

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
24th Legislative Day
Thursday, March 10, 1994

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

Prayer by the Honorable Marge L. Kilkelly, Wiscasset.

Colors presented by the First Maine Heavy Artillery, Portland.

Pledge of Allegiance sung by Melissa Hussey, Milo.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 9, 1994

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

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the following:

Charmaine A. Brown of Monmouth for appointment to the Harness Racing Commission. Charmaine A. Brown is replacing Diann Perkins.

Richard H. Duncan of Presque Isle for reappointment to the Harness Racing Commission.

Colon E. Durrell of Farmington for appointment to the Maine Milk Commission. Colon E. Durrell is replacing Chuck Davis.

Richard D. Lamb of Springvale for reappointment to the Maine Milk Commission.

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District" (EMERGENCY) (H.P. 1221) (L.D. 1640) which was passed to be engrossed as

amended by Committee Amendment "A" (H-740) as amended by House Amendment "A" (H-752) thereto and House Amendment "A" (H-800) in the House on March 4, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-740) as amended by House Amendment "A" (H-752) thereto and Senate Amendment "A" (S-440) in non-concurrence.

The House voted to Recede and Concur. Ordered sent forthwith.

COMMUNICATIONS

The following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1844 An Act to Amend the Maine State Retirement System Laws Relating to Provision of Legal Services

L.D. 1922 An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs

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

Sincerely,

S/Sen. Bonnie L. Titcomb S/Rep. John Jalbert
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON BANKING AND INSURANCE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

- L.D. 1635 An Act to Authorize a Limited License to Permit Funeral Service Practitioners to Offer Additional Preneed Funeral Service Products
- L.D. 1789 An Act to Allow State-chartered Credit Unions to Make Loans to Service Corporations and to Share Branch Offices

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

Sincerely,

S/Sen. Dale McCormick S/Rep. Edward L. Pineau
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

- L.D. 1572 An Act to Exempt Firefighters from the Licensing Requirements of Limited Electricians
- L.D. 1750 An Act to Amend the Labeling Requirement of Containers for the Purpose of Recycling
- L.D. 1786 An Act to Prevent Overcharging on Merchandise

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

Sincerely,

S/Sen. Alton E. Cianchette S/Rep. Annette M. Hogle
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

- L.D. 1889 An Act to Establish the Maine Commission on National Service

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

Sincerely,

S/Sen. John J. O'Dea S/Rep. Elizabeth H. Mitchell
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

- L.D. 1654 An Act Pertaining to Stage II Vapor Recovery
- L.D. 1682 An Act to Provide for Review of Certain Northeast Ozone Transport Commission Activities
- L.D. 1813 An Act to Ensure that Wastewater Disposal Systems Comply with New Rules Developed by the Department of Human Services

L.D. 1892 An Act to Establish Reasonably Available Control Technology Standards for Nitrous Oxides

L.D. 1629 An Act to Require Disclosure of Corporate Interests in Applications for Public Assistance

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

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

Sincerely,

Sincerely,

S/Sen. Mark W. Lawrence S/Rep. John L. Martin
Senate Chair House Chair

S/Sen. Judy Paradis S/Rep. Sharon Anglin Treat
Senate Chair House Chair

Was read and ordered placed on file.

Was read and ordered placed on file.

The following Communication:

The following Communication:

COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON JUDICIARY
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Dear President Dutremble and Speaker Gwadosky:

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

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

L.D. 1399 An Act to Encourage Residential Energy Efficiency

L.D. 120 An Act to Cover Employees of the Maine National Guard under the Maine Human Rights Act and the Whistleblowers' Protection Act

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

L.D. 293 An Act Regarding Wrongful Death Actions

Sincerely,

L.D. 776 An Act to Repeal Certain Provisions of the Maine Health Security Act

S/Sen. Rochelle M. Pingree S/Rep. Rita B. Melendy
Senate Chair House Chair

Was read and ordered placed on file.

L.D. 1276 An Act to Improve the Operation of Prelitigation Screening Panels

The following Communication:

L.D. 1709 An Act to Clarify the Assignment of Hotel Revenues as Rent under Maine Law

COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

L.D. 1748 An Act to Limit the Jurisdiction of the Maine Human Rights Act

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

L.D. 1836 An Act to Enhance Criminal Penalties for Hate Crimes

Dear President Dutremble and Speaker Gwadosky:

L.D. 1859 An Act to Allow Police Officers to Prosecute Traffic Infractions

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

L.D. 1862 An Act to Prohibit Excessive or Unnecessary Prescription of Drugs or Treatment by Health Care Professionals

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON LABOR
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1772 An Act to Attain Minimum
Occupational Safety and Health
Standards in Buildings and on
Properties Owned or Leased by
the State

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

Sincerely,

S/Sen. James R. Handy S/Rep. Richard P. Ruhlin
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1605 Resolve, Authorizing Glenn
Greenlaugh to Sue the State BY
REQUEST

L.D. 1638 An Act to Strengthen
Enforcement of Manufactured
Housing Warranties

L.D. 1865 An Act to Reform Financing of
Referendum Questions

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

Sincerely,

S/Sen. Richard J. Carey S/Rep. Beverly C. Daggett
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON TAXATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 548 An Act to Reduce the Number of
Sales Tax Exemptions

L.D. 815 An Act to Increase the Stability
of the Maine State Income Tax

L.D. 1834 An Act Regarding Real Estate
Transfer Tax

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 8, 1994

Honorable Dennis L. Dutremble, President of the Senate
 Honorable Dan A. Gwadosky, Speaker of the House
 116th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

- L.D. 1811 An Act to Provide for a Disaster Relief Fund
- L.D. 1823 Resolve, Directing the Department of Transportation to Erect Signs Indicating the Bath, Brunswick and Topsham Recreational Area
- L.D. 1935 An Act Concerning the University of Maine System Scholarship Fund
- L.D. 1943 An Act to Permit Railroad Crossings for the Sole Purpose of Accommodating Timber Harvesting Operations

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

Sincerely,

S/Sen. Joseph C. Brannigan S/Rep. William B. O'Gara
 Senate Chair House Chair

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills 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:

Judiciary

Bill "An Act to Change the Maine Tort Claims Act Regarding Liability with Respect to Certain Vehicles, Machinery and Equipment" (H.P. 1446) (L.D. 1974) (Presented by Representative BAILEY of Farmington) (Governor's Bill)

Utilities

Bill "An Act to Encourage the Processing of Off-grade Potatoes in Aroostook County" (H.P. 1447) (L.D. 1975) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

ORDERS

On motion of Representative HICHBORN of LaGrange, the following Order:

ORDERED, that Representative Harry W. Bailey of Township 27 be excused February 24 to March 2 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused March 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary H. MacBride of Presque Isle be excused March 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sophia Douglass Pfeiffer of Brunswick be excused March 3 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gary W. Reed of Falmouth be excused March 4 and 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Elizabeth Townsend of Portland be excused March 4 for personal reasons.

Was read and passed.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative PLOURDE from the Committee on Transportation on Bill "An Act to Modify the Manufacture of Motor Vehicle Registration Plates" (H.P. 1217) (L.D. 1636) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-819)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-819) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 22, 1994.

Ought to Pass Pursuant to Joint Order (H.P. 1435)

Representative MARTIN from the Committee on Energy & Natural Resources on Bill "An Act Proposing a Referendum for the Issuance of General Obligation Bonds to Fund Municipal Infrastructure Improvements" (H.P. 1448) (L.D. 1977) reporting "Ought to Pass" Pursuant to Joint Order (H.P. 1435)

Report was read and accepted.

On motion of Representative MARTIN of Eagle Lake, the Bill was referred to the Committee on

Appropriations and Financial Affairs. Ordered sent forthwith.

Divided Report

Majority Report of the Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-815) on Bill "An Act to Authorize Special Property Tax Districts" (H.P. 708) (L.D. 959)

Signed:

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

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

Signed:

Senators: BALDACCI of Penobscot
 SUMMERS of Cumberland
 CAREY of Kennebec

Representative: SPEAR of Nobleboro

Reports were read.

On motion of Representative DORE of Auburn, tabled pending acceptance of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 656) (L.D. 1825) Resolve, to Create Regional Funds for Self-employment Committee on **Housing & Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-435)

(S.P. 691) (L.D. 1877) Bill "An Act to Authorize the Artisans School to Grant Degrees" Committee on **Education** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-434)

(H.P. 278) (L.D. 356) Bill "An Act to Establish the Advisory Council on Energy and the Environment" Committee on **Utilities** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-826)

(H.P. 1336) (L.D. 1799) Bill "An Act to Create the Great Salt Bay Utility District" Committee on **Utilities** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-825)

(H.P. 1354) (L.D. 1820) Bill "An Act to Encourage Effective Use of State Resources" Committee on **Human Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-818)

(H.P. 1360) (L.D. 1839) Bill "An Act to Amend the Charter of the Berwick Sewer District" Committee on **Utilities** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-823)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 22, 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. 709) (L.D. 1917) Bill "An Act to Correct the Legal Title to a Building at Southern Maine Technical College" (EMERGENCY) (Governor's Bill)

(S.P. 486) (L.D. 1497) Resolve, to Prevent the Improper Use of Correctional Facilities (C. "A" S-427)

(S.P. 601) (L.D. 1699) Bill "An Act to Establish the Debt Service Limit for Fiscal Year 1997 and Fiscal Year 1998" (C. "A" S-430)

(S.P. 636) (L.D. 1770) Bill "An Act to Increase Reimbursement Amounts to Municipalities Collecting Excise Taxes for Unorganized Townships" (C. "A" S-429)

(S.P. 662) (L.D. 1830) Bill "An Act to Amend the Charter of the Canton Water District" (EMERGENCY) (C. "A" S-431)

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.

BILLS IN THE SECOND READING

As Amended

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 627) (L.D. 1746) (C. "A" S-428)

Bill "An Act Imposing Real Estate Transfer Tax on Nongovernmental Entities in Transactions Involving Governmental Entities" (H.P. 1333) (L.D. 1796) (C. "A" H-814)

Were reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was Passed to be Engrossed as Amended in

concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

Bill "An Act to Improve the Notice Provisions for Municipal Development Districts" (S.P. 629) (L.D. 1749)

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

On motion of Representative DORE of Auburn, was set aside.

The same Representative presented House Amendment "A" (H-816) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-816) in non-concurrence and sent up for concurrence.

Resolve, to Reclassify the Position of a Former Teacher's Aide (H.P. 1212) (L.D. 1631) (C. "A" H-811)

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

On motion of Representative JALBERT of Lewiston, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, March 22, 1994.

Bill "An Act Concerning the Importation of Salmon" (S.P. 685) (L.D. 1871) (C. "A" S-426 and S. "A" S-433)

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

On motion of Representative TOWNSEND of Portland, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, March 22, 1994.

Bill "An Act to Implement the Recommendations of the Maine Sardine Council" (EMERGENCY) (H.P. 1386) (L.D. 1885) (C. "A" H-806)

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

On motion of Representative JACQUES of Waterville, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, March 22, 1994.

ENACTORS

Emergency Measure

An Act to Identify Laboratories Subject to the Laboratory Certification Program (S.P. 481) (L.D. 1479) (S. "B" S-425 to C. "A" S-409)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 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 Modifications to Economic Development Activities (S.P. 552) (L.D. 1576) (C. "A" S-422)

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. 110 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 Strengthen Penalties for the Unlawful Cutting of Lobster Traps (H.P. 1180) (L.D. 1578) (C. "A" H-771)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 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 Provide Funding to the Maine Criminal Justice Commission (H.P. 1370) (L.D. 1854) (C. "A" H-770)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 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 Provide for the 1994 and 1995 Allocations of the State Ceiling on Private Activity

Bonds (H.P. 1404) (L.D. 1913) (C. "A" H-772)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Laws Pertaining to the Protestant Episcopal Church (H.P. 964) (L.D. 1295) (C. "A" H-776)

An Act to Amend the Laws Governing Foreclosure of Mortgages (H.P. 1187) (L.D. 1584) (C. "A" H-780)

An Act to Establish a Financial Assistance Program for Utilities Burdened as a Result of State Highway Construction (H.P. 1223) (L.D. 1642) (C. "A" H-759)

An Act to Increase Penalties for Violation of Lobster Fishing Laws (H.P. 1261) (L.D. 1688) (H. "A" H-787 to C. "A" H-767)

An Act to Amend the Maine Guide License (H.P. 1293) (L.D. 1741) (C. "A" H-779)

An Act to Establish Terms of Appointments for Members of the Maine Education and Training Export Partnership (S.P. 637) (L.D. 1771) (C. "A" S-418)

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

An Act to Streamline the Department of Transportation's Permitting Procedure for Aboveground Facilities (S.P. 678) (L.D. 1858) (C. "A" S-421)

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

An Act Regarding the Custody of Remains of Deceased Persons (S.P. 553) (L.D. 1577) (C. "A" S-417)

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

On motion of Representative JACQUES of Waterville, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Tuesday, March 22, 1994.

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

ENACTOR

Emergency Mandate

An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District (H.P. 1221) (L.D. 1640) (H. "A" H-752 to C. "A" H-740; S. "A" S-440)

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

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Treasurer of State (S.P. 695) (L.D. 1893) (Governor's Bill)
- In Senate, Indefinitely Postponed.
(Committee on **State and Local Government** suggested)
TABLED - March 9, 1994 (Till Later Today) by Representative JACQUES of Waterville.
PENDING - Reference.

On motion of Representative JACQUES of Waterville, tabled pending reference and specially assigned for Tuesday, March 22, 1994.

HOUSE REPORT - "**Ought to Pass**" as amended by Committee Amendment "A" (H-809) - Committee on **State and Local Government** on Bill "An Act Regarding Access to Property via Discontinued Roads" (H.P. 1238) (L.D. 1665)
TABLED - March 9, 1994 (Till Later Today) by Representative JOSEPH of Waterville.
PENDING - Motion of Representative LARRIVEE of Gorham to Substitute the Bill for the Report.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative LARRIVEE of Gorham to Substitute the Bill for the Report and specially assigned for Tuesday, March 22, 1994.

An Act to Allow the Growth and Sale of Cultivated Ginseng in Maine (H.P. 1236) (L.D. 1663) (C. "A" H-761)
TABLED - March 9, 1994 (Till Later Today) by Representative TARDY of Palmyra.
PENDING - Passage to be Enacted.

On motion of Representative TARDY of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 1663 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-761) was adopted.

The same Representative presented House Amendment "A" (H-824) to Committee Amendment "A" (H-761) which was read by the Clerk and adopted.

Committee Amendment "A" (H-761) as amended by House Amendment "A" (H-824) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-761) as amended by House Amendment "A" (H-824) thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Make Certain Revisions to the Maine Emergency Medical Services Act of 1982" (S.P. 646) (L.D. 1805) (C. "A" S-420)
 TABLED - March 9, 1994 (Till Later Today) by Representative PARADIS of Augusta.
 PENDING - Passage to be Engrossed.

On motion of Representative DAGGETT of Augusta, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-420) was adopted.

The same Representative presented House Amendment "A" (H-821) to Committee Amendment "A" (S-420) which was read by the Clerk and adopted.

Committee Amendment "A" (S-420) as amended by House Amendment "A" (H-821) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-420) as amended by House Amendment "A" (H-821) thereto in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

HOUSE DIVIDED REPORT - Majority (9) **"Ought Not to Pass"** - Minority (4) **"Ought to Pass"** as amended by Committee Amendment "A" (H-773) - Committee on State and Local Government on RESOLUTION, Pursuant to Article IV, Part Third, Section 15 of the Constitution of Maine Calling a Constitutional Convention to Propose Amendments to the Constitution (H.P. 873) (L.D. 1187)

TABLED - March 9, 1994 by Representative JOSEPH of Waterville.

PENDING - Motion of Representative AHEARNE of Madawaska to accept the Minority **"Ought to Pass"** as amended Report.

On motion of Representative AHEARNE of Madawaska, tabled pending his motion to accept the Minority **"Ought to Pass"** as amended Report and specially assigned for Tuesday, March 22, 1994.

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

HOUSE DIVIDED REPORT - Majority (9) **"Ought to Pass"** as amended by Committee Amendment "B" (H-815) -

Minority (4) **"Ought Not to Pass"** - Committee on Taxation on Bill "An Act to Authorize Special Property Tax Districts" (H.P. 708) (L.D. 959) which was tabled by Representative DORE of Auburn, pending her motion to accept either Report.

Representative DORE of Auburn moved that the House accept the Majority **"Ought to Pass"** Report.

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

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: Even though I sympathize with what this bill is trying to do, I really believe this is bad tax policy.

This bill has changed and, even though it is focused on its original intent by creating special tax districts, we are headed, I believe, in the wrong direction.

What this does is it creates, and we are talking about, once again, the islands in Portland, a special tax break. I strongly believe from my experience working and assessing in town government and the courses that I have taken and from what I have learned is that you do not change any mill rates. If you have a section of the town in your area — there are different ways — you use the same methods of evaluation right across-the-board, but you use a factoring system in deciding where these evaluations should be. You do not change mill rates and create special districts.

For example, if you have woodland at \$500 an acre and you've got some swampland, you don't create a special mill rate for that, you factor the evaluation of that wetland down. The same way with these islands, if people consider that they aren't receiving services, they could factor, they could put an economic factor in there and factor it down, but you use the same broadbase for evaluation. Therefore, I strongly believe that we should not adopt this kind of policy and I really urge you to take a strong look at this and I urge you to vote no.

Mr. Speaker, I request a roll call.

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

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: A brief description of the bill before you and what it would do and why I would encourage you to accept the Majority **"Ought to Pass"** Report.

The bill before you right now would do this and only this — all of us who sat through the debates of the last week regarding the status of the islands in Portland and the difficulties faced by many municipalities up and down the coast or even inland regarding fair tax policy, full participation in democracy, determining where you shall cast your lot in life and making sure that everybody has their just rights under our Constitution — anybody who sat through all of that and tried to figure out how best to handle how complicated a situation it is might want to pay attention to what this bill proposes to do.

In the city of Portland, which is merely the first of the places that have to deal with the problems of heavy taxation and unequal services, this bill would allow those geographically isolated islands, meaning that they are not connected or accessible to the mainland by bridge, you cannot drive to them, the opportunity should the Portland City Council agree to

sit down and try to negotiate in exchange for those fewer services a different rate of taxation. It would not mean that those services are not provided, the islanders would have to pay for them themselves if they want them. It would not mean that the city is off the hook for providing all the other ones. Nothing would happen unless both sides agreed and nothing whatsoever would be done unless the Portland City Council (then in public hearing) voted to allow it to be done, having heard from all its citizens, onshore and offshore. This is based upon constitutionally accepted and legal precedence in other states, notably those of Tennessee.

It is somewhat based upon the same line of thinking that we discussed before. In the State of Maine, we allow, for example, a veteran's tax exemption in almost any town in the state upon your home if you are a veteran and have served your country. We do that because your service to the country was valuable in the past.

We also allow a special tax rate for Tree Growth. We do that because open land will be available and is important for our future. This is one way of trying to give one beleaguered place another set of tools to work with to deliver an answer in a very complicated question. Originally, the bill would have applied to any island that thus qualified up and down the coast. The committee thought it wiser, for the sake of the short term to see if it would work, to particularly focus upon a place where we had particular problems.

As one of those people who believe that participation in the processes is important, I helped bring the bill forward. Our city manager has spoken enthusiastically about this idea for some time as a test to see if it would work.

I would assure you again in closing that nobody under the proposal that you see before you is going to get any kind of a free ride. Both sides still pay, both sides must talk, both sides must agree and until everybody has done all of those things and everyone has a vote on the council, nothing shall happen. It is returning the question of democracy right back to the laps of those people who most definitely are concerned about it in a place that has had enough difficulty that I don't have to go back and review for you so that all of you will know exactly what we faced and the attempt I made in bringing the bill forward was to place all the tools on the table that we are going to need to do the job right in these very difficult times.

I was very pleased that after many meetings, many conversations with the Attorney General and a letter from the Attorney General's Office saying the concept, as presented in the bill before you now, is fully constitutional under the Constitution of the State of Maine, having done all of that and gotten that constitutional assurance, that the majority of the committee said it is worth a try, worth a look, and worth restricting it to its narrowest focus. For that reason, I would encourage you to support the Majority "Ought to Pass" Report.

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

Representative GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't plan to speak on this bill but after listening to Representative Adams, I think there is a constitutional question here and that is fairness.

I represent islands that are totally municipalities. If in fact we allowed portions of municipalities, then it is unfair as a statewide tax policy to the islands that I represent. It is unfair, I hope you really think about this before you vote and I hope you vote no.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I tend to agree with the gentleman from Nobleboro. I, too, served for about 10 years in my hometown as a tax assessor and I am glad that the gentlelady from Sedgwick brought up the question of constitutionality.

Under your assessing for taxes, it must be equal. If you make a mistake on one, you make a mistake on all.

The question is as I read this bill and the fact that the good gentleman from Portland, Representative Adams, mentioned about the islands — I have an awful feeling that this is a classification. You are trying to classify the islands to make sure they don't come back again to try to get the last bill that was turned down.

When you assess someone, it must be equal. It is one thing to assess differently and then give exemptions. If this tax district will assess valuation or place valuation on the island properties lower than they would on the mainland, that I declare is not constitutional. They have to be equalized but you may give the exemptions.

The gentleman from Portland mentioned about the veterans' exemptions in Tree Growth — yes, they do give a veteran's exemption in Tree Growth but the valuation is there and remains constant with everyone. It is not fair to say that we will assess a house on the mainland at \$75,000 but a house of the same value on the island would be assessed at \$50,000. You may assess them both at \$75,000 and give an exemption to the islands if you want to, but from what I gather on this is that it is trying to set two rules, one valuation for the mainland and one for the islands.

Now let's get away from Portland for a minute. Where is it going to stop? More than once I've had people in my hometown tell me that I should pay less taxes because my kids go to a parochial school, the public schools are there. You don't turn around and say that you don't get the right kind of services there, give me a tax break, go after them and make sure you do get the services. If that was the case down south, they should have assessed the black people less but they went after the equalization. What you want here is not to have two sets of valuation just to pacify the people on the islands. It won't stop with the islands in Portland, it will go to every town and city in the State of Maine.

My kids don't go to parochial school, I don't use the police department, we are way out in the country somewhere, we should have a lower valuation.

I would ask that you vote for the Minority Report.

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

Representative HØGLUND: Mr. Speaker, Ladies and Gentlemen of the House: Right now I feel like I am getting up and getting ready to swing against the New York Yankees but I am going to take a stab at this because Representative Spear and Representative Jalbert have just said a couple of things that I feel

need clarification. One, we are not changing the mill rate.

Two, we are not changing anyway that we are going to assess the valuation of the city of Portland and the islands. What we are going to do is allow Portland to negotiate with themselves and with the island people to give back some money for the services if they want to do that. In essence, if we collect \$10 in our tax money and the islands are complaining to the city that they are not getting all the services, then the city will be able to say, okay, instead of taking \$10, we will take \$9 and give you back \$1. It is more or less giving some money back or assessing just enough money for the services that they are not getting or whatever they want to use as an excuse. That allows the opportunity, it doesn't take anymore from the state coffers, it doesn't take anymore from any of your purses or any other type of fund. It allows Portland to take it out of one pocket and say, okay, I will give you a little here and I will give you a little there. I hope that is clear.

Like I said, it is like batting against the New York Yankees right now if you take a look at that report but it needed to be explained.

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

Representative ALIBERTI: Mr. Speaker, Fellow Colleagues: I associate this with the island issue.

I would like to pose a question through the Chair. The question is, how do the islands feel about this? Could you give us the amount of support? Are they initiating this as a way of helping them resolve the major problem of the insensitivity of Portland itself?

The SPEAKER: The Representative from Lewiston, Representative Aliberti, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: To answer my friend, the Representative from Lewiston, Representative Aliberti, islanders who favored secession and islanders who opposed secession both came to the public hearing on this bill and supported it. Those who opposed the secession thought it was a chance to deal with a difficult subject in less of a fevered way. Those who liked secession realized that that may seem to be against their interest in supporting a bill like this but they believed also that every opportunity to do the right thing should be upon the table. So, both sides, both kinds of islanders you had visit you in the hallways the last few weeks, came to support and speak in favor of this bill.

I would point out just to reply again to my friend from Lisbon, Representative Jalbert, that the assessment on the property remains exactly the same, that is not the question of the bill and any exemption or any return of the money, as described by Representative Høglund, would be done only upon full agreement of all parties on both sides and then a public vote of the city council. Whether the bill passes or not guarantees in no respect that it shall ever be used or not by the city of Portland.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Adams hit it right on the head. The reason I am on this bill is that the Portland City Manager and I have discussed this bill and when the City Manager for the city of Portland said to me, "Please support it" — the reason he asked me to support it is that he felt that this City Council that he presently has will not do anything with it.

All we are doing is giving the city of Portland an opportunity to do something if they desire to do so. We are not saying that this rate is going to go down to the islands, we are going to cut their taxes, all we are doing is giving the city of Portland permission to do so if the city council approves it. That is all we are doing.

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

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

I am not sure why this particular bill is needed. I represent some small towns that have islands and for years they have been making adjustments annually to these islands. If this is in fact available already to the islands of Portland, why do we need this, what is different about this particular bill than the one we already have on the books?

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

The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: In reply to my friend, the Representative from Boothbay, Representative Heino, because as previous proposed to the legislature, the Office of the Attorney General said twice that the ability of municipalities to do this was actually unclear unless there was some specific direction from the legislature that cleared certain constitutional questions, which the Taxation Committee, then, through me, posed to the Attorney General's Office and which we received on February 2, 1994, a reply that stated you do certain things as you propose them, that is perfectly constitutional. As phrased, the bill now before you is perfectly constitutional and I would suggest perhaps Representative Heino that you don't make too much noise back home of what may or may not be going on on those islands because what you may have been doing might not be constitutional.

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

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

Under the general terms of this bill, would it be possible for municipalities to have a tax district within the built-up section of a town or a municipality and another tax district in the rural area or the business section of the town or municipality?

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

The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative Lord's questions, it would not be possible because it only applies to the islands and it only applies to Portland. It is a very limited case and is in

response to the many other island bills that were defeated, and I might add that I voted against them, and is an opportunity for them to come to a mutually agreed upon deal that will work for the city of Portland and the islands so we can stop discussing secession which isn't good for us.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I think we need to be real clear on a couple of things here. One of the problems that I had, as did a few other members here, was precedent. If we allow certain language as the original bill intended, could we be setting up a situation in Biddeford Pool in which they are now talking about? Could we be setting up a situation in Thomaston which has been alluded to from time to time? We took care of those issues by specifically talking about the islands within the jurisdiction of the city of Portland. We had certain criteria put in the bill which would not open this up. I think it is very clear to understand that, although the statement has been made a couple of times, I think I need to repeat it — this does not force anybody to do anything. This simply allows the powers that be from the islands and the powers that be on the City Council to get together to discuss the concerns at hand. By no means does this have any implications to Saco, Biddeford, Thomaston, or Nobleboro. If those folks at some future point want to come in and address their concerns to a future legislature, there will be criteria in order, there will be precedence that members can look at at that time and take one issue at a time.

As Representative Adams pointed out, over and over again, but I think this is very important also, we weren't very clear on what we could do and could not do constitutionally. We did ask Mr. Garrett of the Attorney General's Office and, quite frankly, I had a feeling he was tired of hearing from us, but that's life, and we did get many different comments, different opinions from him assuring us that the final language that is now before you is fully constitutional and defensible.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully disagree with my great friend from Saco, Representative Nadeau.

Twenty-four years ago, actually this week, I was elected to the position of Selectman and Assessor in the town of Greenville. The implications that I see for this bill is that — my people can read and the people in the out-of-state areas who we serve can read — they will read this and they are going to be setting right in our office saying, I realize this only applies to Portland but what about us? We can't get to our place nine months out of the year because of snow and yet we have houses that are valued at \$200,000 and you are not giving us anything back. How come? Why don't you as our State Representative go down there and say, look, I have places, etcetera. I think you get the picture of what I am driving at.

I sympathize with these islands, I have had people come in and sit down and call me some very uncomplimentary names because we have been charging them (they think) taxes that are too high in their isolated areas. So, I feel that while it may be a very interesting episode or try, I can't support it

because I think it is going to put the other towns in a very unamiable position. Therefore, I urge everyone to vote against it.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: As Chair of the Portland Delegation, I obviously have to listen and think very hard about my colleagues in the legislature from Portland and my colleagues and friends and officials from Portland who want this bill to pass.

I think that the issue of island taxation and island secession is finally going to be dealt with and I intend to work very hard on that in the months ahead by developing institutions and mechanisms in Portland to deal more effectively and responsibly to the legitimate island concerns that have been vouched in the last few weeks and months.

I am now faced to choose between what I think is right for the State of Maine and what some of my good friends and colleagues from Portland wish in terms of theoretical greater flexibility in dealing specifically with tax issues on the islands. As I said, I might argue with them but the issue is responsiveness of government and that is something that I intend to work at. I think I now, as a member of this body, must look at this from the point of view of the State of Maine.

We come back to the issue of public policy in the State of Maine and the very real precedence that would be set in terms of dealing with property taxes. I respect enormously the people who worked on this bill, many times I find myself agreeing with them, but I think it is important that I discipline myself to look at this for the good of the State of Maine and the issue of fiscal policy and tax policy in the State of Maine. I will, therefore, somewhat reluctantly, be voting against the "Ought to Pass" on this.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I just rise for a moment to say why I voted with the majority of the committee. For one thing, Representative Adams, I think, has explained this very well to this body.

I just want to reiterate what has been said. This does not impose anything on Portland or the islands. All it does is it gives them the opportunity to sit down and to negotiate. This was not done to pacify the islands. This was done to meet a need that was unique to a section of our state. It was done to allow the powers to be to reach an agreement if they chose to do so. If they choose not to do so, so be it. That is all we have done.

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

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

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

If any members of the committee, especially the Chair, have the bill before them, I request that it be read to us where it specifically places this thing only for the city of Portland and that no one else can set up these districts?

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

The Chair recognizes the Representative from Portland, Representative Heglund.

Representative HOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: It is not in the bill, Representative Jalbert, it is the amendment. We specifically said in the amendment that it applies to Portland because of the islands being unique with no roads, no bridges. We just felt that it was a thing to give the islands an opportunity to negotiate with the city officials. That's the issue.

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

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I really appreciate what the good Representative from Greenville stated — that we are setting a precedent here, it really does concern me. I did not emphasize it the first time I stood up.

The other thing I would like to emphasize what the Representative from Portland, Representative Heglund, said that it does not create a special tax rate — yes it does. The special tax district, as we just heard, allows them to negotiate a special low rate and that leaves the playing field wide open when you start negotiating mill rates for different sections of town. It is a very bad tax policy. If you are going to adjust somebody's taxes for what you think that value is, you factor those values, you don't change the mill rate.

Once again, I think we are heading in the wrong direction with this bill and I urge you to vote no.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Again fellow colleagues, I would like to pose a question through the Chair, please.

Everyone talks about or alludes to the possibility of lowering taxes — under this legislation, would it be possible for the city of Portland to increase the taxes also?

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

The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: Yes. I would also like to note that many of you in this body voted for STIFF'S and TIFF'S, overwhelmingly the vast majority of you did — what are they? Special property tax districts. What is their purpose? To allow a community to develop industrial and, with some debate, we did it also for commercial development. There are reasons that we created special property tax districts, no one should think that it is a particularly unique thing to do.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Everything said here today (in defense of this bill) is true. This was designed to help the city council in the city of Portland so they could deal with the people from the islands in another way besides the secession from the city.

In this House we voted that those people could not secede, I did not agree with that vote but it was defeated overwhelmingly to secede. Now these people

on the islands do not get the same services as they do on the mainland and this is only to deal with islands surrounded by water. It cannot be any island with a bridge to it. All it does is give the city of Portland the right to say, yes, we realize that you are not getting some of the services and reimburse those people for those services. I think that is fair when you see pictures of one island there that has a little wooden trailer sort of thing that they pull by hand for a fire truck and they have a hose in a box sitting on their wharf, that's the fire department. If my home gets on fire where I am, I can call the fire department and they will be there very shortly. If I lived in Portland, I could call the fire department and I am sure they have more than one station. But on the islands, they can call the Portland fire department all they want to and they are never going to get there, the house is going to burn or whatever the property it is that is afire. They do not have the police protection, they do use the school system and I think they should pay for it and I think they should pay for the police protection of the part they use. I don't think there is any doubt about that, but this doesn't say that we are saying, "you do this", this is saying they negotiate, it gives the city council the right to negotiate with them. That's all it does, it doesn't set any precedent, it isn't poor tax policy.

Years ago in the 1970's when I was on the Board of selectmen in my town, anyone who lived on a dirt road and it was muddy in the spring got a 25 percent abatement for their taxes because they happened to live on a dirt road. When we upgraded those roads, we did away with those abatements. So this is nothing new being done in the State of Maine, it is just giving the city council in Portland the right to do it.

I hope you will support this bill.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: After hearing the gentelady from Berwick make some statements it brought me to my feet.

What you are actually doing here is, I think, moving in the wrong direction. When you say that you will come up with a different — for instance, Portland against the islands — I really don't have a problem with that, but stop and think for a minute, you've got a 24 mill rate we'll say right now on your taxes and the islanders come in and say, because they aren't getting the services, they want 1 mill knocked off and you agree to that, what you are doing at that time is you are cutting the mill rate to the islanders 1 mill. That is what you are doing.

Let me give you an example on the other side of the city — they don't get as good services as they do maybe downtown, some of the businesses, so they are going to come in in the near future and say, "I understand what you did with the islands and now I don't get the same services that they do in other sections of the city, I want to be adjusted 1 mill rate down the same as the islands." That is what you are creating.

The gentelady from Berwick mentioned (if I remember) giving a 25 percent break because of being on a dirt road — this can happen but you are not doing it through the mill rate process. What you are going to end up doing is that you are going to change the evaluation on those properties, that's what you

do. Don't get into a situation where you are going to have two different mill rates in a municipality, it is going to create problems down the road and it is only going to be a ripple effect from here on in.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I only want to call your attention to House Amendment (H-815) and the vote that will be taken as to whether this happens or not will be done by the legislative body of the city of Portland, which is the city council. Also on the back of this sheet, you will note that this vote is going to be annually. It will be yes or no on an annual basis. Just consider those issues when you deliberate.

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

Representative LARRIVEE: Mr. Speaker, Ladies and Gentlemen of the House: I have heard several comments regarding the negotiation phase and the negotiation phase is to be between the city of Portland, and I wrote down the several other entities, them, the people of the islands or the powers that be on the islands, but since those islands are a part of Portland, I have a question about who it is the city of Portland is going to negotiate with. If you take an island like Peaks Island with the number of people that are on that island represented by folks who have dual homes, perhaps in Portland and on the island, people who live only on the island, people who live out-of-state and live on the island — how do you determine who the powers to be are? I suggest that we have some serious concerns about who you were going to negotiate with to establish this special tax rate.

As to the issue of whether or not a special tax rate is established, clearly in Committee Amendment "B" on line 13 it talks about the tax rates that are established so it is specific in the bill.

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 and voting having expressed a desire for a roll call, a roll call was ordered.

Representative Jalbert of Lisbon was granted permission to address the House a third time.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say one thing. When you cut somebody's taxes, somebody else has got to pay for it. It was mentioned about veterans' exemptions — when the city or town gives a veteran an exemption, the state makes it up. They turn around in the Tree Growth it is the number they place on it for evaluation.

Remember one thing, if \$5 million or \$6 million is appropriated and you cut some of it, somebody else is going to pay for it.

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

YEA - Adams, Ahearne, Aliberti, Cloutier, Coffman, DiPietro, Dore, Driscoll, Farnum, Hogle, Johnson, Kontos, Marshall, Murphy, Nadeau, Pineau, Pinette, Plourde, Poulin, Rand, Rowe, Rydell, Simonds, Simoneau, Tardy, Taylor, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Beam, Bennett, Birney, Bowers, Bruno, Cameron, Campbell, Carleton, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Coles, Constantine, Cross, Daggett, Dexter, Donnelly, Dutremble, L.; Erwin, Farren, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heino, Hichborn, Holt, Hussey, Jacques, Jalbert, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Ruhlin, Saint Onge, Saxl, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Whitcomb, Young, Zirkilton.

ABSENT - Barth, Brennan, Caron, Cashman, Clukey, Cote, Faircloth, Farnsworth, Heeschen, Hillock, Joseph, Kutasi, Lemke, Marsh, Martin, H.; Plowman, Pouliot, Sullivan, Swazey, Tufts, Vigue.

Yes, 28; No, 102; Absent, 21; Paired, 0; Excused, 0.

28 having voted in the affirmative and 102 in the negative, with 21 absent, the Majority "Ought to Pass" Report was not accepted.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 746)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 22, 1994, at nine o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

SENATE PAPERS

Bill "An Act Relating to Pardons" (S.P. 747) (L.D. 1976)

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

Was referred to the Committee on Judiciary in concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Prohibit Electronic Video Machines" (H.P. 1252) (L.D. 1679)

Signed:

Senators: HANDY of Androscoggin
HALL of Piscataquis
CAREY of Kennebec

Representatives: DAGGETT of Augusta
GAMACHE of Lewiston
STEVENS of Sabattus
BENNETT of Norway
NASH of Camden

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-822) on same Bill.

Signed:

Representatives: BOWERS of Washington
TRUE of Fryeburg
ROBICHAUD of Caribou

Reports were read.

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

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

Representative ROBICHAUD: Mr. Speaker, Colleagues in the House: I would urge you to oppose the pending motion so we can go ahead and accept the "Ought to Pass" as amended Report.

To give you a little bit of background, this report comes out of discussions we had last year, a bill dealing with electronic video gambling machines. In that discussion, the Legal Affairs Committee reviewed something called gray machines. Gray machines are electronic video gambling machines that do not give payouts. You can play the machines and win a free replay or you can play for your personal satisfaction but there is no monetary gain, so to speak, if you were successful on those machines.

The committee in deliberating that issue, I believe, came to some agreement that the issue of gray machines was one that was not very well addressed in law so we have this bill in front of us this year. Between last year's debate and this year, the State Police has been doing some investigations on some of these gray machines. They have discovered that there are many instances where these machines may be following along in the sense that the machines themselves do not give payouts but that does not prevent some person from working outside the machine and delivering payouts; in other words, operating outside of the law.

What this bill does is it creates a uniform policy saying these machines, which are questionable as far as their affiliation with illegal activities, would be not allowed. You may possess them but if the State Police came along and found one of these machines plugged in, it would give them a better position to enforce the law because this creates a more uniform policy.

I would ask you to support this bill and to oppose the pending motion so we can go on to accept the "Ought to Pass" Report.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to have you consider voting down the "Ought Not to Pass" Report and certainly going along with the Minority Report.

It is indicative to the world today, I guess, where we have many, many things which come under the classification of illegal type activities and we have a great deal of this in our state as it relates to these particular gray machines. I think it is very important that we certainly get it under our laws and it can be done through proper licensing and giving the oversight to the State Police. It was utterly amazing to me to find the amount of money that some of the undercover work has come up with that actually is coming from these particular machines. I fully realize that there are clubs and organizations which are using these machines and are certainly using the money for the good of the people, but it is still illegal and I would like to see an opportunity for us to harness this illegal type activity and put this in proper perspective.

I urge you to defeat the "Ought Not to Pass" Report.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify some comments that were made. There are machines that are currently being operated, they are not illegal, the ones that are operating in clubs, so the essence of the bill would prohibit everything whether it is operating in clubs or not.

The problem is a question of enforcement. Illegal payoff's are illegal now, it is difficult to enforce, but it can be enforced. There are machines out there that are perfectly legal so all the machines are not illegal.

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

Representative BOWERS: Mr. Speaker, Ladies and Gentlemen of the House: The fact is that the machines are legal right now only in private clubs. The fact is that illegal gambling is taking place on these machines. The way these machines work is you rack up extra plays, you get to play again, again and again on the machines. There you are playing for several hours and you've got 120 wins — what happens is that the player goes to the bartender or some other person that is known and gets a payout and then the machine is reset down to zero replays. A number of clubs say this isn't happening, that they are being picked on, but let's be honest with ourselves. This type of gambling is an illegal activity in the state. Last year many of us supported a video gaming bill that would bring revenues to the state and would make this type of activity legal through oversight of the State Police. But you can't have proper oversight when we are contradicting ourselves, allowing these machines to be used for illegal activities and then just sort of closing our eyes.

What this bill would do is it would outlaw those machines so the State Police could enforce the laws that we have on our books.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: There is absolutely no question in my mind in hearing the testimony before the committee that there is a problem with the illegal use of legal machines in this state. There are many cases where they are used for illegal gambling purposes, but I signed onto the "Ought Not to Pass" Report because this matter needs more consideration than we can or will give it this year.

I think we need better licensing and regulations to get at the problem but we are very ill-equipped to deal with this this year. The State Police in fact have suggested some amendments to this bill which we should consider, but with the rush of legislation and all of the other activities of the legislature this year, I do believe it is better to wait until we can give those things thorough consideration before we embark on this course of outright prohibition of these machines in Maine as this bill would suggest so I encourage you to vote for the pending motion of "Ought Not to Pass" and let the next legislature deal with it in a better fashion next year.

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

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: While I do respect my colleague from Norway's opinion, I must disagree. This issue has been before us as a side issue since the debate on video gambling machines last year and it has been given a great amount of time.

I am not willing to allow illegal activity to continue without giving enforcement the proper tools to correct that illegal activity. I believe that is something that cannot wait, allowing people to operate outside the law, just because we do not wish to take a vote today. I think it is not the proper course of action. I urge you to vote against the motion.

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

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: Again I rise because of the position that I am in to cast a vote and I want to be sure that I cast a vote with clear intentions of supporting my vote.

If I vote no on this bill, does it mean that I will voting for electronic machines?

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

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: It is a difficult question because there were too many negatives in here for me to fit it together. However, if you support the motion that is on the floor, you will continue to allow the legal machines which are operating in clubs around this state. Illegal use of those machines will still be illegal and will still be enforceable, albeit difficult. What is the illegal use of machines would still be illegal. Those that are currently legal will still be legal, that is the ones that are in the clubs, so if you support the "Ought Not to Pass" Report you will be leaving the situation they way it is now. If you vote against the motion, you will be making all electronic video machines

illegal, even those that are currently operating in the clubs.

Representative Simoneau of Thomaston requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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: A roll call has been ordered. The pending question before the House is the motion of Representative Daggett of Augusta 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. 253

YEA - Ahearne, Aliberti, Beam, Bennett, Bruno, Cameron, Caron, Carr, Carroll, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Cote, Cross, Daggett, DiPietro, Driscoll, Dutremble, L.; Erwin, Farnum, Fitzpatrick, Gamache, Gean, Greenlaw, Hale, Hatch, Hichborn, Hogle, Holt, Jacques, Jalbert, Johnson, Kerr, Ketterer, Kontos, Larrivee, Libby Jack, Libby James, Lipman, Marshall, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, O'Gara, Ott, Paradis, P.; Pendleton, Pinette, Plourde, Poulin, Rand, Reed, W.; Ricker, Rotondi, Ruhlin, Saint Onge, Simoneau, Skoglund, Small, Stevens, A.; Stevens, K.; Sullivan, Tardy, Taylor, Thompson, Townsend, G.; Wentworth, Young, Zirkilton.

NAY - Adams, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Birney, Bowers, Campbell, Carleton, Constantine, Dexter, Donnelly, Dore, Farnsworth, Farren, Foss, Gray, Heeschen, Heino, Hussey, Joy, Kilkelly, Kneeland, Lemont, Lindahl, Look, Lord, MacBride, Murphy, Nickerson, Norton, Oliver, Pendexter, Pfeiffer, Reed, G.; Richardson, Robichaud, Rowe, Rydell, Saxl, Simonds, Spear, Strout, Townsend, E.; Townsend, L.; Tracy, Treat, True, Tufts, Walker, Whitcomb, Winn.

ABSENT - Barth, Brennan, Cashman, Clukey, Coles, Faircloth, Gould, R. A.; Hillock, Joseph, Kutasi, Lemke, Marsh, Martin, H.; Martin, J.; Pineau, Plowman, Pouliot, Swazey, Vigue, The Speaker.

Yes, 78; No, 53; Absent, 20; Paired, 0; Excused, 0.

78 having voted in the affirmative and 53 in the negative, with 20 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 item appeared on the Consent Calendar for the First Day:

(H.P. 1401) (L.D. 1910) Bill "An Act to Amend the Laws Governing Refuse Disposal Districts" Committee on Energy & Natural Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, March 22, 1994 under the listing of Second Day.

ENACTORS

Emergency Measure

An Act Relating to the Ground Water Oil Clean-up Fund (H.P. 1283) (L.D. 1731) (C. "A" H-777)

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. 113 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.

An Act to Maintain Confidentiality of Certain Information Received by Licensing Boards and Commissions (S.P. 602) (L.D. 1700) (C. "A" S-424)

An Act to Establish Retirement Equity for Full-time Adult Education Teachers (H.P. 1280) (L.D. 1728) (C. "A" H-782)

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

SENATE PAPERS

Divided Report

Majority Report of the Committee on **Labor** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-438) on Bill "An Act to Ensure Continued Federal Support for Unemployed Workers during Periods of High Unemployment" (EMERGENCY) (S.P. 625) (L.D. 1744)

Signed:

Senators: HANDY of Androscoggin
LUTHER of Oxford

Representatives: RUHLIN of Brewer
CHASE of China
CLEMENT of Clinton
SULLIVAN of Bangor
COFFMAN of Old Town
AIKMAN of Poland
CARR of Sanford
LIBBY of Buxton
LINDAHL of Northport
ST. ONGE of Greene

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (S-439) on same Bill.

Signed:

Senator: BEGLEY of Lincoln

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-438) as amended by Senate Amendment "B" (S-446) thereto.

Reports were read.

On motion of Representative RUHLIN of Brewer, the House accepted the Majority **"Ought to Pass"** Report. The Bill read once. Committee Amendment "A" (S-438) was read by the Clerk.

Senate Amendment "B" (S-446) to Committee Amendment "A" (S-438) was read by the Clerk and adopted.

Committee Amendment "A" (S-438) as amended by Senate Amendment "B" (S-446) thereto was adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-438) as amended by Senate Amendment "B" (S-446) thereto in concurrence. Ordered sent forthwith.

ENACTORS

Emergency Measure

An Act to Ensure Continued Federal Support for Unemployed Workers during Periods of High Unemployment (S.P. 625) (L.D. 1744) (S. "B" S-446 to C. "A" S-438)

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

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin. Representative MARTIN: Mr. Speaker, I would like to pose a question through the Chair to anyone who may choose to respond.

There was a Senate Amendment "B" that was adopted in the other body which appears to potentially decrease the funds for those who will be receiving unemployment benefits and I would ask someone to respond to that.

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

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would point out to the good Representative from Eagle Lake that the fiscal note, which is contained in Senate Amendment "B", is for \$81,000 which the Appropriations Committee felt could be absorbed under the existing budget of the departments of the state and does not in fact lower the amount of benefits that any individual now receives. However, it should be noted that in the agreement for the overall bill itself, there is an extension on the cap on benefits of \$6.00 per week. That is a cap that we put on a year ago during what

we called "the bailout bill" for the fund and that cap was put on at that time capping benefits in the state, I believe, at \$192 or \$198 per week, it is one of those two figures, to pay for this proposed program. This program is going to cost \$10 million for the 13 weeks. \$5 million will be funded from the federal government as a pass-through to the fund and \$2.5 million will be done by extending that \$6.00 a week cap into the future. I believe the bill has it in as October the 28th of 1995. The other \$2.5 million will come from the fund. The Unemployment Insurance Fund now has a \$50 million balance.

We are going to have to on a long-term basis address the problems of the fund but I think that is a problem that will be addressed in the 117th Legislature. This will handle the problem for the time being and prevent these people who need, due to Maine's high rate of unemployment, these unemployment benefits desperately, will keep them from going on the welfare rolls and transferring that cost to the communities.

I hope this explains fully to the good Representative from Eagle Lake.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 118 voted in the affirmative and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

On motion of Representative YOUNG of Limestone, adjourned at 12:30 p.m., pursuant to Joint Order (S.P. 746).