

# 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  
28th Legislative Day  
Friday, March 25, 1994

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

Prayer by Reverend James L. Lufkin, Village Baptist Church, Kennebunkport.

The Journal of yesterday was read and approved.

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At this point, a message came from the Senate, borne by Senator ESTY of that Body, proposing a Joint Convention of both Branches to be held in the Hall of the House at 12:45 in the afternoon for the purpose of extending to the Honorable Edmund S. Muskie an invitation to attend the Joint Convention and to make such communication as pleases him.

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Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 12:45 in the afternoon and the Speaker appointed Representative JACQUES of Waterville to convey this message to the Senate.

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 24, 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 the following:

Upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife:

Gary F. Cobb of North New Portland for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Carroll T. Cutting of East Sebago for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

Stanley D. Milton of Andover for appointment to the Inland Fisheries and Wildlife Advisory

Council. Stanley D. Milton is replacing Alanson Noble.

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 24, 1994

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

Dear Clerk Mayo:

Please be advised that the Senate today adhered to its former action whereby it Indefinitely Postponed Bill and accompanying papers "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution" (H.P. 724)(L.D. 983).

Sincerely,

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

Was read and ordered placed on file.

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**Ought to Pass as Amended**

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-502) on Bill "An Act to Promote Managed Care and to Otherwise Facilitate the Cost-effective Delivery of Health Care in the State" (S.P. 560) (L.D. 1596)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-502) as amended by Senate Amendment "A" (S-517) thereto.

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-502) was read by the Assistant Clerk. Senate Amendment "A" (S-517) to Committee Amendment "A" (S-502) was read by the Assistant Clerk and adopted.

Committee Amendment "A" (S-502) as amended by Senate Amendment "A" (S-517) thereto was adopted and the Bill assigned for second reading later in today's session.

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**Divided Report**

Majority Report of the Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-505) on Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services" (S.P. 356) (L.D. 1070)

Signed:

Senators: McCORMICK of Kennebec  
CAREY of Kennebec

Representatives: PINEAU of Jay  
TRACY of Rome  
ERWIN of Rumford  
JOSEPH of Waterville  
TOWNSEND of Canaan  
HALE of Sanford

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

Signed:

Senator: KIEFFER of Aroostook

Representatives: CARLETON of Wells  
KUTASI of Bridgton  
CAMPBELL of Holden  
RAND of Portland

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-505).

Reports were read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority **"Ought to Pass"** Report and later today assigned.

Subsequently, Representative JACQUES of Waterville reported that he had delivered the message with which he was charged.

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**Divided Report**

Majority Report of the Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-504) on Bill "An Act to Ensure Quality Psychological Services" (S.P. 580) (L.D. 1624)

Signed:

Senator: McCORMICK of Kennebec

Representatives: HALE of Sanford  
TRACY of Rome  
ERWIN of Rumford  
TOWNSEND of Canaan  
JOSEPH of Waterville

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

Signed:

Senator: KIEFFER of Aroostook

Representatives: PINEAU of Jay  
CARLETON of Wells  
CAMPBELL of Holden

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-504).

Reports were read.

Representative TRACY of Rome moved that the House accept the Majority **"Ought to Pass"** Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority **"Ought to Pass"** Report and later today assigned.

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**Divided Report**

Majority Report of the Committee on **Aging, Retirement and Veterans** reporting **"Ought Not to Pass"** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Schedule for Paying Off the Unfunded Liability of the Maine State Retirement System (S.P. 607) (L.D. 1705)

Signed:

Senators: TITCOMB of Cumberland  
WEBSTER of Franklin

Representatives: JALBERT of Lisbon  
CATHCART of Orono  
WENTWORTH of Kennebunkport  
VIGUE of Winslow  
BARTH of Bethel  
CLUKEY of Houlton  
JOY of Island Falls  
BIRNEY of Paris  
TUFTS of Stockton Springs

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-520) on same RESOLUTION.

Signed:

Senator: McCORMICK of Kennebec

Representative: HATCH of Skowhegan

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

Reports were read.

On motion of Representative JALBERT of Lisbon, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on **Banking and Insurance** reporting **"Ought Not to Pass"** on Bill "An Act to Require Disclosure of Minimum Bid Requirements at Mortgage Foreclosure Sales" (S.P. 567) (L.D. 1602)

Signed:

Senator: McCORMICK of Kennebec

Representatives: PINEAU of Jay  
TRACY of Rome  
HALE of Sanford  
CARLETON of Wells  
RAND of Portland  
TOWNSEND of Canaan  
ERWIN of Rumford

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-486) on same Bill.

Signed:

Senator: KIEFFER of Aroostook

Representative: JOSEPH of Waterville

Representative CAMPBELL of Holden - of the House - abstaining.

Came from the Senate with the Minority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-486).

Reports were read.

Representative PINEAU of Jay moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

**Divided Report**

Majority Report of the Committee on **Agriculture** reporting **"Ought Not to Pass"** on Bill "An Act to Require Labeling on Genetically Engineered Food" (S.P. 713) (L.D. 1928)

Signed:

Senators: PARADIS of Aroostook  
MARDEN of Kennebec

Representatives: TARDY of Palmyra  
ALIBERTI of Lewiston  
HUSSEY of Milo  
AHEARNE of Madawaska  
STROUT of Corinth  
SPEAR of Nobleboro  
NASH of Camden  
CROSS of Dover-Foxcroft  
KNEELAND of Easton

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-480) on same Bill.

Signed:

Senator: PINGREE of Knox

Representative: HEESCHEN of Wilton

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

Reports were read.

Representative TARDY of Palmyra moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: I urge this body to reject the Majority **"Ought Not to Pass"** Report so that we may go on to accept the Minority Report.

I would like to outline for you why we should be addressing this issue now rather than turning our backs on it. It has been said that it is premature to get involved in this issue with labeling genetically engineered products, but if we do nothing in this legislature, anything we do henceforward in the next legislature, will be after the fact.

At this moment, there are no officially genetically engineered food products on the market. There will be this year.

There are potential benefits to genetic engineering, but I want to discuss with you how this technology differs somewhat from customary traditional cross-breeding and so forth.

What genetic engineering involves is a very sophisticated means of taking individual genes from different — the potential is there to take genes from completely different species and put them in other species. Traditional cross-breeding — just for example, I am going to site some information from a book recently put out by the Union of Concerned Scientists called *Perils Amidst a Promise*. It deals with ecological risks of transgenic crops in a global market.

Traditional cross-breeding, for example, if the breeder is interested in producing a yellow tomato, he is going to need to find a yellow trait in a plant that will breed with the tomato by natural mechanisms. That is only closely related species. Unrelated plants like oak trees or melons could not breed with tomatoes and couldn't contribute new genes. In genetic engineering, however, you can consider any organism, a daffodil or butterfly as a source of the yellow trait. If that gene can be identified and isolated, it can then be introduced into the tomato. Thus the transgenic crops can contain combinations of genes and traits that neither nature nor traditional breeding could produce. It is a completely new class of plants and one that we frankly know very little about. There may be no risk whatsoever, but we simply do not know.

When we had the hearing on the bill it was said that we don't have anything to be concerned about because the FDA and federal regulation will take care of all this, they are addressing these issues — I would submit to you that that is not the case. There is an article in a recent *Maine Law Review* by a

current or former member of the Maine Commission on Biotechnology and this particular member, Christine Vito, was an industry member of that commission. Her essential conclusions in the law review article was that the federal legal framework was totally inadequate for addressing the issues surrounding biotechnology, that no current laws adequately addressed this. She noted that the previous administrations, the Reagan and Bush administrations, were convinced that all these issues could be handled within the structure of the existing law. She also points out that when you get beyond the broad framework, the specific laws are even less adequate to address these issues and that is, again, because they have been considering this just the same as traditional cross-breeding.

There was a handout yesterday that explained some of the facts about genetic engineering and it also provided a list that came from the Union of Concerned Scientists Report of current research going on and noting that for instance there is research with potatoes utilizing chicken genes. Again, the purposes for which this engineering is done is laudable to an extent because they are looking to increase disease resistance, perhaps herbicide tolerance, insect resistance and maybe even better tasting crops, although it is hard to believe that things could be better tasting than a lot of things we already have. But, they are also looking at what happens when you put a moth gene in, a virus gene in a potato, a bacteria gene. With corn, they are looking at transferring a gene from a firefly. Also from bacteria, there is tomato research going on that is using flounder genes to reduce freezing damage in the tomatoes. Anyway, there is a whole range of different things.

Again, these crosses — they are not crosses, they are completely different species. You could not in any kind of traditional breeding create these genes nor is this the same as mutation, either induced mutations or natural mutations, because generally through mutations and evolution, things change one gene at a time. The gene is generally, since it is in a single species, is closely related. We are getting into an area where genetic engineering draws on a large pool of new genes and it can add more genes with harmful potential than traditional breeding. There is a very complex and hard to predict interactions between the new genes, the crops, and the environment. The greater the variety of genes that can be introduced, the greater likelihood of something happening.

The Union of Concerned Scientists also feel that organisms with the new gene combinations may be less predictable in their traits and behaviors than those produced by traditional breeding.

A lot of the discussion in the hearing went around, why should people even want to know this, the FDA says it is safe, therefore why should people even be concerned? It was alleged that labeling these products would unnecessarily alarm the public. Further, it would falsely imply that there was something wrong with the product.

Again, I do not know what the risks really are, I don't think anybody really does.

I would like to quote from an article in Whole Earth Review by Simson Garfinkle who actually is quoting someone else, someone from the Center of Scientific Information in San Francisco and an author of three books on biotechnology. "If you look at any

new technology, the risks that will probably come back to haunt us are ones that nobody knows about right now and that trying to understand biotechnology through eyes trained to look at conventional chemistry and chemical pesticides doesn't work. The world of genetically engineered plants has its own benefits and dangers that remain to be discovered."

People might not wish to consume food that is genetically engineered for any number of reasons. Among them may be personal beliefs, religious beliefs, deeply held moral beliefs or concerns about the health effects of the food. There is a concern about new allergens. Right now, the judgment of whether something may be an allergen is based on whether the originating source of one of the genes has allergenic properties. But, since we are creating completely new DNA, we could be creating something that could be allergenic that we have no idea that it is that way.

Again, when we look at personal beliefs, if someone is a vegetarian, if they feel they are a very strict vegetarian, they may not wish to consume any animal product and yet a plant with an animal gene in it they may consider that that is an animal product to some extent and not wish to partake of that.

There are religious groups who do not eat particular types of food. And, if they were unaware of this and I asked a number of people, well, do you feel that people who have these beliefs have any right to know what it is that they are consuming in order to make a choice? They essentially beat around the bush with it — and to get back to the thing — well it would unnecessarily alarm them, the FDA has proved it safe, we should only look at the end product, we don't have to look at the process and so forth.

I would submit to you that what we have is an industry which doesn't feel confident in its product. What they are doing with the argument that labeling is unnecessary — essentially that is based on the idea that we should leave it to the experts, that everything is safe, scientists and the corporations that are developing these products have decided this is safe and I would note that it is really up to the company to report what it wants to report to the FDA. The FDA does not have any solid procedures in line to deal with this.

Anyway, we are getting into the idea that someone else is going to decide what the risks are and who takes those risks and what risks to take. Einstein urged that science rely on the people, on the public, to decide what risks are to be taken rather than the public relying on scientists to know what risks they should take. I think this gets into the whole question of comparative risk. Recently, we got one of these NCSL Legibrief sheets that dealt with comparative risks and I have come across this in a number of other places where they deal with a spectrum of risk from controllable to uncontrollable and controllable might also be likened to voluntary, uncontrollable might also be likened to involuntary and then also a range observable to not observable. It seems to me that companies want to keep these risks in the realm of uncontrollable or involuntary and not observable by the public. Now, what that means is there will be, I think, a greater reaction to this, a greater adverse reaction to this than there would be if they were up-front because, once you get something in the position of it being a voluntary risk, a lot of research has indicated

people are more willing to take those risks, they feel either that they know that they are taking those risks — for instance, driving a car is said to be very risky and indeed it is, but people do it all the time. It is those very risks that people aren't sure about, they don't know about, that they are most concerned about. I think if companies appear to be hiding a fact and suspicion is a natural reaction.

Another reason that someone might want to know what is genetically engineered and not is sort of a policy issue to let the marketplace work and decide what kind of food system we really want to support.

These products don't stand alone. They really are part of the move by large multi-national manufacturers to achieve greater control over the entire food system. For instance, some of the products that are being engineered to be pesticide resistant are being engineered to be resistant to a fairly specific pesticides which happens to be those that that company is also manufacturing, so you end up in somewhat of a dependent relationship there where you need to buy the whole package in order to have a good food system. Also, these products will be patented so that there is a limited range of suppliers for these.

There is already a lot of concern over the increasing patenting of hybrid seeds. The seed from plants grown with hybrid seeds cannot be used for the same seed. So, those patented seeds become more and more under the control of large seed houses, reducing the diversity of seeds.

Someone may wish instead to choose to support farmers trying to be responsible on decentralized local agriculture production rather than manufacturers in multi-national conglomerates.

I think that it is possible to develop positive genetically engineered products that could stand on their own versus genetic engineering for genetic engineering sake. I think the way to do that is to enable people to make the choices clearly and people can't make choices unless they have got information.

What we are doing is asking people to be honest about what they are doing because in a democracy I think we all believe that people have the right to information and if we are relying on government agencies or large corporations solely to control the information and disseminate it when they choose to, we are essentially saying we don't trust individual citizens.

There is a recurring theme as we deal with things like our budget crisis and welfare reform and other kinds of social issues that we are asking people to take personal responsibility for their actions in all areas of life. In order to do that, you do need information. Corporations go under the legal guise of persons and I think it is only right to ask corporations to also be responsible for their actions. I think with actions come responsibilities and those responsibilities include being up-front with the public.

To summarize, genetic engineering has promise, it also has a lot of unanswered questions. I think that we need to bring this out in the public so that the public will know what it is and can make decisions based on full information. I don't believe it is at all proper to just leave it as a voluntary kind of thing because it will just be sort of a public relations kind of pitch which frankly I would think that these companies, who are putting millions and millions and millions and millions of dollars into

this research, if they felt really confident in their product, could sell it to us.

I want to note that a recent national poll conducted by the University of North Carolina researchers, and these researchers were actually favorable to the biotechnology industry — found that 85 percent of the public want genetically engineered food to be labeled.

Great Britain and the European Parliament have passed labeling laws similar to that which I wish we could do here in Maine. Genetic engineering is not, as the food processors say, simply another method that can be used to improve foods and food ingredients, the labeling changes need only focus on product changes and not the process that directed those improvements — well, they maintain the food is no different in the end so there wouldn't be any labeling there and they are saying that the process shouldn't matter and I think that is a classic example of "an end justifies the means" argument. This really is not another "simply" — genetically engineered food is radically different from what we have become accustomed to.

I would again urge you to defeat the pending motion so that we might go on to accept the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: Briefly, the one thing that I learned this morning is that you feel a lot better about your food if you are not reading a lot while you are eating it.

This was a nearly unanimous "Ought Not to Pass" Report for a couple of reasons, the definition of genetically engineered food products was overly broad and still is overly broad in the Minority proposal.

Basically, there is only one product that is anywhere near coming onto the market and that is a so-called Flavr-savr tomato that was developed to have a longer shelf life. Because the people who developed that product want to get a return on their investment, you can be well assured you will be able to identify that product on the marketplace because it is going to be well labeled and trademarked and you will know what it is.

The other product probably closer to home that is anywhere near being released is a potato that is being developed. There's some work being done right here in the State of Maine for a potato that is resistant to hollow heart and, once you get beyond the seed source with the potato, especially a round white potato, which this will be, it is almost impossible to keep that product differentiated from the potato farm to the packing shed to the bag to the consumer. If it was possible, then you would go to the supermarket now and be able to buy a bag that said Katahdin, Atlantic or Superior or any one of the other 45 or 50 varieties commonly grown in the State of Maine. The only way you are going to be able to tell the difference from one round white to the other is do laboratory testing.

Representative Heesch quoted extensively from a book that he started out to describe as talking about the economic risks of transgenic crops in a global market. The only word I really understood was economic. You were talking about economic risk, not human health risk.

It might be some time in the future before there is a genetically engineered product that is so particularly onerous that it needs to be labeled.

Obviously, we dealt with the BST issue and we will continue to deal with products that we feel are particularly onerous. But, what the proponents of genetic labeling are doing, pure and simple, is they are trying to pinstripe their pickup trucks with a four inch paint brush.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: I don't want to prolong the discussion but I have a question because my curiosity has been peaked.

I would like to ask the first speaker if he would answer one question. If you cross genes from a tomato with a pumpkin, do you get a result that is a hybrid that will not perpetuate itself or do you get a result that will be able to transmit all the characteristics as a new combination of genes?

The SPEAKER: Representative Hichborn of LaGrange has posed a question through the Chair to Representative Heeschchen of Wilton who may respond if he so desires.

The Chair recognizes that Representative.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: The fact is that these new transgenic species or crops will pass on the full complement of genes with the characteristics that are bred into them — not bred into them but are inserted into them. Some of these products are taking a gene out of the string of DNA and turning it around so that it acts differently in the new crop and this will be passed on in the altered form.

While I am on my feet, I would like to just respond briefly to one of the things that Representative Tardy said. He said that I was saying it was economic risk — the fact is that this is the ecological risk of transgenic crops in a global market that we are dealing with, not the economic risks.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: As you probably know, I have a great interest in public health, I believe in progress. I also think that it is quite possible that a rounder, firmer piece of fruit that can age longer and be kept on the shelf for a longer time may not necessarily feed a human being in a way that is both nutritious and safe. There are many things that we have done that we don't understand the long-term results of particularly in the field of human health. Today we live in a sea of chemicals. Now we are going to live, very likely, with many, many food stuffs that are genetically engineered in ways that we have not seen before, unlike cross-breeding.

More and more, I feel we are living today in a society that says, "Well, if we can do it and it will help our rate of return on our profit levels, we should do it. If we can do it, why not do it without a long time of very careful scientific assay?"

I just went in recently to our local Shaw's Supermarket and I saw in the produce section a sign, a warning sign, and it said, "Asthmatics should understand that this produce has been treated with" I forget the chemical, maybe someone knows, I believe it is a preservative and it further said, in large

letters, "Asthmatics may suffer a severe reaction from this."

I have said in this House before that the leading cause of death in young people, particularly very young people, is asthma, a form of allergic reaction.

That hasn't panicked the public. I still see people buying vegetables there, but I am sure that the parents of asthmatic children are grateful for that sign.

For many years I have admired and worked with members of the Union of Concerned Scientists, they are a very conservative and a very caring group. They are not government connected, they are completely volunteer and they do great work in the scientific research. They believe people should know more than they do about these genetically engineered foods that are about to come on the market. One of the things that they worry about is that allergens from a donor plant or animal may be transferred to an engineered plant or animal with serious consequences to allergic individuals. There is a growing rate of allergy asthma and chemical sensitivity, that is a big new word in this country, a big new phrase to do with public health, that is multiple chemical sensitivities — are we going to start a whole new area of human ill health? We don't know, there may be some very good end results to this genetic engineering of foods.

What I cannot understand is why our committee of jurisdiction feels that we do not have the right to know and the reason for that is that they think it will panic the public. I think that is a very poor reason and I speak to you as a former public health nurse. I have seen for myself, over and over, that things we have done that we thought were safe have ended up killing our people, not just making them sick, and blinding newborn babies. You are all aware of many of the things that we thought were safe that we have found later certainly were not safe.

I urge you to think about Maine being one of those places that wants people to make informed choices. It isn't just rarely that we vote against a Majority "Ought Not to Pass" Report. I hope that we will vote against this one.

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

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I agree with a lot of the good words that the Representative from Palmyra, Representative Tardy, said previously. I would just like to add a few words to that.

I was one of the cosponsors of this bill but at the hearing and finding out all the problems with this, I am going to urge you to support the Majority "Ought Not to Pass" Report. One of the reasons why is, if it was a clear-cut product out there, it might be okay to label and give the public a choice, but the problem we ran into is that a lot of things are comingled. We have a lot of products right now that have parts of it that are biogenetically engineered such as beer, wine, soft drinks, bread, cheese, sausage and many others. Many foods that are processed today have enzymes in them that have been genetically engineered and one of them is nutrisweet.

I will give a good example. It was mentioned earlier there is going to be a tomato, a Flavr-Savr tomato coming out that has been biogenetically engineered that is going to lengthen the term of the taste of that tomato. What if you take that tomato and cut it up and put it on the topping of a pizza?



Where do you tell everybody that there is some of that food in what you are eating and what you aren't?

It has been mentioned about potatoes, there is a lot of good things happening with potatoes in the biogenetically engineered field. There is going to be a lot of disease resistant hybrids developed and I have seen some of these that will resist the Colorado beetle. That is going to be a tremendous asset for the potato industry. When we start using that, we will also be able to use a lot less pesticides which in the end, I believe, would be a lot more healthier for the general public. I actually think it will be a very economical product to use in the future.

So, taking all these into consideration, as I said, try and label processed food that does have parts of some biogenetically engineered food in them is going to be a tremendous cost to the public in the long run. Because of all of these difficult situations I, once again, would urge you to accept the Majority "Ought Not to Pass" Report.

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

Representative BEAM: Mr. Speaker, Colleagues of the House: I have allergies and I can't eat in restaurants because I don't know what they are putting into the food. Up until today, I could trust food in the grocery stores. The thought of genetically engineered food in the grocery store scares me. I am so scared that I will buy a tomato that will kill me because the allergic reaction that I get is swelling of the throat and asthma. I have to know what I am buying and, up until today, I knew. If we put these products on the market, I won't know what I am buying in the grocery store and I won't even be able to trust that. I guess I would have to start shopping at an organic store that sells only organically produced products and that is probably a good idea but it is a big inconvenience. We try to grow our own organic products at home.

I think we should be able to know what we are buying in a grocery store.

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

Representative ALIBERTI: Mr. Speaker, Colleagues of the House: I evaluated my position on this bill quite carefully. I evaluated where the Commissioner of Agriculture was coming from, what their concerns were, but tied indirectly to the title of this bill was a position in posturing of the Agriculture Department in favor of biotechnology, biotechnology, which is very, very difficult to explain and to get support on unilaterally.

The good Representative Spear mentioned about the potato. In 1992, I had the privilege with a member of the other body from northern Maine to visit New Brunswick at the invitation of the potato industry and I saw the development in patches of potato plants, experimental potato plants, which addressed the resistance to the potato beetle. They had a patch that was altered with the pesticides, they had a patch that was changed through the development of a new potato seed that was resistant to the potato bug or the potato beetle and then they had a patch that nothing was done and you could not tell the difference of any one of these different patches.

Now, why am I bringing this up to you at this time? I would like to know how you would label this genetically altered potato, indirectly, through development of a seed when it is marketed? Are you going to say that this potato is beetle free? What

way could you address the requirements that are inserted in this particular legislation?

I feel very comfortable in the progress that has taken place in the development of a potato that is resistant to the beetle. The only adverse thing about this was, if the beetle is not attacking the potato plant, where is it going to go? That was a concern. Would that encourage the beetle to go somewhere else? I don't know at this date whether I can give you an answer whether the beetle took a path and got a ticket to some other area of plants in the area of northern Maine, I don't know that.

It isn't a simple issue, it is complex. I respect the position of my colleague and seatmate but she is still here with us. I am sure she has been able to address some of the shortfalls, not easily and I almost can assure you she will continue to be with us for a long time.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: I have been reminded that genetically engineered food products do have to meet the same safety standards regarding toxicity and allergens and so forth that other foods do. If there are any allergenic properties in that food, they are required to be labeled as to that, for those of you who are concerned about allergies.

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

Representative COFFMAN: Mr. Speaker, Colleagues of the House: I appreciate Representative Beam getting up and speaking on the subject matter the way she did.

A lot of people know this but for any of you who don't, I am a vegetarian, I don't eat any meat products, although I do eat cheese. On the occasions that I can't get to the health food store to buy cheese made with vegetarian enzyme, I am stuck. I have got kids, we go for pizza and something, I am stuck buying pizza or cheese products in a regular place, a regular market which it is made with enzyme that comes from the intestines of a calf. That bothers me, I think about it every time I eat cheese like that. I look at that as keeping me grounded and keeping me aware of what people go through in trying to protect their food source. It is too bad when we have to worry about our food that we eat, it is totally unnecessary. There was a time in this world when we didn't have to worry about our food, we just ate it and it took care of us.

I am not a fanatical vegetarian, as a matter of fact there aren't many vegetarians — I mean it is not a cause that I want to push out there, that is what I do, that is my choice and that is it. But, when I think of these genetically engineered products, these vegetable matter and fruit matter that could be put together with animal genes are going to be in the grocery store where I buy my produce, I am shocked. I cannot and will not eat that. I feel that I should know if that is done to any produce in the grocery store so that I can have a choice of bypassing that and going for the other produce. I think that is what this bill is addressing, that the public should be informed, that we should know what we are eating, especially when you are combining genes of animal matter and vegetable matter. I think it is very crucial. I think when we cross that line and combine both genes,

it is very scary and frightening to me to think that there won't be labels on a product such as that.

That's all, I will pass for now.

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

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

Going back to the issue of allergies, there was a comment made that any item that would have any allergenic properties would have to be labeled — I have a list here of potential sources. For example, in rice, it said beans and peas would be the source for the DNA. If I am allergic to beans and don't know that, then I could have an allergic reaction. However, beans are not something that maybe everyone would think of as something that would cause an allergy. So, I would like some clarification on how the determination is going to be made that something may cause an allergy?

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

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: As far as I can tell, the only products that are raising red flags or will raise red flags with regard to allergies or allergenic potential are those that come from known allergenic sources such as peanuts (there are some others). We do not know how those genes will actually act in the new products, the new species. They may be totally non-allergenic in that situation. Part of the concern is that in creating a new species with new combinations of genes, we may create allergenic potential where we would not understand it, not at all expect it.

I would like to respond while I am on my feet to a few of the other comments that we just had.

First, when the vote is taken, I request a roll call.

If good things are happening, they will happen, but let's be up-front about it. Labeling is not going to halt research. I think labeling could calm fears of the public so that they know what they are doing and they can make that choice on their own.

Representative Aliberti commented that he very carefully evaluated the Commissioner of Agriculture's outlook and the department's outlook on this. It seems to me that the department has been leaning way too much toward the industrial farming, the multi-national corporation kind of top down complex of agriculture rather than more regionally appropriate low input types of agriculture that we in fact could benefit from because we don't happen to have large chemical companies in our state that would profit from all the chemicals that would be sold.

I also want to go back to the issue — it was said that I referenced economic risk and I pointed out that I was talking about ecological risk and I want to give one example of that. It was noted here earlier that there are potatoes that are being bred or engineered so that they will have in the plants resistance to the Colorado potato beetle through implantation of genes from the bacillus thuringensis. Now, the bacillus thuringensis is a bacterial spray that is actually one of the more benign pesticide types. In fact, even many formulations of it are approved for use in a lot of

organic gardening kind of guidelines. One of the advantages of this is that insects haven't developed resistance to it. You can use it when you need it and choose that. Once you put this gene, this BT in the plant, it is there all the time. We know from decades of experiments with insect evolution that they evolve very quickly. All it takes is a consistent environmental factor and they react to it. They become resistant to pesticides very quickly if they are over used. If something is going to be in all the plants all the time, there is some concern that this could happen, that in fact BT will no longer be useful whether it is in the plant or as an applied pesticide so then we need to develop something of a stronger type. So, that is one of the concerns.

Other concerns are that traditional breeding hybridization and even kind of cross-breeding has developed plants that need more care to succeed, therefore, they don't generally escape and become weeds. What we are doing to some extent with genetic engineering is creating much stronger plants which have a potential unknown, that potential nonetheless of becoming very serious weeds in competing with other crops.

I hadn't originally intended to address any specifics of the bill because that part is not before us. However, since two previous speakers did allude to sections of the bill, I feel compelled to respond to them.

Representative Tardy commented that the definitions were too broad and it was going to cover so many foods already in existence — I think that that belief is a false belief. I think it was fostered by relentless and persistent and egregious misreading and misinterpretation of the definition proposed but constant repetition sort of breeds in some element of truth even if it doesn't exist.

I have a letter from Sharon Tisher and Laura Merrick who are respectively Attorney and Adjunct Professor of Environmental Law at the University of Maine and a Crop Geneticist and Research Assistant Professor in the University of Maine Sustainable Agriculture Program. They reviewed the definition, they looked at the claims of the industry that everything was included and the industry was claiming that even hybridization was included when it is clear that it is not. They concluded that this definition sets out to do precisely what it set out to do, to distinguish new technologies from what we have done so far.

There is no product currently on the market that meets this definition. The Flavr-Savr tomato is expected to be the first one. They are using a bacterial genetic material so that it stays on the vine longer without overripening and will remain fresh on the shelf a lot longer.

The cheese that has been alluded to — enzymes is an extraction process and should we overcome this "Ought Not to Pass" Report and go on, I can explain how the amended version of the bill very clearly excludes these extraction processes from the requirement of labeling.

There is no beer currently sold in the United States, according to Merrick and Tishler, that would fall under this. There is some beer in England that is using genetically engineered yeast.

With response to Representative Tardy's comment that it would just be too hard for us to keep track of these products once we put them out here, I say

that new technology requires a new response but in any case we don't have to deal with a new response because, if they are losing track of where things go, it is deliberate.

We already have requirements for labeling of country origin and post-harvest, again for the consumers protection so that they may know whether something has been treated with a post-harvest spray or not and may choose whether or not to buy something from a country that uses pesticides that we ban here.

So, the kind of tracking or labeling or separation here is nothing different from what has already been happening. You can go in the stores now and see it, it doesn't require separate coolers for the different country's produce or something that is treated with post-harvest spray.

I think the lasting impression that I had from this hearing and a couple of other hearings dealing with related issues is what I sense as the contempt of the industry for the individual who might be seriously and fundamentally concerned about what they are consuming. They are saying that we know this is safe, the federal government says it is safe (of course it is the company that decides whether what they are doing triggers any of the safeguard mechanisms and the reporting requirements). Therefore, you shouldn't worry about it, you should just help progress along and consume and everybody will be happy. I think there are a lot of different issues here, a lot of different questions, a lot of different reasons why we should know what we are eating and have the choice of deciding what to eat.

Once again, I had requested a roll call and I urge you to defeat the pending motion.

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: The pending question before the House is the motion of Representative Tardy of Palmyra 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. 276

YEA - Ahearne, Aikman, Aliberti, Anderson, Ault, Barth, Bennett, Birney, Bruno, Cameron, Carleton, Caron, Carr, Carroll, Cashman, Chonko, Clukey, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Gean, Greenlaw, Hatch, Heino, Hichborn, Hogle, Hussey, Jalbert, Joy, Kerr, Ketterer, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Lord, MacBride, Marsh, Melendy, Michaud, Morrison, Nadeau, Nash, Nickerson, Norton, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Rowe, Ruhlin, Saint Onge, Simoneau, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, Townsend, G.; Tufts, Vigue, Walker, Whitcomb, Zirkilton, The Speaker.

NAY - Adams, Beam, Bowers, Brennan, Chase, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Daggett, Faircloth, Fitzpatrick, Gamache, Gould, R. A.; Gray, Hale, Heeschen, Holt, Jacques, Johnson,

Joseph, Kilkelly, Larrivee, Lemke, Look, Marshall, Martin, J.; Mitchell, J.; Murphy, Oliver, Pfeiffer, Pinette, Poulin, Rand, Richardson, Rotondi, Rydell, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, True, Wentworth, Winn.

ABSENT - Bailey, H.; Bailey, R.; Campbell, Cathcart, Farnsworth, Farren, Foss, Hillock, Kontos, Kutasi, Martin, H.; Michael, Mitchell, E.; O'Gara, Saxl, Young.

Yes, 84; No, 51; Absent, 16; Paired, 0; Excused, 0. 84 having voted in the affirmative and 51 in the negative, with 16 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

**Divided Report**

Majority Report of the Committee on Utilities reporting "Ought to Pass" as amended Committee Amendment "A" (S-492) on Bill "An Act to Establish an Alternative Form of Telecommunications Regulation in the State" (S.P. 726) (L.D. 1947) (Governor's Bill)

Signed:

Senators: VOSE of Washington  
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 Not to Pass" on same Bill.

Signed:

Representative: COFFMAN of Old Town

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-492).

Reports were read.

On motion of Representative CLARK of Millinocket, the Majority "Ought to Pass" Report was accepted.

The Bill read once. Committee Amendment "A" (S-492) was read by the Assistant Clerk and adopted. The Bill was assigned for second reading later in today's session.

**Divided Report**

Majority Report of the Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-445) on Bill "An Act to Enhance the Effectiveness of the Office of the Public Advocate" (S.P. 693) (L.D. 1879)

Signed:

Senators: CARPENTER of York  
VOSE of Washington  
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  
TAYLOR of Cumberland

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

Signed:

Representatives: AIKMAN of Poland  
COFFMAN of Old Town

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-445) and Senate Amendment "A"  
(S-514).

Reports were read.

Representative Clark of Millinocket moved that the  
House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the  
Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and  
Gentlemen of the House: I am on the "Ought Not to  
Pass" Report and I am willing to accept the "Ought to  
Pass" Report with the amendment that has been put on  
it from the other body.

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

The Bill read once. Committee Amendment "A"  
(S-445) was read by the Assistant Clerk and adopted.  
Senate Amendment "A" (S-514) was read by the  
Assistant Clerk and adopted. The Bill was assigned  
for second reading later in today's session.

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**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Governing  
Protective Custody" (S.P. 240) (L.D. 733) which was  
passed to be engrossed as amended by Committee  
Amendment "A" (S-469) as amended by House Amendment  
"A" (H-873) thereto in the House on March 23, 1994.

Came from the Senate with that Body having  
insisted on its former action whereby the Bill was  
passed to be engrossed as amended by Committee  
Amendment "A" (S-469) in non-concurrence.

On motion of Representative LARRIVEE of Gorham,  
the House voted to Recede and Concur.

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**COMMUNICATIONS**

The following Communication: (H.P. 1458)

Bureau of Corporations, Elections, and Commissions  
Department of the Secretary of State

State House Station #101  
Augusta, Maine 04333

March 17, 1994

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

Dear Speaker Gwadosky:

Please find enclosed a certified copy of the  
Secretary of State's certification of validity for  
the petitions circulated on behalf of initiative  
legislation entitled, "AN ACT to Impose Term  
Limitations on Maine's Representatives to the United  
States House of Representatives and the United States  
Senate." The original certification has been  
delivered to the Clerk of the House for introduction.

Sincerely,

S/Rebecca Wyke  
Director of Corporations  
and Elections

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State of Maine  
Department of State

I, the Secretary of State of Maine, certify that  
written petitions bearing the signatures of 54,515  
electors of this State were addressed to the  
Legislature of the State of Maine and were filed in  
the office of the Secretary of State on January 31,  
1994, requesting that the Legislature consider an act  
entitled "AN ACT to Impose Term Limitations on  
Maine's Representatives to the United States House of  
Representatives and the United States Senate."

I further certify that the number of signatures  
submitted is in excess of ten percent of the total  
vote cast in the last gubernatorial election  
preceding the filing of such petitions, as required  
by Article IV, Part Third, Section 18 of the  
Constitution, that number being 52,308.

I further certify this initiative petition to be  
valid and attach herewith the text of the legislation  
circulated on the petition's behalf.

In Testimony Whereof, I  
have caused the Great  
Seal of the State of  
Maine to be hereunto  
affixed. Given under my  
hand at Augusta, March  
17, 1994.

S/BILL DIAMOND  
Secretary of State

Was read and ordered placed on file and sent up for concurrence.

On motion of Representative JACQUES of Waterville, the accompanying Bill "An Act to Impose Term Limits on Members of the United States Congress" (I.B. 2) (L.D. 1983) was tabled pending reference and later today assigned.

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The following Communication:

JOINT SELECT COMMITTEE ON CORRECTIONS  
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 23, 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 Select Committee on Corrections has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 901 An Act to Reinstate a System of Parole

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

Sincerely,

S/Sen. Beverly M. Bustin S/Rep. Anne M. Larrivee  
Senate Chair House Chair

Was read and ordered placed on file.

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The following Communication:

COMMITTEE ON HUMAN RESOURCES  
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 23, 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 Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 999 An Act to Establish the Child Assistance Demonstration Program

L.D. 1835 An Act to Regulate Revenues for

Merged Hospitals

L.D. 1875 An Act to Authorize and Regulate the Integrated Delivery of Services by the Licensed Acute Care Hospitals in the City of Portland

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

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

COMMITTEE ON JUDICIARY  
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 23, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1707 An Act to Provide Better Information Concerning Tort Reform

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.

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The following Communication: (S.P. 766)

116th Maine Legislature

March 23, 1994

Senator Harry L. Vose  
Rep. James Mitchell  
Chairpersons  
Joint Standing Committee on Marine Resources  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Robert J. Peacock of East Machias for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources 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 **Marine Resources**.

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

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**ORDERS**

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

ORDERED, that Representative Edward L. Caron, Jr. of Biddeford be excused March 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Judith C. Foss of Yarmouth be excused March 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald H. Gean of Alfred be excused March 12 to 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William Lemke of Westbrook be excused March 3 and 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Elizabeth H. Mitchell of Vassalboro be excused March 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused March 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald A. Strout of Corinth be excused March 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Julie Winn of Glenburn be excused March 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Stephen M. Zirnkilton of Mount Desert be excused February 23 and 24 for personal reasons.

Was read and passed.

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**REPORTS OF COMMITTEES**

**Ought to Pass Pursuant to Joint Order (H.P. 1453)**

Representative PINEAU from the Committee on **Banking & Insurance** on Bill "An Act to Create the Maine Health Care Authority" (H.P. 1460) (L.D. 1985) reporting "**Ought to Pass**" Pursuant to Joint Order (H.P. 1453)

Report was read and accepted. The bill read once. 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 and sent up for concurrence.

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

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**Divided Report**

Majority Report of the Committee on **Aging, Retirement & Veterans** reporting "**Ought Not to Pass**" on Bill "An Act to Clarify Mandatory Coverage Requirements for Participating Local Districts within the Maine State Retirement System" (H.P. 785) (L.D. 1058)

Signed:

Senators: TITCOMB of Cumberland  
McCORMICK of Kennebec

Representatives: WENTWORTH of Kennebunkport  
JALBERT of Lisbon  
CATHCART of Orono  
HATCH of Skowhegan  
BARTH of Bethel  
CLUKEY of Houlton  
JOY of Island Falls

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-913) on same Bill.

Signed:

Representatives: VIGUE of Winslow  
BIRNEY of Paris  
TUFTS of Stockton Springs

Reports were read.

On motion of Representative JALBERT of Lisbon, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

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**Divided Report**

Majority Report of the Committee on **Human Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-922) on Bill "An Act to

Clarify the Application of Nursing Facility Admissions Criteria" (EMERGENCY) (H.P. 1230) (L.D. 1650)

Signed:

Senator: PARADIS of Aroostook

Representatives: TREAT of Gardiner  
BRENNAN of Portland  
BRUNO of Raymond  
PENDLETON of Scarborough  
FITZPATRICK of Durham  
JOHNSON of South Portland

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

Signed:

Senator: HARRIMAN of Cumberland

Representatives: CARR of Sanford  
GEAN of Alfred

Reports were read.

On motion of Representative TREAT of Gardiner, the Majority "Ought to Pass" Report was accepted.

The Bill read once. Committee Amendment "A" (H-922) was read by the Assistant Clerk and 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" (H-922) and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Clarify Reporting Requirements for Party Committees" (H.P. 1244) (L.D. 1671)

Signed:

Senators: HALL of Piscataquis  
CAREY of Kennebec

Representatives: GAMACHE of Lewiston  
STEVENS of Sabattus  
BENNETT of Norway  
NASH of Camden  
ROBICHAUD of Caribou  
TRUE of Fryeburg

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-918) on same Bill.

Signed:

Senator: HANDY of Androscoggin

Representatives: BOWERS of Washington  
DAGGETT of Augusta

Reports were read.

Representative DAGGETT of Augusta moved that the House accept the Minority "Ought to Pass" Report.

Representative STEVENS of Sabattus requested a division on the motion to accept the Minority "Ought to Pass" Report.

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

A vote of the House was taken.

Representative ZIRNKILTON of Mount Desert requested a roll call on the motion to accept the Minority "Ought to Pass" Report.

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

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

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would just like to speak briefly about the "Ought to Pass" Report. Currently in campaign reporting, there is no requirement that party committees report what they spend other than for a political candidate. This would simply require the disclosure of a party's expenses for a political cause that may come before the legislature, so if the public wishes to see what is spent in relation to a cause, they can see what is spent. It is a relatively straightforward bill for disclosure of costs for a cause, not a candidate. Candidates themselves already have to disclose everything that they spend. So, the language from the candidate's disclosure is simply listed and put in and the parties would then, if this was passed, be required to disclose what they spend for a cause.

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

Representative GAMACHE: Mr. Speaker, Friends of the House: You will note that in committee I sided with the "Ought Not to Pass" side of the vote. After further reflection and study of the amendment that has been attached thereto, I have decided and shall vote in favor of "Ought to Pass."

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 Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 277

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heeschen, Hichborn, Hognlund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lemont, Libby James, Lindahl, Martin, J.;

Melendy, Michaud, Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, G.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Simoneau, Skoglund, Small, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, The Speaker.

**NAY** - Aikman, Anderson, Ault, Barth, Bennett, Birney, Bruno, Cameron, Clukey, Cross, Dexter, Farnum, Farren, Heino, Joy, Kneeland, Libby Jack, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Plowman, Reed, W.; Robichaud, Spear, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Zirkilton.

**ABSENT** - Bailey, H.; Bailey, R.; Campbell, Farnsworth, Foss, Hillock, Kutasi, Lipman, Martin, H.; Michael, Mitchell, E.; Saxl, Tardy, Young.

Yes, 98; No, 39; Absent, 14; Paired, 0; Excused, 0. 98 having voted in the affirmative and 39 in the negative, with 14 being absent, the Minority **"Ought to Pass"** Report was accepted.

The Bill read once. Committee Amendment "A" (H-918) was read by the Assistant Clerk and 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" (H-918) and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Appropriations & Financial Affairs reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-907) on Bill "An Act to Maintain State-staffed Crisis Programs" (EMERGENCY) (H.P. 1296) (L.D. 1751)

Signed:

Senators: PEARSON of Penobscot  
TITCOMB of Cumberland

Representatives: CHONKO of Topsham  
RYDELL of Brunswick  
HICHBORN of LaGrange  
CARROLL of Gray  
MICHAUD of East Millinocket  
KERR of Old Orchard Beach  
REED of Falmouth  
POULIOT of Lewiston

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (H-908) on same Bill.

Signed:

Senator: FOSTER of Hancock

Representatives: FOSS of Yarmouth  
MacBRIDE of Presque Isle

Reports were read.

Representative CHONKO of Topsham moved that the House accept the Majority **"Ought to Pass"** Report.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to explain to you today why there is a Minority Report. These crises programs are programs in the mental health and mental retardation department and there have been problems with them. Last year, this program was privatized. This bill would reverse that and put it back into a state-controlled program. The hearing was really very confusing. Those from Cumberland and York County wanted it returned to a state program. Those from Kennebec wanted it to remain privatized. The department testified neither/nor, so we were left with a decision. The majority of the committee decided to return the program to a state-controlled program and put the 18 positions back into a personal service line.

Senator Foster, Representative Foss, and I were contacted quite a number of times by the people from Kennebec and they felt strongly that they wanted to be privatized, so we did put in a Minority Report that would put the 12 positions for York and Cumberland into the personal services line and the six positions would be privatized. However, I really feel that you really can actually split that program but I am hoping that this Minority Report will send a strong message to all of the people involved in this program in the three counties that they really all must work together to provide the best services possible. The program, at the present time, until they decide otherwise, should certainly remain with the personal services line as a state-controlled program.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: Just to clarify, the Majority Report maintains the program the way it is today, it is still in state service and will remain in state service. The majority of the committee felt that it is time to end the patchwork, piecemeal approach to mental health programs and mental retardation programs around the state. What we would like to see happen is a coordinated, true statewide delivery system for crisis intervention throughout the state. There was a conflict in at least this county, other counties seem to be okay with it, RFP's have gone out and we have frozen the whole program. These positions will stay as they are today in state service. We have asked the department and the providers of services in the community to sit down and develop between now and next January an approach for a coordinated, full, delivery system for crisis intervention around the state.

I would hope you would join with us so we can, once and for all, have a real system for mental health services in this state.

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Chonko of Topsham that the House accept the Majority **"Ought to Pass"** Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

95 voted in favor of the same and 9 against, the Majority **"Ought to Pass"** Report was accepted.

The Bill read once. Committee Amendment "A" (H-907) was read by the Assistant Clerk and 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" (H-907) and sent up for concurrence.

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**Divided Report**

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-912) on Bill "An Act to Create a Franchise Practices Act" (H.P. 1407) (L.D. 1916)

Signed:

Senators: BUSTIN of Kennebec  
CIANCHETTE of Somerset

Representatives: HOGLUND of Portland  
CLEMENT of Clinton  
CAMERON of Rumford  
REED of Dexter  
VIGUE of Winslow  
ST. ONGE of Greene

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

Signed:

Senator: MARDEN of Kennebec

Representatives: WINN of Glenburn  
LIBBY of Kennebunk  
THOMPSON of Lincoln

Reports were read.

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

On further motion of the same Representative, tabled pending her motion to accept the Majority "Ought to Pass" and specially assigned for Monday, March 28, 1994.

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**Divided Report**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-905) on Bill "An Act Authorizing Medicaid Reimbursement for Certain Providers of Counseling Services" (H.P. 1209) (L.D. 1628)

Signed:

Representatives: TREAT of Gardiner  
BRENNAN of Portland  
TOWNSEND of Portland  
PENDEXTER of Scarborough  
JOHNSON of South Portland  
GEAN of Alfred

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

Signed:

Senator: HARRIMAN of Cumberland

Representatives: BRUNO of Raymond  
CARR of Sanford  
PENDLETON of Scarborough  
FITZPATRICK of Durham

Reports were read.

Representative TREAT of Gardiner moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority "Ought to Pass" Report and specially assigned for Monday, March 28, 1994.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1202) (L.D. 1611) Bill "An Act to Adjust the Dates for Distributions from the State Harness Racing Commission" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-925)

(H.P. 1415) (L.D. 1925) Bill "An Act to Amend the Equine Licensing Laws" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-926)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, March 28, 1994 under the listing of Second Day.

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 309) (L.D. 942) Bill "An Act to Amend the Adoption Laws" (C. "A" S-495)

(S.P. 562) (L.D. 1597) Bill "An Act to Provide for Consistent Data Collection" (C. "A" S-503)

(S.P. 598) (L.D. 1657) Bill "An Act to Amend the Probate Code with Respect to Powers of Fiduciaries" (C. "A" S-500)

(S.P. 680) (L.D. 1860) Bill "An Act to Amend the Law Pertaining to the Appointment of a Guardian Ad Litem in Contested Proceedings" (EMERGENCY) (C. "A" S-498)

(S.P. 681) (L.D. 1861) Bill "An Act Concerning Registered Apprenticeship Programs" (C. "A" S-489)

(S.P. 687) (L.D. 1873) Bill "An Act to Facilitate Collection of Tolls on the Maine Turnpike" (C. "A" S-494)

(S.P. 692) (L.D. 1878) Bill "An Act to Improve Methods of Dispute Resolution of the Maine Human Rights Commission" (C. "A" S-497)

(S.P. 707) (L.D. 1904) Bill "An Act to Establish the Maine Surplus Energy Auction Program" (Governor's Bill) (C. "A" S-491)

(S.P. 747) (L.D. 1976) Bill "An Act Relating to Pardons" (C. "A" S-496)

(H.P. 829) (L.D. 1115) Bill "An Act to Require Insurers to Obtain Written Consent from the Policy Owner before Transferring a Policy to Another Insurer" (C. "A" H-916)

(H.P. 1193) (L.D. 1590) Resolve, to Preserve the Competitiveness of Maine's Existing Business and Industry and to Preserve the Ability of the State to Attract New Investment by Petitioning for Removal from the Ozone Transport Region (EMERGENCY) (C. "A" H-911)

(H.P. 1431) (L.D. 1956) Bill "An Act to Revise the Laws of Maine to Incorporate the Office of Rehabilitation Services within the Department of Education" (EMERGENCY) (Governor's Bill) (C. "A" H-909)

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 as Amended and sent up for concurrence.

(H.P. 1069) (L.D. 1435) Bill "An Act to Guarantee Equal Access and Nondiscrimination to All Students Enrolled in Approved Equivalent Instruction Programs" (C. "A" H-910)

On motion of Representative COFFMAN of Old Town, was removed from Second Day Consent Calendar.

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-910) was read by the Assistant Clerk.

Representative COFFMAN of Old Town moved to table one legislative day pending adoption of Committee Amendment "A" (H-910).

Representative OLIVER of Portland requested a division on the motion to table one legislative day.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Old Town, Representative Coffman, to table one legislative day pending adoption of Committee Amendment "A" (H-910). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

23 voted in favor of the same and 77 against, the motion to table did not prevail.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: In the Committee, the reason that this bill was basically gutted and it became a study was that there was no word received back from the principals of this state or the superintendents of this state. I have been in contact with both groups and I am waiting for FAX's from both groups to respond to this bill. That is the reason I would like this tabled for one legislative day.

Subsequently, Committee Amendment "A" (H-910) was adopted. The Bill was assigned for second reading Monday, March 28, 1994.

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**BILLS IN THE SECOND READING**

**As Amended**

Bill "An Act to Expedite the Establishment of Administrative Child Support Orders" (S.P. 488) (L.D. 1499) (Governor's Bill) (C. "A" S-501)

Bill "An Act Related to Multiple-employer Welfare Arrangements" (H.P. 1122) (L.D. 1521) (Governor's Bill) (C. "A" H-917)

Bill "An Act to Simplify the State's Liquor Tax" (S.P. 612) (L.D. 1710) (C. "A" S-456)

Bill "An Act to Clarify Maine Corporate Laws" (S.P. 615) (L.D. 1713) (C. "A" S-499)

Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" (H.P. 1303) (L.D. 1758) (C. "A" H-865)

Bill "An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws" (S.P. 720) (L.D. 1942) (Governor's Bill) (C. "A" S-490)

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

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Bill "An Act to Eliminate the Sales Tax on Snack Foods" (H.P. 560) (L.D. 757) (H. "A" H-927 to C. "A" H-833)

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-833) was adopted.

The same Representative presented House Amendment "B" (H-929) to Committee Amendment "A" (H-833) which was read by the Assistant Clerk and adopted.

Committee Amendment "A" (H-833) as amended by House Amendments "A" (H-927) and "B" (H-929) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-833) as amended by House

Amendments "A" (H-927) and "B" (H-929) thereto and sent up for concurrence.

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

**SENATE PAPERS**

**Ought to Pass as Amended**

Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-518) on Bill "An Act to Clarify Liquor Licensing Authority" (S.P. 614) (L.D. 1712)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-518).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-518) was read by the Assistant Clerk and 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-518) in concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 663) (L.D. 1831) Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children, Ages Zero to Five" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-510)

(S.P. 673) (L.D. 1845) Resolve, Concerning Reauthorization of the \$9,520,000 Bond Issue for Construction and Renovation of Juvenile Correctional Facilities Committee on Appropriations & Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-522)

(S.P. 733) (L.D. 1958) Bill "An Act to Establish the Maine School of Science and Mathematics and the Task Force on the Maine School of Visual and Performing Arts" (Governor's Bill) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-511)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, March 28, 1994 under the listing of Second Day.

**BILLS IN THE SECOND READING**

**As Amended**

Bill "An Act to Promote Managed Care and to Otherwise Facilitate the Cost-effective Delivery of Health Care in the State" (S.P. 560) (L.D. 1596) (S. "A" S-517 to C. "A" S-502)

Was 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.

**ENACTORS**

An Act to Create the Maine Health Care Authority (H.P. 1460) (L.D. 1985)

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Report "A" (8) "Ought to Pass" as amended by Committee Amendment "A" (H-892) - Report "B" (3) "Ought to Pass" as amended by Committee Amendment "B" (H-893) - Report "C" (2) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Reinstipend Stipends for Professional Staff at State Mental Health Institutions" (H.P. 1358) (L.D. 1833)

TABLED - March 23, 1994 by Representative RUHLIN of Brewer.

PENDING - Motion of same Representative to accept Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-892).

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I think it might be helpful this morning if I take just a couple of moments to give you a brief and, hopefully, concise explanation of the perceived problem that this legislation attempts to address.

Up until 1992, the State of Maine in trying to attract employees in certain vocations, generally in the professional fields, had what they called a recruitment and retention stipend or inducement. In other words, they have their regular pay schedule which is a part of a state document, a state program, where step such and such was paid such and such. If, after going through four steps, if you will, (and I will give you those four steps) in identifying a vocation in delivering state services that had a high turnover or long-term vacancy was number one.

Number two, the job classification that had a clear geographically defined labor market within which the state must compete.

Three, all appropriate recruitment and retention efforts had proved ineffective.

Four, that the comprehensive and verifiable documentation or paid disparities in that field existed and were documented, then they would pay for that career field a stipend or retention and recruitment inducement.

This particular practice was discontinued in 1992 because of our budget problems. What has happened is there are several career fields or career vocations which have not been filled or have become vacant since that time. The one that stands out and is very glaring is in the Mental Health Institutes and they involve psychiatrists but also pharmacists, also I know there are some in the legal field, in the Attorney General's Office and so forth.

The document that was brought before the Labor Committee addresses especially pharmacists and psychiatrists and so forth in the mental health field and asks that that program of paying a stipend be reintroduced.

The committee heard that testimony and 11 members, bipartisan members, from the committee agreed that something had to be done, that the delivery of services the state had said it would do were in fact being interfered with because our pay scales were not competitive in the marketplace and that we had to reinstitute those stipends if we in fact were going to deliver the services that we as a state had proposed. So the Committee voted, as I said, by 11 to 2 to go ahead and reinstitute those stipends.

However, at that point, there was a division within the committee and I think there was a good logic to both divisions, if you will. One group said — the Majority Report, the one that I am on — if it exists for the mental health institutes, what about the other state services where we have told the people, and through the voting process, are legitimate exercises of state responsibility and that we are not delivering them because of the disparities in the pay schedule. We felt that we should address across that spectrum and consequently said so in Report A, which is the one that is presently before you, and said that we should extend it beyond the mental health field and into the other fields of promised services of state activities.

Report B can speak for themselves when their time comes but I will say that they felt that it should be somewhat more limited. I wanted to limit it to the mental health institutes and one other institute, the Governor Baxter School for the Blind. The other report, which had a minority of two, all of one political persuasion, said that we should not again get into dealing with disparities in the career fields and that is their report. Again, I will let them defend that report.

I am here this morning to speak for what I think is the most prudent action and the most responsible action of this state and that is to address the disparity so that we can deliver the services that we as a legislature have said that we should be delivering to the people of the State of Maine.

Thank you for taking the time to listen.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the Minority Report. Recognizing that we are discussing the Majority Report, to which I am obviously opposed, the Majority Report is all sweeping, allowing for any

position within state government to be upgraded if there is an indication of unusual turnover or inability to attract sufficient qualified candidates. There is no established criteria to establish what is unusual turnover nor how many candidates equate to be sufficient. Nor is there any provision to downgrade any position for which there is little or no turnover or for which there is an over abundance of qualified candidates. Proper procedures for perceived equity and compensation is through wage and benefit comparison studies using bench mark positions throughout the area labor market from whence you attract your candidates. To allow an unscheduled, uncontrolled stipend program would invite chaos, political interference and a perception of inequity, all of which would be destructive to morale.

However, we do have a challenge at AMHI, BMHI and at the Baxter School, specifically for pharmacists and speech therapists, this is addressed in the Minority Report. So, I urge you to vote no on this issue before us so that we can enact the specific resolutions in the Minority Report.

Mr. Speaker, I request a roll call.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: Again, I know we do have a clock to watch and I don't want to drag this out. It is an important issue but I think we can handle it quite briefly.

I want to point out to you what I started out to say to you and I will repeat to you. It has been on the books of the State of Maine for 20 years and it is the way that we establish the need to pay the so-called recruitment and retention adjustments to the state pay schedule or in other words stipend.

This law, these guidelines, have been in place for 20 years and they are so that somebody cannot play fast and easy with our money on giving stipends. There must be documented a high turnover or long-term vacancy.

It must be a job classification (this is in law) that has a clear geographically defined labor market within which the state must compete.

All appropriate recruitment and retention efforts have proved ineffective and have been documented.

Four, that they be comprehensive verifiable documentation of pay disparities and that there is a record made of that.

I feel that these were a protection that were good enough for this state for 20 years in which there have never been documented abuses and I feel that these will once more give the protection that we need as a state to protect our public monies. Therefore, we should address the issue of disparities in those needed fields to deliver the services and we should do it system-wide.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: I thank the good Representative from Brewer for pointing out the criteria as it was established. In fact, I wrote down the criteria and I did also in the committee when we met on this and when we asked for the proof of the committee what was a high turnover, would you show us the indication of what were long outstanding requisitions, we got lists of positions or jobs that had no indication as to why they were considered high

turnover. We had positions there that did not have any difficulty in being filled but yet were being identified as difficulty in being filled and we could not see any -- we saw documentation, but it did not prove anything.

I can only again reiterate that with the lack of establishment of criteria in this area, where the criteria is universally accepted professionally and is already spelled out, I would not just give us a willy-nilly stipend program which could invite political interference and morale destroying concerns.

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

Representative REED: Mr. Speaker, a parliamentary inquiry? Inasmuch as the title of 1833 specifically refers to stipends for professional staff at state medical health institutions and Committee "A", which I believe is before the body at the moment, specifically deletes from that document the phrase "in connection with occupations in the state mental institutions" -- I would ask the Chair whether or not Committee "A" is in compliance with House Rule 31?

The SPEAKER: In response to the question posed by Representative Reed of Falmouth, the Chair would rule that the amendment is properly before the body given the context of the legislation, genericness of the title itself.

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: The pending question before the House is the motion of Representative Ruhlin of Brewer that the House accept Report "A." Those in favor of will vote yes; those opposed will vote no.

ROLL CALL NO. 278

YEA - Adams, Ahearne, Ault, Beam, Brennan, Bruno, Cameron, Carleton, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Larrivee, Lemke, Lindahl, Marsh, Martin, J.; Melendy, Michaud, Mitchell, J.; Morrison, Murphy, Nadeau, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pineau, Pinette, Plourde, Plowman, Rand, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Barth, Bennett, Birney, Carr, Clukey, Coffman, Donnelly, Farnum, Farren, Gray, Greenlaw, Joy, Kneeland, Libby Jack, Libby James, Look, Lord, MacBride, Marshall, Michael, Nash, Ott, Pendexter, Pfeiffer, Poulin, Reed, G.; Reed, W.; Robichaud, Stevens, A.; Taylor, Thompson, True, Tufts, Whitcomb, Zirkilton.

ABSENT - Aliberti, Bailey, H.; Bailey, R.; Bowers, Campbell, Dexter, Foss, Gamache, Hillock, Kontos,

Kutasi, Lemont, Lipman, Martin, H.; Mitchell, E.; Pouliot, Richardson, Ricker, Saxl, Tardy, Young.

Yes, 93; No, 37; Absent, 21; Paired, 0; Excused, 0. 93 having voted in the affirmative and 37 in the negative, with 21 being absent, Report "A" "Ought to Pass" was accepted.

The Bill read once. Committee Amendment "A" (H-892) was read by the Assistant Clerk and adopted. The Bill was assigned for second reading Monday, March 28, 1994.

Representative Farren of Cherryfield was granted unanimous consent to address the House.

Representative FARREN: Mr. Speaker, I wish to be recorded as voting yea on the "Ought Not to Pass" Report of the Committee on Agriculture concerning L.D. 1928.

Representative Kontos of Windham was granted unanimous consent to address the House.

Representative KONTOS: Mr. Speaker, I wasn't recorded on Roll Call 276, on L.D. 1928. If I had been here, I would have voted no.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

(In Convention)

The President of the Senate, Dennis L. Dutremble, in the Chair.

On motion of Senator BUSTIN of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon the Honorable John R. McKernan Jr., Governor, and the Honorable Thomas H. Andrews, U.S. Representative, to invite them to the Joint Convention assembled for the purpose of receiving a Communication from the Honorable Edmund S. Muskie.

Was passed.

The Chair appointed:

Senators: SENATOR BERUBE of Androscoggin  
SENATOR ESTY of Cumberland  
SENATOR BUTLAND OF CUMBERLAND

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

Subsequently, Senator **BERUBE** of Androscoggin, reported that the Committee had delivered the message with which it was charged and that the Honorable John R. McKernan, Governor of the State of Maine, and the Honorable Thomas Andrews, U.S. Congressman were pleased to say that they would forthwith attend the Convention.

At this point, the Honorable John R. McKernan, Jr., Governor of the State of Maine, and the Honorable Thomas Andrews, U.S. Congressman, entered the Convention Hall amid the applause of the Convention, the audience rising.

On motion of Senator **ESTY** of Cumberland, it was

**ORDERED**, that a Committee be appointed to wait upon Senator and Mrs. Edmund S. Muskie and inform them that the two branches of the Legislature were in Convention assembled ready to receive such communication as he may be pleased to make.

Was passed.

The Chair appointed:

**Senators:** PEARSON of Penobscot  
BUSTIN of Kennebec  
GOULD of Waldo

**Representatives:** MARTIN of Eagle Lake  
CHONKO of Topsham  
HICHBORN of Howland  
JACQUES of Waterville  
PARADIS of Augusta  
ERWIN of Rumford  
STROUT of Corinth  
DEXTER of Kingfield  
MACBRIDE of Presque Isle  
SMALL of Bath  
GAMACHE of Lewiston

Subsequently, Senator **PEARSON** of Penobscot, reported that the Committee had delivered the message with which it was charged and that Senator and Mrs. Muskie were pleased to say that they would forthwith attend the Convention.

At this point, Senator and Mrs. Edmund S. Muskie entered the Convention Hall, amid the applause of the Convention, the audience rising.

Subsequently, the Chair recognized the following guests in the gallery:

Debra Andrews, wife of U.S. Representative, Thomas Andrews  
Eddie and Melinda Stanton, daughter and son-in-law of Senator and Mrs. Muskie  
Steve and Alexis Muskie, son and daughter-in-law, with their two children

Charlie and Alice Lander, longtime family friends of the Muskies.

**JOINT CONVENTION  
116TH LEGISLATURE  
MARCH 25, 1994  
HONORABLE EDMUND S. MUSKIE**

**PROCLAMATION**

WHEREAS, Edmund S. Muskie was born in Rumford, Maine on March 28, 1914; and

WHEREAS, he was awarded three battle stars for his service in the U.S. Naval Reserve during World War II, Edmund Muskie early in his career distinguished himself as a dedicated public servant; and

WHEREAS, Edmund Muskie served as a member of the House of Representatives for the 93rd - 95th Legislatures; and

WHEREAS, Edmund Muskie served as Maine's Governor from 1955 to 1959; and

WHEREAS, Edmund Muskie served in the U.S. Senate from 1959 to 1980, where he was well-known and respected for his work to promote clean air and water and to implement sound federal spending policies; and

WHEREAS, praising his "deep and profound knowledge of our country" and "sound judgment and integrity," President Jimmy Carter called Edmund Muskie a "man of strength and wisdom" when he nominated him as his Secretary of State; and

WHEREAS, over the years, Edmund Muskie has received numerous prestigious awards that pay tribute to his knowledge of foreign policy, his concern for a clean environment, and his general exemplary public service; and

WHEREAS, Edmund Muskie Monday celebrates his 80th birthday,

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, do hereby proclaim Monday, March 28, 1994 as

**EDMUND S. MUSKIE DAY**

throughout the State of Maine and urge all citizens to join me in wishing him a very Happy Birthday.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this eighth day of March in the Year of our Lord One Thousand Nine Hundred and Ninety-Four.

S/John R. McKernan, Jr.  
GOVERNOR

S/G. William Diamond  
Secretary of State

TRUE ATTESTED COPY

The Honorable John R. McKernan, Jr., Governor of the State of Maine, addressed the Convention as follows:

Mr. President, Mr. Speaker, Members of the Legislature: It is an honor to join you today in paying tribute to Senator Edmund S. Muskie as he prepares to celebrate his 80th birthday.

I was kidding him before we came in here and said that actually he has been celebrating that birthday for about the last two weeks from everything I can tell in the paper. If Ed Muskie seems at home in these chambers, it is because he has lent his great mind and terrific dedication to solving problems here in this legislature and in our state as Governor, and in Washington as our Senator and Secretary of State. It is his magnificent ability to seize the moment and lead the people of Maine, which have led Ed Muskie from his humble beginnings in Rumford, to the height of power in our nation's Capitol.

It occurred to me as I was preparing these remarks this morning that Ed Muskie seems at home with us because he is at home in so many different surroundings.

He is at home in communities across our state, whether it is his various hometowns over his life, whether it is Rumford, Waterville or Kennebunk or even in our own communities. He is at home in the halls of this legislature where he served three terms after the Second World War, two as the leader of his party.

He is at home in the Blaine House where he lived as Governor from 1954 to 1958. In fact, Olympia and I are going to be pleased to welcome Ed Muskie back to that home later this evening with his family and friends for a special birthday celebration.

He is at home in the chambers and corridors of the United States Senate in Washington where he served 22 years representing our state and serving our citizens.

He is at home in embassies and nations across this world which he visited as our Secretary of State in the late 1980's.

He is at home in the White House — well, almost at home in the White House, you can't have everything Senator.

For me, Ed Muskie is also at home thinking and talking and working among the people of our state whether it is solving the people's problems, standing up for the little guy or even demonstrating his skill at hypnotizing a Maine lobster.

It really is difficult to find new ways to celebrate Senator Muskie who has been recognized by the Pope, pictured on the cover of Time Magazine, and who has received one of our nation's highest honors, the Medal of Freedom for his accomplishments on behalf of our great country.

Out of his early efforts in Washington came the landmark Water Quality Act of 1965 and the Clean Air Act of 1970. His dedication has earned him honors from organizations across this nation for protecting public health and natural resources, frankly, even when these issues were not as popular as they are today.

President Jimmy Carter said he chose Senator Muskie as Secretary of State largely because of the Senator's quiet sense of strength and demonstrated courage. But, that sentiment merely echoes the

respect and the gratitude that Maine people feel toward Ed Muskie.

So, this special Joint Convention is our chance to thank you, Senator, for your ceaseless and untiring efforts on behalf of your home state and its people.

Almost 13 years have passed since Senator Muskie last held public office, but since then Ed Muskie has never forgotten his roots here in Maine and, frankly, what has impressed me the most about Senator Muskie has been his willingness over these last 13 years to continue to serve the people of our state (since he has been out of office) in a variety of voluntary posts. That, I believe, says as much about Ed Muskie, the man, as any of his many accomplishments while he was in office. Senator, we have not forgotten your service and as Governor of Maine, it is indeed my pleasure to thank you on behalf of the people of this state for your constant courage and devotion.

I join the legislature today in commending you on your accomplishments for Maine and in wishing you well on the occasion of your 80th birthday. Thank you. (applause)

Congressman Andrews addressed the Convention as follows:

Governor McKernan, Mr. President, Mr. Speaker, Senator Muskie, Mrs. Muskie, Distinguished Members of the Legislature, Ladies and Gentlemen: It is indeed an honor and a privilege for me to join in this recognition and celebration of Senator Edmund Muskie.

Throughout his life, Senator Muskie has demonstrated the very best qualities of leadership, vision, courage, a willingness to challenge the status quo and do what he believes is the right thing to do, even though it may not be the popular thing to do. His courage and his tenacity were demonstrated after a very serious back injury when it was unclear how much movement he would ever have again. Senator Muskie responded by laboring through much of a rigorous and ultimately successful rehabilitation program.

In 1954, he ran as a Democrat for Governor, when Democrats were given little or no chance of winning. As Senator Muskie would later say, "When I started out, Democrats weren't at the bottom of the barrel, they were underneath it."

As a Freshman member of the United States Senate, he was known to be willing to stand up to a very important leader by the name of Lyndon Baines Johnson for what we thought was right, earning and maintaining President Johnson's respect over the years of service together.

He became a pioneer in the fight for a clean and healthy environment, blazing a trail toward landmark environmental legislation like the Clean Water Act at a time when taking strong stance for our environment put the political leaders at risk.

He was willing to run for Vice President and for President during some of our nation's most difficult and turbulent period and he left a secure Senate seat and a very powerful Senate position to answer the call of his President and served our nation with distinction as Secretary of State.

Ladies and gentlemen, we gather together today to pay tribute to this great man from Maine, to celebrate his many contributions and gifts to us all,

but as we do that, let us recognize and be grateful for his most important contribution of all, the courage and conviction of his leadership.

Happy Birthday Senator Muskie, we salute you and we thank you. (applause)

On motion by Representative MARTIN of Eagle Lake (Cosponsored by: Senator BUSTIN of Kennebec, Senator CAREY of Kennebec, Senator DUTREMBLE of York, Senator ESTY of Cumberland, Senator LUTHER of Oxford, Representative ERWIN of Rumford, Representative GWADOSKY of Fairfield, Representative JACQUES of Waterville, Representative JOSEPH of Waterville, Representative PARADIS of Augusta, Representative POULIN of Oakland) the Following Joint Resolution:  
H.P. 1457

**JOINT RESOLUTION RECOGNIZING THE HONORABLE  
EDMUND S. MUSKIE ON THE OCCASION OF  
HIS 80TH BIRTHDAY**

WHEREAS, Edmund S. Muskie was born in Rumford, Oxford County, Maine on March 28, 1914; and

WHEREAS, the State of Maine and the nation were faithfully served for decades by the Honorable Edmund S. Muskie, who served in the offices of State Representative, Governor, United States Senator and United States Secretary of State during his extraordinary career in politics and government; and

WHEREAS, Edmund S. Muskie's outstanding record of public service is unparalleled and history will record that he placed the highest priorities on family, state and country; and

WHEREAS, this favorite son of Maine won the respect of the people and leaders of the nation and the world and, together with his wife Jane, won special affection from the citizens of his native State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the Honorable Edmund S. Muskie and extend congratulations on the occasion of his 80th birthday; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Edmund S. Muskie on behalf of the People of the State of Maine.

Was read.

The PRESIDENT: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Chairman, Members of the Convention: I will be brief because I need to yield the rest of my time to Senator Muskie because I know he will probably use it today and those of us who have worked for him all know that well.

There are many people in this room who have worked for and with the Senator, whether they be as drivers or aides in Maine or Washington and for all of them, I say thank you.

I need to tell you that I first met Ed Muskie when I was 13 years old at my uncle's house who was then a member of the legislature and just lived a few houses from me, Claude Martin. He was running for Governor and there were campaign strategy meetings held from time to time and they decided that Eagle Lake was far enough away from the rest of the press that they could do and talk about things that they couldn't do elsewhere, so they came to Eagle Lake. From that point on, I watched throughout that period and was very pleased to work with him and for him a number of years ago.

All I really want to say today is thank you, thank you for those in the gallery today who were former members of the staff to both the Senator and Mrs. Muskie and to the family. I also want to say thank you for the members of the legislature for whom I present this Resolution and finally for the people of Maine. Thank you.

Subsequently, the Resolution was adopted.

At this point, Representative Martin of Eagle Lake presented the Resolution to Senator Muskie.

The President of the Senate read the following letters:

The following Communication:

**THE WHITE HOUSE  
WASHINGTON**

March 24, 1994

The Honorable Edmund S. Muskie  
5217 West Bard Avenue  
Bethesda, Maryland 20816

Dear Mr. Secretary:

I am happy to join with the Maine State Legislature in wishing you a very happy 80th birthday.

This Joint Session reflects the respect you have earned during your many years of public service. From your years as governor of the State of Maine, to your service as United States Senator, and ultimately to your appointment as Secretary of State, your leadership and loyalty have advanced the interests of our Nation and will continue to have an impact for many years to come.

Hillary joins me in wishing you many more years of health and happiness.

With best wishes,

Sincerely,

S/ Bill Clinton

The Following Communication:

**JIMMY CARTER**



March 25, 1994

The Honorable Edmund S. Muskie  
Augusta, Maine

To Ed Muskie,

Congratulations on your 80th birthday! Although Rosalynn and I cannot be with you, please know that you have our warm best wishes for much happiness on this special day and throughout the years ahead.

Sincerely,

S/Jimmy

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The Following Communication:

**UNITED STATES SENATE  
WASHINGTON, DC 20510-1802**

Statement of Senator George J. Mitchell  
Joint Session of the Maine Legislature in Honor of  
Senator Edmund S. Muskie's 80th Birthday  
March 25, 1994

It is with great honor that I join the members of the Maine Legislature in celebrating Senator Edmund S. Muskie's 80th birthday.

It is very fitting that the Legislature honors a man whose political career began here in the State House.

As Governor of Maine, as a United States Senator and as Secretary of State, Ed Muskie has devoted his entire life to serving the people of Maine and our nation with distinction and integrity.

I regret that I am not able to attend today's event because the Senate is in session. May the accomplishments of Senator Muskie and his dedication to the people of Maine be a continuing inspiration for us all.

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The Following Communication:

**UNITED STATES SENATE  
WASHINGTON, D.C.**

March 24, 1994

The Honorable Edmund S. Muskie  
5217 Westbard Avenue  
Bethesda, Maryland 20816

Dear Ed:

As I thought about how to appropriately celebrate your 80th birthday, I found myself thinking back to my first days in the Senate and what you taught me.

As I started my tenure in the Senate, you were well into your 21st year. Despite the difference in those spans, I treasure the 16 months that we served the State of Maine together in the Senate. Those

first months of my tenure in the Senate were challenging and often overwhelming. In you, I found a friend and a guide, generous with your time, your insights, your vast reservoir of knowledge and your love for the Senate. You displayed an intellectual integrity, an unflinching courage to tackle the toughest issues of the day and an uncanny ability to hypnotize a lobster. You were a model for this junior senator and set quite a standard for your successors for years to come.

Early in his Presidency, John F. Kennedy said this:

For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgement on each of us, recording whether in our brief span of service we fulfilled our responsibilities, our success will be measured by the answers to four questions:

First, were we truly men of courage?

Second, were we truly men of judgement?

Third, were we truly men of integrity?

Finally, were we truly men of dedication?

These are the qualities which have characterized your service in government. The high court of history has judged you to be one of the true heroes of Maine, of the Senate and of the nation.

On your 80th birthday, you are in the hearts and minds of all the people of Maine, and you shall remain there for generations to come. Happy Birthday.

With best wishes, I am

Sincerely,

S/William S. Cohen  
United States Senator

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The Following Communication:

**CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-1902**

March 25, 1994

The Honorable Edmund Sixtus Muskie  
State House  
Augusta, Maine 04333

Dear Senator Muskie:

I am pleased to send you my very best wishes and congratulations today, and to join with the people of Maine in saluting your years of distinguished service. Your courage and perseverance serve as a shining example for all of us in public service.

Throughout your career, you have always been willing to lead and develop consensus on the toughest issues. From protecting our environment and our neediest citizens, to standing up forcefully for the people of Maine, you have always kept Maine's needs foremost in your mind.

I remember working with you during my first two years in Washington, when you were the dean of our Congressional delegation and one of the Senate's most respected members. By working together as a delegation, we were able to fight for the common good of all our state's citizens.

Today, I look back upon those days with fond memories, and with the knowledge that the standard of integrity and commitment you set will be difficult to match.

Thank you, Senator, for your dedication, your devotion, and most of all your courage in serving the people of Maine. It has been an honor to serve with you and to know you.

Again, I am sorry that I cannot be with you personally this afternoon, but Jock and I look forward to hosting you, Jane and your family at the Blaine House tonight in honor of your 80th birthday.

With best wishes,

Sincerely,

S/Olympia Snowe  
Member of Congress

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The Following Communication:

**MARGARET CHASE SMITH  
NEIL HILL  
SKOWHEGAN, MAINE 04976**

March 16, 1994

Dear Ed:

Sorry I am not nearer so as to drop a word to be passed along to you during your 80th birthday celebration. It is hard to believe that time passes so fast but you know your friends are with you with memories and best wishes.

Sincerely,

S/Margaret Chase Smith

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The Following Communication:

**MAINE MARITIME ACADEMY  
CASTINE, MAINE 04420**

March 25, 1994

The Honorable Edmund S. Muskie  
c/o Democratic Headquarters  
12 Spruce Street  
Augusta, Maine 04332

Dear Ed:

Happy Birthday and many more! Polly and I are sorry that we cannot join you and your many friends in this celebration.

Milestones of this sort give us an opportunity to reflect on past accomplishments. In your case, these are immeasurable. However, the real excitement lies in the future.

We look forward to your continued contributions to the people of Maine and this nation.

Best regards,

S/Kenneth M. Curtis  
President

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President DUTREMBLE: Governor McKernan, Mr. Speaker, Honored Guests and Members of the 116th Legislature: We are gathered today at an extraordinary Convention to honor an extraordinary man, Legislator, Governor, Senator, Secretary of State, nominee for Vice President and candidate for President of the United States, Ed Muskie has been a mentor to two generations and a legend to a third.

Not only did he create a political party virtually out of thin air, he cleaned the very air and the water around us with the nation's landmark environmental legislation.

Since the day he graduated from law school, he has been in the service of his country and the people of this state as a naval officer in the Atlantic and Pacific Theaters of World War II, as a floor leader in the House and as an appointed and elected public servant throughout his long career.

Ladies and gentlemen, friends and members, it is my distinct honor to introduce to you and my constituents a leader in a field of giants, the Honorable Edmund Sixtus Muskie. (Prolonged applause, the audience rising)

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The Honorable Edmund S. Muskie then addressed the Convention as follows:

EDMUND MUSKIE: Governor McKernan, Mr. President, Mr. Speaker, Members of this Convention: It is good to be back home and I am quite aware of the fact that my political career began in this room, at least half a century ago, but those years go by only one at a time. You don't have to justify them all at once. Keep your eye on your priorities and pursue them.

I think my seat in this House was 151 — is that correct? Is there a 151? That's where I was, so I was very least of those who sat in the legislature when I first came and I have never felt more at home in any part of my career, which it has been my privilege and opportunity to serve. This is my favorite political place in terms of what is required to be elected here, to serve here and to be judged here. Everything that follows, whatever that may be, is built on that foundation, on those relationships, on those friendships and that experience, that learning experience.

I am quite aware as I look at the back of this room that those glass windows are there — they weren't there when I first came. The pressure could be applied directly and in a very personal way. I remember that so I suppose I might say if I were in a

lecturing mood that the construction of those windows are symbolic of what has happened to the politics in this state in many ways.

I remember when I came here in 1946, there were only 24 Democrats in this House out of a 151 members. Most of them served on committees to which no legislation was referred. (applause) Just for fun I searched the records and I could give you more details but you have gotten my point. I think what has happened is a result of bad experience and others that have followed is the development of two party competition, which on the whole I think has been healthy and out of which much can still be gained. To have been part of that process and indeed to have served along the way has made my life justified in my own eyes.

I know I was tempted at the end of two terms as Governor to quit politics but I felt that if I did there would be no further development of the political competition in this state. I wasn't quite ready to give up. I wasn't particularly interested in the Senate which seemed to be the next obvious political goal and there have been times in the years that have passed that I think maybe I would have been better off if I hadn't stayed on course. But on the whole, the total experience has been wonderful. There have been hard days, there have been cold days, there have been hot days and I acquired ambitions that I never expected, a Senator from a small state like Maine to have. I enjoyed those, even though I lost elections that I would have liked to win. But the winning alone isn't that important, it is important only to the extent that it makes possible new experiences, new opportunities, new ambitions, and new achievements. All of that is a wonderful way to spend a life. I really didn't expect to serve in the Senate more than two terms but then Hubert Humphrey was mistaken enough in me to ask me to run for Vice President, so that made open to me the opportunities of a national ambition. That was a wonderful experience. He and I came up from the bottom, the very bottom of the political possibilities of that year. No one expected us to get close, let alone win, but we came close enough to ignite my interest in more national politics because of the opportunities that appeared to open up.

I was sorry that Hubert lost, which proved to be his last chance to run for President. But, he had made his impact on the country and its history and on its people and on its politics that will live in the memory of the people of this country. That's a lot to achieve whether or not you win.

Reminiscing about my experiences here in this state, I remember — incidentally, I had practiced law in Waterville for two years before my service in the Navy in World War II and I made a living surprisingly. Of course, I wasn't married then and had no children and of course making a living was a lesser challenge than it has become at times since, but I practiced for two years and enlisted in the Navy. I had an opportunity to go to Annapolis for engineering training. Why they thought a lawyer from Waterville, Maine could become a Navy engineer, to this day I don't understand, but I learned a lot more. I learned about managing an engineering department in a ship and that had its own opportunities. It was a kind of a war that even those who fought in it did so without any reservations or any doubts about what we were doing or why. We haven't had a war since that we felt that

way about, so I had four years of that and that was a good experience.

You have got to learn to live with the world as it is, with its shortcomings, with its challenges, with its enemies, and with its friends. I never thought of service in the Navy as being useful training for the Senate but even in the more violent aspects of military training, there was transferrable experience in the Senate. You have to be in a position to gurge your loins and fight when it is necessary. You have to do it in politics, you have to do it when your country's threatened. Life itself is a mixture of opportunities to grow and the possibilities of dying for cause, for your family, for your community, for your country, you have got to learn to live with it and you have got to somehow find the inner resources to do it right and to do it effectively. So, whether you are fighting in World War II or fighting the political fights that we have here in Maine, it is a test. The better you do it, the more you achieve to the extent that people are willing to follow you — that's gratification enough.

I remember the very first issue that I faced as a candidate for the Maine Legislature. Horace Hildreth was Governor in the summer of 1946. It occurred to him that Maine citizens would be happy to reward in some fashion those who had fought in World War II so he called a Special Session of the Legislature to ask their support for a veterans' bonus, which he shaped. The trouble with the proposal was that it was seen as an opportunity to get support for a 2 percent sales tax, which the Republican Governor thought was essential for managing the state's business for the next two years. He would have been better off to separate the two; in any case, both lost. I testified that summer in this House at a hearing that was held on that twin proposal. It wasn't heard from again I think in the next session of the Legislature, so that was the first issue.

The second issue was the one to which I have already referred and that was the fact that 24 Democrats who served in the House weren't really given an opportunity to participate effectively in the work of that Legislature. We kept pressing that issue and even when I was elected Governor, there weren't enough Democrats in this body to sustain a Governor's veto, not at all, so I think I only used no more than two and no more than four vetoes in that whole session but what I did do I thought was rather ingenious — when a bill came to my desk which the Legislature had passed and about which I had doubts, I started the practice of inviting the Legislature to call it back. I was even presumptuous enough to make some suggestions for improving it. Much to my amazement, that technique for getting around the threatened gridlock between the Governor and the Legislature, worked. We saved a lot of bills. The Legislature was willing to compromise and I never had to use the veto again. Whether or not that was a constitutional procedure, I am not sure to this day and what difference does it make? (applause) The important point is that we found a way to do the people's work and it worked. I am a little upset with the way politics is played today.

I never planned a political career. As a matter of fact, I can remember my very first birthday, my mother organized a birthday party for me with ice cream and cake and all the rest of the stuff and I was so shy that I refused to stay in the same room with my guests to eat my ice cream and cake. Now you

can't begin with habits like that and become an effective politician. You simply cannot, but I did not go from there to develop ambitions for a political career. As a matter of fact, when I began practicing law in Waterville, I was able to get a secretary to work for me but on one condition — that if she came to work for me, I would not enter a political career. She was looking for security, she was impressed apparently with her evaluation of my ability to conduct a successful law practice but she wanted that additional condition and I promised her. I had no ambition to be in politics in any case so I made the promise. Well, what saved my luck on long range was that the war came along so I enlisted in the Navy. She wasn't willing to continue working in my law office while I was off playing in the Navy so she quit me and I had to get another secretary who was with me until I went to Washington as a Senator. Wonderful woman but she passed away. She served in this building as my secretary as Governor, wonderful woman. She was the daughter of one of the Deputy Sheriff's I used to use to serve papers. I can remember it so well — his name was... — well his name doesn't matter, but he was a veteran of the Spanish-American War. He ran for Governor on the prohibition ticket and almost made it. He was wonderful at serving papers, I can remember some of those examples. He was as old then as I am now and he knew how to do the job. It was wonderful to have him running in and out of the office and telling me stories about the Spanish-American War and his early political experiences.

It is a wonderful state that we have here. You can be friends with anybody and everybody as long as you are willing to listen as well as to talk. You know the listening part of politics is the hardest thing to train people to do. Somehow when people get into politics they think all there is to it is to talk. They talk so much that they forget the other party, they don't listen.

I have a friend who invented a machine to train people to listen faster. I would be surprised if you haven't noticed it on television, particularly on the news segments, the anchor's talk faster and faster and faster. I can barely understand what most of them say and most of the time I think I am lucky that I didn't. (applause) Listening is so important because if most people say anything that is worth taking into account, you've got to understand what they say between the lines. You can't get what they say between the lines if you don't know how to listen. So, I practiced listening and when you first get to the Senate, especially if the Senate is run by a fellow like Lyndon Johnson, you learn very quickly that you are not going to have much time to do any talking, so listen as long as they let you.

The first time I went in to see Lyndon Johnson right after I got to the Senate, I went in to see him number one to introduce myself and say hello but, secondly, there was a very important issue having to do with a filibuster rule that was coming up for perhaps the first vote because of its connection with the Civil Rights legislation. Johnson had his proposal, which I didn't think much of, but I went into see him and of course, among other things, he talked to me about his proposal to amend the filibuster rule. Before he did that, he had given me a little fatherly lecture about the difficulty of former Governors adjusting to the Senate. I learned very fast what he meant by that. He said in the

course of that lecture, "You know Ed, there will be many times when you won't know how to vote until the Clerk gets to the M's in the roll call." That sounded like good common sense to me, so when he got through his lecture on the filibuster rule, he said, "Well Ed, you haven't had much to say, what do you think?" I said, "Well Lyndon, the Clerk hasn't got to the M's yet." (applause) He didn't like that at the time but he learned to like it. I mean — there are those kinds of situations when you don't know all the answers to a proposition the first time you hear it or the first time it is explained or the first time it is amended. You've got to wait until it becomes more persuasive and you had better learn how to make your own input into changing it so you can buy it. If you are a Freshman Senator like I was, you have to use a lot of that third characteristic — how can you change it?

When Lyndon became President, the most dramatic experience of that kind that I had with him was when he asked me to floor manage a bill coming out of the Banking Committee of which I was a member. I was the fifth ranking Democrat and he couldn't get anyone more senior to me to pick up the turkey. I told him, "I will be glad to take on the job provided you let me amend it to suit me." That's the way it turned out. I won in the Senate over Everett Dirksen, something like 44 to 22 and all I did was apply a little of the things that I had learned by listening in Maine. If you listen long enough and keenly enough, you will come up with answers that will amaze you as well as those you are able to persuade.

I am going to close with one more experience. I remember when I ran for the Legislature, I really didn't think I had much of a chance to win because in Waterville then we had two Republican members of the House and Roland Poulin, who was a good lawyer friend of mine, and I decided that we would run as Democrats against those two. We did and we won and we became members of this House.

One thing that I remember about that so vividly is that as people were attracted to our candidacy, they would applaud (not all of them, of course) and over and over again they would say, "Well, it's about time some of those old palls in the Legislature got sent home." So, we ran into no bitterness from anybody in that campaign and we won rather easily as it turned out. Within a week after we won, I heard someone refer to me as one of those gosh darn politicians, but there was still no bitterness, there was still no hostility but today the level of political discourse and opposition is so bitter and at times so nasty. Of course, you've got this term limit idea that is floating around the country so people somehow think that if you throw them all out at once, the next bunch comes in might be better. That's the whole idea of the term limit proposition. The Constitution of the United States created the best darn term limits idea in the world's history. (applause) Each one of us has a vote and can vote for or against the candidates on our ballot. We don't need a committee to tell us how to do it, although there are still committees around who would like to. It is an individual prerogative, this system that's written in the Constitution. Here in Maine, of course, we did it one better, we made it retroactive six years, which is an incredible dismissal of the judgment of the voters who voted two years ago, who voted four years ago, who voted six years ago — why should any one of you have the right to second-guess those

voters? They might have been right. But anyway, there has been for most of my political experience and if there hadn't been in this Republican state, I would never have gotten anywhere politically. Those of you who are old enough know that as well as I do, but the environment was such that people would listen to you. The legislatures of those days made enough mistakes that they were willing to listen to us.

So, I have watched as we have gradually acquired a two party competitive system in this state our performance politically as a state over the years. In the last Presidential election, we in Maine had the highest turnout of voters of any state in the country. (applause)

I had at one time an opportunity to say something that I would like to repeat to you today. It was at the end of the 68th Presidential campaign when I was on the ticket with Hubert Humphrey to run a campaign that wasn't perceived as having any chance whatsoever. We lost that race by only 500,000 votes. There are those, you know, who think if we had had a couple of more weeks, we might have come close enough to win. But what I want to say about that I said in 1969 — people wanted a change, they really did. They were surprised that Hubert and I were doing as well because they were getting local polls and they understood that we were turning the thing around, maybe enough to win. And as I saw that change take place in that very bitter, nasty kind of environment that was the product of the Vietnam War, I couldn't believe what I was seeing or what I was hearing, but we lost.

Then there was a Presidential prayer breakfast — yes, even Nixon had those — and I was invited to give the prayer. I was a little awed by that, I never really regarded myself as a preacher, although I guess maybe at times I may sound like one, most politicians do at times. I got home from a social engagement at midnight the night before the breakfast and sat down to write and this is what I produced. I would like to read it, not as a piece of history, but as an appeal to Americans in this time when our political relationships could stand a more solid base. As I wrote, I sort of felt that I was speaking as a man from Maine and this is what I wrote: Our Father, we are gathered here this morning, perplexed and deeply troubled. We are grateful for the many blessings you have bestowed upon us, the great resources of our land and our people, the freedom to apply them to uses of our own choosing, the successes which have marked our efforts. We are perplexed that notwithstanding these blessings, we have not succeeded in making possible a life of promise for all our people and the growing dissatisfaction, division and distrust threaten our unity and our progress toward peace and justice. We are deeply troubled that we may not be able to agree upon the common purposes and the basis for mutual trust which are essential if we are to overcome our difficulties and so our Father, we turn to you for help. Teach us to listen to one another, for the kind of attention which is receptive to other points of view, however different, and with a healthy skepticism as to our own infallibility. Teach us to understand one another with the kind of sensitivity which springs from deep-seated sympathy and compassion. Teach us to trust one another beyond mere tolerance with the willingness to take a chance on the perfectibility of our fellow man. Teach us to help one another beyond charity in the kind of mutual involvement which is

essential if a free society is to work. We ask this in Jesus name. Amen.

Those to me are Maine values. I have found over the years that deep down Republicans, Democrats, Independents (and God they can be independent, can't they?) — this is how Maine people feel about their lives, about their futures, about each other. We don't all measure up and certainly we politicians do not all always measure up. But this is what my political life has meant to me, the opportunity to lead, the opportunity to work together, the opportunity to share our hopes, our problems, our possibilities. That's how I look back on these last 80 years.

I am so grateful to all of you, to the Governor, to the Congressman, to the President of the Senate, — I worked hard to become President, you've had it too easy — and Mr. Speaker. So thank you all very much for your warm welcome and for your listening to me, once again. (prolonged applause, the audience rising)

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At this point, a birthday cake with 80 candles was brought into the House as members and guests sang Happy Birthday to Senator Muskie.

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The Sergeant-at-Arms escorted Senator and Mrs. Muskie from the chamber, amid prolonged applause, the audience rising.

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The Assistant Sergeant-at-Arms escorted Governor McKernan and Congressman Andrews from the Chamber, amid applause, the audience rising.

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The purpose for which the Joint Convention was formed having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the members rising.

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#### In the House

The House was called to order by the Speaker.

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On motion of Representative STEVENS of Orono, adjourned at 2:15 p.m., until 9:00 a.m., Monday, March 28, 1994.