

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
67th Legislative Day
Wednesday, June 9, 1993

Maine State Senate
Augusta, Maine 04333

June 8, 1993

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

Prayer by Father Royal J. Parent, Holy Family Parish, Lewiston.

The Journal of Tuesday, June 8, 1993, was read and approved.

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 Housing and Economic Development, the following:

Timothy P. Agnew of Yarmouth for reappointment as Chief Executive Officer of the Finance Authority of Maine.

Richard E. Dyke of Windham for reappointment to the Finance Authority of Maine.

Jayne C. Giles of Winthrop for reappointment to the Finance Authority of Maine.

Sincerely,

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

Was read and ordered placed on file.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Improve Communication between the Executive and Legislative Branches" (H.P. 419) (L.D. 538) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Representative FAIRCLOTH of Bangor,
Representative JOSEPH of Waterville, and
Representative YOUNG of Limestone - of the House.

Senator BERUBE of Androscoggin, Senator BUTLAND of Cumberland, and Senator HARRIMAN of Cumberland - of the Senate.

Was read and accepted.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 8, 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 Banking and Insurance, Brian K. Atchinson of Cumberland for reappointment as the Superintendent of the Bureau of Insurance.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 8, 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 State & Local Government, Mark R. Dionne of Sanford for appointment as the Management Representative of the Workers' Compensation Board. Mark R. Dionne is replacing Ronald Guay.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 8, 1993

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

Dear Clerk Mayo:

Please be advised that the President today appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Establishing the Maine Community Reinvestment Program" (H.P. 590) (L.D. 794):

Senator McCORMICK of Kennebec
Senator CAREY of Kennebec
Senator KIEFFER of Aroostook

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices (S.P. 225) (L.D. 696) (C. "A" S-168) which failed of passage to be enacted in the House on June 8, 1993.

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

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

ORDERS

On motion of Representative DAGGETT of Augusta, the following Joint Order: (H.P. 1161)

Ordered, the Senate concurring, that Bill, "An Act to Improve Local Control over Liquor Licensing," H.P. 589, L.D. 793, and all its accompanying papers, be recalled from the legislative files to the Senate.

Was read.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I hope you will support this Order. This was a unanimous committee report and there was some mixed communication and I hope you will support its being recalled so that it can continue to be considered.

Subsequently, a two-thirds vote of the members

present being necessary, a total was taken. 91 having voted in favor of same and none against, the Joint Order was passed and sent up for concurrence.

(Off Record Remarks)

SECOND READER

Later Today Assigned

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1993 (EMERGENCY) (H.P. 1158) (L.D. 1557)

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

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

ENACTOR

Emergency Measure

Later Today Assigned

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 (H.P. 1141) (L.D. 1541) (Governor's Bill) (H. "A" H-617 and H. "B" H-627 to C. "A" H-609)

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

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I apologize for jumping up twice so soon, it is just that I am used to the Speaker for six years who is so fast I was afraid I would miss it.

Please, ladies and gentlemen, before we enact this bill there are concerns that have been expressed to the Energy and Natural Resources Committee that should be shared, I feel, with the full legislature and put on the Record.

Citizen activists who are proud of their involvement with the Radioactive Waste Authority and the Advisory Commission on Radioactive Waste over the past five years and more have stated these concerns to the Authority and the Committee as well as the Commission.

One concern is that voting for this L.D. is a gamble that the Texas site for radioactive waste, so-called "low level", will be ready in time before interim storage capacity runs out.

Texas citizens opposed to this have filed suit in a federal court against their state making this repository available to Maine or Vermont as well as Texas waste. Just a few days ago, there was a press conference in El Paso, Texas in which the Alert Citizens for Environmental Safety filed suit in federal court in Pecos to block plans by the state to

build this low-level radioactive waste dump in Hudspeth County. The suit challenges actions by the state and the legislature which mandated in 1991 that the radioactive waste dump be placed exclusively in a 400 square mile area in Hudspeth County. That mandate, made prior to environmental studies, prior to environmental studies and, after two previous reversals by the state to site the dump in the county, according to this group, violates the Federal Low-level Radioactive Waste Policy Act Amendment of 1985, which called for "screening of broad siting areas" and "identifying and evaluating specific candidate sites" considered for radioactive waste dumping.

Those are the things that Maine has been careful to do with its authority and its citizens' advisory group.

I believe this challenge may find support in last year's Supreme Court decision that the states cannot be forced to accept liability and ownership for nuclear power waste. Once more, the people are the final decision-makers. Of course the people are represented by their representatives in the legislature but in this instance the people most affected have not been brought into the process as they have been in Maine.

Another worry is the cost. Will it be greater than anticipated? The \$27.5 million only buys us the way in. The Electric Power Research Institute, hardly an anti-nuclear organization, has estimated that Texas disposal will cost \$450 a cubic foot, higher than any anti-nuclear activist's estimate. That is on record from *Nucleonics Week*, an industrial publication.

I noticed in the *Boston Globe* last month an article that the Nuclear Regulatory Commission has given Texas license for the Comanche Peak Nuclear Power Station Number 2, you will be interested to know that it took 20 years to build that near Fort Worth. They estimated it to cost \$800 million and now the cost looks like it is \$11 billion. If that is the cost of building building nuclear power plants in these days, imagine the change in cost for dealing with nuclear waste as we get into decommissioning plants.

Also, this compact limits Maine capacity to only 300,000 cubic feet, less than one-half of the current estimate of Maine Yankee needs according to the state report by the Governor's Nuclear Safety Advisor, which you have seen, I believe. It is unlikely that compaction of decommissioning waste could achieve a 50 percent reduction in volume without enormous expense and without radiation exposure, dangers to workers. Furthermore, the cost of compaction has not been included in estimates of the total cost.

Bob Dunning, a member of the Citizen's Advisory group who has done a great deal of study on issues of nuclear waste, technical studies on the nuts and bolts of nuclear waste and the laws dealing with it, where as my expertise is in the health effects of nuclear radioactive isotopes, but Bob Dunning believes that Maine could deal safely with Maine generated waste in our state, more safely. He stated to the committee that the work done by the University of Maine on engineered soil and above ground storage with the ability to retrieve waste and repackage it, if problems cropped up, is far better than the simpler disposal in the ground method planned by Texas. In other words, Texas is planning disposal. Maine with its study over the past few years has come

to the realization that it is better if we are able to get the stuff out if something goes wrong and repackage it.

Well, Mr. Dunning and other Safe Energy activists believe it is wrong to send waste out of state particularly to Texas where there is no real citizen involvement and no citizen vote. Even though the terrain there is obviously desert in character, thorough site research has not been done. Don Gardiner of the Texas Nuclear Responsibility Network told lawmakers there that Sierra Blanca was selected as the state's nuclear waste dumping ground "for political reasons", not scientific ones, political reasons.

The site has big water problems, it is situated on 20 miles from the Rio Grande and the site is in an active earthquake zone. In 1931, there was a 6.1 earthquake on the Richter scale, a rather large earthquake, and they tell us that that disposal site will be able to withstand that kind of an earthquake but it is well to remember that though much of the radioactivity indeed decays in 100 years to 500 years, there is some extremely worrisome waste that could cause serious health effects if it got into the food chain for many, many thousands of years.

Eternal guardianship are the watchwords if we are to be truly responsible with the nuclear ages' waste.

Once more, I want us to understand that the site chosen in Texas is an area of poverty, much poverty.

The rush to find a dumpsite is being pushed by the federal government which failed in its promise to deal with the waste in the first place. It is being pushed by Maine Yankee. Maine Yankee, the largest generator, is in a hurry, not because of any worry about safety, but because the waste is bad public relations. Maine Yankee releases more curies of radioactivity into our air and water than is contained in the waste it wants to ship to Texas. Just since the end of May, Maine Yankee has released 30 curies of radioactivity into Montsweag Bay. Yet, it will spend any amount of the ratepayers' money to get this problem out of sight and out of the newspapers. As you can see by the Senate Amendment to this bill, Senate Amendment 307, Maine Yankee is willing to spend \$95,000 to pay for a referendum to put this deal on the ballot in November to avoid a fiscal note.

Hospital and laboratory waste and its dangers are tiny in comparison to nuclear power waste. There would be no national problem or crisis about nuclear waste without nuclear power. Dr. Marvin Resnicoff, national expert on radioactive waste and others such as myself and Maine activist Phil Malette, as well as the Maine Committee for Safe Energy Future, believe a massive scientific effort to resolve all aspects of the nuclear waste problems should commence immediately. It should be an independent entity similar to the Manhattan Project which led to the unleashing of the atom and the scattering of its waste worldwide. We believe we should stop producing the waste just as soon as possible.

If we vote to approve this bill, enact it, let us hope our Low-level Radioactive Waste Authority will share with Texas all the information and expertise it has gained in its awesome task of the last five years.

Representative Jacques of Waterville requested a roll call vote.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.
Representative MITCHELL: Mr. Speaker, Men and

Women of the House: I will try to be very brief but I want to hit on three or four points.

I voted to shut down Maine Yankee as a citizen three times and, yet, I think that the proposal to send our waste to Texas is a very good idea, a very good proposal. The federal law required all the states to take care of their own radioactive waste. I think that the federal law was wrong because what the federal law did was encourage siting of these facilities in areas of the United States that are humid and they are much better sited in areas that are dry and arid because water is the pathway that will carry the radioactive waste from the facility out into the environment. The site in Texas is located in a place that gets ten inches of rain a year. Maine averages about 44 inches of rain a year. The water table in Maine is usually at about five feet or higher and at the site in Texas, the water table is at about 600 feet, so the chances of this site ever leaking are much, much less than they would be if you located a site in Maine. It just seems to me to be a much safer way to go, a much more environmentally sound way to go.

You might ask about transportation. Our radioactive waste is already transported to South Carolina and we already do that.

Representative Holt talked about the people in Texas not having enough public input, I think it is about the amount of public input people in Texas have is a matter for them to decide and not a matter for us to get concerned about, Texas can take care of themselves.

At our public hearing, the anti-nuclear activist, Ray Shaddis who started the first referendum against Maine Yankee in 1980 testified before the committee that as far as he was concerned, he had been a resident of Texas and he felt he had been very well represented there. He supported the Texas Compact.

I hope you will all vote for this particular bill.

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

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Implement Certain Recommendations of the Economic Growth Council (S.P. 530) (L.D. 1556)

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

Emergency Measure

An Act to Amend Certain Laws Governing Solid Waste Management (H.P. 966) (L.D. 1297) (C. "A" H-535)

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. 102 voted in favor of the same and 13 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

An Act to Provide Access to Landlocked Property (H.P. 1051) (L.D. 1403) (C. "A" H-529)

TABLED - June 7, 1993 by Representative ZIRNKILTON of Mount Desert.

PENDING - Motion of Representative LARRIVEE of Gorham to indefinitely postpone Bill and all accompanying papers. (Roll Call Ordered)

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Larrivee of Gorham to indefinitely postpone the bill and all accompanying papers (roll call ordered) and later today assigned.

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

An Act Related to Lottery Machines (EMERGENCY) (H.P. 159) (L.D. 211) (S. "A" S-190 and S. "B" S-283 to C. "A" H-319)

TABLED - June 8, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Daggett of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 211 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-319) as amended by Senate Amendments "A" (S-190) and "B" (S-283) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "B" (S-283) to Committee Amendment "A" (H-319) was adopted.

On motion of the same Representative, Senate Amendment "B" (S-283) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-639) to Committee Amendment "A" (H-319) and moved its adoption.

House Amendment "A" (H-639) to Committee Amendment "A" (H-319) was read by the Clerk and adopted.

Committee Amendment "A" (H-319) as amended by Senate Amendment "A" (S-190) and House Amendment "A" (H-639) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-319) as amended Senate Amendment "A" (S-190) and House Amendment "A" (H-639) thereto in non-concurrence and sent up for concurrence.

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

An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990 (H.P. 963) (L.D. 1294) (C. "A" H-534)

TABLED - June 8, 1993 (Till Later Today) by Representative JACQUES of Waterville.
PENDING - Passage to be Enacted.

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

The Chair laid before the House the fourth 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 8, 1993 (Till Later Today) by Representative ADAMS of Portland.
PENDING - Passage to be Engrossed.

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

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

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 8, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative MARTIN of Eagle Lake to indefinitely postpone Committee Amendment "A" (H-544).

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Martin of Eagle Lake to indefinitely postpone Committee Amendment "A" (H-544) and later today assigned.

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

Bill "An Act to Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate" (S.P. 222) (L.D. 693) (H. "A" H-606 and H. "B" H-623 to C. "A" S-274)

TABLED - June 8, 1993 (Till Later Today) by Representative O'GARA of Westbrook.
PENDING - Passage to be Engrossed.

On motion of Representative O'Gara of Westbrook, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-274) as amended by House Amendments "A" (H-606) and "B" (H-623) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-606) to Committee Amendment "A" (S-274) was adopted.

On further motion of the same Representative, House Amendment "A" (H-606) was indefinitely postponed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" (H-623) to Committee Amendment "A" (S-274) was adopted.

On further motion of the same Representative, House Amendment "B" (H-623) was indefinitely postponed.

The same Representative offered House Amendment "D" (H-640) to Committee Amendment "A" (S-274) and moved its adoption.

House Amendment "D" (H-640) to Committee Amendment "A" (S-274) was read by the Clerk and adopted.

Committee Amendment "A" (S-274) as amended by House Amendment "D" (H-640) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-274) as amended by House Amendment "D" (H-640) thereto in non-concurrence and sent up for concurrence.

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

An Act to Amend the Laws Governing Legislative Ethics (S.P. 321) (L.D. 974) (C. "A" S-271)

TABLED - June 8, 1993 (Till Later Today) by Representative PARADIS of Augusta.
PENDING - Passage to be Enacted.

Subsequently, L.D. 974 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act Concerning Technical Changes to the Tax Laws (EMERGENCY) (S.P. 182) (L.D. 596) (C. "A" S-277)

TABLED - June 8, 1993 (Till Later Today) by Representative SIMONEAU of Thomaston.
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. 596 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-277) was adopted.

The same Representative offered House Amendment "B" (H-641) to Committee Amendment "A" (S-277) and moved its adoption.

House Amendment "B" (H-641) to Committee Amendment "A" (S-277) was read by the Clerk.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I would like to clarify for everyone that we have simply removed an item from the technical changes bill that does not belong in the technical changes bill. I think we will be discussing that as a separate piece of legislation in the House in the next few days.

Subsequently, House Amendment "B" (H-641) to Committee Amendment "A" (S-277) was adopted.

Committee Amendment "A" (S-277) as amended by House Amendment "B" (H-641) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-277) as amended by House Amendment "B" (H-641) thereto in non-concurrence and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Committee on Legal Affairs - Majority (10) "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) - Minority (2) "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)
TABLED - June 8, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Acceptance of Either Report.

On motion of Representative Gwadosky of Fairfield, retabled pending acceptance of either report and later today assigned.

TABLED AND TODAY ASSIGNED

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

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

- In House, Passed to be engrossed as amended by Committee Amendment "A" (S-159) as amended by House Amendment "C" (H-592) thereto on June 4, 1993.

- In Senate, Passed to be engrossed as amended by Committee Amendment "A" (S-159) as amended by Senate Amendment "A" (S-306) thereto in non-concurrence.

TABLED - June 8, 1993 by Representative CLARK of Millinocket.

PENDING - Further Consideration.

On motion of Representative Clark of Millinocket, retabled pending further consideration and later today assigned.

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

COMMUNICATIONS

The following Communication:

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

June 8, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 920 An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1994 and June 30, 1995

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON TAXATION

June 8, 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. 12 An Act to Exempt Emergency Food Banks from State Sales Tax

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.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 532)

ORDERED, the House concurring, that Bill, "An Act to Modify Various Licensing Board Laws," S.P. 490, L.D. 1501, and all its accompanying papers, be recalled from Engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following Joint Order: (S.P. 533)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, June 14, 1993, at nine o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

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

ORDERS

On motion of Representative JACQUES of Waterville, the following Joint Resolution: (H.P. 1163) (Cosponsored by President DUTREMBLE of York and Representatives: JALBERT of Lisbon, MARSH of West Gardiner, MARTIN of Eagle Lake, Senators: TITCOMB of Cumberland, WEBSTER of Franklin)

JOINT RESOLUTION RECOGNIZING THE STATE OF MAINE VICTORY PLATOON, COMPANY 690, ON THE OCCASION OF ITS 50TH ANNIVERSARY

WHEREAS, on June 30, 1943 the United States Navy formed the State of Maine Victory Platoon and inducted 107 young men from across the State into that unit; and

WHEREAS, that unit, also known during its training as Company 690, was commanded by John Reed, who later became Governor of the State of Maine; and

WHEREAS, the members of the State of Maine Victory Platoon served with distinction in various theaters of war across the globe during the remainder of the Second World War; and

WHEREAS, 2 members of the unit gave up their lives in the service of their country before the war ended; and

WHEREAS, the State of Maine Victory Platoon is holding its 50th anniversary reunion in Portland on June 26, 1993; now, therefore, be it

RESOLVED: That We, the Members of the 116th Legislature, now assembled in the First Regular Session, offer congratulations to the men of the State of Maine Victory Platoon on the occasion of its 50th anniversary celebration; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the members of the platoon in honor of the occasion.

Was read.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: This is a Resolution that I will be passing on to the 49 or so men that will be having their reunion on June 26th. Originally, there were 100 young men 17 years of age who left all different parts of the State of Maine and gathered in Portland back in 1943 and were sworn in as this unit in the United States Navy.

The organizer of this affair is a resident of the City of Waterville and that is how I became involved, but there are a couple of things that were pretty unusual — when they presented themselves in the City of Portland 50 years ago, they were addressed by the President of the Senate at the time which was Horace Hildreth who soon became the Governor of the State of

Maine. Their company commander was a young lieutenant named John Reed who eventually became the Governor of the State of Maine and in the 100 of them, there was a young man whose mother later married a fellow named Fred Paine and was adopted by Fred Paine and he became a Governor of the State of Maine.

So, it was a pretty ironic twist of events that occurred that this group of 100 men would be getting together and be involved, this particular platoon would be involved with three separate Governors of the State of Maine. It is my understanding that they have located 45 out of the original 100 and they were still looking for 38 more.

We intend, hopefully, with the Speaker and the President's approval, to have a copy of this for every one of them that do show up on June 26th, recognizing the fact that 17 young men entered the United States Navy in 1943, some never came home, but they also came home a lot older than their years would have allowed normally.

This is a pretty big thing to them so I appreciate the fact that the Maine Legislature would adopt this Resolution and, wherever they go back to when they leave Maine on the 27th or 28th of June, they will have a copy of this to remember the fact that we appreciated what they did 50 years ago and recognize them for their contributions.

Subsequently, the Resolution was adopted and sent up for concurrence.

concurrence.

The Chair laid before the House the following matter: 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 (H.P. 1141) (L.D. 1541) (Governor's Bill) (H. "A" H-617 and H. "B" H-627 to C. "A" H-609) which was tabled earlier in the day and later today assigned pending passage to be enacted. (Roll Call ordered)

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I neglected to say something that should be on the Record when I spoke on this issue before.

While it is not true of Texas, I believe and I am sorry to say, it is true Maine can be very proud that its legislators have constantly and consistently supported citizen participation and education on nuclear issues. Maine leads the nation in careful independent state and citizen monitoring of nuclear power, in citizen involvement, in and the right to vote on nuclear waste issues. This has served this state well and will continue to do so in the future.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no. (2/3 vote being necessary)

CONSENT CALENDAR

First Day

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

(S.P. 95) (L.D. 249) Bill "An Act to Exempt Certain Real Estate Transfers from the Real Estate Transfer Tax" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-311)

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

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1157)

Representative MITCHELL from the Committee on Education on Bill "An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process" (EMERGENCY) (H.P. 1162) (L.D. 1560) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1157)

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

ROLL CALL NO. 188

YEA - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hatch, Heino, Hichborn, Hillock, Hoglund, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Ketterer, Kneeland, Kontos, Kutasi, Larrivee, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pfeiffer, Pinette, Plowman, Pouliot, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Rydell, Saint Onge, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Thompson, Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Coffman, Heeschen, Holt, Rand, Townsend, E.; Townsend, L..

ABSENT - Bailey, H.; Caron, Kilkelly, Lemke, Libby Jack, Oliver, Pendleton, Pineau, Plourde, Poulin, Ruhlin, Saxl, Townsend, G.; Winn.

Yes, 131; No, 6; Absent, 14; Paired, 0; Excused, 0.

131 having voted in the affirmative and 6 in the negative with 14 being absent, L.D. 1541 was passed to be enacted, signed by the Speaker and sent to the

Senate.

The Chair laid before the House the following matter: Bill "An Act to Expedite Maintenance of Utility Facilities" (S.P. 346) (L.D. 1041) (C. "A" S-250) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Adams of Portland, the House reconsidered its action whereby Committee Amendment "A" (S-250) was adopted.

The same Representative offered House Amendment "B" (H-645) to Committee Amendment "A" (S-250) and moved its adoption.

House Amendment "B" (H-645) to Committee Amendment "A" (S-250) was read by the Clerk.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: For those of you who were in the chamber for the debate yesterday and for those of you in committee meetings elsewhere who missed it, the bill we are now discussing is L.D. 1041 which is a request from electrical and from telephone utility companies to be given a brand new right in law, an absolute right with no appeal and with no approval necessary to allow cutting of trees upon all public rights-of-way that they deem necessary for the maintenance of the line.

Our queries yesterday centered around the fact that a public right-of-way may mean many things. A public right-of-way does not end at the edge of the blacktop of the road, depending upon the nature of the road, whether it be a county road, state road or a municipal road and depending upon the kind of deed that your predecessors signed when your house was built, that right-of-way may in fact extend many feet, tens of feet or very many feet from the middle of the road onto your own property. The bill, as phrased, would allow those forementioned companies to come upon your property and, if needful, cut down all trees if they so choose.

It seemed to me that there were several things there that we need to be concerned about. Number one, since rights-of-way are not well understood and exist in paper and have a legal life quite aside from our real life that we as legislators could be backing into a buzz saw as well as our trees backing into that buzz saw as soon as some special tree or some special stand might be cut down without the permission of the landowner.

This legislation would add at least one level of public accountability into that process should this bill pass. This amendment would simply say that every one of the municipalities in which such cutting would be done shall be notified by the utility wishing to do it, that the utility must consult with the municipal authorities, that if the municipal authorities choose to do so, it being an option, they may hold a public hearing on that and obtain the comments of you, their own citizens. It would seem to me that you and I are responsible to each of these municipalities where this will be done. We will be responsible to all of the people in each of those municipalities that may feel aggrieved. This is one opportunity to be responsible and accountable and I would urge your support of this amendment.

The SPEAKER: The Chair recognizes the

Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: The reason I am standing here this afternoon is that I am going to be supporting this amendment. We discussed this amendment somewhat, not in its entirety the way it is written right now, in the committee four different times. It really isn't drafted all that well. You may put a responsibility and burden back onto over 300 towns and there possibly could be a rate increase through your consumers back home. I just want to make you aware of that.

Subsequently, House Amendment "B" (H-645) to Committee Amendment "A" (S-250) was adopted.

Committee Amendment "A" (S-250) as amended by House Amendment "B" (H-645) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-250) as amended by House Amendment "B" (H-465) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following 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) which was tabled earlier in the day and later today assigned pending indefinite postponement of Committee Amendment "A" (H-544).

Representative Joseph of Waterville offered House Amendment "B" (H-643) to Committee Amendment "A" (H-544) and moved its adoption.

House Amendment "B" (H-643) to Committee Amendment "A" (H-544) was read by the Clerk.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: House Amendment "B" replaces Committee Amendment "A" and the explanation on the Statement of Fact says that "this amendment clarifies and simplifies the language of the proposed Constitutional Amendment."

The Constitutional Amendment has to do with rule-making authority. In the Constitutional Amendment drafted by the committee, it was in great detail. We felt at the time of drafting that we covered all the points of inquiry and concern of all persons. At second glance of the Constitutional Amendment, it was felt that in fact there was too much verbage in this particular amendment.

In my discussions just a few moments ago with the Attorney General, he agreed that Constitutional Amendments should be broadbased and that the legislature will enact legislation implementing that particular section of the Constitution. Therefore, I hope that you will adopt House Amendment "B" to Committee Amendment "A."

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

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

I would like to pose this question to Representative Joseph or to any member of the committee -- as I am reading this amendment, a question immediately comes to mind. It says "at least 30 days prior to approval, an administrative rule must be submitted to the legislature for

review." What provisions have you for emergency rules?

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I will try to answer that. Thirty days prior to approval will be actually defined in the implementation legislation. Now, approval could be many things and there are members of this committee who are concerned with what does approval mean? Does it mean approval by the agency? Does it mean the final approval by the Attorney General?

It is my understanding that by not tying the hands of future legislatures because implementation language is a statute which can be changed in the future. Those issues will be dealt with in the implementation language.

I know that you probably don't feel terribly secure about that but I would urge any person who has that concern to in fact put on the Record today their concerns so that as the next committee who would be writing this language, all of that would be taken into consideration.

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

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

The legislature is to be in session 50 days next year, how will we address the issue that we are not in session all that often?

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I don't want to be redundant but I would urge you to put onto the Record those concerns that you have and any comments about those concerns because the details of a Constitutional Amendment are not dealt with within the Constitutional Amendment but are dealt with in the implementation language of that Constitutional Amendment, such as when the former legislature passed a mandate law, after several versions and much debate, then this current State and Local Government Committee spent a good part of its legislative year to write implementation language that did take into consideration statements that were read on the floor when that Constitutional Amendment was adopted, including the concerns of those who are involved in the issues including special interests. That legislation was passed by both bodies in the past few days.

I have not directly answered your question, I cannot and I will not because I do not have that legislation before me and it will be up to the next State and Local Government Committee to implement that language.

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

Representative GRAY: Mr. Speaker, I have some concerns about this and I move that we table this one legislative day.

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

Representative Gray of Sedgwick that L.D. 962 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 79 in the negative, the motion to table did not prevail.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: The good Chair of the State and Local Government Committee has asked that we put our concerns on the Record. I had addressed some of my concerns with the Chair and I understand her conversation with the Attorney General and I understand that when we add something to the Constitution, we don't want to have it overly detailed, we want to have some room for the legislature to enact implementation language and give some discretion to the legislature but I do have some concerns and I do want to put them on the Record since I have been asked to do that by the Chair.

The amendment that came out of our committee was much more detailed. That has a filing number of (H-544), that was Committee Amendment "A" to L.D. 1293 and the committee had worked on that detail and there were reasons that we put the detail in there. I just want to go over a couple of concerns I have with House Amendment "B."

One of the concerns I have is the word "approval." I raise these as concerns so they would be on the Record so when we do the implementation language, if this passes, these comments can be used to assist the committee in determining what the legislative intent was, because having been on the State and Local Government Committee and having been involved in the deliberations, I know what the intent of several of the members on the committee was when we drafted this and I just want to get it on the Record.

House Amendment "B" speaks to at least 30 days prior to approval. I question what does the word approval mean and understand the desire to leave it rather broad, I understand that, I appreciate it.

However, it goes on to say "an administrative rule must be submitted to the legislature for review. The rule may be stayed by a vote of the committee of the legislature acting within 30 days of approval of the rule."

My concern — and I raised this before when we had L.D. 1050 is that once a rule becomes effective, I don't feel that a committee should be able to come in and suspend the rule. I really don't care so much about the legislature and executive branch, my concern is about the public, the people who have to adhere to the rules, the small business owners that have to change the way they do business to adhere to the rules. I think we need certainty and predictability and, once a rule has gone out and becomes effective, I feel people should be able to rely on that rule. I have some concern that when we put together the implementation language that the trigger that triggers the review of the legislative committee be — let me put it this way, I would like the legislative committee's review to have been completed prior to the effective date of the rule. L.D. 1050 did that to a large extent, this could also add to that. I have support for this but I just want to put this on the Record. I want to make it clear that when we do the implementation language, I hope, and it is my understanding that the review will be

conducted prior to the effective date of the rule, that means that the rule is suspended and the agency can go back to the drawing board.

If people disagree with me, I would also ask them to get up because I think it is important to make that clear.

The other important point that is not in the amendment that was in the original Committee Amendment "A" was what happens if a committee suspends a rule and the Governor does not override the suspension? In the original Committee Amendment "A", if the legislature took no action during the next session, then the rule would automatically become effective no later than five days after adjournment of that session. I don't know if that is good or bad but that puts an outside time limit on it and that says that no action by the legislature will be deemed approval of the rule. I think that is important and, of course, the new amendment is silent about that. I also want to get that on the Record because I hope that the implementation language does not say that no action by the legislature, in effect, means the rule is dead, that the legislature would have to take affirmative action to, in essence, resurrect the rule. That was not my intent when we drafted the Committee Amendment and I have related these comments to the House Chair, she has asked me to make these comments today.

One final thing I would say regarding the committee that does the review, in the original Committee Amendment "A" we had on there the Committee of Jurisdiction. House Amendment "B" simply says a committee of the legislature. I don't disagree with that, I think that is probably appropriate because what does a committee of jurisdiction mean if we stick it in our Constitution? The Joint Rules define the committees and obviously we want to have the flexibility to change committee structure from time to time so it may be appropriate to leave that to the discretion of the legislature in preparing the implementation language and allowing the legislature to amend the implementation language from time to time regarding the committee that is going to have the authority to extend the rules.

These are my comments about this. As long as my comments are put on Record and the implementation of this proposed Constitutional Amendment adheres to my comments, which I know it may not but I certainly hope it does, then I will be able to vote for this.

On motion of Representative Mitchell of Vassalboro, tabled pending adoption of House Amendment "B" (H-643) to Committee Amendment "A" (H-544) and later today assigned.

The Chair laid before the House the following matter: An Act to Provide Access to Landlocked Property (H.P. 1051) (L.D. 1403) (C. "A" H-529) (Roll Call Ordered) which was tabled earlier in the day and later today assigned pending the motion of Representative Larrivee of Gorham that the House indefinitely postpone L.D. 1403 and all its accompanying papers.

Subsequently, Representative Larrivee of Gorham withdrew her motion to indefinitely postpone the Bill and all accompanying papers..

On motion of Representative Bennett of Norway, under suspension of the rules, the House reconsidered

its action whereby L.D. 1403 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-529) was adopted.

The same Representative offered House Amendment "A" (H-646) to Committee Amendment "A" (H-529) and moved its adoption.

House Amendment "A" (H-646) to Committee Amendment "A" (H-529) was read by the Clerk and adopted.

Committee Amendment "A" (H-529) as amended by House Amendment "A" (H-646) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-529) as amended by House Amendment "A" (H-646) thereto in non-concurrence 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 matter: HOUSE DIVIDED REPORT - Committee on Legal Affairs - Majority (10) "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) - Minority (2) "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) which was tabled earlier in the day and later today assigned pending acceptance of either report.

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 would just like to speak conceptually to the bill and to the issue that is in front of us and that is an issue that is very well described by the title of this bill, "An Act to Reduce the Influence of Money in Elective Politics."

There have been real increases in the amounts of money that have been spent for political campaigns over the last few election cycles. There has also been a great increase in the amount of contributions to campaigns over the last few years. What we have seen is a trend toward larger contributions by fewer and fewer people, less than one-half of one percent of Maine citizens donate to political campaigns.

The bill in front of you makes an effort to reduce individual limitations, single source limitations, contributions to political campaigns in an effort to encourage, number one, more people to be able to be involved so that campaign contributions have to be solicited from greater numbers of sources in an effort to reduce the overall spending in political campaigns.

In the U.S. Supreme Court decision Buckley v. Valao, which is largely cited because of other limits. I would like to read to you another outcome of that decision and, that is, that the Supreme Court has generally sustained limits on political

contributions based on a theory that Congress could justifiably conclude that large political contributions created a potential for corruption or the appearance of corruption in the sense that donors would be able to expect a quid pro quo from candidates beholding to them for large sums of campaign money.

This bill is an effort to address that and I hope that it will have your support.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: There are good pieces to this legislation and pieces that I would like to support but the simple reality is, and I have scratched my head and listened to the discussion about it, that there are ways around all the significant limit issues in this bill. There are easy ways around it. Some of those ways around some of the provisions of this bill contribute to an obscuring of what I feel is one of the fundamental, shall we say, "rights" that one has to understand the nature of political money and that is to find out where the money comes from. Bundling, multiple PAC's and other mechanisms are essentially ways of getting to the goal of a contribution that are wanted to be made. With the disappearance of our present system of clear accountability essentially to combine effort and with the multiple PAC's and the bundling that will occur under this bill, I feel that that part of it, this bill amounts to a step backward.

There are other pieces of it that I do find attractive but the key part of campaign finance, barring the kinds of major reforms that we were talking about yesterday, or at least if we cannot control the flow of money and the linkage thereto, at least we should know about it. I think with the passage of this legislation, we will know a little bit less about where the money is coming from.

I have some other reservations regarding the limits and political money here and I think it deals with the question of an incumbent's protection, issues like that, but I think I will not get into that. I did want, for the Record, to raise on the floor the problems that I think this kind of "push in here and it comes out there" legislation portends and the real troubling feel I have is that we will lose a little bit of our appreciation of where the money comes from even if we cannot influence the control that comes with that money. Though I am still not 100 percent sure that I am going to vote against this bill, I believe I am going to vote against it for those reasons, even though other pieces of it go out with that vote on my part.

The SPEAKER: The Chair will order a vote. 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.

A vote of the House was taken.

Representative Zirkilton of Mount Desert 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 am going to vote against this bill and the reason I am going to vote against this bill is because it doesn't solve a single problem that it is trying to solve.

I don't fault the committee for that. The committee has tried to do the very best they can to respond to what they perceive as a need to improve our campaign financing laws. The trouble is, it was started with a sow's ear and there is no way you can make a silk purse out of it.

What this bill would do, in my opinion, is to present the appearance of doing something when we are doing absolutely nothing. There are just as many loopholes, means of evasions, other ways to cheat in this law as there are in the present law. To limit what a family can give you, for example, as a campaign contribution — it says nothing about what a family can give you as individual gifts essentially for any purpose they wish. To limit what a family can give you, if you are a low or moderate income family, means in effect that rich people have a significant advantage. How do you deal with in kind contributions? How do you determine the value of in kind contributions from a family member? How do you prevent a proliferation of PAC's, three or four or five times as many as we have now all staying within the new limits, but in effect having the same thing? That is simply going to obscure accountability, obscure the source of money, not improve accountability.

In my view, there are only two ways to improve or to reduce the influence of money in elected politics, one is to provide for public financing of campaigns so we all know where the money comes from and no one can use any other monies. The other is to reduce the cost of campaigning and that will require reducing the cost essentially of television advertising and the theory that because they are using public airwaves, they should provide low cost or free advertising for public events. Short of that, there is no doubt in my mind that no matter how this is portrayed, we will in essence be telling the public we are doing something when we are doing absolutely nothing.

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

Representative RAND: Mr. Speaker, Men and Women of the House: While I applaud the hard work and the determination of the Legal Affairs Committee in their attempt to address this escalating problem of rising campaign costs and the influence of special interest groups in the campaign process, I fear that this L.D. falls short of the mark.

We have heard several of the concerns that people have with this legislation but I guess my major concern is that we are capping one class of people, moderate and low-income people, and there is absolutely no limit on the campaign spending that somebody who is independently wealthy has. We are not addressing the problem in the correct way.

My feeling is that the real solution to the campaign reform is, unfortunately right now, unconstitutional. We should be able to set limits on how much can be spent by anybody for a particular office. That has been deemed to go against our

freedom of speech and, therefore right now, we can't do that.

I view campaign reform in somewhat the same way I view health care reform, unless you include the whole package, unless you include everybody under the same umbrella, all you are going to get is cost shifting and ballooning out. I believe that is what this L.D. does. We will be capping what somebody of moderate or low-income can spend on their campaigns and there is absolutely no cap on what somebody who is independently wealthy can spend.

I would ask you to reject the majority "Ought to Pass" Report.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I urge you to accept the Majority "Ought to Pass" Report. I would ask you not to accept it on the basis of any amount of work that has been spent by the committee on this issue, but I would ask you to accept it on its merit. We have never presented this bill as being the solution to campaign spending. I think that it is going to take a number of pieces of legislation and a lot of time before we reach whatever that magic solution is, which I am not convinced that there is in fact a magic solution.

This bill addresses only one small issue and that is the amount of money you may accept from each source. That is all that it tries to do so that you have to look to more sources for your money and include more people in the giving so that your money does not come in as large a chunk as it does now and that more people are included.

Some of the same kinds of problems that was mentioned earlier that occur today certainly are not addressed in this bill. You have heard talk about, if you push in one place, then there is an expansion somewhere else. I would never deny that, but I don't think that we can craft any legislation around this issue or virtually any other that will not have some kind of consequence that we may not wish for it to have. If you are looking for an ideal piece of legislation that in the best of all possible worlds that takes care of every single, solitary concern that everyone may have, then this truly is not it. But, it does make an effort to begin to address the issue of increasingly escalating costs and much larger and larger contributions. That is the single issue that this bill wishes to address.

I want to speak to you very frankly about money. I think that one of the things that has happened in campaigns is that we have somehow gotten the impression that we have to have money or the access to that money in order to get ourselves elected. I would suggest to you that that may not in fact be the case. Instead of referring to some political, candidate issues, partisan issues, I would suggest to you that we have had two referendum questions in this state, one quite recently, that's the Transportation referendum where the losing side outspent easily the winning side. The losing side easily outspent.

I remember some years ago when we had a bottle bill, the losing side easily outspent the winning side. But, I have compared that money and the access to it to a set of training wheels on a bike, we just don't want to give it up. I would suggest to you that this bill right here helps us to give it up and I urge you to support it.

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 Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to respond to the good Representative from Harpswell and his concerns about in kind contributions. This bill does not really change in kind contributions at all. The language in our statutes already spells out the valuation of in kind contributions and already allows volunteer drivers to do their driving around of the candidates and that sort of thing and those are not treated as in kind expenditures, so there is no real difference in in kind expenditures. They are applied towards the limit that would be applied to every candidate.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I didn't want to nitpick the whole bill so I didn't try to pick it all apart but it seems to me that it is full examples of little problems. There is the anonymous contribution limit of \$20 — if you hold a fund-raiser, you put a bowl out and people you know you invited put a few bucks in there but if it is more than \$20, you can't keep it any longer.

At the same time, anonymous contributions, no matter how large, means no one is buying your influence because if you don't know who it comes from, it is not buying anyone's influence. It just seems to me that the whole thing — and again, I am not condemning the committee because I think the committee had an impossible job, they had a job trying to make a silk purse out of a sow's ear and you can't do that job. The committee did the best it could with what we had but what we had and what they came up with isn't good enough.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I will speak both for and against the bill at the same time, in a way. I am encouraging you to vote against accepting the Majority "Ought to Pass" Report but in fact I would like you eventually to support the Minority "Ought to Pass" Report, which is a stronger version. So, I do support the concept.

The question this body is going to have to ask itself, collectively and as individuals, is what is our commitment to campaign finance reform? This is an issue which seems to be constantly in the papers, constantly on the public's minds, we have been reading about it for years.

What can we do to reform the campaign finance process? A year ago in this House, I stood up and argued for bringing back a bill which we could have amended because the title was such that we could have

done something on campaign finance reform. We failed to do that and the legislature, one year earlier, failed to anything and now this year we are on the verge of deciding whether we are going to do something or nothing. The public finance bill is gone. Most of us knew that that was going to happen. Now we are faced with the question, what are we actually committed to?

It is interesting, the Representative from Augusta put it very nicely when she said that the amounts of money being spent in campaigns has proliferated over the last ten years or so, very dramatically.

The gentleman from Harpswell raised some interesting questions too. He said, "What about rich people who can spend all the money they want in their own campaigns?" Well, you need to look at this closely, the amount of rich people in the last ten years has not proliferated dramatically. Something else has been happening that has caused the system to reel out of control. This has been alluded to also — it has been out of diction to the money in politics and the special interest money and the whole idea this kind of arms race where my opponent may have ten grand so I had better have eleven grand. My opponent may have eleven grand so I need to have fifteen grand.

Last year, someone started a volunteer campaign spending program and they called me because they knew I was interested so I got on board and kind of managed the thing. Many, many people in this room signed on board. We wound up with about 30 people just on quick notice, most of us were incumbents because that's who I was in touch with up here and we signed onto the campaign, Volunteer Spending Limits Program. There was a difference for John Michael in what I spent last year and what I spent one year earlier in a Special Election when I came here. The difference was that I spent about twice as much the year before. Last year, I accepted the "under \$3,500 limit" and in the other body it was \$10,000, in fact I had a personal target of about \$2,000 and that's about what I spent. You know, it was funny because the campaign I ran last year was a much better campaign than the one I ran two years ago. First of all, I was spending either my money or my friends' money and everything I did, I thought it through and I made it count. When you are addicted to money in politics, you don't have to think, you just need to spend because you know the money will be there if you just know how to play the game.

So, the question I put out to this body is, what are we committed to? I don't want to hear so much, I want to hear it somewhat, but I don't want to hear so much your complaints about how this isn't going to work in our problems of life, I want to know what you want to do. I want to hear your vision on the matter. I want you to dig down and sacrifice and I want you to search your soul and think about what is it that we want to do today, what is it the state needs?

Now, the difference between the two reports for your information is that Report B, "Ought to Pass" takes PAC contributions and declines to treat them with special privileges. The bill says that "contributions are limited for Governor to \$500, State Senate, \$300, State House, \$200. PAC's are in a separate category, \$2,000 for Governor, \$1,000 for Senate and \$500 for the House. I ask the question, why treat the PAC's differently if they are perceived

and considered to be a major part of the problem. I say, bring them down to the human level and treat them under the same privileges and the same numbers as everything else. That is the major difference.

A couple of other things, we tightened the language and a loophole or two that I saw in the Majority Report but essentially that is the main difference, a stronger version in terms of how we deal with the PAC's. I am asking you to take a stronger stand on the PAC's, vote against this motion, then vote for the Minority "Ought to Pass" Report. If we need to amend this bill, we can work on it over the weekend. I will be glad to stay here and have a forum, we can all talk about it, bipartisanly, and come up with something that we can be proud of. It will take some soul-searching but we can do it.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I want to agree wholeheartedly with Representative Daggett, the House Chair of the Committee on Legal Affairs and Representative Michael of Auburn that this bill was not presented, was not voted on as the solution to all the evils. It was voted on as a beginning and we knew, if there is a one issue area that the people in the House and the Senate have strong feelings about it is the issue of campaign finance reform and strong personal feelings because we have all been through an election campaign to get here and we all have our own special numbers on how much contributions should be limited to, if at all, or whether PAC's should be able to give money. We all have decided opinions on this.

I signed onto the Majority "Ought to Pass" Report, not because I thought it did everything that I wanted it to, but because I thought we needed to get a vehicle out here on the floor so that we can all work on it and see what the consensus of this House and the other body would be in passing something meaningful. So, I encourage you to adopt the Majority "Ought to Pass" Report so that we can do that.

As a matter of fact, I have prepared one amendment to this already that helps in one area that I am particularly interested in and that is, the size of the contributions. I think that they should be lower than what the bill calls for but we are not going to get anywhere if we don't adopt a committee report. I would suggest that the best vehicle is this Majority "Ought to Pass" Report so that we can then amend it as we see fit.

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

Representative RAND: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Representative Bennett when he says that there are strong feelings out there for campaign reform, he is absolutely correct. There is also strong feelings for a level playing field and by passing L.D. 1550, even though I know that the intentions of the Legal Affairs Committee were totally pure, we are creating two separate classes of candidates, those who are limited and those who are unlimited in their campaign spending. I do not believe this is the route that the Maine Legislature should take and I hope that we will not accept the Majority "Ought to Pass" Report.

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

Representative COFFMAN: Mr. Speaker, Men and Women of the House: I, like you, want to vote for campaign finance reform and I can't vote this bill the way it is. I sat through months and months of working on campaign finance reform and had the good pleasure of working with Common Cause since last September on campaign finance reform. They had submitted a bill, 1466. I have asked for that to come up from the dead file and I have asked you to consider doing just that. If you are looking for a vehicle, a pure vehicle, to start from, this is it.

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

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I am not going to vote for this bill because I think it is fig leaf, it rearranges the chairs on the deck and doesn't really do very much. We could pass this bill and we could call it election law reform but it really doesn't change anything at all, in my opinion. Every single so-called reform in this bill is a reform that can be easily avoided. I think we are fooling ourselves and we are trying to fool the public if we pass this bill so I urge you to defeat it.

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

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I will agree that there is no such thing as a perfect reform package. I will agree that campaign finance reform is a very difficult and convoluted issue; however, I think this body would be very remiss if we don't take advantage of the opportunity to at least try to reduce the amount of money in campaigns.

What we are doing in this bill is we are reducing the amount of contributions. One thing I should mention is that it is my understanding that we cannot, constitutionally, limit the amount that candidates contribute to his or her own campaign. There is no constitutional way in my understanding to limit that. However, we can pass mechanisms, as are in this bill, to more equally and fairly distribute the amounts of money received outside a candidate's personal finances in contributions to campaigns.

I think this bill does start to make a dent, I will not go so far as to say that this solves all the problems because it does not, obviously, but we do make a dent and I think it is our responsibility to at least attempt to reform the greatly expanded expenditures that we have seen in campaigns over the last few years.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I rise just to respond to a very valid concern that the Representative from Portland, Representative Rand, mentioned and also alluded to by the gentleman from Harpswell and that is the idea that there are two standard share, one is people with money who can spend all that they want and then the most of the rest of us, who have to go and raise it. The idea behind a reform system is that ultimately you need to depend on the public to make those choices. The question is how can you posture that so that they can make a good choice?

In a system where you have reduced the amount of money that comes into the system, perhaps in conjunction with volunteer limits, then the culture has an understanding that the amounts of money spent

on campaigns are small. Those who buck the spending, especially if they are bucking the volunteer spending limit, they stand out like a sore thumb and they should be defeated.

The Representative from Augusta pointed out that in the last referendum, the Turnpike Referendum, the opponents outspent the winners by quite a large sum. I remember one of my first experiences in Maine politics was in 1976 when we had the Bottle Bill Referendum, I remember going door-to-door handing out these pamphlets, we didn't have much money at all, but we had enough to print up this little tabloid and the headline said, "Why is" (I don't know, the out-of-stater's, "why is the opposition group outspending us ten to one to defeat the Bottle Bill?" That caught people's attention and the response to that was that the people with the most money lost. If all your (now listen to this) contributors are not tapped out because you didn't get a thousand bucks from them and \$5,000 from PAC's, then they should have a hundred bucks here and there in their pocket to respond, to request from the party, either party, on a two or three statewide race where multi-millionaires or someone is running against somebody that we like. I will kick in a hundred bucks here and there for a couple of races and that way the people that are being abused can collect from the whole system, from their friends and the party probably and offset the big spenders. That's the trick here. I think a system like this will work, I do still urge you to vote against this report and accept the stronger report but keep the idea of moving forward with something in the back of your minds.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I want to offer my support of the Majority Amendment from the committee and urge you to vote for it.

I do that with some hesitation because I frankly would prefer several other options that could be before us. I think we have seen great steps taken on this subject over previous years. We spent the entire last session, in fact for a period of time, even barred from having this kind of discussion in this House, we had a bitter fight over this matter as we attempted to recall this bill from the files and it is a marked improvement, in my mind, that we are having this kind of discussion in this House in taking a tiny step in what needs to be a major reform on campaign finance.

Frankly, I could more easily support the kind of amendment and bill being offered by the Representative from Auburn but we do not want to put this body in a position of not having a start on campaign finance reform passed through this legislature, even though it does not contain all the components that all of us want to see.

With the Report starting through the process is something that we could get one of them to pass, those who have alternative ideas could offer them as amendments to the Majority Report in Second Reading. They could be voted up or down but it is critically important for the credibility for all of us to begin the process of recognizing that the financial support of campaigns and the way it is offered and the way it is accounted for is having a very negative reaction among the people of this state and as is, obviously, sweeping the nation.

We cannot ignore the fact that beyond whatever passes there is still the ability for everyone of us to have own limits and to take a good deal of political credit for doing that. I have my own standards and each one of you do too. That will exist no matter what passes and, frankly, if nothing else passes.

It seems to me that we need to take this step that allows us to react to some of the negative press that we get, for people in campaigns doing things like spending huge amounts of campaign money for computers without proper accounting. I like on the summary an important component that suggests that none of us, and leadership is the most likely to be criticized for this, can lobby and receive contributions during the session. I think there are some important contributions, some important aspects of this bill, and I think everyone of us, were we a legislative body of one, would write it differently and still champion the cause of election reform. However, in this moment so that the matter can proceed, I urge you to vote for the Majority Report and allow the matter to be passed for further consideration.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify what I tried to ask for before. I am just asking for consideration for another bill to come up here concerning campaign finance reform and just consider that vehicle. That vehicle was dumped real fast and it just should be looked at because we are trying to consider all the campaign finance proposals before us.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I think of this in the AA forum, "one day at a time" but I think of this as one step at a time. We are never going to pass a complete bill in one step so let's pass what this is, one step at a time.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I stand up to agree with the Representative from Waldo, Representative Whitcomb, I think it is critically important to the credibility of the election process in this state that we reform campaign financing. Where we disagree is whether this is in fact will add credibility to that process. I think if we pass a bill which will not do so, and I believe this bill not do so, we will further undermine public faith and the honesty of the public election process.

If our object is to prove credibility, then let's focus on what will really do it, be it the public financing or somehow finding the means of reducing the cost of elections.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to give you some information regarding the bill that Representative Coffman has referred to. The bill that is in front of you is a bill that has to do with accepting campaign contributions and the size of those. It is independent of the issues in the bill that Representative Coffman is discussing.

Regardless of how you wish to handle campaign expenditures, whether it be our current methods, a public financing method or hybrid public/private contributions, you still will have a system whereby you accept contributions. That is the only piece that is addressed in this bill. While you may not wish to change the current method, that is the only piece here and it is not mutually exclusive of the issue that Representative Coffman is discussing.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I want to respond ever so briefly to one of the comments that the Representative from Waldo, Representative Whitcomb. Representative Whitcomb indicated that there has been some history with legislation such as this and that in fact some groups of people may have been barred or disenfranchised from voting on these types of things in the past. That bill we dealt with, if you remember, was dead. There was an Order presented, pulled out of the dead file and it dealt with only a single aspect of campaign finance reform. I objected to that and urged others to object to that during the last session because I felt that we should take a comprehensive approach to that. In fact, that's what I think we see envisioned in this particular bill.

I think it is a good bill, far more comprehensive than the individual slice that was being suggested two years ago. It is not perfect but it is a good start. I would also urge you to support the measure before you.

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

ROLL CALL NO. 189

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Campbell, Carr, Carroll, Cathcart, Chase, Clark, Cloutier, Clukey, Constantine, Cote, Cross, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gray, Greenlaw, Gwadosky, Hale, Heino, Hichborn, Hillock, Hoglund, Hussey, Johnson, Joy, Kerr, Kneeland, Kontos, Kutasi, Larrivee, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Martin, H.; Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pfeiffer, Pinette, Plourde, Plowman, Pouliot, Reed, G.; Ricker, Robichaud, Rowe, Simonds, Simoneau, Small, Spear, Stevens, A.; Strout, Sullivan, Taylor, Thompson, Townsend, E.; Townsend, G.; Tracy, Treat, True, Tufts, Wentworth, Whitcomb, Winn, Young, Zirkilton.

NAY - Ahearne, Bruno, Cameron, Carleton, Cashman, Chonko, Clement, Coffman, Coles, Erwin, Gean, Gould, R. A.; Hatch, Heesch, Holt, Jacques, Joseph, Ketterer, Marshall, Michael, Michaud, Murphy, Rand, Reed, W.; Richardson, Rotondi, Rydell, Saint Onge, Skoglund, Stevens, K.; Swazey, Tardy, Townsend, L.; Vigue, Walker.

ABSENT - Bailey, H.; Caron, Jalbert, Kilkelly, Lemke, Libby Jack, Oliver, Pendleton, Pineau, Poulin,

Ruhlin, Saxl, The Speaker.

Yes, 103; No, 35; Absent, 13; Paired, 0; Excused, 0.

103 having voted in the affirmative and 35 in the negative with 13 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

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

Representative Bennett of Norway offered House Amendment "A" (H-613) and moved its adoption.

House Amendment "A" (H-613) was read by the Assistant Clerk.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: There is no doubting of the fact that the people do want meaningful campaign finance reform from this legislature and in this House I am sure, as I said earlier, that we have represented a gamut of opinion on what is meaningful and on what is reform. Some believe that we need some form of public financing, some believe that we need to abolish PAC's, some believe that we need voluntary spending limits and many of these differences were reflected in our Legal Affairs Committee but there was more agreement than disagreement in the committee and there was a unanimous sentiment that we needed to do something substantive in campaign finance reform this year.

One of the key areas of disagreement was the limits of the size of campaign contributions by individuals, corporations, associations and PAC's. Now, each of us in the legislature probably have our own notions about what the contribution limits ought to be. The Committee's compromise limits impose a \$500 limit on candidates for Governor, \$300 on Senate candidates and \$200 on House candidates, these from individuals, corporations and associations. The Committee also compromised the limits on contribution size from PAC's to \$2,000 for gubernatorial candidates, \$1,000 for State Senate candidates and \$500 for House candidates. We accepted these numbers with the understanding that individual committee members could take our individual views to the floor for consideration by the whole legislature.

I believe that to truly reform our system for funding campaigns, we must bring the cost of campaigns down by shortening campaigns, by imposing voluntary spending limits and by retrieving some time from the public franchise of the air waves for informational campaign messages. Some of these changes we cannot enact at the state level. Also, to truly reform our system, we must deal directly with the issue of influence and access through money for our elected officials. I believe we can and we must attend to this issue through state law. The amendment that I proposed would accomplish that.

This amendment would decrease the maximum allowable individual contribution per candidate per election to \$200 across the board for all state office candidates, down from \$1,000 in current law. This amendment would also decrease the maximum allowable PAC contributions per candidate per election to \$500 across the board for all state office candidates, down from \$5,000 in current law. This amendment makes a meaningful reduction in the influence of money in state elected politics in two ways, first, it decreases the maximum contribution sizes to figures that are within reach of many Mainers, thus helping to level the field of influence.

Second, it forces candidates to solicit broader support throughout his or her constituency to raise enough money to run a serious campaign. To raise \$50,000 in individual contributions, the candidate would need to solicit at least 250 individuals under this amendment rather than only 50 under current law.

Some have questioned why we allow a higher contribution size for PAC. Indeed, why do we not simply ban PAC contributions? With this amendment, we would be reducing the maximum PAC contributions by a factor of 10 and only reducing maximum individual contributions by a factor of 5. PAC's do assist in the disclosure of special interest money in campaigns, a slightly higher contribution size limit for PAC's encourages interests to pool their contributions in the light of public scrutiny, rather than quietly bundling special interest money, which may be difficult to discern on spending reports.

This amendment makes a profound and substantive change in our flawed campaign finance system. Limiting contributions sizes will reduce the influence of big money and may reduce the cost of campaigns.

Before we take more radical and costly steps such as turning to the taxpayers to pay for yet another government program through public funding of campaigns, let us move boldly in the areas that we can affect more easily. Let us adopt this amendment. The people deserve and expect no less.

Mr. Speaker, I request the yeas and nays.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I think we could spend a lot of time talking about exactly where we think the numbers should be. In fact, there were members on our committee who felt that the numbers that are actually in the bill should be higher in some areas and lower in some areas. We tried to reach some kind of a relatively broad compromise and put out some numbers that would be relatively acceptable.

I would hope that you would stay with the Committee Report. It was an effort to set the numbers that were not so draconian that we couldn't begin to move in that direction. So, I would move indefinite postponement of House Amendment "A."

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

Representative BOWERS: Mr. Speaker, Men and Women of the House: I am against this motion because I think it takes it a little bit too low. In 1976, the Supreme Court decision, Buckley vs. Valao, the contribution limits that were upheld in that decision were \$1,000 for individuals, \$5,000 for Political Action Committees. The court expressly noted that there was not evidence that those limits would have a dramatic adverse effect on the funding of campaigns and political associations. It left open the possibility that contribution limits that are set too low might be invalid. I think what the committee came up with pushes that limit but it is okay and I am afraid that \$200 for a statewide race could be too low.

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

Representative ROBICHAUD: Mr. Speaker, Men and Women of the House: For the information of this body, the numbers that the Representative from Washington, Representative Bowers, just mentioned with regards to the U.S. Supreme Court case Buckley

vs. Valao, the \$1,000 and \$5,000 limits — those are the limits that Maine had prior to accepting 1550 and what we have already done is that we have lowered them significantly so if we were to read Buckley vs. Valao as strictly as I believe the Representative is implying and the committee did not and the Attorney General agreed that our numbers were not too low, then I think we are now talking in a correct ballpark.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: With respect to Representative Bowers' opinion, the truth is that we do not know what the Supreme Court will say about these numbers if in fact it goes to the Supreme Court.

It is true that our candidate for Governor has a much larger campaign to run, more costly campaign to run, but he or she is also got a much larger constituency to raise money from. A statewide campaign has a potential of 1.2 million people that it affects and those folks may very well decide they would like to give a hundred bucks or one hundred and fifty or two hundred. Now a lot of people under current law can afford to give \$1,000 so I think in our current law we have a consistent number across the board, \$1,000 for Governor candidates, \$1,000 for State Senate candidates and \$1,000 for House candidates. It recognizes the fact that the constituencies are of various sizes and I am of the belief, and I was convinced by one of the members of the committee, Representative Michael, that the size of the district or the size of the constituencies must come into play. The idea is to broaden the base and get more people involved in the campaign process through campaign contributions.

As Representative Daggett pointed out earlier, it is something like one-half of one percent of the people who give money to political campaigns and I am sure that they are deterred from doing it with the thought that one single one thousand dollar contribution is going to outweigh the influence of whatever, \$50, \$25 or \$100 contributions might impose.

I disagree with Representative Bowers to that extent. The alternative and the extension of his arguments is that we ought to leave the numbers where they are, that we ought to do nothing, and I cannot agree with that so I urge you to vote against the pending motion of indefinite postponement so we can adopt this meaningful amendment.

I request the yeas and nays.

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 short, I misspoke earlier, I am in favor of this motion and I against the amendment.

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 Chair recognizes the Representative from Auburn, Representative Michael.

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I will be favoring this amendment, even though I am not real fussy about the

special treatment that the PAC's are receiving but PAC's have been reduced somewhat so it would help. There is one important tradition that is being kept alive by this amendment that I don't think anybody has noticed or at least addressed yet and that is, in current law, and therefore historically, contributions have been the same whether you are running for the State House, State Senate or Governor, as the gentleman from Norway pointed out, and his bill will keep this tradition in the law, a traditional kind of thing. Whatever number we pick, it should be the same for all those offices, because of the population difference, the same as it is now in current law.

I think the idea of distinguishing say \$500 contribution for Governor and \$100 for House is a dangerous precedence so this amendment will solve that dangerous precedence.

The SPEAKER PRO TEM: A roll call has been ordered. The pending motion before the House is the motion of the Representative from Augusta, Representative Daggett, that House Amendment "A" (H-613) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 190

YEA - Adams, Ahearne, Aliberti, Anderson, Beam, Bowers, Campbell, Carleton, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Cote, Daggett, Dexter, DiPietro, Driscoll, Erwin, Farnsworth, Farnum, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Kneeland, Kontos, Larrivee, Lord, MacBride, Marshall, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, O'Gara, Paradis, P.; Pfeiffer, Pinette, Plourde, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Rydell, Simonds, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn.

NAY - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Brennan, Bruno, Cameron, Carr, Cashman, Clukey, Constantine, Cross, Donnelly, Dore, Faircloth, Farren, Fitzpatrick, Foss, Greenlaw, Heino, Hillock, Joy, Ketterer, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Marsh, Michael, Nash, Nickerson, Ott, Pendexter, Plowman, Reed, G.; Saint Onge, Simoneau, Small, Spear, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Caron, Dutremble, L.; Hale, Hatch, Jalbert, Kil Kelly, Lemke, Martin, H.; Norton, Oliver, Pendleton, Pineau, Poulin, Pouliot, Ruhlin, Saxl, Skoglund, The Speaker.

Yes, 83; No, 50; Absent, 18; Paired, 0; Excused, 0.

83 having voted in the affirmative and 50 in the negative with 18 being absent, the motion to indefinitely postponed House Amendment "A" (H-613) did prevail.

Subsequently, L.D. 1550 was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following matter: Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year

1993 (EMERGENCY) (H.P. 1158) (L.D. 1557) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Gean of Alfred offered House Amendment "A" (H-638) and moved its adoption.

House Amendment "A" (H-638) was read by the Assistant Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment restores the budget approved by the duly elected Commissioners of the County of York. York County, as you all know, is the oldest active governmental unit in the United States having formed up 140 years before the signing of the Declaration, some 207 years before Maine became a state and 357 years up to this moment when we, if we pass the budget before you, will in fact shut down county government for about a week or two.

After all of these years, shutting down the oldest United States government entity for a week or two simply because we have not done our job and, by we, I mean the members of the York County Legislative Delegation, we have not acted responsibly in recommending cuts to the Commissioners' budget. We have never adequately reviewed that budget. We have not met with the Commissioners to discuss that budget nor have we met with the Department heads of county government in order to inquire into the budget. We have, instead, cut arbitrarily and with little regard to the impact, and for the Record, here are some of the impact of the cuts being recommended.

With the shutdown of county government anywhere from one to two weeks, the District Attorney will be forced to make decisions on which cases to prosecute based on financial considerations, not on justice or merit.

Social Service and intergovernmental agencies will be severely impacted this year and left unfunded by York County in the next fiscal year, causing the closure of the York County Extension Service and the serious curtailment of Southern Maine Regional Planning.

The Sheriff's Department will not be able to provide rural patrol except in daylight hours and may have to eliminate communication services to municipalities in the Fall.

York County Jail may be found in violation of state standards because of the overcrowding and essential structural repairs to the County Courthouse will have to be put off for another year.

There is a possibility also, depending on which budget we send back to them, that ten county employees may be laid off by July 1st.

For further impact, and to give you an idea of what some of the people in York County have not been consulted regarding this thing, I would like to read to you an editorial from the York County Coast Star from June 2nd of this year regarding this budget fiasco.

"The recent turn of events in Alfred shows that two governmental entities going head to head benefits no one, especially the taxpayer.

Have the legislators who demanded a \$380,000 cut in county spending levels considered whether the taxpayers they claim to protect really want to see the county offices shut down for two or three weeks this summer? The filing of deeds and liens and real estate closings occurring in a timely manner, the

clearing of wills when a loved one dies — these are not inconsequential services that will not be missed. These are government functions with real meaning to people's lives. The fact that these functions are considered expendable means that at some point down the road another vital service reform by county government will be on the line. Rural patrols by the Sheriff's Office and the operation of the County Jail, the rest of the county can shut down this summer, but who is to say that these will not feel the knife next summer? Where do you draw the line? Granted, no level of government should be allowed to spend wastefully and a system of checks and balances is essential.

For many years, the county's relationship with the State Legislature provided that system but, in recent years, the Courthouse in Alfred has been the whipping boy who is caught in the middle between county budgets and the state's budget. Ironically, the budget's relatively tiny size, \$6 million compared to, for instance, Kennebunk, Kennebunkport's school spending, which topped \$13 million this year, makes it an ideal target. While percentage cuts are almost always insignificant in real dollars and cents, legislators can look like heroes at home by cutting the county's budget. This time they have gone too far. It is a poor reflection on our leaders when they allow an entire level of government to shut down."

I urge you to support this amendment. If we don't do our jobs up here, and we have not in the review of this county budget, we ought not have the voters at home bear the brunt of our inability to do that.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Actually, the York County budget has not been cut quite that drastically. The budget that we are about to vote on today, which I hope you will vote on and not vote on this amendment, actually cuts from what the County Commissioners asked for, \$91,160. It is an increase to the taxpayers of York County of over a half a million dollar increase in our county budget.

So, I don't think we are what you would call, skinflints. I think we have been quite generous, more generous than some members of the delegation wanted us to be and I can certainly sympathize with them because they have to go home and they know that their schools are going to be cut up here. We all know that we have got to raise our taxes to take care of kids' education and I don't think too many of us mind doing that.

But, I think some of us do mind it when our towns are going without and we are paying for our police department and we ask our sheriff if he wouldn't try and contract with some of the towns who aren't paying anything — he has absolutely refused to do it, he has never tried to help himself at all and now he wants to blame the delegation and the state for whatever money he sees short. Our D.A. is doing an excellent job and I don't think any one of us is criticizing him for that but his pay raise this year for his department was \$111,000. We just do not have the money back in York County to pay that. We have lost jobs, our Navy Yard is not safe anymore, we are not sure where that is going, we have lost 150 jobs in South Berwick. We have people who are having a hard time paying their taxes and some of us were

asked to try to hold the line on county budgets and that is what some of us tried to do.

We started out with a budget of 11.9 percent increase and it raised havoc in the delegation. Some of them were upset, that's what all the letters were written about in the newspapers. The Registrar of Deeds wrote a letter, the Registrar of Probate, the Sheriff has written letters, the County Commissioners have written letters and I guess everybody else in the Alfred Courthouse has written letters. We gave them all a 2 percent raise, I realize that that is nothing but we did give it to them because they haven't had a raise over the past four years and they are good, hardworking, dedicated people. I don't want anybody to think that we don't realize what they do and how important it is but I really do not believe that out of a budget of \$6,205,000 that they will have to shut down the Courthouse for one week when they will be getting a budget of \$6,114,498. That is a large increase from over the budget of last year.

Also last year, they estimated a revenue side of \$902,508 — they actually took in \$1,080,500, that's a \$177,000 more that they had to spend last year than what we budgeted for them. That money is gone also, there is no surplus left, they came up with the \$26,000. This year, they estimated that they will bring in \$903,000. If they bring in just the same amount as they did this year, there is another \$177,000 they will also have to spend.

I think we have been quite generous and I would hope that you would vote no on this amendment so we can go on and pass the County Budget that the majority members of the county delegation has voted on.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Dutremble.

Representative DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: As a past County Commissioner of 15 years, this budget — some departments requested 20, 25 and 35 percent increase to their next year's fiscal budget. I think that was a slap in the face to all municipalities in York County, especially when they are struggling to meet both ends.

I think the 11.9 percent is a fair increase in what we approve. I think the golden days of the '80's are gone forever. Please, let's control spending and please let's defeat this amendment.

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

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief because I don't really think that this — even though the budget comes before this body — I think this is really a local matter and I am sorry to see that this whole dispute has come to this body. We have other things to do.

Let me provide you with a little bit more information about what has happened. The budget, and again I will stand to be corrected because I have not been intimately involved in the York County Budget, but as I understand it, the budget last year was about \$5.7 million and the request this year was about \$6.2 million. The York County Delegation initially approved the budget of almost exactly \$6 million. Some of the Commissioners, one of the Commissioners and some of the department heads, complained that almost exactly \$6 million was not

enough so there was a meeting last week or early this week, I can't remember which, where the President of the other body and the delegation met. At that meeting, the President of the other body indicated that he had gone back to the County Commissioners and asked them what was their bottom line? They had complained about a \$6 million budget so he asked them what they could live with. If they didn't like the \$6 million, give an absolute bottom line and the report back was a bottom line, which is reflected in the budget that you have here now, which is approximately \$6.1 million.

I understand that you have a letter dated June 7th from the County Commissioners saying, well, we really don't like it, but they were asked what their bottom line was, they came back with a figure that is reflected in the budget now.

The amendment would add more to that, I don't think that is correct. I would urge you to vote against this amendment because the existing proposed budget without the amendment represents a sizable increase. Most of the members of the delegation have agreed to that increase and I think that this body should follow the recommendations of most of the York County Delegation.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the pending motion on the floor. It is true that some services may have to be curtailed in the County of York but we are no different than the rest of the state in having to curtail services and other things. There is absolutely no need, in my estimation, of closing that courthouse for one week or two weeks. They certainly can stagger their work schedule as they are there to accommodate the public. They are there to service, we are there to serving the people of this state and they certainly should not be given anymore special consideration than we give our state employees. They are an arm of government, they are an arm of this state.

My municipality pays the fourth highest tax in that county, they can afford no more.

I ask you not to follow my light when you vote, I ask you to vote with the good Representative from Berwick, Representative Murphy. I am not voting for this budget for my first time in nine years but it is not this budget or the amendment before you that disturbs me but the increases that my municipality cannot absorb at this time. I am voting for my town. If other towns do not have services that they want, such as communications, etcetera, they may band together and pay for those services. We have a large communication system within our own municipality, we are willing to give but we cannot support. I urge you to vote against the amendment on the floor and vote for the York County budget.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I urge you to oppose the pending motion.

Mr. Speaker, I request a Division.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: From York County and other counties, I urge you to support the motion before us to adopt House Amendment "A" and my reason

for that is that I am concerned that the process by which this budget went through this year was not a process that serves the people of York County well.

Two years ago, when I first came to this body, I volunteered to serve on the budget subcommittee from our delegation, and we decided that we couldn't accept the kind of increase that the Commissioners had originally asked for. We stated right up front in the process that we were going to have to go through the budget, line by line, and find those areas where we felt that we could cut the budget responsibly. We spent weeks and months doing that.

Unfortunately, this year in the budget process, the same decision was made in a somewhat unorganized fashion, to cut from the request of the Commissioners. However, there was no thorough process to figure out what the impact would be and what lines in the budget those cuts could actually come out of without hurting the people of York County in a way that we don't intend or want.

So, we are going to question the request of the Commissioners but the delegation isn't going to take the time and isn't going to be responsible in going through that request and finding areas that we can legitimately cut, where we know the impact, and where we can all accept the impact. Instead, what is being asked of you today by some people here is to reject this amendment and accept the arbitrary reduction from the Commissioners' request that a majority of the delegation has asked you to support. I think that that is wrong. If we are not going to trust the Commissioners in York County or any county in this state, then it is incumbent upon the members of that delegation from the county to go through and make sure they understand the budget. I submit to you that most members don't understand it from our county and instead we should trust the Commissioners who haven't been padding their budgets, who have curtailed services over the year substantially and who recognize the hard times we are in and the impact on taxpayers in York County for asking for this increase. They feel it is necessary to support the services that people in York County want and need. If you support House Amendment "A", you will be helping to restore services that otherwise would have to be cut to a level that is bare bones and will serve the people of York County well.

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

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

Representative FARNUM: Mr. Speaker, Members of the House: I am not speaking for the Commissioners, I am speaking for the people of York County. In York County, we raised the budget, I won't go into figures, three other people have already done that. Now we have got to explain to the people in our town, and this is not going to be easy, all this in the face of the loss of several hundred jobs at the Portsmouth Navy Yard and more in the making, all at the loss of a couple of hundred jobs at Pratt & Whitney and perhaps more in the making, a loss of a 150 jobs in the town of South Berwick at Duchess Footwear, a large number of jobs at G.E., 345 jobs at Clarostat in Dover and a number of jobs lost in small businesses around the area.

We are being asked to tell the people that have lost these jobs to please use your paychecks that you are getting now, unemployment paychecks, to help pay

for the high cost of county government in York County. How can I do this with school costs going up, with food costs going up — who is going to pay for the basic needs of the citizens of York County?

Please vote this thing down.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps you are wondering why I am up on a county concern, it is only because this is highly unusual. In the past, and even up to this present time, we have always had a close to a Majority Report from the county delegation. There was no problem in casting a vote for the county budget. I have a problem here today. I heard Representative Gean get up and indicate some health, welfare, and safety issues. I heard the good Representative from Berwick, Representative Murphy, get up and say that it is not a concern. Well, I am troubled and I am sure many other members of this House that exceed the numbers from York County are going to have to vote on this concern.

I would like to pose a question through the Chair to the Representative from Berwick if I may.

I would like to ask Representative Murphy if in fact the concern surfaced by Representative Gean as to the deterioration of health, welfare and safety issues are well taken?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Aliberti, has posed a question through the Chair to Representative Murphy of Berwick who may respond if she so desires.

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I do not believe that with a budget of \$6,114,498, where it has only been cut \$91,170, that there is any danger of safety and welfare in York County.

I certainly believe that they can — and this is a budget which one of the Commissioners and the Administrator worked on last weekend and came up with at the request of Senator Dutremble. It was a compromise and we have got a majority vote on this compromise.

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 Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: Just a couple of more points. I know I don't want to reiterate but there are a few that I think have passed by here without us really explaining them.

First of all, as you know 6.2 percent increase in the county budget, that's not a cut. We allowed the County Commissioners to go back and formulate the budget themselves, line by line, because some of us were uncomfortable with going through on a line by line process with the knowledge that we do not have the expertise or capability of putting together that budget line by line. So, we allowed the County Commissioners to do that. Is that fair? It certainly is. Do we give an increase? We did.

Definitely there is a problem with the system and a system needs to be addressed and we will try to do that next year.

I want to make two more points. One, if the people who are championing this cause for this House Amendment "A" had been at the subcommittee meeting where we decided the bottom line for this budget, then I would be listening, but they were not.

Second, if the state owes the County of York \$175,000, which I have come to the understanding that they do, then the state should meet its obligation and that would help to alleviate some of the problems that we have in York County. I share some of the concerns of Representative Gean, I just don't agree with the methodology.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Men and Women of the House: Representative Libby has made the comment about had I been as one of those advocates of this budget before us in those committee meetings, and I really appreciate it and I have always enjoyed that sort of behavior, but to the best of my knowledge, there was one county budget meeting three months ago at three o'clock in the afternoon when we were in committee. It lasted about 15 minutes. There may have been, according to Representative Murphy and Representative Libby, other meetings, I can tell you I was never informed of them. I have served on this budget subcommittee, this being my third year, so if those meetings occurred, then I just want the Record to show that I was not informed of them.

The other point you need to understand has to do with this phenomenal increase that the county is begging this delegation for. You need to understand that the gross expenditures proposed for 1993 were 7.7 percent greater than for 1992, 7.7 percent greater than the previous year. The overall proposed 17.3 percent increase in the amount to be raised by taxes was the result of what Representative Libby pointed out, the state's failure to reimburse the County of York for the boarding of prisoners. They had absolutely no control over this, we are not paying our bills.

The SPEAKER PRO TEM: The pending question before the House is adoption of House Amendment "A" (H-638). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 191

YEA - Adams, Aliberti, Beam, Bowers, Brennan, Cathcart, Chase, Clement, Faircloth, Fitzpatrick, Gean, Gray, Heeschen, Holt, Johnson, Kontos, Morrison, Richardson, Rowe, Rydell, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth.

NAY - Ahearne, Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Chonko, Clark, Clukey, Coffman, Cote, Cross, Daggett, Dexter, Donnelly, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Greenlaw, Gwadosky, Hale, Hatch, Heino, Hichborn, Hussey, Joseph, Joy, Kerr, Ketterer, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, MacBride, Marshall, Martin, H.; Melendy, Michael, Michaud, Murphy, Nadeau, Nash, Nickerson, O'Gara, Ott, Paradis, P.; Pendexter, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rotondi, Small, Stevens, A.;

Strout, Sullivan, Swazey, Taylor, Thompson, Townsend, G.; True, Tufts, Vigue, Whitcomb, Winn, Young, Zirkilton.

ABSENT - Anderson, Caron, Cashman, Cloutier, Coles, Constantine, DiPietro, Dore, Farnsworth, Gould, R. A.; Hillock, Hoglund, Jacques, Jalbert, Kilkelly, Larrivee, Lemke, Lord, Marsh, Mitchell, E.; Mitchell, J.; Norton, Oliver, Pendleton, Pfeiffer, Pineau, Pinette, Poulin, Rand, Ruhlin, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Spear, Stevens, K.; Tardy, The Speaker.

Yes, 26; No, 86; Absent, 39; Paired, 0; Excused, 0.

26 having voted in the affirmative and 86 in the negative with 39 being absent, House Amendment "A" (H-638) was not adopted.

Subsequently, L.D. 1557 was passed to be engrossed and sent up for concurrence.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

(Recessed until 6:00 p.m.)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Powers and Duties of Municipal Officials of the New Town of Long Island (H.P. 1014) (L.D. 1360) (H. "A" H-624)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Encourage Implementation of Total Quality Management Procedures in the Executive Branch of State Government (H.P. 1142) (L.D. 1542) (Governor's Bill) (C. "A" H-581 and H. "B" H-637)

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

an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 6 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 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 (H.P. 1154) (L.D. 1553) (H. "A" H-621)

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. 102 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Mandate

(Failed of Enactment)

An Act to Revise the Salaries of Certain County Officers (H.P. 1159) (L.D. 1558)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 89 voted in favor of same and 26 against, and accordingly the Mandate failed of enactment. Sent up for concurrence.

ENACTOR

(Failed of Enactment)

An Act to Increase Fees Charged by Municipal Clerks for Services (S.P. 398) (L.D. 1229) (H. "C" H-602)

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

Representative Bennett of Norway 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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 192

YEA - Adams, Ahearne, Aliberti, Anderson, Brennan, Cameron, Caron, Carroll, Cashman, Clement, Cloutier, Coles, Constantine, Cross, Daggett, Driscoll, Erwin, Faircloth, Farnum, Fitzpatrick, Gean, Gould, R. A.; Hichborn, Holt, Johnson, Larrivee, Look, Martin, H.; Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nash, O'Gara, Oliver, Ott, Pfeiffer, Plourde, Reed, W.; Rotondi, Rowe, Rydell, Saint Onge, Simonds, Skoglund, Small, Stevens, A.; Stevens, K.; Sullivan, Townsend, E.; Townsend, L.; Treat, Walker, Wentworth, Winn.

NAY - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Campbell, Cathcart, Chase, Chonko, Clark, Clukey, Coffman, Cote, Dexter, Donnelly, Dore, Dutremble, L.; Farren, Foss, Gray, Greenlaw, Gwadosky, Hale, Hatch, Heesch, Jacques, Joseph, Joy, Ketterer, Kneeland, Kontos, Kutasi, Lemke, Lemont, Libby James, Lipman, Lord, MacBride, Marshall, Michael, Michaud, Nickerson, Norton, Paradis, P.; Pendexter, Pinette, Plowman, Pouliot, Reed, G.; Robichaud, Taylor, Thompson, Tracy, True, Tufts, Whitcomb, Young, Zirnkilton.

ABSENT - Beam, Birney, Bruno, Carleton, Carr, DiPietro, Farnsworth, Gamache, Heino, Hillock, Hogle, Hussey, Jalbert, Kerr, Kilkelly, Libby Jack, Lindahl, Marsh, Murphy, Nadeau, Pendleton, Pineau, Poulin, Rand, Richardson, Ricker, Ruhlin, Saxl, Simoneau, Spear, Strout, Swazey, Tardy, Townsend, G.; Vigue, The Speaker.

Yes, 55; No, 60; Absent, 36; Paired, 0; Excused, 0.

55 having voted in the affirmative and 60 in the negative with 36 being absent, the bill failed of enactment. Sent up for concurrence.

PASSED TO BE ENACTED

An Act Establishing Performance Standards for Internally Drained Borrow Pits Consisting of 5 to 30 Acres of Reclaimed and Unreclaimed Land (H.P. 406) (L.D. 519) (H. "C" H-626 to C. "A" H-566)

An Act Related to the Site Location of Development Laws (H.P. 1105) (L.D. 1492) (H. "A" H-632 to C. "A" H-532)

An Act Concerning Stalking (H.P. 1147) (L.D. 1546) (H. "A" H-633)

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.

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

SENATE PAPERS

Non-Concurrent Matter

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 passed to be engrossed as amended by Committee Amendment "A" (H-434) and House Amendment "B" (H-475) in the House on June 8, 1993.

Came from the Senate with that Body having adhered to its former action whereby the the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-434) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Modify Various Licensing Board Laws" (S.P. 490) (L.D. 1501) which was passed to be engrossed as amended by Committee Amendment "A" (S-252) as amended by Senate Amendments "A" (S-268), "C" (S-293) and "D" (S-305) thereto and Senate Amendment "A" (S-294) in the House on June 8, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-252) as amended by Senate Amendments "A" (S-268), "C" (S-293) and "D" (S-305) thereto and Senate Amendments "A" (S-294) and "B" (S-320) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

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) which was passed to be engrossed as amended by Committee Amendment "A" (H-516) as amended by House Amendments "A" (H-600) and "B" (H-630) thereto in the House on June 8, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-516) as amended by House Amendment "A" (H-600) and Senate Amendment "B" (S-314) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Motor Vehicle Emission Inspection Program" (H.P. 1005) (L.D. 1351) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-537) as amended by House

Amendments "A" (H-580) and "B" (H-583) thereto in the House on June 8, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-537) as amended by House Amendment "B" (H-583) and Senate Amendments "A" (S-301) and "B" (S-318) thereto in non-concurrence.

The House voted to recede and concur.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes" (H.P. 1060) (L.D. 1428) have had the same under consideration and ask leave to report:

That the House recede from passage to be engrossed as amended by Committee Amendment "A" (H-430) and House Amendment "A" (H-427); indefinitely postpone Committee Amendment "A" (H-430); indefinitely postpone House Amendment "A" (H-427); read and adopt Conference Committee Amendment "A" (H-649) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-649) in non-concurrence.

That the Senate recede and concur with the House.

(Signed) Representative ROWE of Portland and Representative CAMERON of Rumford - of the House.

Senator MARDEN of Kennebec, Senator CONLEY of Cumberland, and Senator BALDACCI of Penobscot - of the Senate.

Committee of Conference Report was read.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: It sounds to me after reading this that it does just exactly the opposite of what we want.....

The SPEAKER: The Chair would advise the Representative that he needs to make a motion first, there is no pending motion. There are only two motions to be made, accept the Committee of Conference Report or reject the Committee of Conference Report.

Representative BAILEY: Mr. Speaker, I would make the motion that we reject the Committee of Conference Report.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: If you haven't looked at the document, I would ask you too, it is filing no. H-649, the Committee of Conference Report. I disagree with the Representative that it does exactly the opposite of what we intended to do.

The intent of the original L.D. was to restrict access of cigarettes to individuals under the age of 18 years.

Let me tell you what this bill does as reported out of the Committee of Conference. There are only two changes to the statutes. First, it will restrict the vending of cigarettes from machines that vend only cigarettes.

Secondly, it require that a sign be affixed to the front of the machine that states that it is unlawful for a person under the age of 18 to purchase cigarettes in this state and it will give the statutory citation.

I think this is important, it is certainly not what I had intended with the original legislation — that was to restrict the placement of cigarette vending machines to locations where individuals under the age of 18 do not commonly go. What this bill does is it restrict the vending of cigarettes from machines that only vend cigarettes. Now, I don't know if you have seen, there are a few machines around and in the city of Portland we have them, they are candy machines. It is a regular candy machine, you will see them in motels, you will see them in other places, they have candy, potato chips and cigarettes and the cigarettes are placed right in the little place where candy bars normally go. You tell me how an individual who is the owner of the premises or an employee of the owner of the premises is able to tell when a kid walks up what the kid is buying. I don't think there is any way, that is the reason for that restriction. They are very few of these machines as I understand and I think that is important. I hope you would agree.

The second point is that it simply requires that a sign be placed on the front of the machine.

I understand we don't have the money to hire the enforcement personnel. I think this sign will have a deterrent effect. I don't know about you but when I see a sign that says it is against the law to do something that I am about to do, it causes me to think twice about doing it. I think this will have that effect. I hope you would agree. Those are the only two changes to the statutes that are in this particular amendment to L.D. 1428.

When you vote, I would ask that you vote against the pending motion to reject the Committee of Conference Report so we can go on and accept the Committee of Conference Report.

Mr. Speaker, I would ask for the yeas and nays.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree that that is what is intended with the bill but the wording of the bill, I think, would allow, as long as the machine was in where it was observed by an adult and had the warning sign, would allow children under the age of 18 to purchase cigarettes. That is the way I read the bill. That doesn't appear to be the intent.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I disagree with the Representative, I am looking at Paragraph 2 on the amendment — it says "it is unlawful for any person, firm or corporation to knowingly distribute or sell cigarettes from a vending machine to a person under the age of 18 years or from a vending machine except for a vending

machine with those restrictions."

I disagree with the Representative, I understand your saying that the exception might apply to the distribution or sale of cigarettes to individuals under the age of 18, I would like to put on the Record at this point that that is certainly not the intent. My intent was given to the Revisor of Statutes who drafted this for me, I think my intent was clear with them and certainly the intent behind this legislation is that it is prohibited to knowingly distribute or sell cigarettes from a vending machine to a person under the age of 18 years, number one.

Number two, it is prohibited for a person, firm or corporation to knowingly distribute or sell cigarettes from any vending machine except for a vending machine with the three restrictions that are listed. That is the intent of the legislation. I think it is clear but perhaps there is a disagreement.

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

Representative GWADOSKY: Mr. Speaker, I rise to a point of parliamentary inquiry?

If, indeed, we had to vote against the motion to reject the Committee of Conference Report and adopt the Committee of Conference Report, is there a possibility to amend this Committee of Conference Report at a later date if there appears to be some concern about the discrepancy?

The SPEAKER: The Chair would answer in the negative. The Committee of Conference Report may not be amended.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I just rise to relate an experience I had this weekend when I went out for breakfast with my children to a local hotel in the Orono area. I noticed, well actually, my children noticed that the candy machine had a whole row of cigarettes there so the kids could go up and buy candy or cigarettes, whichever they would like. That is my personal experience with this, I just wanted to share that with you for whatever it is worth.

Representative Rowe of Portland was granted permission to address the House a third time.

Representative ROWE: Mr. Speaker, Men and Women of the House: I apologize, I know that it is my third time up. If that is a concern you have, and I don't think it should be a concern, that the statute has any ambiguity to it but if it is, I would like to read to you from another statute which is current law, Title 22, section 1579. I won't read it, I will paraphrase it but I will read one sentence. "No person may knowingly sell, furnish or give away or offer to sell, furnish or give away cigarettes or any other tobacco product to any person under the age of 18 years." That is the law now. That is under section 1579 of Title 22. I think it is very clear.

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

Representative LARRIVEE: Mr. Speaker, a point of parliamentary inquiry?

Would a motion to have another Committee of Conference be in order?

The SPEAKER: The Chair would answer in the affirmative.

Representative LARRIVEE: I so move, Mr. Speaker.

The SPEAKER: The Chair would first need to

dispose of the pending motion, which is the motion to reject the Committee of Conference Report.

The next motion could then be to further insist and ask for an additional Committee of Conference.

Representative Bailey of Township #27 withdrew his motion to reject the Committee of Conference.

On motion of the same Representative, the House accepted the Committee of Conference Report.

Subsequently, the House voted to recede from passage to be engrossed as amended by Committee Amendment "A" (H-430) and House Amendment "A" (H-427).

Committee Amendment "A" (H-430) was indefinitely postponed.

House Amendment "A" (H-427) was indefinitely postponed.

Conference Committee Amendment "A" (H-649) was read and adopted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (H-649) in non-concurrence 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 following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness (H.P. 138) (L.D. 183) (C. "A" H-582 and H. "A" H-607)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Technical Changes to the Tax Laws (S.P. 182) (L.D. 596) (H. "B" H-641 to C. "A" S-277)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Related to Lottery Machines (H.P. 159) (L.D. 211) (S. "A" S-190 and H. "A" H-639 to C. "A" H-319)

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. 105 voted in favor of the same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Mandate

An Act Requiring Public Schools to Purchase Insurance through a Competitive Bidding Process (H.P. 1162) (L.D. 1560)

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

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

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

A question to any member of the Committee on Education — I noticed that this bill seems to specifically exempt from the bidding requirements the title implies Workers' Compensation, Disability and Health Insurance which we all know are expensive items and I wondered if someone could share with me the rationale for exempting those items?

The SPEAKER: The Representative from Falmouth, Representative Reed, has posed a question through the Chair to anyone from the Education Committee who may respond if they so desire.

The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The Committee spent a great deal of time trying to find ways to save money for schools and one of those areas where we felt there was a possible savings was in the area of purchase of property and casualty liability insurance for buses and buildings. As a matter of fact, those of you who were in the body last term, and probably terms before that, remember efforts, in fact, they were bills proposed this time which would have four school units to buy their insurance from the state through the Risk Management Fund. Through a lot of research and work, we discovered, one, that that was not the most efficient and effective way to go for those particular purchases. Also, there were savings to be had if people had a specific competitive bidding process. As a matter of fact, one school superintendent told me, who did this without the legislation, that he found there were savings of up to 30 percent in his district. I do not pretend that that is going to be the case in every district but the very fact that they competitively bid should at least give savings that a local school can put in the school program.

Obviously, we focused on those issues which are sold to the schools. At this point in our Workers' Compensation market, there is very little competition to be had, unfortunately. We are hoping over time that that will change so it would be a little premature to have competitive bidding when there are very few places where people can go to purchase the product.

In terms of health care, that is a collectively bargained issue with the costs kept down in that way with the issues that we talked with your committee earlier. But the major purchases for property insurance, for the buildings and buses and the liability insurance was in this area and we believe the savings would be there. We worked with the insurance bureaus, we worked with insurance agents, we worked with the representatives of the Governor's Office and the other piece that is now in the puzzle is that the Maine Superintendents' Association has set up a non-profit company to provide this insurance as well. We are not telling anyone where they must buy it, we are telling them they have to competitively bid and we hope that their local officials will require that they get the cheapest price. So, this is culmination of a lot of work on those piece of legislation that once required the state to offer it.

When the Risk Management Division tracked what was happening in the cost of school insurance, one interesting trend occurred, just the presence of the piece of legislation which required the purchase of insurance through the state saw a steadily declining cost factor every time that bill was on the table so we know that the presence of competition in the free market is very important to getting those costs down.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I thank the Representative from Vassalboro for her response. I certainly agree that there are considerable savings to be had by bidding property and casualty.

I am somewhat confused though on the matter of collective bargaining as it relates to health insurance. It seems to me that the benefits are certainly bargained but I am not aware of contracts that require that you purchase the insurance in such a way.

Health insurance in our schools is a significant sum of money. I have some data on a 182 units that show that 154 of them pay the full cost of the employees' health insurance with a statewide average of about \$2,000 each. Fifty-six of those units pay the full cost for a family and 92 more units pay 80 percent or more of the cost with the statewide average of almost \$4,800 a year. There are, I am told, in the order of 10,000 active teachers in the state, and if they were all single, we would be looking at a \$20 million potential market place. If they were half and half, family and single, it could be \$30 million or more. I am really concerned that this bill seems to overlook that and I don't believe this should be enacted.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I certainly understand the gentleman's concern about the cost of health insurance. We share that concern as well. I would

hope, however, that the concern for the cost of health insurance would not delay this very important bill. This is not the place to address that issue.

This has been worked out very carefully. The reason it is before you in such a late fashion is our committee worked on this with all the players and presented it to the Appropriations Committee early in the Spring and we thought it was to be part of the budget as one of cost saving measures. Then, because the Committee decided and I commend it for doing so, that it was such an important issue, it should take its own way through the House, that we could have the kind of debate we are having now.

There are other ways to get at health cost care issues, we certainly plan to do that working with you and everyone else in this body, but I would hope that we would not slow down this very important piece of legislation as we try to work on all those problems of state government.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to add a couple of piece of information in addition to what the Representative from Vassalboro has said with respect to health insurance.

Most of school districts have their health insurance policies either through the Maine Teachers' Association or through Maine School Management. Both of those organizations compete very heavily for those teachers and administrators and are offering us some competition right within the opportunity for the district to choose which one of those two organizations offers them the best price and the best coverage.

I do certainly agree that there ought to be an opportunity for a bidding process for those organizations in their health insurance programs. I have talked with both organizations, it is clear that with respect to the Maine Teachers' Association in recent memory that a contract has not been put out to bid and several of us in this body, at least the Appropriations Committee and I believe in the Education Committee also, have made it known that we feel that that contract should be put out to bid. But, this bill deals with the ability of an individual district to put out to bid the insurance contract that the school board negotiates for its district itself and that is really limited to, at this point, the property and casualty insurance. The health insurance is not something that the individual districts can go out to bid on its own since their contract is either now with Maine Teachers' Association or Maine School Management. It is an issue that we must address, we have begun to address it and we expect that we will be able to see some additional savings from addressing that in a manner different from this bill.

This is a very important bill and will provide savings for those districts who are not now putting their contract out to bid. They may be small, they may be large depending upon the individual district but every dollar that is saved, that will be additional dollars that can go into teachers and classroom materials in their General Purpose Aid Account.

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

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

anyone who can answer.

As I recall when I served on the school board, we did issue competitive bids for insurance. Therefore, I question, is this bill worth it or necessary? Do we have an answer as to how many school districts currently now use competitive bidding?

The SPEAKER: The Representative from Bethel, Representative Barth, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: There is ample evidence around that not all school systems, in fact not all municipal organizations bid insurance, there is considerable pressure to do business near home. I don't mind that but I mind it when the State of Maine is paying and subsidizing the cost for it.

I am told, and you know I went for a more (gee, this is hard to say this) radical bill that would have created a self-insurance situation. I still believe in that very much but I am told that the very threat of bidding insurance will save this state a million dollars, just on the threat of the competitive bidding, so I am able to accept it on face value. There is a lot of pressure out there to buy locally at any cost. I have served in those places and thus far I have been able to talk people into competitive bidding but by no means is that a statewide phenomenon.

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

Representative ZIRNKILTON: Mr. Speaker, I would like to pose a question to the Representative from Vassalboro.

Representative Mitchell, bear with me if you will, I understand that the MTA actually does offer some health insurance and that some school districts may in fact avail themselves of that — my question is, if in fact there might be some other organization out there that could offer health insurance for a lesser amount, which could yield a savings, if in fact we were to have a bidding process on the health insurance as well, why wouldn't we go with that? Would you be willing to have this bill amended to include health insurance in the bidding process as well?

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

The Chair recognizes that Representative.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would implore the members who have asked questions not to sidetrack this extraordinarily important bill. In no way am I saying it is unimportant that we deal with the health insurance issue, this is not the place nor the time. There are ways to do that, I think Representative Rydell laid out very carefully to you some of the things that must be done. The kind of bidding that she was talking about is who is the third party person administrator for the two groups that sell the health insurance. Obviously, I am not opposed to competitive bidding.

Like Representative Norton, I was even willing for the state to go into a self-insurance fund to save those local dollars because these are taxpayer dollars that we are paying for insurance.

The goal of our committee was very simple and I hope you will keep focus on it because it is too important to lose in this debate to get the best insurance we could get for the lowest price possible. In fact, I am surprised that there is so much concern about this because it is exactly the people who raise these questions were the ones who were concerned when we were trying to do the self-insurance fund for the state. But, we have found a free enterprise model which really is beyond repute. When you talk about competitive bidding already being in some schools, this is laid out in a plan now how you competitively bid to make sure you get the absolute best result. So, I guess I would ask very much that you not bog it down with health insurance. We are not saying that health insurance is not an issue, that is another bill, and I will be happy to work with you on that, but please for the sake of schools who are struggling to survive this year, please give them the benefit or the absolute stick to make them competitively bid so they are not spending money on insurance necessarily but they are spending it on textbooks and programs.

I would implore you to please deal with insurance for health on another basis and pass this very important piece of legislation.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of same and 11 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Mandate

(Failed of Enactment)

An Act to Provide Access to Landlocked Property (H.P. 1051) (L.D. 1403) (H. "A" H-646 to C. "A" H-529)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 47 voted in favor of same and 65 against, and accordingly the Mandate failed of enactment. Sent up for concurrence.

ENACTOR

Later Today Assigned

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) (H. "A" H-625)

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

On motion of Representative Joseph of Waterville,

tabled pending passage to be enacted and later today assigned.

ENACTOR

Later Today Assigned

An Act to Centralize Further the Permitting Process for Retail Businesses and to Allow Some Municipalities to Act as Central Permitting Agents (H.P. 399) (L.D. 512) (H. "A" H-408 to C. "A" H-367)

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

Representative Zirkilton of Mount Desert requested a roll call.

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

PASSED TO BE ENACTED

An Act to Exempt Certain Real Estate Transfers from the Real Estate Transfer Tax (S.P. 95) (L.D. 249) (C. "A" S-311)

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

(Reconsidered)

An Act to Expedite Maintenance of Utility Facilities (S.P. 346) (L.D. 1041) (H. "B" H-645 to C. "A" S-250)

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

Representative Mitchell of Freeport moved that the House reconsider its action whereby L.d. 1041 was passed to be engrossed.

Representative Donnelly of Presque Isle requested a Division.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will reconsider the action we took earlier today.

I was kind of in the doghouse because I was a little late on getting this amendment done but I did draft an amendment up which I hope you will adopt.

The amendment requires that before a utility can go out and cut any trees or remove any trees on your property that they have to get your permission.

What I would like, ladies and gentlemen of the House, is to have an opportunity to offer this amendment and discuss its merits with you.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hope when you vote tonight you don't vote to reconsider. As far as I am concerned, this is a backdoor approach to the committee process. We worked this in committee and we dealt with this at some length four or five different times. As you know, it has been up here through this body a number of times, we have a nice friendly amendment attached to it by Representative Adams, I believe that is all we need to the bill. I think this is a backdoor approach to upset the committee process. I hope when you vote, you don't vote to reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Freeport, Representative Mitchell, that the House reconsider its action whereby L.D. 1041 was passed to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 49 in the negative, the motion to reconsider did prevail.

On motion of Representative Mitchell of Freeport, the House reconsidered its action whereby Committee Amendment "A" (S-250) was adopted.

The same Representative offered House Amendment "D" (H-651) to Committee Amendment "A" (S-250) and moved its adoption.

House Amendment "D" (H-651) to Committee Amendment "A" (S-250) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: It is a very simple amendment, it just simply says that before the utility can come in to trim and cut trees that they have to landowner's permission. Then it goes on to define the landowner in this particular circumstance.

Finally, in the third sentence of it creates an exemption for cutting trees in emergency situation.

You know the person who owns the land pays all the taxes on it and you might want to go out and plant some ornamental trees or shrubs on your property and, as I understand the bill in its current posture, a utility that happens to have the right-of-way can come in and just cut them all down. I think at the very least people should be able to get the permission of the people who do in fact own the property and pays all the taxes on it.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I hope when you vote, you don't vote to accept the amendment. As was stated earlier in my debate, the shade trees or ornamental trees have been taken care of in the bill, it only has to do with right-of-ways. It is a very good bill as it is amended.

This is a backdoor approach, as I said earlier, to upset the committee process. We worked very hard tediously and the committee put out what I thought was a very good bill. It is a 12 to 1 report from the committee so I hope when you vote, you don't vote to accept the amendment.

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

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

I would like to pose a question to Representative Adams. I wonder if Representative Adams can tell us

how this amendment will change what he did in his amendment this morning?

The SPEAKER: The Representative from Rumford, Representative Cameron, has posed a question through the Chair to Representative Adams of Portland who may respond if he so desires.

The Chair recognizes that Representative.

Representative ADAMS: Mr. Speaker, Men and Women of the House: In answer to my friend, Representative Cameron, in shorthand, it does not affect or undo the amendment that I placed upon the bill this morning whatsoever. It simply adds the fact that the person or persons upon whose property the trees to be cut or trimmed must give their permission before that must be done. Under the way the bill now reads, even with the amendment that I presented this morning, the only way that the people on whose property the trees now stand will even know that this going to be happening to them is if, number one, they happen to catch the advertisement in the newspaper or, number two, they happen to read the bill insert, at least in the Central Maine Power territory, that will tell them that cutting is to be done. Bangor-Hydro does not send out bill inserts.

Number three, if they have done either of the above, they must then request to be consulted. If they do notice one and two but fail to do three, they don't hear about it. Even if they do one through three, the person on whose land the tree sits can only be consulted, they have no right to say no and nobody to appeal the action to.

As I understand Representative Mitchell's presentation today, this would give them that opportunity to say yes or no.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: What this amendment will do that is before us right now is it will require the utilities to go door-to-door and seek written permission before they can do any trimming or cutting. That is not the way the law is now, that is not really what we intended to do with this piece of legislation that will result in increased expense to the utilities, which will result in increased electric rates to all of your constituents. So, please bear that in mind when you think about this. It has not been in Maine law that you had to give written permission or had to accept that and by doing this, you are most definitely going to increase your electric rates.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: The purpose of this bill, where the title correctly states, was, is and should be to expedite maintenance of utility facilities. The work involved is essential if we are to have reliable electric service. None of the work is cosmetic, just to make things look good. The need is to prune on a regular basis, limbs and branches that may foul the power lines at some inopportune time. If the permitting process is not cumbersome and costly, the intent is to do the pruning on a two to five year cycle, which will minimize the severity of the pruning.

As a matter of fact, as far as easements are concerned, when utility easements are negotiated, they contain the prohibitions against planing anything of any substance and gives the holder of

that utility easement the right to come and prune as necessary so it is sort of academic to add this hearing process to this.

As always, the ratepayer covers the cost no matter what we decide. Vote for the ratepayer and vote against this amendment.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I didn't intend to speak to this but I do encourage you to vote for this. I had an experience which I would also like to share with you. I had two fine birch trees out front of my house, while I was not there, a utility in the process of pruning, by the time they are over, they are kind of large alders at best, their pruning runs beyond cutting the branches that were near the lines and went clear to the trunk. I sort of woke up to what this debate is all about and I certainly would encourage you to vote for what is really corporative accountability in this case.

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

Representative HOLT: Mr. Speaker, Colleagues of the House: There was some concern that I did not vote with the Majority even though I was on the Majority Report of the committee. The fact is I had a constituent who had a problem of this sort brought to me long before the committee took this bill up or even knew about this bill. I didn't get out to see the property.

After I voted in committee, I did have that opportunity last week and he was consulted about the big trees that lines the roadway and that have been admired for years in Bowdoinham. Then when he went off to lunch, he came back and found instead of trimming carefully, they were down, so that is why I voted the way I did.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I can't get over how much interest this little tree trimming bill for right-of-way has generated. If you accept the amendment the way it is written, it is worst than what they are doing right now. Can you imagine now you are having problems with trees being trimmed and your power, if this amendment is accepted, it is going to be worse than the bill. Think about that, it is going to be a lot worse than the bill.

I wish people on my committee, once they have sent a report out, would stay with the report. Articles appear in the paper and how other people jump all over the place, I just wish people on my committee would stay on the report.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: Tree trimming is fast becoming a more complex bill than gravel pits and that is why I was hoping, with no disrespect to Representative Mitchell, to avoid more debate on this.

With all due respect to Representative Mitchell, I hope you will defeat this bill and I move indefinite postponement of House Amendment "D."

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

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: Actually by a slip of the

tongue, the Representative from Presque Isle said "I hope you will help to defeat this bill." I would concur with the original bill but I would disagree with the Representative from Millinocket that this makes it worse than the original bill. This makes it far better than the original bill.

We talk a lot in here about protecting the rights of individuals, defeating the motion of indefinitely postponing House Amendment "D" is one good way for us to put action to our words.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: Just a short note. Let me get this straight — if this amendment passes, the rates go up and if the rates go up, we collect more taxes to plug that big hole I have been hearing about. This might almost make me support it if it wasn't the impressively high cost of energy to the already overburdened people and businesses in this state.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I don't remember the exact figure but I do know enough about utility bills to know that you will not notice the cost of this bill on your monthly bill.

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: I think we have lost track of the whole purpose of this bill. The purpose of this bill is safety. Tree trimming is done for the safety of the people who have to work around it and for the safety of your people, your families who operate and walk and live around your property. Please keep that in mind when you vote on this particular issue.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: You may find it surprising but I agree fully with my dear friend and seatmate on the Utilities Committee, Representative Morrison, that the individual or at least the stated purpose of the original bill was safety which indeed is dealt with in the original bill. Nothing in the amendments presented thus far or the bill before us now or the amendment before us now touches upon one rule of law, which is not at all touched by this amendment, it is an entire other part of law. It says simply "This section does not apply to trimming, cutting or removal of trees undertaken in emergency situations." Even if this bill went away today, a consummation devoutly to be wished, and had never existed, the trimming and such that you see going on on the streets right now would continue. The abuses may continue. Indeed the fact that safety is still paramount would still be the law and the crews would still be out doing what they have already been doing with the results you have heard about.

I believe what Representative Mitchell has presented is what the bill sorely lacks in its present form and that is an opportunity for anybody to say "wait a moment" and having said that, say "yes or no."

I encourage you to vote against indefinite postponement and for Representative Mitchell's amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is indefinite postponement of House Amendment "D." Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 37 in the negative, House Amendment "D" (H-651) was indefinitely postponed.

Subsequently, Committee Amendment "A" (S-250) as amended by House Amendment "B" (H-645) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-250) as amended by House Amendment "B" (H-645) thereto.

Subsequently, L.D. 1041 was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate (S.P. 222) (L.D. 693) (H. "D" H-640 to C. "A" S-274)

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.

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1160)

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94 (EMERGENCY) (H.P. 859) (L.D. 1168) (S. "A" S-237 to C. "A" H-310)

- In House, Passed to be Enacted on May 27, 1993.

- In Senate, Passed to be Enacted on May 27, 1993.

On motion of Representative Dore of Auburn, under suspension of the rules, the House reconsidered its action whereby L.D. 1168 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1168 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-310) as amended by Senate Amendment "A" (S-237) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-237) to Committee Amendment "A" (H-310) was adopted.

On further motion of the same Representative, Senate Amendment "A" (S-237) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-655) to Committee Amendment "A" (H-310) and moved its adoption.

House Amendment "A" (H-655) to Committee Amendment "A" (H-310) was read by the Clerk.

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

Representative DORE: Mr. Speaker, Men and Women

of the House: I beg your indulgence. What you have just done is allow us to back up a bill from the Governor's desk, find another \$400,000, lower the tax on the Unorganized Territory by \$400,000 because we found money in surplus accounts. You can all go home and tell your constituents that we couldn't save every dime of their tax increase but we did save about a third of the increase and I hope that helps.

Subsequently, House Amendment "A" (H-655) to Committee Amendment "A" (H-310) was adopted.

Committee Amendment "A" (H-310) as amended by House Amendment "A" (H-655) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-310) as amended by House Amendment "A" (H-655) thereto in non-concurrence 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 matter: An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990 (H.P. 963) (L.D. 1294) (C. "A" H-534) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1294 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-534) was adopted.

The same Representative offered House Amendment "A" (H-642) to Committee Amendment "A" (H-534) and moved its adoption.

House Amendment "A" (H-642) to Committee Amendment "A" (H-534) was read by the Clerk.

Representative Robichaud of Caribou requested a vote on adoption of House Amendment "A" (H-642) to Committee Amendment "A" (H-534).

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-642) to Committee Amendment "A" (H-534). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 17 in the negative, House Amendment "A" (H-642) to Committee Amendment "A" (H-534) was adopted.

Committee Amendment "A" (H-534) as amended by House Amendment "A" (H-642) thereto was adopted.

Representative Jacques of Waterville offered House Amendment "A" (H-653) and moved its adoption.

House Amendment "A" (H-653) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-534) as amended by House Amendment "A" (H-642) thereto and House Amendment "A" (H-653) in non-concurrence and sent up for concurrence.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(S.P. 531) (L.D. 1559) Bill "An Act to Clarify the Law Concerning Aquaculture" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-322)

(H.P. 1003) (L.D. 1349) Resolve, Directing Release of Investigative Records Related to Ballot Tampering (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-657)

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

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

SENATE PAPERS

The following Joint Order: (S.P. 534)

ORDERED, the House concurring, that Bill, "An Act to Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law, H.P. 777, L.D. 1050, and all its accompanying papers, be recalled from the legislative files to the Senate.

Came from the Senate, read and passed.

Was read. A two-thirds vote being necessary, a total was taken, 67 voted in favor of the same and 12 against, the Joint Order was passed in concurrence.

Non-Concurrent Matter

Joint Order (H.P. 1161) relative to recalling H.P. 589, L.D. 793, and all its accompanying papers from the legislative files which was read and passed in the House on June 9, 1993.

Came from the Senate read and indefinitely postponed in non-concurrence.

The House voted to Insist.

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

sent forthwith to the Senate.

The Chair laid before the House the following matter: An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices (S.P. 225) (L.D. 696) (C. "A" S-168) which failed of passage to be enacted in the House on June 8, 1993; came from the Senate passed to be enacted in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Rowe of Portland, the House voted to recede.

The same Representative offered House Amendment "A" (H-647) to Committee Amendment "A" (S-168) and moved its adoption.

House Amendment "A" (H-647) to Committee Amendment "A" (S-168) was read by the Clerk.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: L.D. 696, as you may remember, as amended by Committee Amendment "A" is the bill that would change the composition of the Commission on Ethics and Elections. It would replace the current nine members with a three member commission, each member being appointed by a Chief Judge or Justice. What I am offering today is an amendment to that bill which would, in addition to the appointment, the individuals would have to receive the concurrence of a two-thirds vote of the elected members of each House.

Presently under the statute, the eight members that are appointed by the leadership in the House and Senate do have to receive concurrence of a two-thirds vote of the House and Senate. This is similar to the current statute. I know some people had a concern that by having Judicial appointments, somehow the legislature would relinquish some control or at least total control over the membership. House Amendment "A" would add control back to this body and to the Senate.

I think L.D. 696 is an important bill. I would ask that you give it favorable consideration. I believe that this amendment strengthens the bill. If the Judicial appointees do not meet the favor of two-thirds of this body and the other body, they will not be commissioned. I think the bill would remove partisanship from the appointment process or at least the appearance of partisanship and I think that is important to preserve the integrity of this institution.

I request your support and I move that we adopt House Amendment "A" to Committee Amendment "A" to L.D. 696.

Subsequently, House Amendment "A" (H-647) to Committee Amendment "A" (S-168) was adopted.

Committee Amendment "A" (S-168) as amended by House Amendment "A" (H-647) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-168) as amended by House Amendment "A" (H-647) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered

The Chair laid before the House the following matter: Bill "An Act to Minimize Electric Rates" (S.P. 307) (L.D. 940) - In House, Passed to be engrossed as amended by Committee Amendment "A" (S-159) as amended by House Amendment "C" (H-592) thereto on June 4, 1993 - In Senate, Passed to be engrossed as amended by Committee Amendment "A" (S-159) as amended by Senate Amendment "A" (S-306) thereto in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Clark of Millinocket, the House voted to recede and concur.

On motion of Representative Bennett of Norway, the House reconsidered its action whereby Bill "An Act to Reduce the Influence of Money in Elective Politics" (H.P. 1150) (L.D. 1550) was passed to be engrossed.

Representative MARSH of West Gardiner offered House Amendment "B" (H-654) and moved its adoption.

House Amendment "B" (H-654) was read by the Clerk.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want the Record to clearly show that I am implying no impropriety on the part of any Constitutional Officer or any legislator, past or present, in bringing this amendment forward. I do feel very strongly that we as legislators should do all in our power to make sure that neither a Constitutional Officer or any legislator compromise in any way because of campaign contributions.

I have found in working this matter that the Supreme Court shares my concern and I have provided the House a brief of the Supreme Court decision on it and that is Federal Election Commission versus the National Conservative Public Action Committee. I am not going to take the time to read it but I would ask all in the House to read the second sentence in the paragraph having to do with Buckley and the citizens against rent control. That second sentence which begins with "Elected officials are influenced" is the crux of what I am trying to do.

Many legislators have sent me notes tonight concerning this amendment and in particular your concerns about the words "either directly." I have worked this amendment off and on all Spring and those words have to stay in. The reason for enclosing these words are solely to prevent the obvious loophole. If anyone here has got a better wording that they would like to offer, I certainly would entertain it, but in working with the Attorney General's Office, they tell me to make this enforceable and to make it a statute that would be meaningful, those words would have to be there.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I rise somewhat reluctantly to oppose

this amendment because I have much respect and faith in the intentions of the Representative from West Gardiner, Representative Marsh. However, being one of the people who spoke with him about the language on line 25 which includes "reference to a direct contribution by our Constitutional Officers" I have to say that I am troubled by this. I assume that the Governor of our state or Representatives and Senators in Congress and any other individuals who are citizens of the State of Maine are allowed to make personal and direct contributions to anyone running for political office. If I am wrong, I would be happy to be corrected. My only concern is that we not abridge the rights of citizens of the State of Maine, be they Constitutional Officers or other elected officers.

I appreciate what the good Representative from West Gardiner has gone through in order to create this amendment, however, I am deeply troubled by that one line.

Again, I say if I am wrong, I would happily stand corrected.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: Representative Chase, you are not wrong, but there is a difference between the Constitutional Officers, the Governor and our Congressional group and that is that the Constitutional Officers are elected by this body.

The Governor and the Congressional people are elected by the people outside of this House, so there is a difference and it is a distinct difference which I think makes this amendment appropriate. I would hope that you would support it.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "B" (H-654). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 2 in the negative, House Amendment "B" (H-654) was adopted.

Representative Larrivee of Gorham offered House Amendment "C" (H-658) and moved its adoption.

House Amendment "C" (H-658) was read by the Clerk.

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

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I have made two changes in this bill by my amendment, the first is in the restriction on the use of governmental facilities that was included in this bill. The bill actually restricted, by public officials, the use of any public facility for campaign purposes. I began to think that perhaps that meant that my public library which has an open room for meetings of all kinds of clubs including the Garden Club and whatever, I could no longer use that for informational meeting during campaign time or I couldn't go to my local fire station or there are a number of other public facilities which I would not be allowed to trespass upon during campaign season. It was my understanding that that was not the intention of the bill so I have added a qualifier about the use of public places which says that, "In the case of public facilities, you may use them if they are routinely used by other non-governmental organizations." Therefore, if it is the park that is used for little league is the place that you hold your picnic, then that would still continue to be

allowed. So, I have made that exception as long as it is a facility which is used for other purposes.

The second thing that I have done is take out the wording regarding "anonymous contributions." Since I found it very difficult at the small picnic that I hold when you have a jar and there ends up being \$30 or \$40 in it at the end of the day and I couldn't tell who it came from or was it anonymous and how to send it back to the Governmental Elections Commission. I don't believe that anonymous contributions are a big issue in this state, so I removed that language from the bill.

Subsequently, House Amendment "C" (H-658) was adopted.

The Bill was passed to be engrossed as amended by House Amendments "B" (H-654) and "C" (H-658) 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 matter: 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) (H. "A" H-625) which was tabled earlier in the day and later today assigned 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. 1309 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-625) was adopted.

The same Representative offered House Amendment "B" (H-659) to House Amendment "A" (H-625) and moved its adoption.

House Amendment "B" (H-659) to House Amendment "A" (H-625) was read by the Clerk and adopted.

House Amendment "A" (H-625) as amended by House Amendment "B" (H-659) thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-625) as amended by House Amendment "B" (H-659) thereto in non-concurrence and sent up for concurrence.

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

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse" (H.P. 1099) (L.D. 1486) which was passed to be engrossed as amended by Committee Amendment "A" (H-563) as amended

by House Amendment "A" (H-631) thereto in the House on June 8, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-563) as amended by House Amendment "A" (H-631) and Senate Amendments "B" (S-316) and "D" (S-324) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities" (H.P. 1038) (L.D. 1390) which was passed to be engrossed as amended by Committee Amendment "A" (H-528) as amended by House Amendment "A" (H-593) thereto in the House on June 7, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-528) as amended by House Amendment "A" (H-593) and Senate Amendment "A" (S-317) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse (H.P. 1099) (L.D. 1486) (H. "A" H-631, S. "B" S-316 and S. "D" S-324 to C. "A" H-563)

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.

On motion of Representative Young of Limestone,
Adjourned at 8:33 p.m. until Monday, June 14, 1993, at nine o'clock in the morning pursuant to Joint Order (S.P. 533).
