

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
18th Legislative Day
Tuesday, March 1, 1994

President of the Senate
S/Dan A. Gwadosky
Speaker of the House

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

Prayer by Reverend William Roix, United Pentecostal Church of Cardville.

National Anthem by the Edward Little High School Band, Auburn.

The Journal of Thursday, February 24, 1994 was read and approved.

Came from the Senate, Read and Referred to the Committee on **Agriculture**.

Was Read and Referred to the Committee on **Agriculture** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards" (EMERGENCY) (S.P. 573) (L.D. 1617) on which the Bill and accompanying papers were indefinitely postponed in the House on February 23, 1994.

Came from the Senate with that body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-399) in non-concurrence.

On motion of Representative JACQUES of Waterville, tabled pending further consideration and later today assigned.

COMMUNICATIONS

The following Communication: (S.P. 721)

116TH MAINE LEGISLATURE

February 23, 1994

Senator Judy A. Paradis
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Charmaine A. Brown of Monmouth for appointment and Richard H. Duncan of Presque Isle for reappointment to the Harness Racing Commission.

Pursuant to Title 8, MRSA Section 261-A, these nominations will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble

The following Communication: (S.P. 722)

116TH MAINE LEGISLATURE

February 23, 1994

Senator Ida Luther
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Stanley D. Milton of Andover for appointment and Gary F. Cobb of North New Portland and Carroll T. Cutting of East Sebago for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, these nominations will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Fisheries and Wildlife**.

Was Read and Referred to the Committee on **Fisheries and Wildlife** in concurrence.

The following Communication:

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

February 23, 1994

The Honorable Dan A. Gwadosky
Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. Speaker:

Pursuant to P.L. 1992, Ch. 885, the Joint Standing Committee on Banking and Insurance has met to review the reappointment of Harvey Picker of Camden as the Public Member of the Maine Employers' Mutual Insurance Company.

After review, the Committee proceeded to vote on the approval of this reappointment. The Committee Clerk called the roll with the following result:

| | | | |
|---------|-----------------|---|---|
| YEAS: | Senators | 2 | McCormick of Kennebec, Carey of Kennebec |
| | Representatives | 6 | Erwin of Rumford, Tracy of Rome, Rand of Portland, Hale of Sanford, Townsend of Canaan, Carleton of Wells |
| NAYS: | | 0 | |
| ABSENT: | | 5 | Sen. Kieffer of Aroostook, Rep. Pineau of Jay, Rep. Kutasi of Bridgton, Rep. Campbell of Holden, Rep. Joseph of Waterville |

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the reappointment of Harvey Picker of Camden as the Public Member of the Maine Employers' Mutual Insurance Company be approved.

Signed:

S/Dale McCormick
Senate Chair

S/Edward L. Pineau
House Chair

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Banking and Insurance

Bill "An Act to Continue Health Care Reform in Maine and Prepare for Federal Reforms" (EMERGENCY) (H.P. 1429) (L.D. 1954) (Presented by Representative CARLETON of Wells) (Cosponsored by Representatives: DONNELLY of Presque Isle, KUTASI of Bridgton, TARDY of Palmyra, VIGUE of Winslow, WHITCOMB of Waldo, Senators: CAHILL of Sagadahoc, HARRIMAN of Cumberland) (Governor's Bill)

Education

Bill "An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education" (EMERGENCY) (H.P. 1431) (L.D. 1956) (Presented by Representative AULT of Wayne) (Cosponsored by Representative: SMALL of Bath, Senator: AMERO of Cumberland) (Governor's Bill)

Energy and Natural Resources

Bill "An Act to Designate Certain Lands under the Constitution of Maine, Article IX, Section 23" (H.P. 1428) (L.D. 1953) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representatives: ADAMS of Portland, BENNETT of Norway, CHONKO of Topsham, COLES of Harpswell, CONSTANTINE of Bar Harbor, DAGGETT of Augusta, GOULD of Greenville, GRAY of Sedgwick, HEESCHEN of Wilton, JACQUES of Waterville, LARRIVEE of Gorham, LORD of Waterboro, MARSH of West Gardiner, MARTIN of Eagle Lake, MICHAUD of East Millinocket, RAND of Portland, ROWE of Portland, RYDELL of Brunswick, TOWNSEND of Portland, TREAT of Gardiner, Senators: PARADIS of Aroostook, PEARSON of Penobscot, VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Human Resources

Bill "An Act to Promote a Continuum of Quality and Affordable Long-term Care and to Promote Consumer Choice" (H.P. 1430) (L.D. 1955) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: CHONKO of Topsham, GEAN of Alfred, MARTIN of Eagle Lake, MICHAUD of East Millinocket, RYDELL of Brunswick, Senators: BALDACCI of Penobscot, DUTREMBLE of York, HARRIMAN of Cumberland, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Judiciary

Resolve, to Develop a Career Criminal Act (H.P. 1427) (L.D. 1952) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: AIKMAN of Poland, ALIBERTI of Lewiston, AULT of Wayne, BAILEY of Township 27, BAILEY of Farmington, BARTH of Bethel, BENNETT of Norway, BIRNEY of Paris, BOWERS of Washington, BRUNO of Raymond, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CLARK of Millinocket, CLEMENT of Clinton, CLUKEY of Houlton, COFFMAN of Old Town, COTE of Auburn, DiPIETRO of South Portland, DONNELLY of Presque Isle, DUTREMBLE of Biddeford, FARREN of Cherryfield, FOSS of Yarmouth, GOULD of Greenville, GREENLAW of Standish, HEINO of Boothbay, HOGLUND of Portland, HUSSEY of Milo, JACQUES of Waterville, KETTERER of Madison, KNEELAND of Easton, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, LOOK of Jonesboro, MARSH of West Gardiner, MICHAEL of Auburn, MORRISON of Bangor, NASH of Camden, PARADIS of Augusta, PENDLETON of Scarborough, POULIOT of Lewiston, REED of Falmouth, REED of Dexter, ROBICHAUD

of Caribou, ROTONDI of Athens, SIMONEAU of Thomaston, SMALL of Bath, SPEAR of Nobleboro, TARDY of Palmyra, TAYLOR of Cumberland, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, WHITCOMB of Waldo, WINN of Glenburn, Senators: AMERO of Cumberland, BERUBE of Androscoggin, CARPENTER of York, CIANCHETTE of Somerset, CONLEY of Cumberland, FOSTER of Hancock, HALL of Piscataquis, HARRIMAN of Cumberland, WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

State and Local Government

Bill "An Act to Improve the Delivery of Law Enforcement Services in Kennebec County" (H.P. 1426) (L.D. 1944) (Presented by Representative VIGUE of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Provide Funding to Support Maine Energy Policy" (H.P. 1432) (L.D. 1957) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representatives: COFFMAN of Old Town, FARNUM of South Berwick, GWADOSKY of Fairfield, KUTASI of Bridgton, NORTON of Winthrop, RUHLIN of Brewer, SMALL of Bath, SPEAR of Nobleboro, SULLIVAN of Bangor, WHITCOMB of Waldo, Senators: BUSTIN of Kennebec, CAREY of Kennebec, LUTHER of Oxford, SUMMERS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Reference to the Committee on Taxation suggested and ordered printed.

On motion of Representative CLARK of Millinocket, tabled pending reference and later today assigned.

Transportation

Bill "An Act to Permit Railroad Crossings for the Sole Purpose of Accommodating Timber Harvesting Operations" (H.P. 1425) (L.D. 1943) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representative: VIGUE of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative TARDY from the Committee on Agriculture on Bill "An Act to Allow the Growth and Sale of Cultivated Ginseng in Maine" (H.P. 1236) (L.D. 1663) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-761)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-761) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, March 2, 1994.

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

Ought to Pass as Amended

Representative TOWNSEND from the Committee on Marine Resources on Bill "An Act to Increase Penalties for Violation of Lobster Fishing Laws" (H.P. 1261) (L.D. 1688) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-767)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-767) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, March 2, 1994.

Ought to Pass as Amended

Representative TOWNSEND from the Committee on Marine Resources on Bill "An Act Concerning Alewives" (H.P. 1323) (L.D. 1785) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-766)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-766) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, March 2, 1994.

CONSENT CALENDAR

First Day

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

(S.P. 559) (L.D. 1595) Bill "An Act to Improve the Efficiency of Rate Processing by Consumer-owned Electric Utilities" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-414)

(S.P. 597) (L.D. 1656) Bill "An Act to Clarify the Method for Calculating Inmate Good Time" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-413)

(S.P. 608) (L.D. 1706) Bill "An Act to Revise the Execution of Certain Mandatory Consecutive Sentences" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-412)

(H.P. 1366) (L.D. 1849) Bill "An Act to Implement the Recommendations of the Maine Potato Board" Committee on Agriculture reporting "Ought to Pass"

(H.P. 1223) (L.D. 1642) Bill "An Act to Establish a Financial Assistance Program for Utilities Burdened as a Result of State Highway Construction" Committee

on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-759)

(H.P. 1224) (L.D. 1643) Resolve, to Simplify the Schedule of Fees for Licenses Issued by the Department of Inland Fisheries and Wildlife Committee on **Fisheries & Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-764)

(H.P. 1256) (L.D. 1683) Resolve, Regarding the Development of a Medicare Volume Performance Standard Demonstration Project Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-768)

(H.P. 1298) (L.D. 1753) Resolve, to Extend the Reporting Date of the Healthy Start Task Force Report (EMERGENCY) Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-769)

(H.P. 1299) (L.D. 1754) Bill "An Act Regarding the Discharge of Mortgages" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-765)

(H.P. 1300) (L.D. 1755) Bill "An Act to Modify the End Disposal of Sharp Waste Products in the Biohazard Disposal Law" Committee on **Energy & Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-763)

(H.P. 1334) (L.D. 1797) Bill "An Act to Amend the Charter of the Madison Water District" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-760)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 2, 1994 under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 581) (L.D. 1625) Bill "An Act to Clarify Certain Marine Resource Definitions"

(S.P. 557) (L.D. 1593) Bill "An Act to Amend the Conditions of Probation" (C. "A" S-408)

(S.P. 566) (L.D. 1601) Bill "An Act to Ensure That State Water Utility Rules Are Consistent with Federal Requirements" (C. "A" S-407)

(S.P. 600) (L.D. 1698) Bill "An Act to Eliminate the Maine School Building Authority" (C. "A" S-406)

(H.P. 1331) (L.D. 1794) Bill "An Act to Provide Adequate Staffing for the Board of Osteopathic Examination and Registration"

(H.P. 1367) (L.D. 1850) Bill "An Act to Improve the License Renewal Procedure for the Board of Registration in Medicine" (EMERGENCY)

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Protect Cable Television Consumers from Excessive Late Fees" (S.P. 563) (L.D. 1598) (C. "A" S-398)

Bill "An Act Concerning Commercial Fishing Licenses" (S.P. 572) (L.D. 1618) (C. "A" S-410)

Bill "An Act to Apportion Districts for the Election of County Commissioners" (H.P. 1285) (L.D. 1733) (H. "A" H-758 to C. "A" H-741)

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

ENACTORS

Emergency Measure

An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care (S.P. 550) (L.D. 1574) (C. "A" S-396)

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. 122 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Workers' Compensation Laws By Allowing Guarantors of Self-Insurers to Utilize Approved Letters of Credit (H.P. 1206) (L.D. 1614) (C. "A" H-726)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Conform the Maine Tax Laws for 1993 With the United States Internal Revenue Code (S.P. 604) (L.D. 1702) (C. "A" S-404)

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. 114 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding the Implementation of the Provisions of the Higher Education Act of 1965 as Amended (S.P. 606) (L.D. 1704) (C. "A" S-393)

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. 115 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1994 (H.P. 1409) (L.D. 1919)

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 24 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Amend the Boothbay Harbor Sewer District Charter (H.P. 1220) (L.D. 1639) (C. "A" H-732)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 8 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1994 (H.P. 1388) (L.D. 1887)

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

Mandate

An Act to Amend the Charter of the Brewer Water District (H.P. 1257) (L.D. 1684) (C. "A" H-731)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 3 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Conform Maine Income Tax Laws and Rules to the Internal Revenue Code (H.P. 1081) (L.D. 1447) (C. "A" H-733)

An Act to Amend the Maine Banking Code to Clarify the Definition of Limited-time and Seasonal Branches and to Provide a Definition of In-school Branches (H.P. 1178) (L.D. 1569) (C. "A" H-725)

An Act Governing Special Purpose Investment Subsidiaries (S.P. 548) (L.D. 1573) (C. "A" S-403)

An Act to Amend the Maine Self-Insurance Guarantee Association Assessment Base (S.P. 556) (L.D. 1592) (C. "A" S-394)

An Act to Clarify the Status of the Maine Indian Tribal-State Commission (H.P. 1196) (L.D. 1604) (C. "A" H-729)

An Act to Clarify the State's Implementing Regulations to Provide for Schedules of Compliance (S.P. 569) (L.D. 1610) (C. "A" S-395)

An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease (H.P. 1204) (L.D. 1612) (C. "A" H-735)

An Act to Amend the Credit Reporting Laws (S.P. 579) (L.D. 1623) (C. "A" S-400)

An Act to Amend the Structure of Veterans' Services (S.P. 583) (L.D. 1627) (C. "A" S-397; S. "A" S-411)

An Act to Amend Conditions of the Supervised Community Confinement Program (S.P. 588) (L.D. 1648) (C. "A" S-405)

An Act to Promote Equitable Penalties for Unlicensed Consumer Lending (S.P. 589) (L.D. 1649) (C. "A" S-401)

An Act to Implement the Technical and Environmental Assistance Program (H.P. 1264) (L.D. 1691) (C. "A" H-734)

An Act to Protect Consumers in Loan Broker Transactions (S.P. 610) (L.D. 1708) (C. "A" S-402)

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Simplify Fishing Rules (H.P. 1234) (L.D. 1661) (C. "A" H-727)

Resolve, to Promote Consumer Choice, Competition and Quality in Mental Retardation Services (H.P. 1276) (L.D. 1724) (C. "A" H-724)

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

An Act to Ensure the Proper Installation of Manufactured Homes (H.P. 342) (L.D. 445) (C. "A" H-728)

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

On motion of Representative MARSHALL of Eliot, was set aside.

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

Representative MARSHALL: Mr. Speaker, Men and Women of the House: I am a bit reluctant to speak on this bill because it does do some good things to the installation of manufactured homes and trailers, as we normally call them, especially in trailer parks and where trailers are going to be in close proximity and the dangers of blowing over or sinking would injure their neighbors. However, it does injure what we call the low-income family where a used trailer that they perhaps find someplace that someone is getting rid of for a couple of thousand dollars and they own some land or someone let them put it on their land and they move it, this will disallow them from the ability to set up that trailer in the way that they deem the best for them or what they can afford. Basically what it does to all trailers in the state is the procedure starts with getting a soil scientist to evaluate the land you are going to set the trailer on, there are depth requirements for the water table and other things, a certain depth of land has to be excavated and crushed gravel put back in, not just good bank-run gravel but crushed gravel, to a certain specification and then certain required piers or a cement pad or other things that typically haven't been done in the more rural areas for an owner to set up a trailer.

From my experience with trailers and housing, it looks to me that the minimum cost of setting one of these up would be around \$3,000. To me, that is a bit extensive to someone who perhaps buys a trailer for \$1,000 or \$1,500 and it is the only alternative

they have to perhaps a tent or living with relatives or living in a rented unit that they can't afford.

I hate to see this pass because it is just another step in the encroachment of government on how someone is going to live, how they are going to set up their own home and what they are going to do with it. On this one, I reluctantly would ask that you vote against it.

I ask for a Division, please.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: Actually this bill, this amendment, makes the current law clear and provides more options in creating foundation installations than existing law does. It also has the provision that the local ordinance, should there be one in place, does control. I would urge you to support this.

It was a unanimous committee report at the time. I don't hold people to — if they vote for something in a committee, I don't expect that they will always fight to the death for it on the floor. I just wanted to note that we worked on this for quite some time — that doesn't cut any ice either because we work on a lot of things a lot of the time, but we really did think about this a lot and made sure that local ordinances were not overruled by what this was and in fact that this made more options available.

The SPEAKER: The Chair will order a vote. The pending question before the House is enactment of L.D. 445. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 38 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

Bill "An Act Concerning the University of Maine System Scholarship Fund" (EMERGENCY) (H.P. 1421) (L.D. 1935)
(Committee on Education suggested)
TABLED - February 24, 1994 by Representative O'GARA of Westbrook.
PENDING - Reference.

On motion of Representative O'GARA of Westbrook, the Bill was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

An Act to Repeal Sanctions against Businesses Doing Business in South Africa (H.P. 1290) (L.D. 1738)
TABLED - February 24, 1994 by Representative JOSEPH of Waterville.
PENDING - Passage to be Enacted.

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

An Act to Allow Nonresidents to Possess Antique License Plates (H.P. 1177) (L.D. 1568) (C. "A" H-716)
TABLED - February 24, 1994 by Representative PARADIS of Augusta.

PENDING - Passage to be Enacted.

On motion of Representative PARADIS of Augusta, tabled pending passage to be enacted and specially assigned for Wednesday, March 2, 1994.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-754) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Create a Body Politic and Corporate by the Name of Great Diamond Island Village Corporation" (H.P. 1056) (L.D. 1408)
TABLED - February 24, 1994 by Representative JACQUES of Waterville.

PENDING - Motion of Representative JOSEPH of Waterville to accept the Majority "Ought to Pass" as amended Report. (Roll Call Requested)

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Walker.

Representative WALKER: Mr. Speaker, Colleagues of the House: I beg your indulgence. Because I think this bill is so important and that it has far-reaching implications to communities all over this state, I would like to replay the highlights of one side of the debate on L.D. 1408 that took place last Thursday morning.

Representative Rowe spoke against this bill. He felt, as many of us do, that there should be a process established by the legislature that would ensure uniformity when matters of annexation and secession are brought before the body. That process has yet to be established.

Representative Rowe went on to remind us that taxes are not fees for service, they are based on land values. People with very expensive homes on very expensive property pay high taxes and should expect to.

Representative Pfeiffer spoke against this bill also. She said that we, as a body of leaders, should be working toward the consolidation and regionalization of government rather than supporting the breaking up of municipalities into smaller and smaller inefficient units of government.

Representative Rand told us that out of the 600 tax bills sent out for island property, only 35 are sent to the islands directly. 565 bills are sent off island to people's primary residence. In other words, five percent of the property on the island is year-round, 95 percent of the property on the islands is used for second homes.

Representative Spear from Nobleboro, a small town on the coast, worried about the precedent that this proposed annexation and secession would pose for other small towns on the coast. He reminded us too that the islanders knew (and of course they did) what life on an island was going to be like when they bought their property. They knew services would not be the same as in the middle of a town but the islanders traded the lack of instant service for the isolation and beauty of their island.

Representative Oliver wondered about the fairness of the proposed voting method, who gets to vote — Portland, islanders, year-rounders, second home owners, what is truly fair?

I, too, spoke against the bill. All the issues that worry my colleagues worry me. I feel the islanders are going against the tradition of Mainers helping Mainers. The islanders do not wish to support the services they are minutes from and use. Traditional Mainers share their land with others for hunting and fishing and access to the water and have done so for generations. The islanders don't want to share their beaches and harbors and docks with any of the rest of us.

Like Representative Spear, I, too, am from a small coastal village and I, too, am worried about the precedent that would be set if this bill passes. Many of Maine's real traditional communities from which most of us come have no tax base except real estate. What our true traditional communities on the coast, lakes, ponds, and mountains have is the most beautiful land in Maine, land that has been bought up and bought up and built up and closed off to the rest of us by people in and out of state for second homes, vacation homes. If these havens of second homes are allowed to secede by our actions today, allowed to secede to form isolated communities with no responsibility to the greater community, we will be doing the citizens of the State of Maine and future generations a disservice.

Please join Representatives Rowe, Pfeiffer, Rand, Oliver, Spear and me — Representatives from cities, towns and small villages, Democrats and Republicans, please join us in defeating this bill.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the pending motion before us. I first must voice my objections to the characterization of the islanders by the Representative from Blue Hill during last Thursday and today's debate. I sat through the public hearings in Portland and the work sessions here in Augusta. The testimony provided by the islanders was sincere and the decorum was pleasant and cordial. I seriously doubt if this bill is passed that the islanders will build a wall to prevent the public from coming to the islands. I do not see where the Representative from Blue Hill obtained her impression of the islanders.

The one area of concern that I had is the issue of neglect. Listening to the testimony from both sides, I have concluded that the city of Portland has not adequately addressed the islanders concerns and will not do so in the future. The course of events that have transpired is all too predictable, group "A" approaches group "B" for help; group "B" listens and provides some action, but nothing was done. Group "A" again asks group "B" for assistance, group "B" provides some answers, but falls short of addressing the full picture. Group "A" informs group "B" that they will leave. Group "B" reacts with, "Wait a minute, we didn't know the problems were that serious."

This is what I observed during the public hearings in Portland and throughout the work sessions here in Augusta. The city of Portland did make a concession with the creation of an island advisory committee which is comprised of representatives from the island. The purpose was to open a greater avenue of

dialogue between the city and the islands. However, this advisory committee has no real authority, it can only do what it is supposed to do and that is, advise. The city of Portland can choose to ignore any recommendations by the committee, there is no guarantee with the new Mayor of Portland that this advisory committee will continue to function effectively or at all. Since the public hearings last year, it is my understanding that the islands' problems still continue to exist.

Yes, I am concerned with the impact on Portland if these islands leave. This may be a surprise to some members of this body but by no means was this an easy decision for me to make. I weighed both the pro's and con's but, in the end, I have concluded that allowing these islands the option to leave Portland and possibly joining the town of Long Island was in the best interest of the islands. In my opinion, their characteristics of the islands is different from the mainland and these islands will be better served with the town of Long Island.

I ask you therefore to support the pending motion and accept the Majority "Ought to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of 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 having expressed a desire for a roll call, a roll call was ordered.

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

Representative SIMONDS: Mr. Speaker, Members of the House: I would like to express my opposition to L.D. 1408 perhaps from a different perspective. I would like to thank the Representative from Blue Hill in summarizing some of the comments made last week. This will echo, I think, points made by Representative Pfeiffer.

All of us are aware of the proposals that have come before both this body and especially the Education Committee proposing to achieve more efficient administration, more collaboration, more cooperation, more sharing of resources.

L.D. 1408 goes entirely in the opposite direction. If there is any doubt about the relationship of size, fragmentation of units to cost, we heard from a researcher who appeared before the Education Committee, perhaps you read the results in the newspapers, that the single most important factor accounting for the disparities among children in education is the size of the unit. Some would argue that all we are doing with 1408 is simply giving the islanders a chance to make a choice. I would argue that this body, the legislature, can't duck responsibility for public policy direction. We can't have it both ways. We can't on the one hand say it makes sense to create regional entities to cooperate with one another, to do more sharing, to collaborate on the one hand and on the other support a proposal that does give a unit the opportunity to create policies that go in the opposite direction. Either we support, consistently, policies to achieve greater efficiencies and administration or we simply admit that the more costly approach, the more costly solution, is acceptable, costly in terms of dollars and costly in terms of quality of education for kids.

If there is any question about the process or our policy or whether proposals of this kind are consistent with our state policy, let's vote no on L.D. 1408 and give the process a chance that is already underway to create and clarify just how these decisions should be made.

I urge you to oppose the pending motion.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am puzzled as to why the city of Portland is so upset, angry, and so determined not to allow a group of people to vote in a referendum vote as to whether they will self-govern their own communities.

I don't know if you people, men and women of this body, remember the fact that was brought out in the debate the other day. There are many myths going on around here and I want to give you people the facts. One of the facts are that the total valuation of all three small islands is less than one-half of one percent of the city of Portland. You have been told that taxes are the big issue. Taxes are not the big issue. Long Island did not gain a big tax drop and, contrary to Portland's predictions, was there any city tax increase when the town of Long Island seceded from the city of Portland. Currently Long Island's mill rate is \$22.38, just slightly lower than the city of Portland. The public policy decision for this body and the other body is whether or not to allow the Islands of Little Diamond, Big Diamond and Cushing to have a referendum vote to determine whether or not they will become part of the town of Long Island.

I think some of the inaccuracies that we have heard, the scare tactics about precedent setting are simply that, inaccuracies. This does not fairly represent what is happening here today. Islands have not in any way, in any way whatsoever, indicated that their beaches and their shore lines would be cut off from those persons visiting the island. You in fact could call this bill the tea party of Maine bill because what are these people to do, what are the options left for them because they have determined after months and months and months of meetings with the city of Portland, discussions with the mayor of Portland and with the island advisory committee, which I believe has had two or three meetings, that this is what they want. I think it is a misrepresentation as well to indicate that the persons on that island of Great Diamond are very wealthy persons. In a petition that was given to the committee, we have a person that is retired, a person that is a part-time nurse, a person that is a fish buyer, a fisherman, a housewife, an unemployed fish broker, a teacher, another unemployed fish broker, a real estate attorney, a part-time BIW employee, a youth center employee, a retired minister, an L.L. Bean employee, a guidance counselor, a teacher, a Portland Public Works employee and a real estate sales person and a Fort McKinley employee. I would assume that this is middle America, middle Maine and these are people who wish to govern themselves.

I would ask you to support the pending motion, the Majority "Ought to Pass" Report. I would also ask you to look at the facts and not to vote in fear that some day part of your town or your city may request secession from that part of the city.

The good Representative, Don Carter, who served in this body for 23 years, always recognized me as the

Representative from West Winslow — Waterville seceded from Winslow and became an independent city.

If in your city or town there was a community or part of a community that wished to be independent, they would have to go through the same process and this process for this group of islands has lasted two years. So, it is not something that was done in haste and I would ask again, what are their options if this bill were not to pass?

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

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

If we vote this bill down, I assume that would be the end of it. If we pass this bill, does that still give the city of Portland an opportunity in the next year or two to work out their differences with the islanders?

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

The Chair recognizes the Representative from Portland, Representative Rand.

Representative RAND: Mr. Speaker, Men and Women of the House: In response to that query, it is my impression that the problems actually have been worked out. The big deal happened to have been the fire hose, to my recollection of all that was said, and that was taken care of months and months ago.

The city of Portland has installed a group of people who are not just ad hoc, they are actually a part now of city government who will listen to and participate with the islanders dealing with all of their unique problems that do arise from living in an area that is not accessible by anything but a boat or plane.

Mr. Speaker, I would also like, now that I am standing, to agree with Representative Joseph when she listed the occupations and commonality, if you will, of the people on Great Diamond Island. We are not speaking about just Great Diamond Island. We are talking about three islands in Casco Bay, one island, Cushing Island, has two year-round residents and they are not property owners, they are the caretakers. The other island, Little Diamond Island, has two year-round residents who are the property owners and happen to be quite comfortable — God bless them, I am not trying to take anything away from them for being comfortable, but they certainly are not poverty stricken. In fact, it is my understanding that a part of that island property was sold within the recent past for over \$600,000. So, we are not talking about people who cannot afford to pay their property taxes.

The other thing I would like to remind people before I sit down is that we did have a re-evaluation in the city of Portland, all of our property taxes went up a great deal. My own parents who live on a fixed income had their property taxes almost triple and they live on the mainland on Munjoy Hill without a water view and all the amenities that go with the rural living and the atmosphere of living on one of our beautiful islands in Casco Bay.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would like an opportunity to respond to the question that was posed earlier. One of the handouts that you received this morning is

dated March 3, 1977. It is a clipping from the Portland Press Herald, a letter from Ted Rand which outlines the concerns of the people that live on the island. This is not a new issue and, contrary to the previous speaker, the information that I have is that the issues are not resolved. I guess it just depends on who you listen to.

This is not something that is new. This is not an issue that people just decided on a whim — I guess maybe this is what we ought to do, we will just separate immediately and this will all just be fun and games.

I sat through the Long Island issue where the folks on Long Island brought in volumes of information, did a lot of homework and really did their studying about what it was to be a town. We have gone through a similar process with these islands with people putting together committees, looking at the issues, studying what it is that we want to do, how it is that makes sense for us to be governed on our own. For many of the people that we have talked to what makes the most sense to them as residents of islands is to be incorporated with another island. What is fascinating to me is that we hear a lot of talk about the most efficient use of resources. Why is it more efficient for the islands to be linked with Portland than it is for the islands to be linked with the town of Long Island? What makes Portland more necessary to have islands than an island community to have other islands associated with it? That is the piece that seems to get left out here. We have got two different communities we are talking about, Portland and the town of Long Island. So, we are not talking about creating a new entity, creating a new town or a new community, we are talking about a different alignment. I would suggest that it would actually be a much better use of resources and a much better opportunity for the people of other islands to be associated with the town of Long Island. However, the decision is theirs.

This bill does not require secession, this bill provides an opportunity for the people who live on the island to make a decision. That is all we are doing here. We are not making the decision for them, we are merely setting the stage for them to make the decision. We are not abrogating our responsibility, we are taking very seriously our responsibility as is outlined in statute to set the stage for this situation to happen. That is the piece that I have the hardest time with. If people oppose this secession, so be it. If this goes back to the islands and a vote takes place and it fails, that does not mean this bill has failed, it means that a vote has happened and successful completion of this bill is merely for the vote to take place because people ought to have a right to vote and that is all this bill is about.

I would urge your acceptance of this bill.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: Are we sending the wrong message to our neighborhoods throughout the state if we accept this report? I believe so. I strongly encourage you to vote against this pending motion because this report does not address the true and accurate concerns of our people of this fine state.

Yes, our property taxes are too high, our property values, as far as assessments, are unfair. How much longer are we going to ignore this issue? The loud

cries of unfairness throughout this state have been heard. It really is not an issue about a right to vote, it is about taxation. When are we going to improve this policy with consistency that will not be changed at will? It is time for tax reform, true reform.

There are thousands of neighborhoods in this state who are dissatisfied how their community spends those tax dollars and the lack of adequate services. Will they now come before us and ask the same privilege that the islands are asking? We have already established a precedent (maybe) — maybe we were wrong but two wrongs don't make one right.

The real issue here is our continuing battle of how properties are assessed and property taxes are too high. As you know, this tax is the main source of revenues for our communities, this body must come to grips to resolve this nasty issue, short of allowing our neighborhoods and rural areas to secede and be annexed by another community. There must be a gentler means to solve it. I strongly urge you to vote against this report.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: This is a very difficult issue, there are no clear answers to it and I have considered it for some time.

There are three concerns I have about this bill pending before us. First of all, there is a distinct "cart before the horse" quality to how we deal with these secession bills. All indications are that there will be plenty more of these bills, particularly if we pass this one today. We have no established standard or criteria by which to evaluate the appropriateness of a proposed secession, it is not in place. Yet, we are expected, one after another of these bills, to micromanage secession proposals through the state. This was pointed out in a recent editorial in the Portland Press Herald.

Personally, I would feel much more comfortable if we put the horse in its proper place in front of the cart before we proceed too much more down this route.

Secondly, there is no getting around the fact that there are some very significant questions regarding residency and tax base that are involved and are not fully clarified. And, to echo the statement of the good Representative from Biddeford, I think there is here the existence of a much larger problem which apparently neither Portland or Augusta has done a very good job of addressing, particularly during the last decade and that involves the need for tax reform across the state.

I don't know how to put this, and I want to put it delicately, but I do believe that Portland today is paying the price politically for misguided economic policies during the last decade. In some ways, Portland became the city of the homeless and less of a community in the last decade. You had the economically homeless who were the poor and you had the spiritually homeless of a new class (if you will) that came into Portland and somehow community was lost in all of this but we in Augusta are in no position whatsoever to throw stones at Portland because we have failed. We have failed Portland, for example, on policy toward the mentally ill and all of this adds to Portland's problem and all of this adds then to the situation we have today. There is a history behind it and that is understandable. My

problem is that I don't know that this is the solution to that problem with this history.

Thirdly, and finally, I get a little bit nervous with all of this talk of secession in the State of Maine that contributed 73,000 soldiers to the Union to fight against secession 100 or so years ago. There is a distinct danger here, I think. If we don't have a policy in place, if we don't approach this rationally, there is a danger that we are going to balkanize the State of Maine, we are going to have our own version of Yugoslavia here, except we are not going to be subdivided against each other on the basis of race or religion but on economics. That is a very dangerous path for this state to move down.

For all of these reasons — I apologize for my voice but it is God's retribution on the long-winded — I think caution and prudence is the better approach at this time. I would prefer that we didn't vote on this at all so we could have more time to have a policy in place, but not having that policy in place, I would urge you to vote (and I do this with great reluctance because there are a number of my friends that are for this — I appreciate the arguments of the number of people who want secession) but I would urge you to vote against the bill that is pending.

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

Representative ALIBERTI: Mr. Speaker, Fellow Colleagues of the House: Have you ever heard of the Ameda? Have you heard of the Oquacisco? Have you ever heard of the Peaks Island Ferry, f-e-r-r-y? I have. I was born and brought up in that area. How I looked forward to visiting the islands, that special outing on Long Island every year by the Notre Dame Athletic Club of which I was a member and the many times that I was able to go on the Portland ferry as a shoe shine boy and visit that area. How many of you have ever visited the islands?

I feel that the people that lobbied me for and against this legislation had had some merit but I fear the direction that this is going in, I really fear it. The people, the non-populated islands — there is a real serious concern here as far as services are concerned outside of the realm of the city of Portland. On the other side of the ledger, I think Representative Lemke said it much better than I will that the city of Portland has not been sensitive to what was going on on these islands, even less sensitive after they lost Long Island. There is a serious problem here. I feel, and again Representative Lemke said it adequately when he said the time factor is important, the economic factor is important. Two residents on an island, part of this community? This is not just a back room, this is a large element of land that has a great deal of appeal. I have some of my fondest memories in visiting those islands and I honestly feel that I have to vote against this because it would do more harm than good. I hope the city of Portland will become even more responsible in addressing the concerns of these islands.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: Those of you who were here on Thursday will recall my remarks relative to this issue. The issue is independence, a desire for independence.

I agree with Representative Aliberti, the islands along the coast of Maine are the jewels of the sea.

If you haven't seen them from the air, you cannot fully understand and appreciate their beauty, I have. I have flown the coast, I have flown at tree-top and really can see what they are like.

What I am sensing here is a feeling of loss. The islands are not going to be lost to you, they are going to be still there and that reminds me of a story. Again, going back to my own area when Beals seceded from the town of Jonesport, there was a child at that time who was very, very, concerned and he cried and he said, "Mama, what are they going to do, set us adrift?" No, ladies and gentlemen, this will not set the islands adrift. This will give them their independence that they are entitled to — yes they are. Just as I told you, the western hemisphere was entitled to independence and so all through the years we have become independent. We in Maine have become independent from Massachusetts. Please consider this.

These people, like most of the people who live on the sea, have a life of their own, they are a little different, yes, their language is different, yes, as some people have said, "Theone, you have a downeast accent." Perhaps I do. You will hear this accent as you come up the coast. But, those who have seceded have not ignored the education of their children. On the Island of Beals, you will probably find more people out in those boats fishing that have college degrees than you will find in any other community of their size. They have gone on from their school, obtained their degrees, and then come back to the land that they love and the occupation that they grew up in. It is their choice.

So, I ask you, please remember, we are only giving them the right to make their choice known.

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

Representative MARSHALL: Mr. Speaker, Colleagues of the House: Not often do I get up and speak twice in the same day. I wasn't going to speak on this issue at all except for some of the remarks I heard and I would like to hit a few of the myths that I think I heard going around today.

Before I start with that, one of the issues here is self-determination. The issue of self-determination is that these people on the islands have decided that they want to be responsible for their own success or failure. That is one of the freedoms that we have in this country. Many of us in this House, as I look through the Register, are self-employed business people. Why are you self-employed rather than work for some big corporation someplace that will guarantee your success or at least your comfort? It is because we have decided we want to be responsible for our own success or failure. We want to make our own decisions. We want to have the fun of making our own decisions, making our own mistakes and learning from them and going on.

I think we've got an issue of accountability that when these separated communities like the islands and others that are coming up can put pressure on the town that they part of, it brings that town or city or whatever it is into accountability. If we mandate that they can't ever separate or they can't do anything, then we have taken that accountability away.

The issue of the size of a school particularly offends me because we are saying that because you've got a big school, you've got a better school or you've got more opportunity or you are going to be

guaranteed more success. Well, I am familiar with several small private schools and several home schools, which are about as small as you can get, where the level of academia is far higher than it is in the larger public schools. One of the reasons is because there is more order there just because of their size, it is just advantageous to be small sometimes. I see the levels of S.A.T. scores, college acceptability and the whole realm of success as far as the school is involved is not always increased when you get bigger.

To close, I would like to read from a document that I think we ignore a lot, especially here, — when I was on the planning board in my hometown, I asked once, "Do you recall what the oath was that you took when you started sitting on this board?" They said, "No, was it to uphold the ordinances?" I said, "No, it was to uphold the Constitution of the State of Maine."

So, I would like to read just for your reminder, Sections 1 and 2 of Article I: "All men are born equally free and independent and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness."

Section 2. "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit;" (the their there refers to the people, not the body politic) "they have therefore an unalienable and indefensible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it."

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: There has been a lot of discussion this morning about the fact that these issues can be resolved, that with just another year with some more time, things can happen.

One of the documents that we received in committee was a Resolution from the city of Portland and voted on by the City Council. There is one piece in there that I would like to read to you because I think it certainly gave me an indication of why there is a problem. It said, "Whereas, forces beyond the city's control, such as the state tax structure, the state's method of distributing aid and the economic recession are now combining to sever the islands and their people from the rest of the Portland community." There was absolutely no indication within this Resolution that the city of Portland, that the structure of government in the city of Portland, had any responsibility at all for the unhappiness of some of the islanders and their interest in aligning themselves differently than the way they are now. To me, that is an indication that there is an awful lot of work to be done and I don't see people taking responsibility adequately for some of the problems that have come up and that concerns me.

As to this being "a cart before the horse" bill, the State and Local Government Committee for the last three years has worked on various secession bills. In the process of doing that, we have reviewed secession issues and restructuring issues back into the 1700's. We have looked at laws from other states and we have learned in the process what needs to happen.

There is a bill in committee currently that will in fact set out a process. For those of you who are intending to vote against this bill, one of the things that I would like you to think about is, once we get this process bill in place and a process is set up and an island, a subdivision of an area or a town decides that they are going to go through that process and they are successful in going through that process and they are still interested in secession, will you still be opposed to it for the reasons that you are outlining or will you allow that process to take place? Because that is really part of the issue that is before us.

I hear a lot of people talking about the process bill and it is going to be interesting to see what the vote is on that as we get to it because in fact the process is going to be a doable process as a commitment from our committee. There must be a process to follow that is doable, not impossible.

The last thing I want to leave you with is the idea that these humanly created boundaries that we all refer to are somehow sacred and inviolate. If you were to look at the collection of maps at the University of Southern Maine that spans decades, hundreds of years actually, there are different boundaries, there are different ways that areas are configured, there are different processes that have taken place for those areas to be configured. These are all humanly created boundaries. These boundaries are something that should be created, should be looked at, should be reviewed and should be acted upon by the people that are impacted by those boundaries. The boundaries aren't God given, the boundaries are something that we have put in place for a particular purpose and, if it is reasonable to change those boundaries, then we ought to give the people that are impacted by those boundaries an opportunity to do so.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: Last Thursday, I decided that I would speak on the subject and I thought about it all weekend. As you can see, I don't have anything to read.

I, along with many of you people, have lived in Maine for many, many years and I have read many, many articles about this particular subject. I am reminded as a boy in listening to my grandfather in great awe when he told me, when you are thinking seriously and have to make a decision, to be careful of your thoughts and especially all of the things that you read because sometimes human beings have tendencies to read into readings that which perhaps the author does not expect you to read, as you will, when you read between the lines. As I said, I have read many articles and I was first for and then against and so forth, but this morning as I sat in my motel room thinking about this, I thought seriously about the fact that I think that this particular issue has a greater ramification than perhaps we, those of us who are setting in this legislature, realize.

Sometimes when we pass certain bills and think that it only has to do with which we are working at that time and we think that that is the end of it, I don't believe, as I thought about it, that this is actually the end. It may be the beginning of something that we can't realize.

I am also reminded of taking a class of children, as I did for many years, to visit the islands because I, too, have always felt that they were not only beautiful places but beautiful places to take young people who lived inland to show them the myriad of things that come from the ocean. I remember on more than one occasion to find that the ferry was not always kind in being at one place at one particular time. For years I went out to Cliff Island and I remember talking to a native there and saying, "Why is it that we can't seem to have something that comes on time?" He looked, shook his head, smiled and said, "That's just a small inconvenience, we have no control over that but think of the independence that we have in living where we do."

Being a teacher of history for many years, I know what is meant by self-determination, but the word self-determination does not mean that you are always going to have your own way in your thoughts and the things that you want to be established or even when you vote.

I would take issue with some of the people who have quoted certain historical happenings in Maine when one town withdrew, years ago, from another. For the most part, it was done because of reasons of when it happened. Even when we separated from Massachusetts, and you can read many history books and maybe they will say something different, but for the most part, believe me, if Massachusetts did not want to get rid of Maine, that would not have happened. I think that that happens at times.

The subject that we are talking about today it seems as though that certainly Portland would like to keep the islands within their city and that is understandable. I, too, agree with some of the speakers who have said that perhaps Portland should have acted sooner when Long Island asked to be separated, but I would caution the people, and you folks voting, about this because maybe Long Island has been successful, and I have read several articles on how well it is going, but I am one to believe that you should believe things of that nature only over a period of time. Maybe that particular group would like others to join with them because it would make it easier for them, I have no way of knowing.

I live along the border and two of my towns are in York County and I have heard people along the border saying, "Gee, (many times) maybe we should be a part of New Hampshire." Think about that.

I am reminded of two small towns. I was Head Master of a private school and certainly we were independent and we had a choice as to what and which children could come to our schools. There were two small towns in New Hampshire, one of which because of the road closure in the wintertime their buses had to pass right by my front door and they did that for seventy years. Then all of a sudden, they decided it probably would be better for them to be part of our school. Of course it had to do with pure economics and money in their back pockets. So I sat down with them, went to the Superintendent in New Hampshire and found that we could have an arrangement where they could do that. Two years later, another town further west in New Hampshire had a problem and I entered my office one morning and it was filled with the selectmen from this town. I could see that they were quite irritated at the district which borders us in North Conway. They said, "We have 60 children for you, would you take them into your school?" Now you multiply 60 times close to \$15,000 and that's a lot

of money. In studying the situation, I went to the Superintendent and he said to me, "They have a problem, they are part of our district and they were voted down on something that they wanted last month." So, asking these people to come back, I asked them to think it over during the summer. I never heard from them again. My point is that maybe we should think about this a little longer, number one.

Number two, we all make mistakes, I am sure Portland, given the chance, will have the opportunity and I would suggest to them to have people from the islands sit down with them and give them 14 or 15 things to work on and see if this can't be worked out amicably. I am not for this particular bill in this particular manner at this particular time. I urge you to vote the same way.

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

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: It is difficult to stand in opposition to those whose opinion you respect and whose knowledge and friendship you value and it is not with any joy that I look at the troubles in my home city today but I do believe in the right of all people to make intelligent choices about their own lives, provided that they bear the responsibilities which go with the exercise of those rights. I have tried to proceed upon that thought throughout all of the various bills that have been presented on that subject from my home city.

If you were to ask me directly — is island secession your first choice in times of trouble? I would want you to understand, my answer would be directly, no. But, it was not the islanders first choice either. It was not the city's first choice either.

Throughout the long years of our experience together, that is the islands in our city, it has been, I would say, a long marriage. Some marriages work well, some are rocky, some work the relationship out, but only by working at it. Many of us wish that both sides had acted a little bit more like that long relationship was worth something to both sides. Marriages, in a sense, do have a set of unwritten internal guidelines. Those guidelines are important, process is important and the perceived lack of access to any process that meant anything is one reason back at home why this bill before us has come to us today.

We have heard proposed, in the process of being written, some separation guidelines for the State of Maine. I support such an idea, we already have on the books guidelines that allow municipalities to remove themselves from school districts or guidelines that will enable a municipality to disincorporate. Yes, I do support the creation of these guidelines. I volunteered to help write them.

The Island Institute of Rockland, which has been an exemplar in its ability to collect and hand out information of great value on islands and what they mean to Maine, also support that process. Whatever that process may be and whatever those standards may be, I believe that you will find that the islands, which are the subject of the bill before us today, would have already met them. They have polled their populations, they have consulted their property owners, they have signed petitions — in some cases all but two or three residents of the islands in question have signed those petitions committing their name to an idea on paper. It was not easy for any of

them, anymore than the decision you and I have to make today is easy for any of us. Many of them would have preferred never to have had to make that decision, just like many of us would have preferred not to be sitting in the chairs we are in today faced with the question we are.

Regarding the future standards, I am not sure what more you are ever going to be able to expect of any people who feel they have a grievance. Whatever those standards may be, I suspect that you will find the islanders shall have met them. I am not sure what further we can expect any municipality or any set of people to do. To those of you who fear that this is the beginning of various streets and neighborhoods and hillsides in your own hometown setting forward some chance to secede for selfish purposes of their own, I would tell you that I believe that, much like marriages have internal guidelines, there is in each of us some ability to judge questions like that upon the straight-faced test. Islands are islands, suburbs are suburbs. God and the glacier carved out the islands, we created the suburbs, we can tell the difference. We can judge wisely, I think, given the evidence, given the case when each brings their question to us.

The larger question I think is the painful choices we have to make and probably would just as soon not have to undertake at all.

At the turn of this century, according to the Island Institute in Rockland, there were 300 offshore, year-round island communities off the coast of Maine. That was more than any other state. Now in these fading days at the end of the century, there are exactly 11 such communities left, five of them in Casco Bay. A way of life is vanishing under the ways of the pressure of the modern world and if Maine's way of life is precious to us and if they do make Maine special, then I think we should say so. If not, we should also say so and admit that the pressures of the modern world has changed us beyond our abilities to cope.

The bill before us presents a process that will not be completed until the year 1996. That's a long runway to deal with a variety of options that will be remaining open to both parties, both islanders and the city. Among those options, I hope, will be a bill that I also hope will be before this body soon that would allow special property tax districts and geographically isolated islands to be created by act of your local municipality. This, I hope, will be a middle ground for the meantime and I believe that we should put all of our options on the table and have all the tools on the table when the work is to be done. The thought behind that will be that, much like property tax exemptions granted by my home city and yours for non-performing commercial property, the Portland City Council is now considering one for a \$5 million dollar property tax exemption for one company, or like the veterans' exemption you give on your property taxes in most of our Maine municipalities out of gratitude for services done in the past, or like the Tree Growth exemption in property tax that is granted to those who keep their land in trees for the value that it represents to future generations, we do all these things for presumably the greater good of society. Whatever your idea of that greater good, not fear of what may happen, not being disturbed at the difficulty of making the choices you are facing, whatever your idea

of the greater good and your own conscience is what I ask you to consult when you take up this issue today.

I ask you to remember the difficulty that we in Portland and you, because of our problems there, face in considering an issue like this and remember that when certain other bills come that may have to do more with readjusting the education formula, which is based solely upon the presumption of the value of one's land in the property tax, that presumption based on somebody else's idea of what you are worth and not your own ability to pay is based upon property tax. Sixty-five percent of all the property on Great Diamond Island is owned by Mainers. Those Mainers will continue to pay property tax, they still will no matter what we do today. On Little Diamond Island, about 65 percent of all the property is owned by state of Mainers, they will still pay property tax and still will no matter what we do today. On Cushing Island, the figure is about 60 percent. Those people will continue to pay property taxes and still will to someone, no matter what we do today. Whatever we do with the islands today, they do not get a great tax break, they remain a cash cow in essence for whatever municipality they are part of.

Democracy does bear a cost, they will pay it. Democracy certainly does bear a cost — just ask the Long Islanders who will be paying debts to the city of Portland for the next human generation to square off accounts under the terms of the separation that this legislature approved last year.

Maine's islands and Portland's islands are not all alike, they are less like brothers and sisters and more like cousins. They face the same problems, but they have very different personalities. I admit the answers may be different for each of them. I would say the same for any hometown that is precious to your heart as they are to ours.

I claim no superior wisdom in providing answers to the great problems before us today or in the short compass of our time here as a legislature, but I do believe that people can make the right decisions, given the proper time, given the good information and given good will on both sides. At one time or another in this long difficulty, I wish there had been a little bit more of all of those on both sides. I believe the bill before us does give that opportunity for rational discussion. I do believe that opportunity exists for a different answer if both sides can agree to it. I believe none of those opportunities will be as difficult as the time that I have had with my own conscience in deciding how exactly to proceed on this issue or as difficult as those conversations you must have with yourself before you vote in a few moments.

With the offering of rights come heavy responsibilities — ask the Long Islanders, ask any of us who took the oath to sit here today. We must make decisions like this and they do not come lightly and neither shall they come lightly to the islands. They shall not be getting any free rides, democracy never is a free ride.

I will be voting to support the Majority Report of the State and Local Government Committee. When you cast your vote, I urge you to consider your conscience and I can ask you no more.

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

Representative HOGGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I know that it is late and I know it has been prolonged and I know we have gone

through two days of this but there are a couple of things I would like to take issue with and that is the islands. The islands are Portland, that is part of Portland. We are having some problems in Portland. Yes, we have a tax issue. I take issue with that because we have parts of Portland right now, — if this happens, they want Stroudwater to secede. North Deering wants to secede because they want a new school and they feel they are not getting their tax dollars worth. Obviously, Stroudwater thinks it is paying too much for our school problems. The islands have the same kind of problems.

I also take issue with the legislator from Wiscasset when she says that these island people have to fend for themselves — I want to let you know that those islands have been represented by one of the better Representatives in this whole state and that is Representative Rand. The islands themselves have problems with the fire hose, with the dock on the island and do you know who fought for them? Representative Rand, myself, and other legislators before here. When we come here, we ask you for money because they need the services, they need the hoses, they need the docks and do you know what happens? You don't have the money to spare so what we do is we fight for it and we do what little we can and we share it with them. Right now, that is the problem we are having in the city of Portland, we have North Deering, we have Riverton, East Deering, Stroudwater, Libby Town, Munjoy Hill, which is the east end, Deering Center, the Western Prom and Rosemont areas, everyone wants to secede. If this happens, it is going to continue and continue and continue until there is no part of Portland. We do have a problem, I think it is negotiable, I think the city and the islands could sit down and talk. But it is unique, it is not the islands and them, it is the city of Portland trying to break up and save all the monies that they can.

The other part of that tax dollar is — the Representative from Portland, who I think very much of, said that it is about 60 percent of the people from the islands living in the State of Maine. I would differ with some of that and say that some of those people live in other states, they come to our islands, they sit on the islands, they use the islands, they have the beaches, they have the nice fishing and boating and they deserve all of that because, obviously, they can afford to. The thing about it is, they leave and let us fend for the education system, they leave us to fend for the roads, let us fend for the garbage removal, they let us fend for everything, so when the islands can't afford it, we have to pay for it and we share that cost.

When the islands have a problem, they can send a representative, they had a representative Ted Rand, not any relation to Representative Anne Rand, and he was the councilor, he did such a good job that he is now running for Congress, so that is a choice that the islands do have. It is not that they can't be heard from, we support them, we work with them. I think there are some unique problems out there, no more different than the rest of the city of Portland has. We always ask you for all or part of the city, whether it be the islands, whether it be the east or west end, we ask you for services, you deny them, we do the best we can and share what we have.

I urge you to vote no on this.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara. Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Just on three points that have been mentioned, last Thursday as well as today, one was taxes and the inference was suggested that Portland wasn't admitting that there was a tax issue here — of course taxes are an issue. When you are losing \$33 million of property in taxes, obviously it is significant.

Each of us here, if we are about to lose an industry in our community, we support that community's efforts not to lose that industry because their taxes are important to us. Why should the city of Portland be considering taxes as one of the issues when they stand up to fight against this secession bill?

Numbers are another item — we in the legislature deal with numbers all the time. I want you to keep one number in mind as you get ready to vote — it has been said before but I think it is important to emphasize it again — 22 people. It was said earlier that all we are doing is giving the people the right to vote. Make no mistake about it, the dye is cast, the secessionists have made up their minds already, it is a done deal, and the number is 22, just 22 people who will be able to vote and carry the day on this issue, while at the same time, the other 560 island owners of property and the city's over 45,000 registered voters will have no say on the issue whatsoever.

The other item, taxes was one, numbers were the second, the final one is process — how many times do you who plan on being back to this legislature in the future want to discuss this? We have gone through the Long Island issue, now we have had two days of debate on this issue, who is next, whether it will be an island or someone down the coast. We even got on our desks today one part of a community who wants to annex another part of a community — when will it end? A process is what we really need. To suggest that a bill is in that a process will come eventually, I say that we should not be voting on this issue. Wait until the process is in place, however long it takes.

Someone did point out, the islands' desire to secede will not die if this does not pass today. Just because they will have to wait a little longer for a process to be put in place, if their enthusiasm for seceding is as strong as it seems to me that it is, that will not go away just because we delay it a few months or until the next session of the legislature when a process has been clearly and calmly arrived at.

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

Representative FARNUM: Mr. Speaker, Members of the House: I will be very brief. Some of us, not I, today are saying that we want to vote for our freedom, for our right to govern ourselves as we see it, but let's not let those few people who want that same freedom have that same right. I keep hearing people say, "Don't do as I do, do as I say."

The SPEAKER: A roll has been ordered. The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with the Representative from Township 27, Representative Bailey. If he were present and voting, he would be voting nay; I would be voting yea.

The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with the Representative from Eagle Lake, Representative Martin. If he were present and voting, he would be voting nay; I would be voting yea.

The Chair recognizes the Representative from Oakland, Representative Poulin.

Representative POULIN: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with the Representative from Washington, Representative Bowers. If he were present and voting, he would be voting yea; I would be voting nay.

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

ROLL CALL NO. 244

YE - Adams, Ahearne, Aikman, Ault, Barth, Bennett, Cameron, Campbell, Carr, Clukey, Coffman, Dexter, DiPietro, Erwin, Farnsworth, Farnum, Farren, Gray, Greenlaw, Joseph, Kilkelly, Lemont, Libby, James, Lindahl, Look, Lord, Marshall, Morrison, Murphy, Nash, Reed, W.; Skoglund, Small, Strout, Whitcomb, Winn, Young, Zirkilund.

NAY - Aliberti, Anderson, Bailey, R.; Beam, Birney, Brennan, Bruno, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Cloutier, Coles, Constantine, Cote, Cross, Daggett, Donnelly, Dore, Driscoll, Dutremble, L.; Faircloth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Heino, Hichborn, Hognlund, Holt, Jacques, Johnson, Joy, Kerr, Ketterer, Kneeland, Kontos, Larrivee, Lemke, Libby Jack, MacBride, Marsh, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Pouliot, Rand, Reed, G.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Spear, Stevens, A.; Stevens, K.; Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth.

ABSENT - Clement, Foss, Hillock, Jalbert, Kutasi, Martin, H.; Melendy, Ruhlin, The Speaker.

PAIRED - Hussey (Yea)/ Martin, J. (Nay); Bowers (Yea)/ Poulin (Nay); Lipman (Yea)/ Bailey, H. (Nay).

Yes, 38; No, 98; Absent, 9; Paired, 6; Excused, 0. 38 having voted in the affirmative and 98 in the negative with 9 being absent and 6 having paired, the Majority "Ought to Pass" Report was not accepted.

Subsequently, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

On motion of Representative STROUT of Corinth, the House reconsidered its action whereby Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1994" (EMERGENCY) (H.P. 1409) (L.D. 1919) was passed to be enacted.

Representative COFFMAN of Old Town requested a roll call on passage to be enacted.

More than one-fifth of the members present expressed a desire for a roll call which 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. 245

YEA - Adams, Ahearne, Ault, Beam, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Cloutier, Coles, Constantine, Cote, Cross, Daggett, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Hichborn, Holt, Hussey, Jacques, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Lipman, MacBride, Marsh, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Rydell, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Thompson, Townsend, E.; Townsend, G.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, The Speaker.

NAY - Aikman, Anderson, Bailey, R.; Barth, Bennett, Birney, Carr, Clukey, Coffman, Dexter, Donnelly, Farren, Greenlaw, Heino, Joy, Libby James, Lindahl, Look, Lqrd, Marshall, Michael, Morrison, Nash, Nickerson, Stevens, A.; Taylor.

ABSENT - Aliberti, Bailey, H.; Bowers, Clement, DiPietro, Foss, Hillock, Hoglund, Jalbert, Kutasi, Martin, H.; Martin, J.; Plourde, Rand, Ruhlin, Saint Onge, Townsend, L.; Winn, Zirkilton.

Yes, 106; No, 26; Absent, 19; Paired, 0; Excused, 0.

106 having voted in the affirmative and 26 in the negative with 19 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

Representative Melendy of Rockland was granted unanimous consent to address the House:

Representative MELENDY: Mr. Speaker, in looking at Roll Call #244, I found that I was not recorded. I wish to be recorded as having voted no. The light was shining here, my seatmates all saw it, but I wasn't recorded there so perhaps someone would want to check and make sure I don't have a shortcircuit.

On motion of Representative POULIN of Oakland, recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Consolidate and Streamline the Functions of Maine Government in Conformity with the Provisions of the Texas Low-Level Radioactive Waste Disposal Compact" (S.P. 730) (L.D. 1951) (Governor's Bill)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Amend the Public Smoking Laws" (S.P. 724) (L.D. 1945)

Bill "An Act to Establish the Project Opportunity Demonstration Program" (EMERGENCY) (S.P. 729) (L.D. 1950) (Governor's Bill)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Were referred to the Committee on Human Resources in concurrence.

SENATE PAPERS

Bill "An Act Concerning Summer Work Permits" (EMERGENCY) (S.P. 725) (L.D. 1946)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

Under suspension of the rules and without reference to a Committee, the Bill was read twice.

Representative CHONKO of Topsham presented House Amendment "A" (H-775) which was read by the Clerk and adopted. The bill was passed to be engrossed as amended by House Amendment "A" (H-775) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

SENATE PAPERS

Bill "An Act to Ensure the Long-term Economic and Biological Viability of the State's Coastal Lobster Fishery" (EMERGENCY) (S.P. 727) (L.D. 1948)

Came from the Senate, referred to the Committee on **Marine Resources** and Ordered Printed.

Was referred to the Committee on **Marine Resources** in concurrence.

Bill "An Act to Establish an Alternative Form of Telecommunications Regulation in the State" (S.P. 726) (L.D. 1947) (Governor's Bill)

Came from the Senate, referred to the Committee on **Utilities** and Ordered Printed.

Was referred to the Committee on **Utilities** in concurrence.

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Provide Funding to Support Maine Energy Policy" (H.P. 1432) (L.D. 1957) which was tabled by Representative CLARK of Millinocket.

Subsequently, the Bill was referred to the Committee on **Taxation**, ordered printed and sent up for concurrence.

The following item was taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, to Provide the Secretary of State with Additional Time to Validate Petitions for Initiated Legislation (EMERGENCY) (H.P. 1433) (L.D. 1959) (Presented by Speaker GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on **Legal Affairs** suggested and ordered printed.

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding, having spoken to the Secretary of State and Deputy Attorney General, Mr. Howard, earlier today, that tomorrow morning at the Kennebec County Superior Court there is going to be a hearing on a matter relating to the certification of petitions. The court will entertain arguments on both sides on this issue tomorrow morning at eight o'clock.

I hope that the court will permit the investigation by the Attorney General's Office to move forward. I hope it has the time necessary in

order for this investigation to move forward. I think that the issue at this time is before the courts and that it is premature for the legislature to act on this Resolve this evening. We ought to permit the court the time to consider the arguments in this case. We are being asked to do something this afternoon and tomorrow morning the court is going to entertain arguments on this matter so I think it is premature for us to act on it tonight.

This investigation is ongoing, we all want it to continue, all of us, it is very important for the integrity of the process. I would ask, therefore, that someone move that this be tabled for one legislative day.

On motion of Representative **JACQUES** of Waterville, tabled pending reference and specially assigned for Wednesday, March 2, 1994.

On motion of Representative **ROTONDI** of Athens, adjourned at 5:50 p.m., until 9:00 a.m., Wednesday, March 2, 1994.