee on Energy and Natural Resources on Bill "An Act to Allow the Use of Advanced Lightweight Beverage Containers" (H.P. 193) (L.D. 256)

TABLED - June 2, 1993 by Representative JACQUES of Waterville.
PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

Representative Jacques of Waterville withdrew his motion that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, was recommitted to the Committee on Energy and Natural Resources and sent up for concurrence.

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

Bill "An Act to Increase Fees Charged by Municipal Clerks for Services" (S.P. 398) (L.D. 1229)

TABLED - June 2, 1993 by Representative JOSEPH of Waterville.
PENDING - Passage to be Engrossed.

Subsequently L.D. 1229 was passed to be engrossed in concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" - Committee on State and Local Government on Bill "An

Act Prohibiting Local Ordinances that Regulate Indoor Private Gatherings" (H.P. 987) (L.D. 1318)

TABLED - June 2, 1993 by Representative JOSEPH of Waterville.
PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: This bill, you may be wondering what it is all about, I will tell you it is in response to an effort on behalf of certain towns in Maine, my town included, to put into effect what essentially would be a permit to have people come over to your house as defined as a residence own or rented by people who live there. What does all that mean? It means that, in Orono as elsewhere where they have large urban areas or areas of schools or institutions or whatever, where there are large groups of people who gather for different reasons, there seems to be these ideas that these people will, if controlled, the congregation will be more under the control of the town, so the town council in a sense, when coming up with these ideas, invading the sanctity of the home. Each year the idea changes a little bit. One year, for instance, it's the idea that if people want to have people over to their home, they may request a permit from the police station and they may leave a deposit with the police, say a hundred dollars or two hundred dollars. If after your gathering nothing was damaged or destroyed or there were no police calls or whatever, then you would get your deposit back and isn't that nice?

This makes sense in some ways but in some ways it doesn't because if you think about it, you think probably inadvertently of the University of Maine — this bill has nothing to do with the University of Maine, fraternity and sorority row are on university property and they are under the control of the rules and regulations of residential life. This bill also has nothing to do with safety, noise, fire codes, loitering, all those laws are unaffected by this bill as proposed. This bill has nothing to do with public gatherings in public places, parades, parties and parks, etcetera, etcetera, town events. If a municipality were to pass a bill that would prohibit gatherings in your home without a permit, this would have very far-reaching effects. You can think of the obvious, you can think of keg parties, Monday night football, you can think of barbecues with lots of people but maybe you should think for a minute about lawn parties or birthday parties for children, garden club parties, tupperware parties — you would have to get a permit, of course, if you are having more people over than the town council thought proper. Family dinners, funeral gatherings, weddings, bridge club parties and even on Christmas morning, if too many family members stopped by to get together and open a few presents and you didn't first request a permit from the police or the town council, whomever they thought proper, the police could come and impose a fine upon you and tell everyone to go home. Maybe two weeks later after your permit went through, you could have people over.

The scariest idea of all, folks, is the thought that perhaps if the police were driving by and they saw 8 or 10 or however many cars in front of a house and they went into the house thinking there was a unlawful gathering that was happening without a

permit, they happen to walk into a group of people who were (a) having some sort of a religious gathering or (b) talking about politics. Now, we all think about free speech in association, I think that that would be a huge problem if you think about what that would mean. Constitutional rights are rights, not options of privileges and I think that this bill would be a nice way to do a little preventive maintenance and remind our towns that they can't abuse our Constitution in face of their misbehaving.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House: Not long ago, a half a dozen or so states within this country are Jim Crow laws, I need to explain what those being. The federal government took action and saw fit that those laws be null and void. This bill before us allows the states to take action, like the federal government, to right a possible wrong. No one should be required to get a permit for approval to have a gathering in a private home. This clearly is unconstitutional for it is an infringement upon our constitutional rights. We must stop this first step towards a totalitarian or dictatorship which allows them to determine whom you can have in your home.

I ask you to reject the "Ought Not to Pass" Report and accept the "Ought to Pass" Report.

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

Representative ROWE: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this bill but I think the House deserves an explanation as to why the committee was split. I believe it was 11 to 2 with the 11 being for the Majority "Ought Not to Pass" Report.

I just wanted to read the proposed amendment to Title 38 to you. If enacted this would read, "A municipality may not by ordinance regulate or require a permit for indoor gatherings held at a private residence. For purposes of this subsection, a private residence includes property rented or leased for use as a residence. This subsection does not prohibit an enforcement of fire prevention codes or health or sanitation codes adopted pursuant to Section 3,003."

The committee voted "Ought Not to Pass" because, first of all, there was testimony from individuals, representatives of the City of Orono, against the bill but that aside, the committee didn't look at it as it just being an Orono bill, we looked at the effect it would have on all of the 490 cities and towns around the state. This would prohibit any municipality from enacting any ordinance or regulating indoor gatherings. We didn't think it would be appropriate to put that in law.

You have heard that it would be unconstitutional to do this, I don't particularly agree but I do think there may be some ordinances that might be unconstitutional and they could be challenged and the court would render an opinion on that. I, for one, don't think that this would be violative of the Maine Constitution or the Federal Constitution, it is just whether or not you think it is a good idea or a good law to have.

Again, I wasn't going to speak on this but since no one else on the Majority got up, I felt obligated to tell you why I voted against it and I believe the other 10 members of the Majority did.

The SPEAKER: The Chair recognizes the

Representative from South Portland, Representative Cloutier.

Representative CLOUTIER: Mr. Speaker, I would like to pose a question to any member on the committee. Does this mean if I were to have a backyard barbecue fund-raiser that I would not be able to, should this piece of legislation pass?

The SPEAKER: The Representative from South Portland, Representative Cloutier, has posed a question to any member who may respond if they so desire.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: It is just the opposite. It says that in fact "no town or municipality" (I don't have the bill before me) "may in fact impose those kinds of restrictions" (I am paraphrasing, as you can tell) "upon the persons in your town."

We on the Majority Report would urge the town council of Orono not to pass the ordinance that they have threatened to — the reason this bill is before this body. The majority of the committee felt that these are local issues that could be dealt with in a local setting. I believe that because of that local control and the discussions that would go on in the town councils and city councils around this state, that we believe that this bill should not pass although we certainly understood the concerns of the Representative from Orono and we even considered carry this bill over as the town council of Orono would be meeting and discussing this issue, we were told.

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

Representative GRAY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the State and Local Government Committee, I remember this issue and we really did try to address her concerns but the concerns that I was hearing that overwhelmingly made me go with the Majority "Ought Not to Pass" Report was two. A lot of threats were made apparently through an ordinance being proposed. The citizenry there never adopted the one apparently most of the fear is about.

The other reason is, if in fact they did do something and it was unconstitutional, it would be thrown out in court and I really understand her fear but I think it is a bad bill.

Representative Tracy of Rome requested a roll call.

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

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

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

ROLL CALL NO. 172

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey,

R.; Barth, Bennett, Bruno, Cameron, Carleton, Carroll, Cashman, Clukey, Coffman, Daggett, Dexter, DiPietro, Donnelly, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gray, Greenlaw, Heino, Hoglund, Hussey, Johnson, Joseph, Joy, Kerr, Kontos, Lindahl, Look, Lord, MacBride, Marsh, Michael, Nash, Nickerson, Ott, Pendexter, Pendleton, Pineau, Plourde, Plowman, Poulin, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Saint Onge, Simoneau, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, Tracy, True, Tufts, Vigue, Walker, Whitcomb, Young, Zirnkilton.

NAY - Adams, Ahearne, Aliberti, Beam, Birney, Bowers, Brennan, Campbell, Cathcart, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Cross, Dore, Gean, Gould, R. A.; Gwadosky, Hatch, Heeschen, Hichborn, Holt, Jacques, Ketterer, Kilkelly, Kneeland, Kutasi, Larrivee, Lemke, Libby James, Marshall, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pinette, Pouliot, Rand, Ricker, Rotondi, Ruhlin, Rydell, Simonds, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Wentworth, The Speaker.

ABSENT - Caron, Carr, Chase, Hale, Hillock, Jalbert, Lemont, Libby Jack, Lipman, Morrison, Murphy, Saxl, Skoglund, Winn.

Yes, 75; No, 62; Absent, 14; Paired, 0; Excused, 0.

75 having voted in the affirmative and 62 in the negative with 14 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-540) - Committee on Banking and Insurance on Bill "An Act Establishing the Maine Community Reinvestment Program" (H.P. 590) (L.D. 794)

TABLED - June 2, 1993 by Representative RAND of Portland.

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

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

Representative **KUTASI**: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote against this motion.

What this bill does is it creates another piece of regulation for the banks to perform. There is already a federal program, the Community Reinvestment Act. There is an examination process - banks have a full-time person to basically go by what this procedure is, for this examination that takes place once a year. Here we are taking our Bureau of Banking and instituting our own community reinvestment act, we are doubling the process here.

Ladies and gentlemen, I hope you vote against the pending motion.

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

Representative **TREAT**: Mr. Speaker, Ladies and

Gentlemen of the House: I am the prime sponsor of this piece of legislation and I would like to explain to you what the bill does in its amended form.

I appreciate the comments of Representative Kutasi but he was speaking about the original bill.

What the amended bill does is quite different from the original bill. You have a fact sheet before you (green for money, green for state money) and the new bill, as amended in the Minority Report, replaces the original bill. It has a new title, the title is "An Act to Encourage the Responsible Deposit of State Funds." That's what the bill does.

This bill encourages responsible investment of state monies and it provides incentives for banking institutions to comply with the provisions of the existing Federal Community Reinvestment Act. This federal law right now requires banks and other financial institutions to basically be good community citizens to provide loans for local small businesses, to basically extend credit in a way that is non-discriminatory, that is basically supportive of community interests.

This is a law that already exists. The original bill would have, to some extent, duplicated that. As I said, the amended version takes away all of that duplication. All it says is that state money should go only to those institutions that achieve a satisfactory or outstanding rating by the federal government under the Community Reinvestment Act. This is a measure which maximizes the use of existing dollars and makes sure that it is going into institutions that are basically good citizens of the State of Maine. It is not going to disrupt current practices for deposit of money, there is only one institution in the last year that was found not to have achieved this rating and the amendment deals with the concerns of our State Treasurer about short-term deposits, so short-term, five day deposits are exempted from the provisions of the law.

This is not a radical concept, there are 11 states who actually have their own Community Reinvestment Act which was the original bill. There are another large number, 18 states, who have some form of what is called Linked Deposits, which is what this bill now does. There are 32 states that have some kind of Act dealing with community reinvestments.

I think this is a good policy, it is just responsible state government, it is responsible use of state funds and I urge you to support the motion on the floor right now, which is passage of the Minority "Ought to Pass" Report.

The **SPEAKER**: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Members of the House: As a member of the Majority "Ought Not to Pass" on the Banking and Insurance Committee, we looked at testimony the best we could and when it came down to the final end, when I cast my vote, I was informed enough to understand that the information that is being requested through this bill is already being requested under the form of federal regulations. The Community Reinvestment Act, in the case that is presented in this bill, is a duplication of services. Therefore, I would recommend that you go with the Majority "Ought Not to Pass" Report.

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. The bill in front of you in its amended version is like

1/100th of what the original bill was. I saw no reason for the original bill and no reason for the amendment.

We have one bank in Maine that is not qualified for the rating that representatives seek for banks not to be able to take state deposits. The reason the bank was wasn't because it was a bad bank, it was the way it had documented its activity in the reinvestment pool. I think that that is an important thing to know.

I think this "a little more regulation on the banks", I don't think is needed because of the CRA, because of the stability of the Maine banks and what has been going on in this area.

Also on the federal level, we have all kinds of activity right now on ratings of banks. As soon as that happens, this amendment will deal with how the feds continue to rate the banks, it will go on their criteria on what we can do with our money. That is why I don't favor the amendment. I would appreciate it if you voted against the Minority "Ought to Pass" Report so we can in fact go on to accept the Majority "Ought Not to Pass" Report.

I would ask the Clerk to read the Committee Report, please.

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

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I would just like to state the Maine banks are taking dramatic steps to comply with federal law. There are detailed reports already prepared, filed and available to the public, which documents how banks meet their community needs.

I urge your support of the Majority "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 am just standing up again to explain, once more, there have been three persons who have stated that this bill does something that it doesn't do anymore. This bill only says that state monies goes into financial institutions that meet the standards that are set out in federal law under the Community Reinvestment Act. That is all it says. It does not create a whole new regulatory structure, it does give you duplication, it simply says we are going to invest our state monies in a responsible way.

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

A vote of the House was taken.

26 having voted in the affirmative and 67 in the negative, the Minority "Ought to Pass" Report was not accepted.

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

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

Bill "An Act to Improve Local Control over Liquor

Licensing" (H.P. 589) (L.D. 793)

- In House, passed to engrossed as amended by Committee Amendment "A" (H-487) on June 1, 1993.

- In Senate, Bill and accompanying papers indefinitely postponed in non-concurrence.

TABLED - June 2, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

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

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

An Act Concerning Plastic Holding Devices Used in Packaging (S.P. 350) (L.D. 1064) (C. "A" S-228)

TABLED - June 2, 1993 by Representative LIBBY of Buxton.

PENDING - Motion of same Representative to Reconsider Passage to be Enacted.

Subsequently, the House voted to reconsider its action whereby L.D. 1064 was passed to be enacted.

The bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Amend Certain Laws Governing Solid Waste Management" (H.P. 966) (L.D. 1297)

TABLED - June 2, 1993 by Representative TREAT of Gardiner.

PENDING - Adoption of Committee Amendment "A" (H-535).

Representative Treat of Gardiner offered House Amendment "A" (H-575) to Committee Amendment "A" (H-535) and moved its adoption.

House Amendment "A" (H-575) to Committee Amendment "A" (H-535) was read by the Clerk and adopted.

Committee Amendment "A" (H-535) as amended by House Amendment "A" (H-575) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-535) as amended by House Amendment "A" (H-575) thereto and sent up for concurrence.

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

Bill "An Act to Amend the Law Pertaining to the Limitations on Simulcasting" (H.P. 691) (L.D. 932)

TABLED - June 3, 1993 (Till Later Today) by Representative STROUT of Corinth.

PENDING - Adoption of Committee Amendment "A" (H-556).

Subsequently, Committee Amendment "A" (H-556) was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-556) and sent up for

concurrence.

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

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-563)- Committee on Human Resources on Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse" (H.P. 1099) (L.D. 1486) TABLED - June 3, 1993 (Till Later Today) by Representative ZIRNKILTON of Mount Desert. PENDING - Acceptance of the Committee Report.

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

Committee Amendment "A" (H-563) 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-563) and sent up for concurrence.

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

Bill "An Act to Expedite Maintenance of Utility Facilities" (S.P. 346) (L.D. 1041) (C. "A" S-250) TABLED - June 3, 1993 (Till Later Today) by Representative ADAMS of Portland. PENDING - Passage to be Engrossed.

On motion of Representative Adams of Portland, retabled pending passage to be engrossed and later today assigned.

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

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

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-546) - Minority (6) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative (H.P. 994) (L.D. 1336) TABLED - June 3, 1993 (Till Later Today) by Representative JOSEPH of Waterville. PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

On motion of Representative Joseph of Waterville, retabled pending the motion of same Representative that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

The Chair laid before the House the twenty-eighth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-565) - Committee on Human Resources on Resolve, to Establish the Labor and Welfare Transition Team to Facilitate the Inclusion within the Department of Labor of Certain Welfare Functions of the Department of Human Services (EMERGENCY) (H.P. 1102) (L.D. 1489) (Governor's Bill) TABLED - June 3, 1993 (Till Later Today) by Representative TREAT of Gardiner. PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

Representative AIKMAN: Mr. Speaker, Men and Women of the House: I hope you will vote against the "Ought Not to Pass" motion so we can go ahead and accept the "Ought to Pass" Report.

The purpose of this bill is to set forth a process to thoroughly and thoughtfully consider restructuring of major government functions based on five important guiding principles. One is to focus on jobs, rehabilitation and the improvement of quality of life.

Two, increased efficiency and effectiveness.

Three, expanding opportunities for persons with disabilities.

Four, matching entitlement programs with jobs search and training functions.

Five, increasing speed of processing services without reducing quality. Utilizing these principles, this would create a transition team composed of representatives of the Labor and Human Services Departments and both Committees of Jurisdiction in the legislature.

In addition to other interest groups to put together a plan on how to best coordinate services, I urge you to oppose the pending motion on the floor.

Mr. Speaker, I would request a roll call.

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

Representative BRUNO: Mr. Speaker, Ladies and Gentlemen of the House: I rose before to ask you to support a restructuring bill with not much enthusiasm. I am on a different side of the fence on this one.

We have before us a proposal that will allow people who want to go back to work who are receiving entitlements in this state an avenue where they could go back and make it easier for them to achieve some self-dependency by finding a job and helping them do that.

The Department of Human Services is not the place to look for work. The Department of Labor is charged with that function. When job openings exist in this state, they are filed through the Maine Unemployment Service and if we truly want to help these people who receive entitlements in this state to go back to work, we need to help them along in the process. We have an ASPIRE program that allows retraining, we have many other programs that are for retraining and reeducating but we don't assist these people after they are done to go find a job.

What the Minority Report does is allow those services that are presently in the Department of Human Services to move over to the Labor Department

to assist in job locations.

What more can we do for the citizens of this state than trying to help everyone become employed? That is the road to self-dependency and self-responsibility and becoming productive members of our state.

I ask you to vote against accepting the "Ought Not to Pass" Report and support the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: There are two good reasons to oppose the transfer of these welfare functions to the Department of Labor. The primary reason, and you heard a bit about this yesterday, is that L.D. 1508, which was report out unanimously by the Human Resources Committee, reforms Maine's welfare-to-work program, ASPIRE, and speaks to the concerns expressed in the bill we are speaking on at the moment.

The reform that came out of the Human Resources Committee, again unanimously, strengthens the length between the ASPIRE program and the labor market. Really, I think it takes care of the concerns that Representative Bruno just expressed.

The bill also emphasizes responsibility, it frees up the way that ASPIRE monies are spent to allow many more AFDC recipients to become involved with the welfare-to-work program and to move off welfare more quickly.

Secondly, and just to give you a little bit of history on the attempts in the past 30 years to bring the Department of Labor into the welfare-to-work continuum and a little of this is my own experience having worked for the Department of Human Services during the ASPIRE start-up and having been a regional manager at one point, that the history in Maine has been that there was a WINN program, the WINN program attempted to marry welfare-to-work functions with the Department of Labor. There was in the 1980's the WEET program, the WEET program tried the same experiment. Then later on in the 1980's, we had the ASPIRE program, which for three and a half years attempted to marry, if you will, the Department of Labor and the Department of Human Services very unsuccessfully.

I suggest to you that this has been tried before, I think it is very seductive to think that you put welfare-to-work programs in the Department of Labor and everything is okay, everything is going to run better. I think the proposal that the Human Resources Committee passed out is state-of-the-art welfare reform and will enable many more welfare recipients to become involved in this system, to go to work, to leave welfare for good, so I would suggest that you support the Majority "Ought Not to Pass" Report.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Gardiner, Representative Treat, that the House accept the Majority "Ought Not to Pass" Report. Those in

favor will vote yes; those opposed will vote no.

ROLL CALL NO. 173

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

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

ABSENT - Caron, Carr, Chase, DiPietro, Hale, Jalbert, Libby Jack, Martin, H.; Michael, Morrison, Murphy, Plourde, Pouliot, Saxl, Skoglund, Townsend, G..

Yes, 79; No, 56; Absent, 16; Paired, 0; Excused, 0.

79 having voted in the affirmative and 56 in the negative with 16 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

TABLED AND TODAY ASSIGNED

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Delegated Rule-making Authority (H.P. 962) (L.D. 1293)

TABLED - June 3, 1993 by Representative JOSEPH of Waterville.

PENDING - Motion of Representative MARTIN of Eagle Lake to indefinitely postpone Committee Amendment "A" (H-544).

On motion of Representative Joseph of Waterville, retabled pending the motion of Representative Martin of Eagle Lake that the House indefinitely postpone Committee Amendment "A" (H-544) and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (3) "Ought to Pass" - Committee on State and Local Government on Bill "An Act to Authorize Sagadahoc County to Provide Centralized Administrative Services to Those Sagadahoc County Municipalities That Desire to Share the Cost of Those Services" (H.P. 978) (L.D. 1309) TABLED - June 3, 1993 by Representative LOOK of Jonesboro.
PENDING - Motion of Representative JOSEPH of Waterville to accept the Majority "Ought Not to Pass" Report.

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

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

**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:

Judiciary

Bill "An Act to Amend the Laws Governing the Required Qualifications to Practice Law in the State" (H.P. 1153) (L.D. 1552) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative PARADIS of Augusta, Senator PEARSON of Penobscot and Representative: REED of Falmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1134)

Representative COTE from the Committee on Judiciary on Bill "An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine's Courts and to Implement Certain Other Recommendations of the Commission" (EMERGENCY) (H.P. 1154) (L.D. 1553) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1134)

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 and sent up for concurrence.

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

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" pursuant to Joint Order H.P. 1135 on Bill "An Act to Reduce the Influence of Money in Elective Politics" (H.P. 1150) (L.D. 1550)

Signed:

Senator: CAREY of Kennebec

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

Minority Report of the same Committee reporting "Ought to Pass" pursuant to Joint Order H.P. 1135 on Bill "An Act to Reduce the Influence of Money in Elective Politics" (H.P. 1151) (L.D. 1551)

Signed:

Senator: HANDY of Androscoggin

Representative: MICHAEL of Auburn

Senator HALL of Piscataquis - of the Senate - abstaining.

Reports were read.

On motion of Representative Daggett of Augusta, tabled pending acceptance of either report and later today assigned.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System" (H.P. 871) (L.D. 1180) which was passed to be engrossed as amended by Committee Amendment "A" (H-368) as amended by House Amendment "A" (H-469) thereto in the House on May 28, 1993.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-279) in non-concurrence.

The House voted to recede and concur.

HEINO of Boothbay
TOWNSEND of Eastport

Non-Concurrent Matter

Bill "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) which was passed to be engrossed as amended by Committee Amendment "A" (H-304) as amended by House Amendment "A" (H-463) thereto in the House on May 27, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-304) as amended by Senate Amendment "B" (S-288) thereto in non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(H.P. 1141) (L.D. 1541) 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) (Governor's Bill) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-609)

There being no objections, the above items were ordered to appear on the Second Day Consent Calendar, Monday, June 7, 1993.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Abolish the Lobster Promotion Board and Repeal the Fees Supporting its Operations" (H.P. 54) (L.D. 84)

Signed:

Senators: VOSE of Washington
PINGREE of Knox
GOULD of Waldo

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-610) on same Bill.

Signed:

Representatives: FARREN of Cherryfield
LOOK of Jonesboro

Reports were read.

Representative Mitchell of Freeport move that the House accept the Majority "Ought Not to Pass" Report and further requested a roll call vote on his motion.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Mitchell of Freeport that the House accept the Majority "Ought Not to Pass" Report.

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

Representative MARSH: Mr. Speaker, pursuant to House Rule 19 and Joint Rule 10, I wish to be excused from voting on this issue.

The SPEAKER: The Representative from West Gardiner, Representative Marsh, is excused from voting on this issue.

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

ROLL CALL NO. 174

YEA - Adams, Ahearne, Aikman, Aliberti, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carroll, Cashman, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, Donnelly, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Heino, Hichborn, Hillock, Hوجلund, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kneeland, Kutasi, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, MacBride, Marshall, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nash, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Pouliot, Rand, Reed, G.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Simoneau, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Treat, True, Tufts, Vigue, Wentworth, Whitcomb, Winn, Young, Zirnkilton.

NAY - Anderson, Cathcart, Dore, Farren, Foss,

Gray, Greenlaw, Holt, Joy, Kontos, Look, Lord, Michael, Norton, Poulin, Reed, W.; Thompson, Tracy, Walker.

ABSENT - Caron, Carr, Chase, DiPietro, Jalbert, Libby Jack, Morrison, Murphy, Saxl, Skoglund, The Speaker.

EXCUSED - Marsh.

Yes, 120; No, 19; Absent, 11; Paired, 0; Excused, 1.

120 having voted in the affirmative and 19 in the negative with 11 being absent and 1 excused, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-611) on Bill "An Act to Amend the Enforcement Provisions of the Bureau of Taxation" (H.P. 844) (L.D. 1149)

Signed:

Senators: BALDACCI of Penobscot
CAREY of Kennebec
SUMMERS of Cumberland

Representatives: DORE of Auburn
NADEAU of Saco
TARDY of Palmyra
DiPIETRO of South Portland
RAND of Portland
HOGLUND of Portland
FARNSWORTH OF Hallowell

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-612) on same Bill.

Signed:

Representatives: MURPHY of Berwick
SIMONEAU of Thomaston
SPEAR of Nobleboro

Reports were read.

Representative Dore of Auburn moved that the House accept the Majority "Ought to Pass" Report.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak against the Majority "Ought to Pass" Report. I will try to be very brief and not get too technical.

This provision of the Maine Tax Law empowers the Bureau of Taxation with the ability to revoke the professional license of a person who has not filed a tax return or paid taxes. I think that it is time that we as a body and the people of Maine determine what approach we want to have in the State of Maine as far as tax administration is concerned. There are two schools of thought. You can achieve voluntary compliance through taxpayer education and assistance or you can attempt to achieve it through tough enforcement.

The recent federal history bears out the fact that tough enforcement doesn't work. In 1962, the federal government touted a 97 percent voluntary compliance with its tax laws. I read a study written in 1983 from the IRS national office on research and development and forgetting illegal activities, they estimated at that time that the voluntary compliance at the federal level had dropped by 13 or 14 percent down to 83 percent.

IRS would love to go back to the 1970's and correct the mistakes it made in its enforcement approach. They can't, but Maine is making the same mistake with its tough attitude.

Let's look to this bill — there are two amendments before you, this one and the one that I would like to have you consider. I would like to see this provision revoked, completely revoked. Think about this, we are giving to the tax bureau the ability to take someone's right to make a living away from them if they owe taxes. Why do we need it especially when the tax assessor says we have voluntary compliance in this state in the high 90's? It has to be a minority of cases. Why does the bureau need this? They already have the right to levy against property, against receivables. They already have the right to seize property. They already have lien authority, so why do they have to have this authority to say to someone, because you owe some taxes, we are going to take away your right to make a living? Mr. Plumber or Mrs. Electrician, we are taking your license — doctor, lawyer or what have you. We hear these stories of how effective it has been, it is effective because it is easier, it is easier.

The facts are that we have heard too many horror stories about the abuse of this authority. We have heard it in testimony before the Taxation Committee, we have heard it from tax practitioners all over the state and I know you have heard it from your constituents.

Something rather interesting happened in the Taxation Committee because the State Tax Assessor said, well, the most we have to wait is two years to get the license of an attorney because they re-license every two years, I thought for a second, wait a minute, teachers get re-licensed every three years. I said, how about teachers? It doesn't apply to teachers. How about nurses? It doesn't apply to nurses. Wait a minute, aren't they licensed professionals? Two meetings later, he said, I guess it does apply to them. Then we heard the story — well the reason it doesn't apply to them is because they have withholding, they would never end up owing taxes or not having filed tax returns. I asked him about the nurses who work in Boston on the weekend as private contractors and have no withholding of any kind — you mean they never end up owing taxes or the teachers who have the private schools or the day care centers? So, it is being used selectively.

The Majority "A" Report seems to soften this power but I would take issue with it. I am not going to read the whole thing to you because I know we are getting hungry and every other thing but the adjustments that are being made to this provision, the key word here is appeals. The part where he can suspend a license — it says, "in any event, the license or Certificate of Authority in question remains in effect." That sounds good, "remains in effect until all appeals are taken to their final conclusion." Then, we drop down to a Certificate of

Good Standing where the State Tax Assessor can issue a Certificate of Good Standing to some other licensing bureau, providing what? It says that he will do this either by "failure to proceed to the next step of appeal or by exhaustion of the steps of appeal, the determination of the assessor's right to revoke becomes final as otherwise determined by appeal." Well, the appeals procedure of a tax situation in Maine is very complex and what happens in the real world is this — the taxpayer gets a notice, that taxpayer doesn't understand all that legal language, they ignore the notice or they try to handle it themselves and, in the meantime, the clock is ticking, tick, tick, tick, tick, tick, all of a sudden they have gone past the first statutory provision, they get a next one and the clock is still ticking and they go beyond that. The first thing you know they have got an assessment against them. Try to appeal an assessment, you can't, and at that point, you are stuck with it. At that point, you find the State Tax Bureau being very hard-nosed about how you are going to pay this and how you are not going to pay it and who comes first and whether you are going to work or not.

We are told we have even made this softer by putting in this provision, "the licensing board, on receipt of the finalized notice to revoke, revoke the license within 30 days. The bureau and the licensee" now get this, "may" may "agree to nonbinding" nonbinding "mediation for an agreement to complete obligations." Who is going to be the mediator? What if the bureau says, sorry, we don't want to get into this nonbinding mediation you owe the tax?

I am not going to stand here and tell horror stories, I think you have heard them and I think I have tried to make my point.

The last thought is this, the power to control a person's ability, in my opinion, to earn a living goes far beyond reasonable tax enforcement. There is no need for this and I would hope that you would turn down the Majority "Ought to Pass" Report and we would move on to the Minority Report with Amendment "B" which would repeal this provision in total.

Now, you have a fiscal note and I feel that if the Bureau of Taxation wants to get rid of something, they put a fiscal note on it. I find this one amusing because they are saying, if we don't have this authority to hang this over someone's head, we won't collect the taxes. My answer to that is, if you can't collect those taxes without this, you are not doing your job, number one.

Let's look at the reverse fiscal note and the reverse is this, we don't hear this — if you take away someone's ability to make a living, especially someone who is working off a license and employing other people, what are you doing there? You are losing tax revenues and that is a fiscal note also. I suggest the fiscal note is a wash.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: This L.D. 1149 is my bill. This bill came in primarily to address one specific concern of a realtor who by definition needed her license to earn a living to pay the taxes. I have right here, if anybody is interested, you can see this, I have right here the whole case history. It is quite a lengthy thing actually, correspondence going back and forth and she basically pleaded that she needed to appeal the decision that was rendered

because without (its the chicken and the egg) her license, she could not earn a living and, therefore, could not pay the taxes.

After some discussion in committee, and we did have quite a bit of discussion, a compromise position was established. The State Tax Assessor and the parties involved met separately on several occasions. The State Tax Assessor essentially drafted Committee Amendment "A" which is what we are talking about, everybody is happy. The person in question who had the unfortunate circumstances to begin with is happy, the State Tax Assessor is comfortable with what he ended up drafting, it solves the immediate problem.

The reason we cannot go quite as drastic as my colleague from Thomaston wants to do is because, when we did the amnesty program in 1989, I realize some of you weren't here, some of you probably could care less, but one of the things that was established in that program was all right, you got amnesty, we will give you a window period, belly up to the bar, clean up whatever you got, we are not going to ask any questions, that's it, case closed. However, from the window period onward, if we discover that you owe liability, we are coming down hard, that was the provision.

I will just use (you think of your own self in the situation) — if you had an amnesty program and you saw somebody, one of your neighbors or someone else, getting off and then there were statements made publicly that the policy would be after that window period, we will come down hard. Then, somehow over the next few years, you saw that policy just kind of dissipate and people were literally walking away free, how would that make you feel as a taxpayer? I would ask the same questions that my colleague from Thomaston was asking only with a slightly different twist. How would your voluntary compliance work? Would you be all that excited about paying your fair share if some other guy seemed to be wiggling out of it?

I am saying what we have right here in Committee Amendment "A", which is the Majority Report, is a solution to the immediate problem. It has no fiscal note or a very, very minor one which will be absorbed within the department's operating budget. My colleague from Thomaston does have a \$1 million fiscal note, he might say that is bogus. However, neither he nor I write fiscal notes, we have to live or die by them and that is the way the game is played.

I would urge you to strongly consider the Majority Report and would ask for your support.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I have to admit I know very little about this issue, I knew nothing about it until I received a telephone communication from a constituent. Now I am very, very concerned about what is being said here today and what is being addressed. I didn't hear any talk about tax credits in what was discussed here now. That is a major part of what this legislation is about.

I respectfully urge you to support the position of Representative Simoneau all the way on this because I did have a communication with him and by the time this is enacted, I assure you I will fill you in with some very interesting details.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: Just briefly, I would just like to state a couple of things. Number one, this is similar to a problem that we addressed earlier in the Labor Committee in the collection of unemployment taxes, but not the same. I would like to point out two other major issues regarding this. Number one, who in this room is a better and more knowledgeable and has more expertise and experience in taxation matters than Representative Simoneau? There may be one or two, I don't know of them, but there may be one or two. He knows what he is talking about. I have discussed the matter with him at length.

My father has been a tax assessor for 25 years. I discussed the matter with him at length. He believes especially in this economy, it is not the time to be holding the big stick over the employer. This is not the time to do that. This is the time to be a little bit more lenient with the employer who has several employees who, if that employer's license is taken away, are out on the street.

So, I hope that those issues will be thought of when you go to make this vote today. Representative Simoneau has spent his life in this area and I certainly do believe what he says.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I will not claim to have more expertise in the area of taxation than Representative Simoneau. I think Representative Bowers may claim to have some knowledge as well and I don't particularly like to think of this as a partisan vote.

Representative Nadeau alluded to what happened in the tax amnesty program a couple of years ago and for those of you who weren't here, let me just explain that a deal was cut to allow as many people to come in and pay back taxes as is possible. The way that deal was cut is, you are forgiven, you will not be prosecuted, we just want you to come in and start paying your taxes. Some members of my party said we are not going to bring in the money. I was concerned about that and called a number of states that had done amnesty and said, please don't say that publicly any more, we are going to bring in the money. In fact, we could go way under possibly but we could also go way over. The program was a success, we brought in a lot of money and that is the end of amnesty, but the way amnesty works is you can only do it one time. So, what you have to do after amnesty is you have to raise the stakes. The State Tax Assessor said, I need to raise the stakes. He had out there a number of people, including physicians and attorneys who were not paying their taxes and basically saying, "pound sand, come get me." Funny thing is, this year when we talked about who is and who isn't paying their taxes in the state, he can no longer cite any physicians who are not paying their taxes because when you say to the good doctor, you are no longer going to practice medicine, he comes forward and pays his taxes, maybe the divorce was expensive, I don't know what the problem was, but suddenly he decides it is really worth his license to pay his taxes.

A number of you heard from realtors. I used to be a realtor and this is a very terrible time for realtors and they are having a hard time making an income. Representative Simoneau is correct about something else, somebody in the department is being heavy-handed and we know that and Representative

Simoneau wants to get involved this summer in taking a look at analyzing that. I have CPA's in my community who say to me, I can't cut a deal with them, I have people who would come in from the woods if I could cut a deal — we want to work on that and address that concern because we want the money.

All of that aside, the department needs the teeth of being able to say, we are going to pull your license if you don't come in and negotiate a deal. Because there were complaints about heavy-handedness, if you look at Committee Amendment "A" and you turn to section 2, you will see that you can cut a deal with them, you can make a program for payment. I know there is a particular concern among realtors because they lost a lot of income, you can make a schedule for payment and as long as you make payments, you will have your license conditional and it will only be revoked if you start failing to make your payments. If you don't have the teeth, then why do any of us bother to pay our taxes? We have a voluntary system of compliance, but the people who are volunteering to pay must know that those who do not volunteer to pay lose something. Now, we can't throw these folks in jail because it costs us \$30,000 a year every time we throw someone in jail, never mind the fact that they are not making any money and they are not paying us any taxes. It is expensive to throw people in jail.

What we can do is somewhat limited. We can prosecute them, we can liquidate their assets, this gets expensive so the simple thing to do is to say, your means of making a livelihood (which yes it does cost us, but it costs them as well) the means by which you lead a comfortable life is going to be removed from you unless you come in, make a schedule and make payments.

The reason that we have Committee Amendment "A" is because we knew the department was being heavy-handed but I think it is a reasonable way to deal with this. There is going to be notice. It is not going to be notice that someone can say, I lost it in the mail, it is going to be Certified Mail or delivered by a civil officer, there is going to be an appeals process so you can't lose your license while you are undergoing an appeal.

Finally, what I need to say to you is that this does have a \$1 million fiscal note. If you don't go with the Majority Report, this will go to the table. I don't have the million dollars, I don't know if Representative Simoneau has the million dollars, but I am not aware of where you are going to find a million dollars, we can't pull out fiscal notes from under legislation. If we could, there were a few other things we would have done this year with higher priority. I would like to get rid of the fiscal note on the Circuit Breaker Program and you would all get to keep your program but I can't do that.

We need to keep in line the teeth because we did the amnesty and you have got to show in the end that we are serious about fairness and we are serious about those people who come forward getting treated better than those people who don't.

I hope you will stick with the Majority Report as amended by Committee Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: As a fellow CPA with Representative Simoneau, I won't profess to know more about all taxes than he does, he might know more

about some, I might know more about others, but we both know about this issue. The issue is not about people who are committing fraud and refusing to pay taxes and refusing to report income, the issue is the people that might be away for two months or three months in the winter or, if it is a CPA, they are away in the summer and those people that get a couple or three notices from the State Tax Assessor saying that we have assessed this much in tax and you owe this much in tax and they come back and find their license is revoked. That is the sort of thing that can go on right now. There is no way the State Tax Assessor, as big brother, should be allowed to revoke anybody's professional license, that is how we earn our money and that is how we would have to pay the assessment.

I have a number of clients that have had assessments against them because of sales tax items because the department has made mistakes. I had somebody from the department show up at the Machias Fair — excuse me it was the Blue Hill Fair — and tried to shut down a client of mine because I had made a mistake on their sales tax return and they never even called, they tried to shut down this vendor. We have got to put a stop to this and this is one way.

One other remark, I encourage you to defeat the Majority Report and support the Minority Report. I want to say one little thing about the fiscal note. This is specious, there is no methodology that shows that the State Tax Assessor is correct in saying that \$500,000 will be lost in revenue. That is my biggest problem with the way that the whole system of fiscal notes work.

I had a bill killed just a couple of weeks ago where a town was collecting sales tax. One town was collecting sales tax to the tune of \$4,000 a year, he had \$140,000 fiscal note on it because of an amendment he wanted to put on the bill. I will leave it at that.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: This will be extremely brief. I am just going to say, let's not get carried away with scare tactics. There was a very good reason why the big stick gets placed at the other end of this. However, we have got to realize that we are dealing with individuals who do have hearts. There can be negotiations, there can be circumstances that can be worked out. It is not an absolute "gun to the head" type of deal.

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

Representative SIMONEAU: Mr. Speaker, Men and Women of the House: Very briefly. There is one other person in this House Chamber who does have vast experience and that is our Doorkeeper, Mr. Fleming, who is a retired collection officer from the IRS.

Just think of one thing, let's assume that this bill went beyond your professional licenses. Each one of us in this House knows of someone, relative, friend, neighbor, what have you, who has had some sort of a problem working with the IRS, for example, in their service center.

The same thing happens with the state. Just assume for a minute that this thing went beyond your professional license. What if it was your driver's license or your hunting license or your fishing

license? That gets pretty personal, doesn't it? That is there. Thank you for listening to us and Mr. Speaker, I request the yeas and nays.

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

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

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

Representative DORE: Mr. Speaker, Men and Women of the House: I am sorry to have to bring this to your attention one more time. I would like you to take a look at Committee Amendment "A." I am going to read to you the lines because you need to know that there are things that the Tax Committee is universally agreed upon and one of them is that we have a problem in the Department of Taxation with heavy-handedness. That is why you have two Committee Reports here and two different ways of dealing with the heavy-handedness in the department. One of the ways cost us money and the other way does not cost us any money. We have to deal with that million dollars, whether you like it or not, whether you call it specious or not, you have to ask yourself, is this going to be a feel good thing that is going to go downstairs to the Appropriations Table and that is the end of it? We need to be able to fund this fiscal note, if you take it away — and more important than that, if you take away the ability to revoke the license, are you saying you have got a Department of Taxation with no enforcement capabilities? I think that is what you are saying. If you want to have enforcement and you want to go to the rest of your citizens who don't have a tax problem and say, folks, we are fair, then you have got to have enforcement with teeth.

One of the persons we heard from when this was going on was a woman who had lost her real estate license, she was a mother. I thought I would much rather pull her real estate license than take her away from her house and her family and her community and mark her in that way. We certainly got her attention because she asked for the legislation to be submitted. She is looking for a way to make monthly payments and we certainly listened to her concern that the department wasn't giving her an opportunity to make monthly payments in a manner that she could.

Now, if you take a look at Certificate of Good Standing, Section 2 it says, "If the licensee fails to honor the agreement, the State Tax Assessor may notify the licensee and the licensing authority" (that would be any licensing board that gives you your license) "to the determination to revoke the license. A review of this determination is available by requesting a petition for reconsideration under Section 151." So, you can review the determination by requesting reconsideration under Section 151, "subject to appeal to the Superior Court in accordance with the Maine Administrative Procedures Act, either by failure to proceed to the next step of appeal or by exhaustion of the steps of appeal the determination of the assessor's right to revoke becomes final unless otherwise determined by appeal."

If people don't come forward and try to cut a deal, we are going to revoke their license. But, if

you read this carefully, you will see you can't pull the license if people come forward and either repeal the decision or cut a deal to make payments each month in good faith. I hope you realize that we have noticed the problem, we are addressing the problem, we are not defending the department's heavy-handedness, but we have to leave them the ability to get someone's attention and get them to pay their taxes. Most of your constituents pay their taxes.

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.

To the Chairman of the Taxation Committee, if I don't hold a license, how do you handle this problem now?

The SPEAKER: Representative Gray of Sedgwick has posed a question through the Chair to the Chairman of the Taxation Committee who may respond if she so desires.

The Chair recognizes that Representative.

Representative DORE: Mr. Speaker, Men and Women of the House: Currently we pull the license. If you don't have a license, then you get prosecuted or then we start attaching assets. Both procedures are more expensive for us. The department has nothing to negotiate with beyond your license. Obviously, they have to go after your assets, they have to take you to court and prove that you owe it and attach your assets.

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.

To the Chairman of the Taxation Committee, it appears to me, and please explain to me if I misunderstand what is going on here, you are only going after licensed people?

The SPEAKER: Representative Gray of Sedgwick has posed a question through the Chair to the Chairman of the Taxation Committee who may respond if she so desires.

The Chair recognizes that Representative.

Representative DORE: Mr. Speaker, Men and Women of the House: Representative Gray is correct because you have to have something that you can take away. In the case of licensed people, the Department's problem is that there are a number of people who are professionally licensed to work in this state who weren't paying their taxes. I can't go after someone who doesn't have a license.

Representative Simoneau suggested in committee that we ought to go after teachers because they have a license. I said, "Representative Simoneau, if you put in the amendment, I will vote for it. You want to go after teachers with a license, we will go after teachers with a license." It is not the intention to discriminate against people without a license, the intention is to say, this is something that we can go after that is cheaper for us and it gets your attention. Now, some people don't have a license, they do something that doesn't require a license, you can't go after that.

Representative Simoneau of Thomaston was granted permission to address the House a third time.

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: Just quickly, I must correct Representative Dore. We are not talking about criminal activity here, so prosecution does not come

into play. We are talking about the civil collection of taxes, courts don't come into play. People aren't going to jail. We are talking about somebody who owes a tax and we are going to grab their license.

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

ROLL CALL NO. 175

YEA - Adams, Brennan, Carroll, Cashman, Clement, Cloutier, DiPietro, Dore, Driscoll, Farnsworth, Fitzpatrick, Gean, Gwadosky, Hale, Hatch, Heesch, Hichborn, Hoglund, Holt, Johnson, Ketterer, Michael, Mitchell, E.; Mitchell, J.; Nadeau, O'Gara, Oliver, Paradise, P.; Pineau, Rand, Richardson, Rowe, Rydell, Saint Onge, Simonds, Swazey, Tardy, Townsend, E.; Treat, Winn.

NAY - Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Bruno, Cameron, Campbell, Carleton, Cathcart, Chonko, Clark, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, Donnelly, Erwin, Faircloth, Farnum, Farren, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Heino, Hillock, Hussey, Jacques, Joseph, Joy, Kerr, Kilkelly, Kneeland, Kontos, Kutasi, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Michaud, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Pfeiffer, Pinette, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Ruhlin, Simoneau, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Taylor, Thompson, Townsend, G.; Townsend, L.; Tracy, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Caron, Carr, Chase, Dutremble, L.; Jalbert, Larrivee, Libby Jack, Morrison, Murphy, Plowman, Saxl, Skoglund, The Speaker.

Yes, 40; No, 98; Absent, 13; Paired, 0; Excused, 0.

40 having voted in the affirmative and 98 in the negative with 13 being absent, the motion did not prevail.

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

Committee Amendment "B" (H-612) 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 "B" (H-612) and sent up for concurrence.

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

The Chair laid before the House the following item: HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-432) - Minority (2) "Ought Not to Pass" - Committee on State and Local Government 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) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" as amended Report.

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

A vote of the House was taken.

80 having voted in the affirmative and 54 in the negative, the Majority "Ought to Pass" Report was accepted, the Resolution read once.

Committee Amendment "A" (H-432) was read by the Clerk and adopted.

Under suspension of the rules, the Resolution was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-432) and sent up for concurrence.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-433) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government 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) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report.

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

A vote of the House was taken.

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

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-434) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government 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) which was tabled earlier in the day and later today assigned pending acceptance of the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote

no.

A vote of the House was taken.

64 having voted in the affirmative and 70 in the negative, the motion did not prevail.

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

Committee Amendment "A" (H-434) was read by the Clerk and adopted.

Under suspension of the rules, the Resolution was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-434) and sent up for concurrence.

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

(Off Record Remarks)

The Chair laid before the House the following matter: An Act Concerning the Clerk-of-the-works (H.P. 219) (L.D. 287) (S. "A" S-241 to C. "A" H-382) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Subsequently, L.D. 287 was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Martin of Van Buren, Adjourned at 2:16 p.m. until Monday, June 7, 1993, at four o'clock in the afternoon.
