

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
19th Legislative Day
Wednesday, March 2, 1994

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

Prayer by Reverend John E. Marquis, S. M., Chaplain of Unity College, Unity, and Thomas and Colby Colleges, Waterville.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 1, 1994

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

Dear Clerk Mayo:

Senate Paper 119, Legislative Document 357, An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication: (S.P. 731)

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 C. Thomas Jagger of Springvale for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination 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 & Wildlife**.

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

The following Communication:

DEPARTMENT OF LABOR
PO Box 309
Augusta, Maine 04332

February 28, 1994

The Honorable Dan A. Gwadosky
Speaker of the House
116th Maine Legislature
State House Station #2
Augusta, Maine 04333

Dear Speaker Gwadosky,

I am pleased to submit the Department of Labor's Annual Report on the Dislocated Worker Benefits (DWB) Program for 1993, in accordance with 26 MRSA section 1196, subsection 2.

If you have any questions or comments about this report, please do not hesitate to contact me.

Sincerely,

S/Charles A. Morrison
Commissioner

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Reported Pursuant to Public Law

Representative TARDY for the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board

pursuant to Public Law 1993, chapter 413, section 5 ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board" (H.P. 1434) (L.D. 1961) be referred to the Joint Standing Committee on Agriculture for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative COLES from the Committee on Marine Resources on Bill "An Act to Strengthen Penalties for the Unlawful Cutting of Lobster Traps" (EMERGENCY) (H.P. 1180) (L.D. 1578) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-771)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-771) was read by the Clerk and adopted and the bill assigned for second reading Thursday, March 3, 1994.

Ought to Pass as Amended

Representative LORD from the Committee on Energy & Natural Resources on Bill "An Act Relating to the Ground Water Oil Clean-up Fund" (EMERGENCY) (H.P. 1283) (L.D. 1731) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-777)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-777) was read by the Clerk and adopted and the bill assigned for second reading Thursday, March 3, 1994.

Divided Report

Majority Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate" (H.P. 1095) (L.D. 1482)

Signed:

Senators: VOSE of Washington
CARPENTER of York
CLEVELAND of Androscoggin

Representatives: CLARK of Millinocket
HOLT of Bath
ADAMS of Portland
KONTOS of Windham
CASHMAN of Old Town
DONNELLY of Presque Isle
MORRISON of Bangor
AIKMAN of Poland
TAYLOR of Cumberland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-762) on same Bill.

Signed:

Representative: COFFMAN of Old Town

Reports were read.

Representative Cashman of Old Town moved that the House accept the Majority "Ought Not to Pass" Report. The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I feel rather odd this morning addressing you on a short end of a 12 to 1 report. It rather reminds me of the time I spent in the service when we were kidding about being in combat situations and talking about a 3,000 to 3 odds and we fought hand-to-hand combat for hours and hours. Finally, we killed all three of them so it gives you kind of an odd fuzzy feeling.

At Alfred's this morning, I met with the Vice-President and the plant manager of Kyes Fibre and they did bring some good news. The good news came about because, as he stated, the wheeling bill put the fear of God into Central Maine Power, which led to a contract arrangement that gave Kyes a special rate on the increases that they had planned for their plant. This morning, John Raden, the Vice-President of Kyes Fibre told me and the Kennebec Delegation that we would be looking at (at least) 100 new jobs coming to Waterville. These jobs were coming, not because of Marc Vigue, but because of the reduced rate in power to the arrangements negotiated with Central Maine Power. I dare say probably the reason they really did listen was because of the fear of the wheeling bill.

John Raden referred to the wheeling bill in his address to us this morning and he said that that is the reason that we are getting these new jobs. They are closing a plant in Australia. Presently we have 14 pieces of machinery in Waterville, they now will go to 24, the reason being they are closing the plant in Australia and bringing the jobs to Waterville. This is only one example, a good example.

Everybody fears this. Now this was not part of my plan to address to you this morning but that was what happened because we had breakfast. I do want to say thanks to Ralph Coffman that was brave enough to bring this 12 to 1 report to the floor so I could say this on behalf of the people of the State of Maine, people such as Catherine Hill of Clinton who had a bill in November of \$287.31. In December, she had a bill of \$693.73. She said to me, "Representative Vigue, how can I survive, I am not working, I am too old to work. I can't afford to stay in my own house." The reason is that we are looking at the future through the eyes of the past, which is exactly what the Utility Committee is doing and the PUC. They are working together.

Our Utility regulators are looking at the future with the eyes of the past. I was told by the members, including the Chair, that this issue that I am bringing to you today is ahead of its time. I have never heard anybody say that issues are ahead of their time. I think it deserves looking into.

I have included two letters that were delivered to you this morning to make my position clear to the future for improvements of our policies. CMP wants to raise our rates because they have excess capacity which if they sold would cover some of their fixed costs. CMP says their horrible state of affairs has come because we conserve too much and they want to see us use power. In the letter that I sent you this morning, a number of years ago the state utility companies, with the approval of the PUC (in their infinite wisdom) embarked on a conservation campaign. The goal was to make people conserve power by making use of insulation, caulking, siding, and storm windows. The campaign was very successful and led to a decrease in the amount of power used. The utilities demanded an increase in their rates to compensate for the reduced amount of energy because we had reduced according to their request. The PUC, in its infinite wisdom, granted the request. Now I ask you, who was protecting the public in this equation?

I can list other situations where decisions were made using the same rationale. Seabrook, the NUG's presently, are now being blamed for the policies of the past, fully endorsed by CMP, the PUC and now the Utility Committee. I was involved in this, I was involved at the Holiday Inn, I made the statement that maybe we should tax the NUG's but, after studying this, I have decided against it, which was why I was requested to be removed from the bill. Now this gives you another nice fuzzy feeling.

A concept that we could look at through new eyes for the future would be to allow a community to buy its planned increases or a company to buy its planned increases or new businesses coming into the state to buy power from suppliers making use of retail wheeling. All that means is that we would allow the company to buy at its best possible cost — somewhere the PUC would then allow (or CMP) must allow the use of its lines to transmit the power to where the power is to be used. This would have no effect on the utilities base load because we are looking at new adage use or new companies coming in.

I submit to you that we can work with modified forms of wheeling that is allowing new industries or planned expansions in the state to wheel its power from whatever source that provides the lower cost. This was stated to me this morning by the Vice-President of Kyes Fibre by bringing in 100 brand new jobs back to Waterville.

My brother worked for Kyes Fibre in the 50's and 60's when these jobs were being transported to Indiana and to Sacramento and other parts of the United States. He was sent there to put these pieces of machinery together to bring the jobs away from the State of Maine. They are now coming back because we have made a few modifications and because of this wheeling concept.

I submit this to you as proof. I don't know if you received a letter this morning but it should be in your hands, the Madison Paper Company in Madison is wheeling its power across CMP lines presently at half the cost that CMP charged the year before. Wholesale wheeling is allowed by a federal law that was passed in 1992. What we are looking at now is retail wheeling. I ask you members of the House, do we owe our people in the state any less than a full review of all possible ways of making Maine a better place to live because we looked at all the issues through the eyes of the present and not through the

eyes of the past?

I thank you for the courtesy of listening to me on this important issue and I want to thank Ralph Coffman again for allowing me to bring this to the floor. I think we owe the people of the State of Maine a time to review and look at the possibility of making their lives a little easier by making use of the wheeling concept.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am happy that the Representative from Winslow was able to help a business in his area through the use of this bill but I must take great exception to his comments about the Utilities Committee and the Public Utilities Commission. The Utilities Committee will take a long hard look at any bill of substance that comes before our committee. This bill, even as amended, does not deal with the problems that the Representative would like to deal with.

The bill, as presented, even with the amendment, would say that any new or existing firm in the state could go without the Public Utilities Commission approval and buy electricity from another supplier. This then spreads all of the fixed costs of the Utilities onto the residential ratepayers and the small business people of the state.

As I said before, we are happy to look at any bill that will help the problem but this bill clearly does not. It did not in the last session when we decided to carry it forward to this session to give more time to work on the bill and it did not change from that to the next work session, we were asked to table it again, and a later work session where the Representative was not able to attend. Therefore, with the amount of time given on the bill and the lack of substance, we decided to have this report reported out.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I was not there, I was in the House and left word with the Clerk to contact me, but no one contacted me. I left the House for 10 minutes and went to the Majority Office to have the letter that you have presently before you printed. Therefore, I was not given the courtesy of the chance to address the committee, which is the reason I am addressing you here today.

Mr. Speaker, I request the yeas and nays.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will keep it brief. We keep talking about what we can't do. It has been very frustrating to sit on the Utilities Committee for two years now and all I hear is what we can't do. We can't break contracts, we can't look at the books of NUG's and QF's, we can't tax NUG's, we can't let Utilities go broke, we can't do wheeling, we can't, we can't, we can't. Why don't we have nerve enough to go back to our constituents and tell them that we can't do anything about lowering their utility rates. Tell the small business owner that, tell the large business owner that, because that is what this comes down to.

It doesn't seem like we are ever doing anything to solve the problem, we just keep putting it off and putting it off. We chip away at a penny here and a

penny there instead of looking at the whole dollar. It is just a little frustrating to spend two years down here on the Utility Committee that is supposed to be looking out for the interests of the consumer out there and for the business community.

We talked about an issue that is probably taking the role of the number one issue in the state and that is the high cost of electricity. It used to be Workers' Comp and that was the excuse why businesses weren't coming into this state, why businesses were leaving the state — well, this is just as much if not more important now as the electrical rate issue. We have to do something here.

I sat in the committee one time and listened to the PUC come in and tell us about how quick they make decisions. They gave several examples of how quick they are to respond to needs out there. Well, I happened to have had a personal experience with one of those that I asked them about and that I know has taken almost two and a half years to finally decide to let the Utilities lower rates so they can keep people using electricity. Maybe it is time that we ought to look at the whole picture and put together some sort of Blue Ribbon panel to take the energy issue by the horns and do something about it once and for all. As long as we keep dealing with a little bit here, a little bit there, a piece of the picture here, a piece of the picture there, we are not going to get anywhere. Then we would just have to come out and admit that we are not going to be able to solve this problem, that the consumers have to just get used to the fact that they are going to keep paying higher and higher rates.

I signed this the way I did on this bill because I felt that this was an opportunity that we could do something clearly, once and for all, about bringing the electrical rates down, which in the end I would think would be in the best interest of all of us, since we do represent the real people out there.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to start off by complimenting Representative Vigue for seeing into the future and seeing that retail wheeling is something that probably is on the horizon. He brought the debate to us and we talked about it for two years. It was not something we slid or something that we thought was a bad idea. We did see that there were some drawbacks to the provisions in this bill and to the amendments and what we did find was, if Maine was the only state in our region to participate in wheeling, what in effect we will be doing, and shipping our larger customers who can afford to shop to New Hampshire or Massachusetts. There they can purchase excess electric rates that we all hear about and buy it cheaper and pass that cost on to you and I and our constituents who cannot afford to shop like that, who can't afford to have the high-powered lawyers to work out transmission deals and other such things.

I am not trying to slight the idea, it is a good idea, but there are some things that need to happen first. Right now the Utilities Committee is working on other items, although not contained in this bill, but on another bill — which I welcome any member to come down and take part in the debate on, that will set up the criteria to allow retail wheeling to happen in a sensible, logical fashion and that will

benefit all Maine citizens.

So, it is with great regret that I ask my colleagues here to vote against the bill which I see as visionary but also before its time.

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: This is a very simple thing. Currently it boils down two items, number one, if you allow retail wheeling under our current system, all you are going to do is allow the large customers, who are the base for now for your lower rates or any of your rates, to go away from the Utilities that is currently serving them. When they do that, guess who is going to pick up the cost for the infrastructure and everything that remains? That is going to be you, the small consumer or the small businessman or the homeowner, you are going to pick up that difference. The Utility is bound by law to provide service to a community in which it serves. If you erode its base, its largest customers, the cost does not go down proportionately, you know who is going to pay, the common ratepayer.

I urge you to support the motion on the floor, "Ought Not to Pass."

Representative Vigue of Winslow was granted permission to speak a third time.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to respond to the opposition and the opposition is exactly as I told it. This is canned response that you get from the PUC, they all respond the same way. I am saying, let's look at it, we are looking at a new concept, it is not going to affect the base. The base in Waterville is not going to be affected by what happened to Kyes Fibre. We are dealing with the increase and increases do not affect a base. It will not happen. This is what I mean by looking at the future through the eyes of the past. They are still in the past, we have to look at the future. We have to look at it through the eyes of the present. The only way that we are going to do that is by changing the thinking we have used in the past.

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

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

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

ROLL CALL NO. 246

YEA - Adams, Aikman, Aliberti, Ault, Beam, Bowers, Brennan, Carroll, Cashman, Cathcart, Chase, Cloutier, Clukey, Coles, Constantine, Cote, Daggett, Donnelly, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Foss, Gamache, Gray, Greenlaw, Hale, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Johnson, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, MacBride, Marsh, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nickerson, O'Gara,

Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Plowman, Poulin, Rand, Reed, G.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Sullivan, Swazey, Taylor, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Winn, Zirnkilton.

NAY - Ahearne, Anderson, Barth, Bennett, Birney, Bruno, Cameron, Caron, Carr, Chonko, Clement, Coffman, Cross, Dexter, Dutremble, L.; Farnum, Farren, Gould, R. A.; Hatch, Jacques, Jalbert, Joseph, Joy, Kerr, Ketterer, Look, Lord, Marshall, Michael, Murphy, Nash, Norton, Plourde, Pouliot, Reed, W.; Strout, Tardy, Tufts, Vigue, Young.

ABSENT - Bailey, H.; Bailey, R.; Campbell, Carleton, Clark, DiPietro, Gean, Hillock, Kutasi, Martin, H.; Martin, J.; Pineau, The Speaker.

Yes, 98; No, 40; Absent, 13; Paired, 0; Excused, 0. 98 having voted in the affirmative and 40 in the negative, with 13 absent, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 964) (L.D. 1295) Bill "An Act to Amend the Laws Pertaining to the Protestant Episcopal Church" Committee on **Legal Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-776)

(H.P. 1187) (L.D. 1584) Bill "An Act to Amend the Laws Governing Foreclosure of Mortgages" Committee on **Banking & Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-780)

(H.P. 1249) (L.D. 1676) Bill "An Act to Change the Membership of the Maine Pull Events Commission" Committee on **Agriculture** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-778)

(H.P. 1293) (L.D. 1741) Bill "An Act to Amend the Maine Guide License" Committee on **Fisheries & Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-779)

(H.P. 1370) (L.D. 1854) Bill "An Act to Provide Funding to the Maine Criminal Justice Commission" (EMERGENCY) **Joint Select Committee on Corrections** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-770)

(H.P. 1404) (L.D. 1913) Bill "An Act to Provide for the 1994 and 1995 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **Housing & Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-772)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 3, 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. 559) (L.D. 1595) Bill "An Act to Improve the Efficiency of Rate Processing by Consumer-owned Electric Utilities" (C. "A" S-414)

(S.P. 597) (L.D. 1656) Bill "An Act to Clarify the Method for Calculating Inmate Good Time" (C. "A" S-413)

(S.P. 608) (L.D. 1706) Bill "An Act to Revise the Execution of Certain Mandatory Consecutive Sentences" (C. "A" S-412)

(H.P. 1366) (L.D. 1849) Bill "An Act to Implement the Recommendations of the Maine Potato Board"

(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" (C. "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 (C. "A" H-764)

(H.P. 1256) (L.D. 1683) Resolve, Regarding the Development of a Medicare Volume Performance Standard Demonstration Project (C. "A" H-768)

(H.P. 1298) (L.D. 1753) Resolve, to Extend the Reporting Date of the Healthy Start Task Force Report (EMERGENCY) (C. "A" H-769)

(H.P. 1299) (L.D. 1754) Bill "An Act Regarding the Discharge of Mortgages" (C. "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" (C. "A" H-763)

(H.P. 1334) (L.D. 1797) Bill "An Act to Amend the Charter of the Madison Water District" (C. "A" H-760)

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Allow the Growth and Sale of Cultivated Ginseng in Maine" (H.P. 1236) (L.D. 1663) (C. "A" H-761)

Bill "An Act Concerning Alewives" (H.P. 1323) (L.D. 1785) (C. "A" H-766)

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

Bill "An Act to Increase Penalties for Violation of Lobster Fishing Laws" (H.P. 1261) (L.D. 1688) (C. "A" H-767)

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

On motion of Representative MITCHELL of Freeport was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Thursday, March 3, 1994.

UNFINISHED BUSINESS

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

Bill "An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards" (EMERGENCY) (S.P. 573) (L.D. 1617)

- In House, Bill and accompanying papers indefinitely postponed on February 23, 1994.

- In Senate, Senate insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-399) in non-concurrence.

TABLED - March 1, 1994 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

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

An Act to Repeal Sanctions against Businesses Doing Business in South Africa (H.P. 1290) (L.D. 1738)

TABLED - March 1, 1994 (Till Later Today) by Representative JOSEPH of Waterville.

PENDING - Passage to be Enacted.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: In the past, I, and many of you, have voted to impose economic sanctions and to divest state funds in South Africa due to their policies of apartheid. It is important for me to state to you today and for the Record that as this budding democracy struggles, as a people suffer, individual companies, cities, states, colleges and the federal government impose sanctions by not investing in

corporations doing business in South Africa. Some criticism of those of us who supported this policy and who care about the principles of democracy that we enacted in 1987 were that the Maine Legislature should not involve itself in foreign policy issues.

It has been demonstrated that collectively these governmental entities, private colleges and institutions have made a difference. People of South Africa continue to suffer and be persecuted in their civil strife. The road to democracy is bloody for them. We now look to the first non-racial elections, full and fair elections and the drafting of a constitution for South Africa. These are rights that we sometimes take for granted. This progress may seem insignificant to us but is of utmost importance to this emerging democracy.

We will continue to watch, we will continue to monitor their progress and we wish them well and God speed.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Representative Joseph has done well, I think, in expressing why in the year 1987 Maine took a principle stand to show why it should care about a nation that would seem to be so far away and so far beyond our point of vision.

Democracy then and now we understood comes with a price. Yesterday we debated some, perhaps, of the factors of the price of democracy. Better than anybody in this chamber or better than perhaps anybody in this state Mr. Nelson Mandella, who spent a good third of his life in prison in South Africa for the principles of democracy, now free, now part of that process to make a great nation out of a troubled nation has in fact called for the lifting of sanctions throughout the civilized world that imposed them to help an oppressed people. Twelve states in the United States as of the 1st of January of this year have in fact lifted their sanctions. The bill now before you would make Maine join that process.

We realize of course that that path is full of peril, there is no guarantee that the elections scheduled for next month, just a few days beyond the set statutory adjournment date of our legislature, shall in fact be a success. There is every risk of course that they shall not, because in a nation overwhelmingly of color, black or of the status color under the old system of apartheid absolutely none of those people have every had the experience of voting before. There shall be no voter registration in South Africa because the numbers would just crush any known system they have been able to devise. There shall be voter identification and they hope that shall do the best they can for a set of people who by and large cannot read, cannot write, must get their information about elections from radio because there has never been a free press to date in South Africa. It has always been controlled by the white dominated government.

All of these things are going to make a difficult picture but Maine has done its part. I know people who have in the past spoken to me when we were arguing bills prematurely to divest or to do one thing or another would say, "Well, why bother with South Africa, this is Maine and we have plenty of problems here?" That is true and yet we should point out that though Maine does not bang a very big drum in the world we make noise enough when it concerns those principles which we understand very well

because of our various ethnic backgrounds and various financial backgrounds in our state.

The thing to remember is that sanctions worked. There is great trouble and great dissent in South Africa but sanctions worked. For once we were able to bring about a peaceful, for the most part, transition and play our own small part in bringing a nation of great riches into its rightful place in the world.

It was morally and politically right for us to impose the sanctions and we hope now that in removing them we have given them a nudge toward economic and political justice. We know that will take much time.

Maine business and Maine people did play a real role and we can play a real role now, though a small one, in building a new nation. I think and I hope that we all believe that in our hearts we did the right thing. I hope we should know that because to someone, all of us here either our grandparents, our parents or ourselves, have always been to somebody else of the wrong color or of the wrong faith or we had the wrong parents or we had the wrong income or we were born and grew up on somebody else's idea of what was the wrong side of the tracks. We all know the feeling and I think Maine as a state and as a people can be proud that we contributed our small part toward bringing that kind of thinking and that sort of injustice to an end in what shall, because of its great natural mineral wealth become, one of the great nations of the earth.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: For a brief moment, I want to thank the Representative from Portland and the Representative from Waterville for joining the call that we made last year to lift the sanctions on South Africa. I couldn't help but think as the two previous speakers were extolling the virtues of the economic opportunity for the people of South Africa of the plea the Ambassador of South Africa made to those individuals and to several of the rest of us in the legislature last year for the legislature to join the multi-ethnic call for the lifting of sanctions.

I think this is a great opportunity and it is also a great statement for the people of Maine to make in our understanding that the best opportunity for the poor people of South Africa (poor needs to be emphasized again and again) is through an improved economy and opportunity for jobs and opportunity for investment and I think it is certainly time that the State of Maine made this move.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I hope we are not being premature in doing this. I am not going to speak for or against this bill. But, I would like to give fair warning — twice I heard the good Representative from Portland and the gentlelady from Waterville seem to cast doubts of what the outcome will be in South Africa. When this bill came up in 1987, it came before the committee of which I was a member, the Aging Retirement and Veterans, because quite a bit of the funds of the retirement system were being invested in companies that do business in South Africa. From what I can see by the news media, we don't have the answer to South Africa yet. We have a long way to go.

There have been many promises, you saw that in

Croatia, Bosnia, there are promises and promises.

I say now that I think it is premature that we lift the sanctions at this time. We can wait another year and as the gentlelady from Waterville said the elections are coming up soon, they will have a constitution. I want to see that constitution, I want to see that election.

Even now you see hundreds and hundreds of the black people in Africa being slaughtered because even among themselves they can not agree.

I will say again, I am not against lifting the sanctions but I will give fair warning to everyone who wants to be premature on this thing, be careful because we may have to come back in a year or so and put it back on. It is not an easy task to put it back on. The last time, there was quite a fight to put it on.

One thing you must remember, I am not anti-business but always remember one thing, big business has one philosophy in mind, that is the bottom line, they will do business with everyone. We saw that situation when we tried to do something in North Africa. I say again, when you vote to lift this sanction think twice, we may have to come back in a year and put it back on.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This is a very difficult issue and one of the frustrations that I have is the frustration shared by the previous speaker and that is the timing. I am concerned also that we are making a decision that may in fact be putting the "cart before the horse" to some degree.

In South Africa 2.5 million blacks don't have the necessary I.D. card to allow them to vote and the government is only producing 30,000 I.D. cards a month. That will mean that only 90,000 I.D. cards are going to be completed between now and the end of April, from February to April for those 2.5 million people. The government of South Africa is providing almost no educational effort to explain to those people what the process is of voting.

According to an article in New York Newsday dated February 9th, one of the other things that is happening in South Africa is that some of the owners, the farm owners have been telling their black workers that when they get their ballot they are supposed to put an "X" next to the name of the person they don't like, that that is how you vote, you put an "X" next to the name of the person that you don't like. Those kinds of efforts will absolutely violate the spirit of an election process, it will not be a free election if people have been told to do things the wrong way. It will not be a free and open election if people have not been given the necessary I.D. cards, the necessary information needed to vote.

What I would like for us to do, I think as a compromise possibly, would be to table this bill for as long as possible until near the end of our session which would give us a better understanding of what will be happening in South Africa as this vote comes forward. The vote is scheduled now for the end of April and if we are going to be here until the end of March, we will be three and a half weeks closer to the election, we will have a better idea of where things are going and as Representative Jalbert said, a better idea of what in fact the reality is going to be for South Africa before we remove this. It is a

suggestion I would leave for someone else to fulfill.

Mr. Speaker, I request a division.

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

A vote of the House was taken.

84 voted in favor of the same and 10 against, subsequently, 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:

Resolve, to Provide the Secretary of State with Additional Time to Validate Petitions for Initiated Legislation (EMERGENCY) (H.P. 1433) (L.D. 1959) (Reference to the Committee on Legal Affairs suggested)

TABLED - March 1, 1994 by Representative JACQUES of Waterville.

PENDING - Reference.

On motion of Representative JACQUES of Waterville, tabled pending reference and specially assigned for Thursday, March 3, 1994.

An Act to Allow Nonresidents to Possess Antique License Plates (H.P. 1177) (L.D. 1568) (C. "A" H-716)

TABLED - March 1, 1994 by Representative PARADIS of Augusta.

PENDING - Passage to be Enacted.

Subsequently, 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 Townsend of Canaan was granted unanimous consent to address the House.

Representative TOWNSEND: Mr. Speaker, I was present yesterday during Roll Call vote 245, which was the budget vote and it was my intention to vote yes. I would request that that vote be recorded.

On motion of Representative AHEARNE of Madawaska, adjourned at 10:20 a.m., until 9:00 a.m., Thursday, March 3, 1994.