

# 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  
32nd Legislative Day  
Thursday, March 31, 1994

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

Prayer by Father Gilbert Patenaude of Augusta (retired).

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 30, 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 Housing and Economic Development:

William H. Beardsley of Ellsworth for appointment to the Maine Education & Training Export Partnership.

Roland Bracy, Jr. of Portland for reappointment to the Adaptive Equipment Loan Program Fund Board.

Janis B. Cohen of Cape Elizabeth for appointment to the Finance Authority of Maine.

Janis B. Cohen is replacing Richard Schade.

Gary L. McLaughlin of Bangor for appointment to the Adaptive Equipment Loan Program Fund Board.

Gary L. McLaughlin is replacing Thelma Pray.

Daniel M. Parker of Westbrook for reappointment to the Adaptive Equipment Loan Program Fund Board.

Arthur H. Redman of Augusta for reappointment to the Adaptive Equipment Loan Program Fund Board.

Anita C. Stickney of Yarmouth for reappointment to the Finance Authority of Maine.

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 30, 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 Education:

Harrison L. Richardson of South Portland for appointment to the Maine Maritime Academy Board of Trustees.

Harrison L. Richardson is replacing Hobart Harnden.

Jeremy B. Weirich of Castine for appointment as the Student Trustee Member of the Maine Maritime Academy Board of Trustees.

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 30, 1994

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

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Housing and Economic Development, David Lakari of Portland for appointment to the Maine State Housing Authority. David Lakari is replacing Dwight Sewall.

Sincerely,

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

Was read and ordered placed on file.

**Ought to Pass as Amended**

Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-549) on Bill "An Act to Revise and Recodify the Maine Revised Statutes, Title 29" (S.P. 277) (L.D. 841)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-549).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-549) was read by the 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-549) in concurrence.

**Ought to Pass as Amended**

Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "B" (S-563) on Bill "An Act to Extend Penalty Sanctions to Employee Health Benefit Plans" (S.P. 671) (L.D. 1843)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (S-563).

Report was read and accepted. The Bill read once. Committee Amendment "B" (S-563) was read by the 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 "B" (S-563) in concurrence.

**Ought to Pass as Amended**

Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-478) on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$19,800,000 to Improve Passenger and Freight Rail Facilities and Make Improvements at State and Municipal Transportation Facilities" (S.P. 697) (L.D. 1895) (Governor's Bill)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-478) and Senate Amendment "A" (S-540).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-478) was read by the Clerk and adopted. Senate Amendment "A" (S-540) was read by the 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-478) and Senate Amendment "A" (S-540) in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Assist in Crime Prevention" (H.P. 1041) (L.D. 1393) on which the Minority "Ought to Pass" as amended Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-855) in the House on March 29, 1994.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Legal Affairs read and accepted in non-concurrence.

Representative DONNELLY of Presque Isle moved that the House Insist.

Representative JACQUES of Waterville moved that the House Recede and Concur.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that we debated long and hard just a few days ago. I am sure the arguments that were made have not escaped you yet, even though we have talked about several other bills.

The motion to recede and concur is a motion that would please some people in this House, but a large majority of this House voted to pass this bill, it won by nearly 30 votes. I think we can work with members of the other body and hammer out any difficulties there are.

I would like that opportunity and I would ask you to defeat this motion so we can go on and Insist and have an opportunity to work with the members of the other body to allow this legislation to pass.

This is the bill that we talked about that would suspend the drivers license of those who were driving a vehicle with enough illegal drugs to consider it trafficking for distribution. It also has flexibility in it for the courts. I hope you will follow my light and defeat the motion to recede and concur and go on to accept the motion to Insist.

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

Representative JOHNSON: Mr. Speaker, Men and Women of the House: Yes, I voted for the bill and since then I have had time to reflect on it as to the impact of the bill.

I am a member on the Committee on Corrections and we are well aware of the need to prevent crime and to take people who are courting crime and protect the public from their criminal activity.

Once we have done that, there is a second responsibility just as heavy as the first responsibility and that is to help that person make an appropriate change in their life. That is how I see my change coming here.

You took away the license of a person obviously caught doing the wrong thing, but you take the license away, you prevent that person, let us say, from attending rehabilitation, counseling, going to a job and you throw that person and his family (if there is one) onto the welfare roll. So, I had to reconsider my vote and I ask you ladies and gentlemen of the House to do the same.

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At this point the Speaker appointed Representative MICHAUD of East Millinocket to act as Speaker pro tem.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I too, like Representative Johnson, serve on the Corrections Committee. A lot of our discussion this year has been centered around alternative sentencing. I personally feel that this piece of legislation isn't binding, doesn't bind the judges hands to suspend the license for five years. It gives them flexibility for people that have jobs, it gives the judges the flexibility for them to use that and allow operation under those conditions.

I think that the vote that was taken here after all the debate was a good vote. I think people had given it a lot of thought and had weighed all the pro's and con's. I think to change your vote at this point would be bowing to political pressures that have been applied since this bill passed in this body.

There is no question this bill is a good bill. It does provide for the flexibility and it does give the courts the alternative sentencing option and there is no question that this will have an impact on our young people becoming involved in dealing drugs. I urge you to defeat the motion and go on to pass this legislation.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: All this bill does is give the option to a judge of allowing the suspension of a driver's license if you have been convicted of trafficking in drugs.

Yes, it certainly is an additional option. My guess is that it would put an undue burden on people that can't afford a high-priced attorney. Yes, it will put an undue burden on people in a very rural state who are dependent on a driver's license to earn a living to go to treatment. We have never been able to show that suspending a driver's license has been a deterrent to drug trafficking. Perhaps those of you who see a linkage there will want to support the bill but I hope that you will agree with the motion and recede and concur to kill this bill because I don't believe there is any demonstrated effectiveness or linkage and I think it will be a very undue burden on many people in the state who couldn't afford it.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I agree this will place an undue burden or a burden anyway on those folks who use a privilege of the state to poison children. This

isn't the average Joe Citizen who made a little mistake. The amount of illegal drugs you have to have to be arrested for trafficking is large. It is not a small pocketable amount, it is someone who has enough drugs that there is hardly a doubt that their intent and their reason for having it is to profit by killing children. The linkage is clear to me and in the bill it says they have to be driving the car when they are doing this. This isn't something that is not linked, it is not one of the bills that we have seen that takes a license away for doing something that is unrelated to your vehicle.

I had one member of law enforcement state to me that we now suspend licenses for driving to endanger and he could see no more dangerous means of driving than distribution of drugs.

I will read into the Record, one more time, a letter from the Chiefs' of Police and in that letter the Chiefs' of Police Association of the State of Maine say, "If this legislature is serious about doing something to stop the distribution of drugs, then we will pass this legislation."

I ask this House once again to endorse this legislation which gives another option, it is an alternative, to the number of things that will now be used against those heinous criminals who distribute this illegal substance and poison children.

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

Representative DORE: Mr. Speaker, Men and Women of the House: Every year each of us finds one particular piece of legislation or juxtaposition of two pieces of legislation particularly amusing. So, I want to talk to you today about this bill and its juxtaposition with another piece of legislation and why I find this amusing and why I am not going to vote to support Representative Donnelly's motion. And, that is this — I disagree with Representative Daggett about whether or not you can suspend people's licenses to make them behave differently. I actually think that you can get different behavior if you suspend people's licenses and I think that a good indication of that is how many people are now paying their child support. I love when people make babies have to pay to raise them. I happen to think that is a real good public policy thing we have done and it has resulted in something positive.

I am interested in Representative Donnelly's suggestion that drug traffickers ought to lose their license because a license is a privilege. I follow the logic of his argument and I agree that it is a privilege but I want this roll call and I want the other roll call on firearms in the schools because you see there really is linkage between these two bills. You go out and you sell drugs and you say (and that is a heinous crime) and you say, "You want to buy a joint? You want to buy a tab of acid? You want to buy this, you want to buy that?"

In order to be poisoned by this person you have to say, yea, give me a hit I will give you \$5 or whatever the arrangement is. You have definitely got to become engaged in the process in order for this to kill you, but if you walk into a school with a gun, you know — you don't go up to somebody and say, you want to buy a bullet, generally you shoot them and the net result is they are dead.

I noticed that a number of people who are voting for removing the license for drug trafficking voted against removing the license of teenagers who consider licenses so vital for hauling guns into

schools. I just find this to be one of the most amusing juxtaposition.

Being a political person I want you to know that I am willing to trade. As soon as we pass, which Representative Daggett hates, a bill that says we can take away your license for walking into school with a gun I am more than happy to vote for taking away your license for drug trafficking. I have no problem with that but I want to be political about it and I think that gun violence is one of those things where you don't ask somebody — will you give me some money, then I will shoot you. So, the victims of those crimes can't even decide whether or not they want to be the victim of that crime and therefore I am willing to trade as soon as you give me a roll call for no guns in schools, I will give you a roll call for taking away the license for drug trafficking.

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At this point, the Speaker resumed the Chair.

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

Representative ROBICHAUD: Mr. Speaker, Friends in the House: I have spoken on this measure before so I will not repeat what has been said in the past. I will only make two observations. One, is that the issue which was brought up by the previous speaker of firearms in the schools is a legitimate issue, it is a legitimate concern. I don't think any one of us would dispute that.

The bill that was put before us was a legitimate effort to get at that problem. However, it differs from the matter before us in that this bill, "An Act to Assist in Crime Prevention" is a continuation of an existing policy. That policy is if someone specifically transports alcohol, which we also consider for minors an illegal substance, then they lose their drivers license. We are saying in this bill that if someone is caught, convicted of trafficking scheduled drugs, then they could also lose their driver's license. By not passing this, are we saying that scheduled drugs are of lesser importance than if minors are caught with alcohol in their vehicles?

I think that we need to recognize that this bill before us is an opportunity to send a consistent message as well as provide a tool for law enforcement to protect our children, to protect our neighbors, to protect our communities, to make sure that there is one other way that we can get the drug dealers off our streets and in some way under control.

I would urge you to oppose the motion to recede and concur.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: I voted in favor of this last time. I also voted in favor of doing something about bringing guns into schools and public places. I think it is very important and I understand the feelings of people who are stating that taking licenses away may cause them some problems. However, those particular problems in my estimation are small compared to perhaps preventing a life from being lost.

I can attest and tell you about holding a 16 year old boy in my arms after he had been sold some drugs

and he was driving and smashed into a tree and I was asked to go give whatever help that I could. Since that time I have tried to do everything that I could to prevent any other person from falling into the clutches of buying drugs. I know that person has to say yes and that person certainly has to give money and so forth. It is too bad that we can't get all of them to say no, but it is an impossibility. This is another tool and I hope that you will go along and defeat the motion before the House and go to pass the bill as we did before.

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

Representative JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: I worked 15 years at the Maine Youth Center and almost all of the kids that came to me (I was Chaplain) all had been involved in drugs, maybe one or two would go by in a year, they would be the strange ones, all involved in drugs, all involved in use. My knowledge of those kids and my experience with those kids would be that if you told them that their license would be taken away, it would not stop them. You need to do something more but the license will not prevent them, will not stop them from using drugs, buying drugs.

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

Representative FARNUM: Mr. Speaker, Members of the House: I am familiar with the programs in schools where we have DARE and all that and we teach our children not to take drugs, not to traffic in drugs or anything. Today, I hear people saying "Lord, forgive these people who transport drugs, they know not what they are doing." I don't agree with that.

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

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: No measure will affect everybody, but if we can prevent one child, one instance from being influenced by drugs, isn't it worth it?

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Jacques of Waterville that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 voted in favor of the same and 55 against, the motion to Recede and Concur did not prevail.

Subsequently, the House voted to Insist.

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#### Non-Concurrent Matter

Bill "An Act to Require Disclosure of Minimum Bid Requirements at Mortgage Foreclosure Sales" (S.P. 567) (L.D. 1602) on which the Majority "Ought Not to Pass" Report of the Committee on Banking and Insurance was read and accepted in the House on March 29, 1994.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on Banking and Insurance was read and accepted and the Bill passed to be engrossed as amended by Committee

Amendment "A" (S-486) and asked for a Committee of Conference in non-concurrence.

On motion of Representative PINEAU of Jay, the House voted to Insist and join in a Committee of Conference.

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**Non-Concurrent Matter**

Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" (H.P. 1303) (L.D. 1758) which was passed to be engrossed as amended by Committee Amendment "A" (H-865) in the House on March 25, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-865) as amended by Senate Amendment "A" (S-555) thereto in non-concurrence.

On motion of Representative RUHLIN of Brewer, the House voted to Recede.

Senate Amendment "A" (S-555) was read by the Clerk.

On motion of Representative RUHLIN of Brewer, Senate Amendment "A" (S-555) was indefinitely postponed.

The same Representative presented House Amendment "A" (H-1013) to Committee Amendment "A" (H-865) which was read by the Clerk and adopted.

Committee Amendment "A" (H-865) as amended by House Amendment "A" (H-1013) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-865) as amended by House Amendment "A" (H-1013) thereto in non-concurrence and sent up for concurrence.

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**Non-Concurrent Matter**

Bill "An Act to Authorize Use of Civil Administrative Penalty Authority and Administrative Order Authority Against Violation of Federal and State Drinking Water Laws, Regulations and Rules" (EMERGENCY) (H.P. 1329) (L.D. 1792) which was passed to be engrossed as amended by Committee Amendment "A" (H-864) as amended by House Amendment "A" (H-975) thereto in the House on March 29, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-864) as amended by Senate Amendment "A" (S-559) thereto in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Bill "An Act to Conserve Sea Urchin Resources" (H.P. 1459) (L.D. 1984) which was passed to be engrossed as amended by House Amendment "B" (H-983) in the House on March 29, 1994.

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-983) and Senate Amendment "A" (S-547) in non-concurrence.

Representative MITCHELL of Freeport moved that the House Adhere.

Representative SKOGLUND of St. George moved that the House Recede and Concur.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I hope you will vote against the motion to recede and concur. This is a very complicated bill that is designed to protect the sea urchin resource. Most of you know that sea urchin harvesting was unknown in Maine until a few years ago.

Frankly, the industry has just been booming. There are a couple of principles that you have got to consider when you think about the sea urchin resource. First, in every part of this country where sea urchins have been harvested have followed the same pattern, the urchin resource is very plentiful, a lot of people get into the industry — it lasts about five years and they harvest these creatures to commercial extinction. That happened in California, that happened in Washington, that happened in Oregon.

In Maine, the goal of this law is to maintain this industry as a stable resource that will be sustainable. You cannot hammer this industry over and over again and keep the resource on a sustainable level.

Senate Amendment "A" which is the issue here, eliminates a part of the bill that would have created fishing zones, the western fishing zone and an eastern fishing zone. The Committee established these two zones because the spawn of urchins in the west begins earlier in the season than it does in the east. We did not feel that people should be out harvesting these sea urchins while they are spawning. It is a good principle in fisheries that you don't go out and take spawning fish and put them into the marketplace. Why they spawn earlier in the west than they do in the east we don't know.

What is happening now in early April, the spawn has already begun in the west and the sea urchin there are of lower quality than they are in the east. All the urchin divers in Casco Bay have all moved down east and they are hammering the resource there because those urchins are going to be accessible and good on the market for another three or four weeks. We are trying to prevent that from happening.

So, when we created zones we said when you bought a sea urchin license you would have to choose which zone you wanted to fish in, the west or the east. Senate Amendment "B" removes that provision. If you vote to recede and concur, you will permit this practice of going down to the western part of the state in Casco Bay, off York County, hammering the resource there when they begin to spawn and lose their value you are going to move it all down east and you are going to hammer it there. This industry cannot take much hammering. In fact, it has already started to decline, which is following the pattern that has been established in every other state where the resource is. There are plenty of sea urchins in the world, there are a lot of sea urchins in Chili and if the industry here goes down the toilet, I suspect that all the urchin people are going to go down to Chili and we will have nothing. It is a good clean industry, it provides a lot of good income for a lot of people but it has to be managed and the goal of the Committee Amendment as amended by the House

Amendment is to keep the industry intact as a sustainable industry that will help the people of Maine. I hope you will defeat the motion to recede and concur, then Adhere.

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

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

To Representative Mitchell of Freeport, I am a bit confused and I am in hopes that perhaps you can set me straight. You mention that Senate Amendment "A" which is of course what has put this bill in non-concurrence at the moment (S-547), you mention that that strips the provision establishing zones. As I read Senate Amendment "A" it in fact deals with closed areas around Vinalhaven, I don't see anything that strips zones from the bill, perhaps you could clarify that for me?

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

The Chair recognizes that Representative.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I was arguing Senate Amendment "B." Senate Amendment "A" is an amendment which put one particular season around the island of Vinalhaven, that is a very poor fishery practice that you would have two seasons and then pick one particular island and establish a special season for that. That is a bad fishing principle but it is not a big deal. I apologize, I never got Senate Amendment "A" on my desk and I was defending Senate Amendment "B" and I apologize to the House for that.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I rise to ask you to support the Majority of the committee's position which is to have the zones in effect. Senate Amendment "B" which is (S-566) would open this wide-open. As Representative Mitchell has told you, the resource is in a very fragile condition at this time. It has been very lucrative to the fishermen but now it is getting to the point where it is nearing extinction. We do not want that to happen; therefore, these provision are necessary at this time. Please vote against the motion of recede and concur.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholly with the good Representative from Jonesboro, Representative Look. I just want to make a couple of points here. Washington County's economy, as everybody knows, is weak at best. This fishery has added a little bit of work to our area where some folks can either part-time or full-time go out and get some resource. But since this fishery has caught on I have seen — I have a home right on Cobscook Bay — every morning and every night I see the boats out there. Three years ago, if you had 20 boats out there fishing, that was quite a few. One evening last summer, I counted 68, most of which were not even from my area.

This may sound provincial but look at it on an economic point. Our folks down east barely hold on with less than acceptable boats. They do their own maintenance, they do what they can to stay in the fisheries and these folks with the big boats and the

money to run up the coast, come up to Washington County, they clean us out, not only just on urchins, but in other fisheries and this zone is a bold step for the Marine Resources to take. I think you are going to see in the future other fisheries do the same. What happens is they come up and they clean us out, now we have the right to come down in the other area and fish there, but we don't have the economics, we don't have the boats and they don't have the ability to do that. So, it is not an even playing field and that coupled with the fact that this resource is going to disappear if we don't do something.

We worked long and hard on this bill. We have been in touch with fishermen, we have had tons of testimony and I feel that this is an eleventh hour change and I just would urge you to please go with the motion to Adhere because this fishery needs to be protected and if we don't do these zones, then you might as well throw the whole thing out and let attrition take care of it because that is what is going to happen, this resource will end.

My fishermen told me that last year with the drag, the ten foot chain sweep, which we changed as well and the number of draggers in the area, we have lost five years worth of resource in our area, so please help us protect a resource and help us keep our people working.

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

Representative CHASE: Mr. Speaker, I would direct a question through the Chair.

Could anyone, especially anyone of the previous three speakers clarify the issue for me. My understanding is that what we are actually being asked to recede and concur on is the original bill with the zones in it, amended to create a special zone around Vinalhaven, not the second Senate Amendment that would obliterate the zones. Am I correct or incorrect? Could you clear it up?

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

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Members of the House: To respond to the question, no, that is not correct. That is the Senate Amendment that was drafted but not attached to the bill. The Senate Amendment which is now attached to the bill would in fact effectively eliminate the purpose of having the zones and destroy the delicate compromise that the Marine Resource Committee reached on this bill.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this debate because I don't think it is necessary unless people have questions. However, I do need to tell the people in this House that I have some very severe concerns about this bill. However, after a great deal of discussion in a number of meetings I have come around to the point where I think the bill is palatable now and we need to do something to find out what the resource is and help sustain this industry for years to come.

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



Representative COLES: Mr. Speaker, Men and Women of the House: I want to apologize to the Representative from China, I made a mistake as I think my chairman did earlier. Senate Amendment "A" is the issue on Vinalhaven alone. The problem with it is the problem described by Representative Mitchell that if you start making policies for every specific island or town along the whole coast you end up with an impossible situation. It is much better to have a consistent policy for the whole coast.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, I would like to have clarified — I tried to hear Representative Coles but I really couldn't — whether or not this applies now we are talking about the original bill or Amendment "B" from the Senate? Would he explain that one more time? If I don't understand perhaps there are others who don't either.

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

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for this sparse or semi Noel Coward play, I guess is a more accurate way of saying it. If you look at your calendar it says "Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-983)" that is the Committee Amendment presented by Representative Mitchell but worked out by Representative Farren, and Senate Amendment "A". If you take a look at Senate Amendment "A" it is filing (S-547) and it is clearly the amendment which creates a one mile, a special one mile, closure for certain parts of the year-around Vinalhaven Island and no where else. That is the amendment which we are now trying to avoid because we believe that will be unsound fisheries policy.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: Thank you to the Representative from Harpswell for clarifying that. Indeed, if we are merely discussing the area around Vinalhaven now, I would like to address that.

Two things you have to know about. First is the island of Vinalhaven and second is something about the urchin business.

Vinalhaven is one of the outer most large inhabited islands. People there are almost entirely dependent upon the sea for their livelihood. With the increased competition all along the coast for urchins the people of Vinalhaven, in town meeting, requested their Representative and Senator to see if they could not extend their closed season just around their island, just one mile out to give those urchins a longer time to grow. They are not attempting to shut out anyone from outside. When the season opens, boats can come in from other places and it is open to competition. But, their feeling is if the season were closed — the amendment says from May to November 1st, the urchins would mature, they would get a better price for them and it would generally benefit the economy of the island and the economy of anyone else who was in the urchin fishery business.

If I understand this problem correctly the problem that the other members of the committee have with the

bill or the amendment is that it would make an exception. I think an exception to this law would be a good idea because it would give us an area to see what will happen to the urchin industry if the zone is extended a longer period of time. Would it be helpful to extend that closed season on urchins and this very narrow, one mile wide band around Vinalhaven could serve as an experimental area? The people on Vinalhaven are unanimously in favor of this extended closed season and I can't see any reason why if it doesn't affect the rest of the state it wouldn't be a good idea.

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

Representative LOOK: Mr. Speaker, I would pose a question through the Chair.

At the present time with this document on today's agenda has Senate Amendment "A" (S-547) been attached to this bill? At the present time has this L.D. 1984 that is before us, has Senate Amendment (S-547) Amendment "A" been attached to this document?

The SPEAKER: The Chair would answer in the affirmative, Senate Amendment "A" has been adopted in the Senate.

The Representative may continue.

Representative LOOK: Mr. Speaker, may I pose a question, then are we debating this bill with Senate Amendment "A" and "B" having been placed on the legislation?

The SPEAKER: The motion to recede and concur would be to concur with the motion to accept House Amendment "B" and Senate Amendment "A".

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: There was a bill presented to this legislature to shorten the current season of three months to two months and the force behind that was some urchin processors who have connections in Japan who made the argument that they need to have access to the urchin market in Japan and they can't get out of the market for a long period of time or they will lose their market share. I think it is a legitimate concern.

At the public hearing people came in wanting a six month season, a five month season, a four month season, a three month season and the urchin processors wanted a two month season.

We had to decide how long a season we should have and it was sort of a negotiation, there was a lot of give and taken and we decided to have a split season of four and a half months in each zone. The people on Vinalhaven happen to be one of the group that wanted a slightly longer season so that it would coincide with the lobster fishing activities but I don't think that is any reason to throw out this compromise, make a special exception and have different fishing laws for every island on the coast because if Vinalhaven wants it another island will want it and another island will want it and another island and another island and we will have a hodgepodge of fishing seasons.

I would urge you to vote against the motion to recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Skoglund of St. George to recede and concur. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

17 voted in favor of the same and 78 against, the motion to Recede and Concur did not prevail. Subsequently, the House voted to Adhere.

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**Non-Concurrent Matter**

Bill "An Act to Amend the Public Smoking Laws" (S.P. 724) (L.D. 1945) which was passed to be engrossed as amended by Committee Amendment "A" (S-488) as amended by House Amendment "A" (H-967) thereto in the House on March 28, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-488) as amended by Senate Amendment "D" (S-560) thereto in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

An Act to Clarify and Make Technical Changes to Various Professional Licensing Board Laws (S.P. 720) (L.D. 1942) (C. "A" S-490) (Governor's Bill) which was passed to be enacted in the House on March 30, 1994.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (S-490) as amended by Senate Amendment "B" (S-558) thereto in non-concurrence.

The House voted to Recede and Concur.

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**Non-Concurrent Matter**

Bill "An Act to Encourage Municipal Investment in Local Economic Development Projects" (EMERGENCY) (S.P. 647) (L.D. 1806) on which the Minority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted in the House on March 28, 1994.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-468) in non-concurrence.

Representative DORE of Auburn moved that the House Adhere.

Representative NADEAU of Saco moved that the House Recede and Concur.

On further motion of the same Representative, tabled pending his motion to Recede and Concur and later today assigned.

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**COMMUNICATIONS**

The following Communication:

COMMITTEE ON AGRICULTURE

ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 30, 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 Agriculture has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1855 An Act to Strengthen the Laws Governing Harness Racing

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

Sincerely,

S/Sen. Judy Paradis  
Senate Chair

S/Rep. Robert J. Tardy  
House Chair

Was read and ordered placed on file.

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The following Communication:

COMMITTEE ON TAXATION  
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 30, 1994

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

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1701 An Act to Assess Excise Tax on a Pro Rata Basis on Automobiles Utilized for Rental

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

Sincerely,

S/Sen. John E. Baldacci  
Senate Chair

S/Rep. Susan E. Dore  
House Chair

Was read and ordered placed on file.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act to Correct the Purchasing Laws to Delegate Small Purchases" (H.P. 1468) (L.D. 1994) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representative: WHITCOMB of Waldo) (Governor's Bill)

Reference to the Committee on State and Local Government suggested and ordered printed.

Under suspension of the rules, and without reference to a Committee the Bill was read twice and passed to be engrossed and sent up for concurrence.

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

#### SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

the following members of the Lawrence High School Boys Basketball Team, of Fairfield, winners of the Class A State Basketball Championship: Ty Donahue-Beard, Craig Seeley, Rick Fortier, Mike Hamlin, Jon Hiltz, Kyle Holmstrom, Chris Winship, Billy Cole, Greg Harrison, Keith Knights, Jeremiah Nowlin, Tommy Reynolds, Allan Richards, Heath MacArthur and David Elliot; their managers, Randy Caswell, Kyle Marquis, Jeremiah Hutchinson and Dean Guite; and their coaches, Mike McGee and Lenny Cole; (HLS 918) by Speaker GWADOSKY of Fairfield. (Cosponsors: Representative CLEMENT of Clinton, Representative CHASE of China, Senator MARDEN of Kennebec)

On objection of Representative GWADOSKY of Fairfield, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair is very pleased and proud to recognize at this time the members of the Lawrence High School Boys Basketball Team. They are the winners of the State Class A Basketball Championship 1993-94 season. They were ranked number one in eastern Maine and compiled an impressive record of 22 and 2 during the regular season. The team is accompanied today by their coaches and they have been superbly coached over the years by Coach Mike McGee, Assistant Coach Charlie Jucius, Ed Worcester and Ray Witham. As you know, they have indicated before on Monday when the girls were here, the boys and girls each won the State Championship this year. It is the first time in the history that two teams from the same school have won the State Class A Championship. They are outstanding role models within our school system, spend a phenomenal amount of time with younger children and they have individually achieved scholastically. This is their second gold ball in the last five years. Cumulatively Lawrence has collected six gold balls in the last five years and

it is another part of a very, very proud tradition that we have had at Lawrence High School.

Subsequently, was passed and sent up for concurrence.

Jennifer Hunt, 15, of Rumford, who was crowned Miss Maine Teen USA and Miss Photogenic at the Sheraton Tara Hotel in Portland on March 20, 1994. Jennifer will compete in the national Miss Teen USA pageant in Biloxi, Mississippi in August; (HLS 919) by Representative ERWIN of Rumford. (Cosponsors: Senator LUTHER of Oxford, Representative CAMERON of Rumford)

On objection of Representative ERWIN of Rumford, was removed from the Special Sentiment Calendar.

Was read.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased to give recognition to Jennifer Hunt of Rumford for her accomplishments. Jennifer competed for Maine title against 27 other young ladies throughout Maine. She has been competing in pageants since won the Miss Little Start Crown in 1986 at the age of seven. Last year she won the Miss Maine Junior National Teenager Academic pageant. Miss Maine Teen USA crown comes with a \$500 college scholarship as well as wardrobe and travel expenses. Among her duties as Miss Maine Teen USA will be involvement in community service projects and a lot of public speaking. Jennifer is a very bright young lady. Her goal for the future is to become a criminal lawyer. Jennifer will compete in the National Miss Teen USA pageant in Biloxi, Mississippi in August. The winner of that pageant will receive \$150,000 in cash and prizes.

Please join me in wishing Jennifer success in her future endeavors.

Subsequently, was passed and sent up for concurrence.

David Francis, Sr., language coordinator of the Passamaquoddy-Maliseet Bilingual Program at the Pleasant Point reservation, in appreciation of his years of dedicated service and commitment in preserving the language, culture and heritage of the Passamaquoddy Tribe of the Abnaki Nation of American Indians; (HLS 920) by Representative SOCTOMAH of Passamaquoddy Tribe. (Cosponsors: Representative TOWNSEND of Eastport, Representative BAILEY of Township 27, Senator VOSE of Washington, Senator LUDWIG of Aroostook)

On objection of Representative CLARK of Millinocket, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative SOCTOMAH: Mr. Speaker, Members of the House: It is an honor for me to say this on behalf of Martin David Francis, to recognize him for his efforts as a Passamaquoddy Tribal Member.

Seventy-seven years ago, David Francis was born into the Passamaquoddy Tribe at Pleasant Point. He and his wife, Marion Neptune, a Passamaquoddy woman, have parented ten children and have had their door open to their numerous grandchildren.

David, a former Governor of the Passamaquoddy Tribe at Pleasant Point was elected in 1950. He is the oldest living Governor to date. Holding several jobs after his time in the Army, David joined Joe Nicholas in endeavoring to keep the Passamaquoddy language alive. To do this David realized the need to write this oral language down so that it would be preserved for future generations.

David's first language was Passamaquoddy and his second language was English, one that he didn't learn until entering elementary school. David maintains that English is strengthened by knowing Passamaquoddy. To promote this theory, David worked with several linguists from Harvard and M.I.T.. He developed many books in his native language, some of which he translated into tapes so that beginning learners of his beloved language would be able to hear the correct inflections as well as to see the words. David developed a consonant and vowel system for his language that is distinct from the English one. To expand this knowledge to others, David conducted several classes for his people as well as non-natives working with the tribal students.

David has written two Passamaquoddy Dictionaries that are in print and has made songs, videos and tapes of his native language. Much of his work is done at home or in his second home the Wabanaki Museum. There, together with his friend, Joe Nicholas, he labors with love to give all his knowledge of Passamaquoddy in a variety of ways for future generations. David is the co-founder of the Museum and assists Joe with the tours and language development classes.

David is the model of a Passamaquoddy male. He is kind and gentle, quick-witted and possesses an inner strength which one senses when speaking with him. David is the "behind the scenes" worker, the developer and researcher of his language. He is highly regarded in the Indian community of Pleasant Point and is looked to for sound advice and direction.

David's quiet ways do not go unnoticed. He consistently strives as an elder to work for his people in sharing what he loves, his language. He does this by speaking fluently, writing frequently and sharing lovingly.

A spiritual man, in tune with Mother Earth, David can be seen walking along Passamaquoddy Bay in the early morning hours or strolling with his wife in the afternoon. His devotion to St. Ann's Church as well as to his culture makes David a man one feels blessed to know. David is a true warrior for his people — one who is spiritual, healthy and native in his heart.

Subsequently, was passed and sent up for concurrence.

At this point, the Speaker appointed Representative MICHAUD of East Millinocket to act as Speaker pro tem.

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**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative TREAT from the Committee on **Human Resources** on Bill "An Act to Implement the Recommendations of the Health and Social Services Transition Team" (H.P. 1330) (L.D. 1793) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-1008)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-1008) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

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**Ought to Pass Pursuant to Joint Order (H.P. 1467)**

Representative DAGGETT from the Committee on **Legal Affairs** on Bill "An Act to Establish Fairness in the Placement of On-line Lottery Machines" (EMERGENCY) (H.P. 1469) (L.D. 1995) reporting "**Ought to Pass**" Pursuant to Joint Order (H.P. 1467)

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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**Divided Report**

Majority Report of the Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-1000) on Bill "An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts" (H.P. 1008) (L.D. 1354)

Signed:

Senators: HANLEY of Oxford  
CONLEY of Cumberland

Representatives: PLOWMAN of Hampden  
OTT of York  
FAIRCLOTH of Bangor  
FARNSWORTH of Hallowell  
COTE of Auburn  
KETTERER of Madison  
LIPMAN of Augusta  
SAXL of Bangor  
CATHCART of Orono  
CARON of Biddeford

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-1001) on same Bill.

Signed:

Senator: BERUBE of Androscoggin

Reports were read.

**Second Day**

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

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

**Divided Report**

Six Members of the Committee on **Judiciary** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (H.P. 1470) (L.D. 1998) report in Report "A" that the same **"Ought to Pass"** Pursuant to Joint Order H.P. 1416

(H.P. 1454) (L.D. 1982) Bill "An Act Regarding the Department of Corrections" (C. "A" H-993)

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

Signed:

Senator: CONLEY of Cumberland

Representatives: FARNSWORTH of Hallowell  
CATHCART of Orono  
KETTERER of Madison  
CARON of Biddeford  
COTE of Auburn

Four Members of the Committee on **Judiciary** report in Report "B" that the same **"Ought Not to Pass"** Pursuant to Joint Order H.P. 1416

Signed:

Senator: HANLEY of Oxford

Representatives: OTT of York  
PLOWMAN of Hampden  
SAXL of Bangor

Two Members of the Committee on **Judiciary** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (H.P. 1471) (L.D. 1999) report in Report "C" that the same **"Ought to Pass"** Pursuant to Joint Order H.P. 1416

Signed:

Senator: BERUBE of Androscoggin

Representative: FAIRCLOTH of Bangor

One Member of the Committee on **Judiciary** on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (EMERGENCY) (H.P. 1472) (L.D. 2000) Pursuant to Joint Order H.P. 1416

Signed:

Representative: LIPMAN of Augusta

Reports were read.

On motion of Representative COTE of Auburn, tabled pending acceptance of any Report and later today assigned.

**BILLS IN THE SECOND READING**

**As Amended**

Bill "An Act to Increase the County Share of the Real Estate Transfer Tax" (H.P. 464) (L.D. 601) (C. "B" H-996)

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

On motion of Representative MITCHELL of Vassalboro was set aside.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: With great apology to the Taxation Committee, I must make a motion at this time. I have spoken with them about it, and it shouldn't be a surprise, but at this point, I would move indefinite postponement of this bill and all accompanying papers.

Subsequently, On further motion of the same Representative, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

Bill "An Act to Rejuvenate the Lobster Population in the Gulf of Maine" (H.P. 1262) (L.D. 1689) (C. "A" H-973)

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

On motion of Representative MITCHELL of Freeport, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and later today assigned.

**ENACTORS**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Assistance to Maine Businesses (H.P. 1148) (L.D. 1547) (C. "A" H-949)

**CONSENT CALENDAR**

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative **FOSS**: Mr. Speaker, Ladies and Gentlemen of the House: We have had some discussion in this body about the bond package going out to the voters either in June as it currently is or in November which I think may be under discussion. Those of you who support this bond, we certainly understand that. My comments today certainly do not reflect a lack of commitment to job creation but it reflects more a concern with a large bond package that invites voter rejection.

I am concerned that the voters will perceive this bond as a loan fund for operating costs for businesses and if too many bonds or too much money is involved in those bonds go before the voters they will view us as incapable of setting priorities.

I believe that we must make the tough decisions here in this chamber, we can't do everything we might like to do.

I would like to remind the members of this body that every ten million dollars in borrowing costs \$1.3 million a year in debt service. So, currently before you with the majority vote is a package of almost \$90 million which will cost about \$12 million a year in debt service. I believe that if we are not conservative in our voting on these borrowing proposals the voters will do it for us.

Mr. Speaker, I request a roll call.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative **MELENDY**: Mr. Speaker, Men and Women of the House: I urge you to vote favorably on this unanimous committee report. This bond issue is something that we have worked on for a couple of years and to provide you with the best scenario for assisting businesses to not only create new jobs but to assist them in savings jobs. We have been hearing from business people over the years especially when that whole business of recall came up, there were so many businesses who had real difficulty in being able to hold the business, their heads, above water because of funding and inability to borrow from banks.

These proposals before are revolving loan funds. We always do revolving loan funds so that we can continue to push these funds out to other people. The businesses that we had talked to that spoke about the needs were also supported in many of the reports that you received. The report on the Commission on Investment Capital, the Maine Economic Growth Council final recommendations, Maine Science and Technology Plan, Economic Growth for the State of Maine, the Chambers Charting Maine's Economic Future. They are all begging us to be able to assist some of these businesses.

We had one of these, the economic recovery program, was one that we had a bond issue on a couple of years ago and I believe we had put out \$7 million for it. The people of the state voted for this. They know that we have got to protect the jobs that we have in this state now and also to look at creating new jobs. What had happened with that \$7 million, within eight months 50 businesses had borrowed those monies and we had saved 1500 jobs because of the small businesses that were not going to be able to hold their head above water, they were going to have to close their doors. We save 1500 and

we created 300 new ones. \$10 million of this bond issue would be used for a revolving loan fund under FAME administration.

I believe that you are having something passed out to your desk right now and you will see that in many of your own communities, the list of them is all here, they Economic Development Agency that would be using these funds under FAME supervision. FAME would certify the regional and local development lenders with monies to make loans to the Maine businesses. The reason for doing this is because they know their own businesses, those that they dare to loan, those that they know will be able to repay and those that they can trust in stretching themselves just a little bit more in allowing them to be able to borrow where they otherwise might not be able to with banks.

We also have \$5 million of it would go towards, as with FAME, economic recovery loan fund program which is the one that I told you had saved so many jobs and had created so many in the last program. Also, there is an ability to create a capital access program.

What we did is put language in the bill that would allow FAME to decide, with this \$5 million, which of the two of those programs that the money would go to because we are anticipating that the federal government will come down with a four to one match on the capital assets program. If that is voted there and if that happens we want to make sure that FAME goes out and leverages as much possible additional dollars with these matching funds that they could create to be able to have these monies available for our small businesses.

I really urge you to support this.

Also, if I may, for the communities that are not listed or do not have an existing or certified agency that they could work with FAME on they are able to work with established development corporations to leverage these funds. So, no community will be left out.

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

Representative **CARR**: Mr. Speaker, I would pose a question.

Although I had heard the good Representative mention the Maine Science and Technology Fund, I do not see them on the list. I was wondering if they are included and recognizing that they do need some money to expand their operation.

The **SPEAKER PRO TEM**: Representative Carr of Sanford has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative **MELENDY**: Mr. Speaker, Men and Women of the House: The Maine Science and Technology plan, their plan was talking about the businesses that need assistance in loans. It is not giving them the money per se. Where our committee has been working very hard with the Governor's office and we are anticipating to have his support in some of the funding that is needed by the Science and Technology Foundation. In their report what they were saying is that they are also looking for businesses — some of the targeted businesses that we are saying that these loans should go to would be like emerging industry such as environmental and bio-tech types of industries, specially fabricated product manufacturers, metals, electronics, export oriented businesses, defense dependency businesses, research and development of new products. That is the reason

that their report showed that they did support this type of bond funding to allow the for loans to be made.

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

Representative CARR: Mr. Speaker, Men and Women of the House: I thank the good Representative for answering, somewhat answering my question. I guess I want a little further clarification. On Friday, I think it was the 11th of March, certain Representatives had attended a meeting sponsored by Maine Science and Technology at which we had heard a plea that they were going to lose some good federal matching funds if they had not had \$1.2 million, I think. Maybe anyone in the Chamber could answer the question. I just wonder if their plea would be answered through this bond fund?

The SPEAKER PRO TEM: Representative Carr of Sanford has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I just want to tell you that particular funding is not addressed nor can it be addressed through a bond issue. What they were looking for is the types of industries that they have helped get off the ground, they want to make sure that they can borrow money so that they can begin to hire people and work with them. The funding that you are looking for is something that our committee is very committed to and we are begging the Governor's office to work with the Appropriations Table to assure that they continue in existence, it is the highest priority of our committee.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I just have a little to add from what my good committee chair has said. She has described this particular bond issue very well. I just want to reemphasize that this is not an original idea. This particular bond issue was a recommendation of the Maine Economic Growth Council or one of the many recommendations that the council made last March. You may recall that there was booklet put out of the final recommendations.

I would also submit that the particular targeted industries in this bond issue and the \$10 million part of the issue that is a regional economic development revolving loan fund for those industries that were identified in the report put out by the Maine Chamber and the Maine Alliance charting Maine's economic future and also put out in the Governor's recent report Economic Growth for the State of Maine. These are industries that have been targeted as emerging industries in our state that provide a lot of potential for jobs in the future, quality jobs.

I would also indicate and ask you to look at that list that Representative Melendy mentioned, the list which is attached to the document that was just distributed. This shows the Economic Development Corporations that are already in existence, both regional corporations and municipal corporations that can apply and access these funds. If a town or a community is not on the list it doesn't mean that you can't access the funds, you can, you will just have to create the capacity to handle the loans. You can do that directly or you can do it through or in concert with an existing development corporation.

Under this bond issue any particular economic development entity or municipality could access up to \$1.25 million of the \$10 million and that money would go to the local level and it would be set up as a revolving loan fund, to be loaned to individual businesses. The maximum amount of individual loans could not exceed \$200,000. So, this is not a one-time expenditure of funds, rather it is an establishment of a municipal or regional revolving loan fund, many of these which hopefully the money will turn over and over. There is a leverage requirement in the bill, the fund will be leveraged with either private funds or other public funds and so the \$10 million should turn into \$30 million for purposes of providing access to capital to Maine businesses.

We have heard over and over that Maine businesses, one of the primary problems is affecting small businesses in this state, is access to capital. We also know that there are private banks out there but a lot of businesses cannot get loans from banks because they are a high credit risk. This money will be a subordinated loan. In other words, it would encourage banks to make the loan because after the equipment or the expenditures are made the bank would have collateral that they could collect on if indeed there was a default on the loan. So, this will provide the necessary impetus for private banks to loan more money to Maine small businesses.

Again, I would really encourage your support of this bill. I think it is one of the very best things we can do for small businesses in the state at this time.

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

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

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I just wanted to add that the Housing and Economic Development Committee did come to the Appropriations Committee with a much larger bond issue, one that they also felt was necessary for our state. In discussing with us all the needs around the state in different areas for capital improvements and bond issues they then understood that they would have to go back to their committee and rethink what was actually essential to assist Maine businesses in the coming years. They came back (I think) with a very responsible and much needed combination of programs which are designed to help all areas of our state and to leverage as much federal support as possible.

I urge your support of this bond issue.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Men and Women of the House: I want to just redirect this discussion back to the issue of what the voter will see on the ballot. We are talking now about a package that will be around \$90 million. My constituents tell me that they want to bond only capital items, they don't want to see repairs, maintenance and other operating costs. I am concerned about this bond. In the language on this

sheet it talks about they need support in planing, research development and marketing. Those are the activities for which bonding should not be used. My fear is that they will look at a ballot that has too many bond issues for too much money and start rejecting some of the most critical things that we need that will be on that ballot.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I don't like to second-guess my voters. They have voted for this type thing again and again. They are concerned about jobs, that is number one in their minds and I do hope that you will vote yes on this bond issue.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 300

YEA - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carr, Carroll, Cashman, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Daggett, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gamache, Gean, Gould, R. A.; Greenlaw, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Spear, Stevens, A.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Tufts, Walker, Wentworth, Winn, Young, The Speaker.

NAY - Coffman, Cross, Foss, Gray, Hussey, Joy, MacBride, Murphy, Nash, Nickerson, Ott, Pendexter, Plowman, Reed, G.; Small, Taylor, Thompson, True, Zirnkilton.

ABSENT - Campbell, Cathcart, Hillock, Kutasi, Martin, H.; Stevens, K.; Vigue, Whitcomb.

Yes, 124; No, 19; Absent, 8; Paired, 0; Excused, 0. 124 having voted in the affirmative and 19 in the negative, with 8 being absent, accordingly the Bond Issue was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**Emergency Measure**

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

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

emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

Representative JALBERT: Mr. Speaker, I would like to pose a question of parliamentary procedure.

I was under the impression the ten years that I have been here that if you are sitting in your chair, you must vote. I realize that a certain member of this body for political reasons has refused, has not been voting. I know, I have been here a long time and it is getting late, I am not a young man and we are working hard. I think it is an affront to all of us that that gentleman can play games with us while we are trying to get some work done.

The SPEAKER PRO TEM: The Chair would respond that on roll calls that if you are in your seat you must vote.

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, the individual refuses to vote - what is the procedure?

The SPEAKER PRO TEM: He would be in violation of the Constitution. That is why the Chair has asked members to kindly look at their light to make sure that they have voted and to record their votes.

Representative JALBERT: If anyone that wishes to play games with all of us, go play games outside like the kids do.

**Emergency Measure**

An Act to Adjust the Dates for Distributions from the State Harness Racing Commission (H.P. 1202) (L.D. 1611) (C. "A" H-925)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**Emergency Measure**

An Act to Maintain State-staffed Crisis Programs (H.P. 1296) (L.D. 1751) (C. "A" H-907)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.



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**Emergency Measure**

An Act to Rename Boarding Care Facilities and Expand Their Definitions (H.P. 1337) (L.D. 1800) (C. "A" H-945)

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

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**Emergency Measure**

An Act to Amend the Equine Licensing Laws (H.P. 1415) (L.D. 1925) (C. "A" H-926)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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**Emergency Measure**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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**Emergency Measure**

Resolve, to Direct the Department of Environmental Protection to Collect, Review and Develop Information for Use in Implementing the Clean Air Act (H.P. 1193) (L.D. 1590) (C. "A" H-911)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 14 against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

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**Emergency Measure**

Resolve, to Require a Study of Solicitation Sales Fraud (S.P. 670) (L.D. 1838) (H. "A" H-932 to C. "A" S-453)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 7 against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

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An Act to Expand Protection to Persons with Mental Illness and Mental Retardation (H.P. 347) (L.D. 450) (C. "A" H-934)

An Act to Eliminate the Sales Tax on Snack Foods (H.P. 560) (L.D. 757) (H. "A" H-927 and H. "B" H-929 to C. "A" H-833)

An Act to Clarify the Requirements of Disclosure of Information Pertaining to Mentally Disabled Clients (H.P. 759) (L.D. 1026) (H. "A" H-930 to C. "A" H-805)

An Act to Ensure Equitable Insurance Practices (H.P. 789) (L.D. 1062) (C. "A" H-943)

An Act Regarding Assumption Reinsurance (H.P. 829) (L.D. 1115) (C. "A" H-916)

An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws (H.P. 1100) (L.D. 1487) (C. "A" H-942)

An Act to Modify the Taxation of Leases on Automobiles (S.P. 545) (L.D. 1570) (C. "A" S-527)

An Act to Clarify Maine Election Laws (H.P. 1201) (L.D. 1609) (C. "A" H-947)

An Act to Protect Maine Children from Child Pornography Contraband (H.P. 1274) (L.D. 1718) (C. "A" H-935)

An Act to Promote Economic and Employment Growth in the Financial Services Sector (S.P. 620) (L.D. 1722) (C. "A" S-442)

An Act Concerning Rights of People Who Are in Default of Child Support Payment (H.P. 1279) (L.D. 1727) (C. "A" H-936)

An Act to Adopt the Uniform Interstate Family Support Act (H.P. 1339) (L.D. 1802) (C. "A" H-939)

An Act to Develop Standards for the Licensure of Hospice Programs (H.P. 1355) (L.D. 1821) (C. "A" H-946)

An Act to Reinstitute Stipends (H.P. 1358) (L.D. 1833) (C. "A" H-892)

An Act Relating to Retirement Benefits for the State Police (H.P. 1363) (L.D. 1842) (C. "A" H-891)

An Act to Promote Integrity in the Citizens Petition Process (H.P. 1417) (L.D. 1931) (C. "A" H-881; S. "B" S-542)

An Act to Facilitate Government Investment in Mutual Funds (H.P. 1439) (L.D. 1965) (H. "A" H-888)

An Act to Amend the Probate Code to Provide Greater Due Process in Guardianship and Conservatorship Cases (H.P. 1441) (L.D. 1967) (C. "A" H-937)

Resolve, Establishing a Study Concerning Parental Rights and Responsibilities in Cases of Domestic Abuse (H.P. 1055) (L.D. 1407) (C. "A" H-940)

Resolve, Authorizing the Department of Education to Study the Provision of Greater Access to Public Schools for Students Enrolled in Approved Equivalent Instruction Programs (H.P. 1069) (L.D. 1435) (C. "A" H-910)

Resolve, to Create the Blue Ribbon Commission on Hunger and Food Security (S.P. 715) (L.D. 1930) (C. "A" S-476; H. "A" H-964)

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

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

An Act to Clarify Reporting Requirements for Party Committees (H.P. 1244) (L.D. 1671) (C. "A" H-918)

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

On motion of Representative BENNETT of Norway, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

#### UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-470) - Minority (2) "Ought Not to Pass" - Committee on Marine Resources on Bill "An Act to Prohibit the Use of Gill Nets in the Kennebec and Androscoggin Rivers" (EMERGENCY) (S.P. 710) (L.D. 1918) - In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "A"

(S-470) as amended by Senate Amendment "A" (S-525) thereto.

TABLED - March 29, 1994 by Representative MITCHELL of Freeport.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

Subsequently, the Majority "Ought to Pass" Report was accepted. The Bill read once. Committee Amendment "A" (S-470) was read by the Clerk. Senate Amendment "A" (S-525) to Committee Amendment "A" (S-470) was read by the Clerk.

On motion of Representative COLES of Harpswell, Senate Amendment "A" (S-525) to Committee Amendment "A" (S-470) was indefinitely postponed.

The same Representative presented House Amendment "A" (H-1010) to Committee Amendment "A" (S-470) which was read by the Clerk and adopted.

Committee Amendment "A" (S-470) as amended by House Amendment "A" (H-1010) thereto was adopted.

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

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-470) as amended by House Amendment "A" (H-1010) thereto in non-concurrence and sent up for concurrence.

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

Representative STROUT: Mr. Speaker, before we continue there are some issues coming up that I am sure we are going to be voting on - I heard you earlier today say that when you were sitting in your seat and the yeas and nays were asked for that you should vote. Under House Rule 19 would you correct me if I am wrong, isn't it true that any time you are in your seat you should be casting a vote?

The SPEAKER PRO TEM: The Chair would answer to the Representative in the affirmative.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: However, there have been some issues when some people have been in their seat and they haven't been voting.

Representative ZIRNKILTON of Mount Desert moved that the House reconsider its action whereby Bill "An Act to Increase the County Share of the Real Estate Transfer Tax" (H.P. 464) (L.D. 601) (C. "B" H-996) and all its accompanying papers were indefinitely postponed.

Representative MITCHELL of Vassalboro requested a Division on the motion to reconsider.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is reconsideration whereby the bill and accompanying papers were indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

An vote of the House was taken.

Representative Mitchell of Vassalboro requested a roll call on the motion to reconsider.

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

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

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The reason I moved to indefinitely postpone this bill, though it has a very nice sounding title about relieving County property taxes, I think you should know that it costs \$700,000 from the General Fund each year. It also takes \$700,000 from the Home Fund each year instead of telling counties to cut their services or cut their taxes rather than to take it from these sources.

I have sat by for three years as this Legislature, struggling for revenue sources and trying to balance this budget have continued to drain money from the Home Fund. That is one of the primary reasons that I must rise to speak. I cannot sit idly by again while this continues to happen.

Those of you who may not recall, the Home Fund was created back in the '80's by placing a tax on the real estate transfers and that tax was shared and is shared by the state by the counties and by the Maine State Housing Authority. But, the important thing that you should know about continuing to cut the Home Fund Tax, we have just voted on economic development issues over and over again, it is a multiplier, the \$700,000 you taken out of the Home Fund no longer goes into encouraging first-time home buyers who put more money back into the market and homes are bought, and as the construction industry benefits and all the realtors and all the people who do business in the State of Maine continue to go forward. We are taking money out of a much needed economic development engine and if you don't care about that you should think about getting your first-time home buyers into their homes.

Having worked at the Maine State Housing Authority in the past I can tell you that the Home Fund dollars are the only flexible source of revenue that that agency has to work with. Bonds are very controlled. You can only do certain things with those bonds. The Home Fund has been used to buy down the interest rate so that even lower income folks can qualify for their first-time homes. I know all of you will agree with me that is extraordinarily important. Though reducing county property tax is an issue for all of us I suggest to you this is the wrong place to get money. We should face that issue head on, on another level.

I cannot sit idly by while we continue to drain money from such an important tool for economic development at the Housing Authority or to take another large part of money from the General Fund when all of us are sitting here struggling each day for school funding, for economic development.

As a matter of fact, many of you voted to give back a lot of money yesterday for an income tax rebate. I guess I don't know where all the money is supposed to come from and I would request that you vote against the motion to reconsider and let the bill die here in a more honest fashion than letting it die on the Appropriations Table because I don't

believe there is \$700,000 available for the General Fund.

Let's face this head on and kill it here and act responsibly. Please join me in voting against the motion to reconsider.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Some of the things that the previous speaker has said in fact is actually very true and I agree with her. However, in committee we had an amendment ready to come out on this bill which would have raised the transfer tax to 30 cents a thousand. It would have been 60 cents a thousand on both sides. If I was buying a home, a \$100,000 home it would cost me \$30 more, that is all. I agreed to that, I went along with that. But, those nice real estate agents that she was telling about all came in and the committee backed right down and said no. So, they voted the bill out this way. This is a bill that is badly needed and not because I want to take from the Home Fund, because I don't. I agree with her on that. Remember, last year in the budget we took from the Home Fund and again this year, they don't get it back either. Next year they are supposed to go back and give the Home Fund their full money. That is why it is not so much out of the Home Fund for this year. The Appropriations Committee has already raped that fund so I am not raping it.

What this bill actually does, right now the County money is divided up 45 percent goes to the General Fund and 45 percent was supposed to go to the Home Fund but it was raided last year and 10 percent stayed in the county. Well, that worked out pretty good until we in this Legislature passed laws saying the County will take any prisoner who doesn't have to serve more than nine months. Then we go to any prisoner who serves under a year has to serve in a county jail. Well, that just skyrocketed our County budgets.

Not this year, but a year ago, the York County Delegation sent home a 13, 14 percent tax increase in County budget to the municipalities. Well, let me tell you something, I realize what the money does for the Home Fund but I have got elderly people who can just barely make their taxes. We did cut the circuitbreaker fund on these people. I have got people with families working for a living with little children who are having a hard time and go without things that their kids need to pay their taxes and yet this legislature continues to rape the monies that the counties bring in. If we had been allowed to have kept 25 percent of our money in York County (that is the only county I really know about) we could have solved some of our own problems. If this state Legislature would vote to pay the counties what they owe them on prisoners it would a lot too. That is why I feel so strongly on this bill. I think we should vote for reconsideration.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: I think we have to understand that during this very difficult time in Maine's history with a deep recession that we have to be creating jobs and opening opportunities for people to work. In 1992 the Maine State Housing Authority estimates its home leverage housing generated more than 900 jobs and more than \$60 million in retail, service, wholesale and construction sales.

Also, I think we have to consider the purpose of this money. Maine State Housing Authority has used the Home Fund for a variety of programs from making home purchases possible for young working families, to making housing accessible to persons with disabilities, to loaning heating assistance money until the Federal funds became available. This is the flexible money that creates jobs, leverages millions in money that puts people to work and it also affords the home ownership dream for families that are marginal, that cannot fund or find the funds available to purchase a house.

I know in the Portland area we are dealing with homes that I remember used to go for \$30,000 and are now \$130,000. This program has worked. It has created jobs, it supported local businesses, it created home buying possibilities for families that would not have had it.

I must also remind you that there is a \$700,000 part that comes out of the General Fund. Every one of you who sits on a committee looking for those extra funds to fund the programs you are interested in, all good programs, that this will be \$700,000 less that you will have to spend. So, allow the families to have the dream of home ownership, continue creating jobs through this program.

I hope you can support the motion to defeat the reconsideration.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I hope we do reconsider this bill and I hope we reconsider it because it was a unanimous committee report.

Representative Murphy is absolutely accurate in that the committee backed down on what we should have done. What we should have done is increase the real estate transfer tax to pay for the fact that we have been shortchanging the counties on their jails and on many other items as part of our budget process because we have all had a hard time the last four years. Why didn't we? This is an election year, nobody is going to vote for a tax increase. We all know this, we have been around long enough to know this, so the unanimous report came up with another solution with the hopes that if Appropriations could find \$1.2 million to help the counties out that maybe future revenues generated by real estate sales would help to make up the invasion on the Home Fund and the General Fund.

That is the best that we can do because of the times that are. But, we voted unanimously because we have held on to this bill for a year and we know that we have done a lot of damage to the counties and that county taxes are going up and that is why property taxes are going up. So, this was the best solution we could come up with at the time. I would just like to remind you it was a unanimous committee report.

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At this point, the Speaker resumed the Chair.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I urge you to vote not to reconsider. I think we have heard both Representative Murphy and Representative Dore

articulate the fact that this is not the appropriate vehicle to go about giving relief, financial relief, to the counties. In fact, what it will do is cripple the primary vehicle by which the Maine State Housing Authority provides low-income housing to citizens in this state. I don't think there is anybody here that would disagree that we need to find some resources to assist counties, but to do it at the expense of the Home Program makes absolutely no sense. That program generated over \$6 million of money in the 1980's and now has been reduced because of different legislative action to less than \$2 million. I think that that program has been sufficiently cut and that we definitely need to look to other ways to accomplish the purpose that the Taxation Committee was looking for.

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

Representative BOWERS: Mr. Speaker, Men and Women of the House: When I introduced this bill last year I had no intention of decreasing the amount of money that the Home Fund would get. All I was looking to do was to restore the money that the counties rightfully used to get. They used to get a higher percentage. Maybe I should have made the title of the bill to restore the county share.

We have to look at the facts, in the last few years we have forced expenses on to the counties and we have raised property taxes by doing so. I think most of the counties, probably all of the counties, have done all that they could to reduce county expenditures. I know my county has.

I would urge you to reconsider.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I too am a sponsor of this bill. I certainly had no intention that the money would come out of the Home Fund. This is absolutely ridiculous.

In fact, I was trying to do the right thing by my people and if there was money available to be able to get some money back to the communities, by all means. Especially because of the way the budget stands right now, I would say let's defeat this and come back and try at another time when times are better to be able to get this money back. Definitely, we have got to stay away from hampering the process of the Home Fund.

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

Representative SIMONEAU: Mr. Speaker, I would pose a question through the Chair.

I don't know if I am losing my memory or not — this is a question to any member of the Taxation Committee, am I not correct that the Director of the Maine State Housing testified more than once before this bill and had no problem with it because the monies were being restored somehow through the budget process in the next fiscal year?

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

The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, what would happen this first year, all the money would come from the General Fund. The second year

and beyond it would come between the Home Fund and the General Fund. The first year, all from the General Fund, so we wouldn't be touching the Home Fund the first year; the second year and beyond, half and half.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I just rise to say that Representative Bowers is correct. I have been here eight years and in the time that I have been here I have seen this percentage to the counties being constantly reduced. They did have more money at one time and it has been continuously cut back.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I would pose a question through the Chair. Could someone please tell me what percentage of the transfer tax the counties now receive? And, at what time that was changed and what percentage it was changed from?

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

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: If my memory serves me correct, I know that the counties now receive ten percent of the transfer tax, that is all. 45 percent goes to the General Fund and 45 percent is supposed to go to the Home Fund, which we all agree. Last year we raped the Home Fund so they are not getting 45 percent last year or this year. We have already set a precedent in raping it, that is nothing evidently. When this was put in I think it has been since I have been here so I think it was '84 or '85, somewhere in there when we set up the Home Fund. Probably Representative Mitchell would know that. What the percentage was before that I am not sure of.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The answer is you are correct, it is ten percent, and it has always been ten percent. The reason it seems like less, as you recall we have just come out of a very serious recession, still struggling through and when there is no real estate to transfer the amount of money goes down. So, ten percent of a lesser amount seems like a penalty to the counties.

The other thing that is important to realize is that yes, indeed, there has been a terrible precedent set. Quite frankly, I am not quite sure whether I care what the current director or any other director of the Maine State Housing Authority said. It is a bad bill. It was bad bill before we defeated it. It is a bad bill when we refused to reconsider it because it doesn't take a mathematician of a greater intellect than I (and that is not very much) to understand that you get more money back from the state from this investment.

Please listen to just this one piece and I think you will not vote to reconsider. For every — in 1991, \$3.5 million of Home Funds leverage \$64 million in economic activity in this state. Now, that is a pretty good bargain. In 1992, \$4.2 million leveraged \$98 million in affordable housing. You simply cannot

reverse those mathematical numbers. So, please, county property taxes are a problem, this is not the right answer.

I understand where the good Representative is coming from and I don't believe even the Taxation Committee wants this bill. I think they know it can't survive the Appropriations Table.

Again, I urge you not to reconsider. Let's do the right thing here while it is in our hands and not pass that responsibility off to another committee.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: I urge you to accept the recommendation of the Representative from Vassalboro and defeat the pending motion.

In my first year in the House in 1989 I submitted the same bill here. To my chagrin I didn't look deep enough into where the real estate transfer tax went and I found that my bill in fact would have impacted the Home Fund. Fortunately there was another bill in at the same time that the sponsor of that had thought of that and I sort of relinquished any lead I had on that and supported the other bill. Unfortunately, it didn't pass. The other bill would have kept the Home Fund whole as well as providing more for the counties.

It has been said that the percent that the counties have been getting has been steadily decreasing. I don't know what it was before about ten years ago but in my course of research after I realized what I needed to do or what my bill was actually doing I found that somewhere around ten years ago the percentage that the county was getting was 15 percent. At the time the law was passed setting up the Home Fund, I guess, it changed to ten percent. But, at the same time the rate of the tax was doubled so that it provided more money for the counties even though the percentage was less. Previous to that I believe it was 50 cents per thousand valuation and 15 percent of that netted 7.5 cents for the county. The new percentage at ten percent was of \$1.00 per thousand valuation, netting 30 some percent more income to the counties. I think that if we are going to be providing the counties more money I think we have to look at different ways of doing it and not keep raiding the Home Fund.

I would urge defeat of the pending motion.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I have just taken out the amendment to look at the fiscal note and I think it is very important for everyone to know that by increasing the amount of real estate transfer tax retained by counties, reduces General Fund revenue by \$1,352,725 in fiscal year 1994-95.

I would ask all of you who wish to vote for this to tell me what do you want us in Appropriations to cut further by \$1.35 million? I think that it is extremely important for us to be cognizant of what has happened in the counties but for us to do that in a straight-forward manner and not in this back-door manner by actually reducing by tens of millions of dollars the amount of money that will be available for economic activity in our state. I would ask you please do not vote to reconsider.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: It would appear as though this debate has gone far beyond the parameters of reconsideration which is the pending motion. I just want to let you know why I asked that we vote to reconsider this bill.

The gentlelady from Vassalboro, Representative Mitchell, said, when she made her motion to indefinitely postpone this bill that she had conferred with the members of the Taxation Committee. I can tell you that it caught the Republican members of the Taxation Committee that I have had an opportunity to speak with by complete surprise. They were not knowledgeable about that upcoming motion and they were not prepared to debate the bill based on that motion at that time. So, I made the motion to reconsider, not based on whether or not you believed the bill should be passed or not but simply based on courtesy and to give our people the opportunity to debate the bill based on its merits.

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

Representative DORE: Mr. Speaker, Men and Women of the House: The Representative from Mount Desert is absolutely correct. I wish to assure you that the Democratic members of the committee, it is a unanimous committee report, were also not prepared for that motion and I came back into the room and found that the motion to indefinitely postpone had happened. I was out of the room attempting to speak with someone about another tax matter, hadn't realized the calendar had moved along this quickly and appreciate very much that you made the motion to reconsider. It is still a unanimous tax committee report.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Zirkilton of Mount Desert that the House reconsider its action whereby L.D. 601 was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 301

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Bruno, Cameron, Carleton, Caron, Carr, Clement, Clukey, Coffman, Cross, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gould, R. A.; Greenlaw, Heino, Hoglund, Hussey, Joseph, Joy, Kilkelly, Kneeland, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nadeau, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plourde, Plowman, Reed, G.; Reed, W.; Robichaud, Rotondi, Ruhlin, Simoneau, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, Townsend, G.; Tracy, True, Tufts, Whitcomb, Winn, Young, Zirkilton.

NAY - Adams, Ahearne, Brennan, Campbell, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Cloutier, Coles, Constantine, Cote, Daggett, Driscoll, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gray, Hale, Hatch, Heeschen, Hichborn, Holt, Jacques, Johnson, Kerr, Ketterer, Kontos, Martin, J.; Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Poulin, Pouliot, Rand, Richardson, Ricker, Rowe, Rydell, Saint Onge, Saxl, Simonds,

Skoglund, Sullivan, Swazey, Townsend, E.; Townsend, L.; Treat, Vigue, Walker, Wentworth.

ABSENT - Hillock, Jalbert, Kutasi, Martin, H.; Stevens, K.; The Speaker.

Yes, 81; No, 64; Absent, 6; Paired, 0; Excused, 0. 81 having voted in the affirmative and 64 in the negative, the motion to Reconsider did prevail.

The SPEAKER: The Chair will order a vote. The pending question before the House is indefinite postponement of L.D. 601 and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 79 voted in favor of the same and 61 against, subsequently, the Bill and all its accompanying papers were indefinitely postponed and sent up for concurrence.

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Reference is made to (S.P. 567) (L.D. 1602) Bill "An Act to Require Disclosure of Minimum Bid Requirements at Mortgage Foreclosure Sales"

In reference to the action of the House on Thursday, March 31, 1994, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative TRACY of Rome  
Representative TOWNSEND of Canaan  
Representative CARLETON of Wells

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

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Recessed until 2:00 p.m.

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(After Recess)

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On motion of Representative O'GARA of Westbrook the House reconsidered its action whereby Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$19,800,000 to Improve Passenger and Freight Rail Facilities and Make Improvements at State and Municipal Transportation Facilities" (S.P. 697) (L.D. 1895) (C."A" S-478; S "A" S-540) (Governor's Bill) was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-478) was adopted.

On further motion of the same Representative, Committee Amendment "A" (S-478) was indefinitely postponed.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to

the Chairman of the Transportation Committee — I just wonder if he could just briefly explain what he just did?

The SPEAKER: Representative Donnelly of Presque Isle has posed a question through the Chair to Representative O'Gara of Westbrook who may respond if he so desires.

The Chair recognizes that Representative.

Representative O'GARA: Mr. Speaker, Men and Women of the House: What happened, Representative Donnelly, was inadvertently this morning we had two amendments, a Committee Amendment and a Senate Amendment and we didn't intend for them both to be there, we wanted the Senate Amendment.

Subsequently, the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-540) in non-concurrence and sent up for concurrence.

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

**SENATE PAPERS**

Resolve, to Establish a Commission on the Future of Maine's Paper Industry (EMERGENCY) (S.P. 773) (L.D. 1996)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Housing and Economic Development.**)

Under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence.

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Bill "An Act to Encourage Electric Rate Stabilization" (S.P. 774) (L.D. 1997) (Governor's Bill)

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

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

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

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 31, 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 insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Reestablish a Mechanism for Review of Disputed Elections" (H.P. 1418)(L.D. 1932).

The President appointed on the part of the Senate the following:

Senator LAWRENCE of York  
Senator CAREY of Kennebec  
Senator HALL of Piscataquis

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 **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-562) on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (S.P. 699) (L.D. 1897) (Governor's Bill)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-562).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-562) was read by the 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-562) in concurrence.

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 31, 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 appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Require Disclosure of Minimum Bid Requirements at Mortgage Foreclosure Sales" (S.P. 567)(L.D. 1602):

Senator CIANCHETTE of Somerset County  
Senator KIEFFER of Aroostook County  
Senator MARDEN of Kennebec County

Sincerely,

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

Was read and ordered placed on file.

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#### BILLS IN THE SECOND READING

##### As Amended

Bill "An Act to Implement the Recommendations of the Health and Social Services Transition Team" (H.P. 1330) (L.D. 1793) (C. "A" H-1008)

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

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Reference is made to (H.P. 1418) (L.D. 1932) Bill "An Act to Reestablish a Mechanism for Review of Disputed Elections"

In reference to the action of the House on March 30, whereby it Insisted and Asked for a Committee of Conference.

The SPEAKER: Joint Rule 17 provides the mechanism for selection of members to the Committee of Conference. It has traditionally been the position of the House and Senate to appoint members from both the majority and minority parties.

However, in this instance since there were only members of the majority party that voted on the prevailing side of the action of the House the Chair is unable to put a member of the minority party on the Committee of Conference on this particular report.

Once again, traditionally, there would have been two members of the majority party, a member of the minority party representing the position of the House and two from the majority and one from the minority in the Senate representing the position of the Senate.

The overriding standard, however, is that those who were placed on the Committee of Conference must have voted on the prevailing side of the House. So, the Chair will be placing three members of the majority party on the Committee of Conference.

The Chair is indicating this on the Record so there is not any concern and at least there is an explanation as to why the action is being taken, it is something that I have communicated to the Representative from Mount Desert, Representative Zirkilton.

The Chair appoints the following members on the part of the House as Conferees:

Representative DAGGETT of Augusta  
Representative BOWERS of Washington  
Representative GAMACHE of Lewiston

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

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#### SENATE PAPERS

##### Ought to Pass as Amended

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-567) on Bill "An Act to Consolidate and Streamline the Functions of Maine Government in Conformity with the Provisions of the Texas Low-Level Radioactive Waste Disposal Compact" (S.P. 730) (L.D. 1951)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-567).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-567) was read by the 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-567) in concurrence.

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Under suspension of the rules, members were allowed to remove their jackets.

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##### Non-Concurrent Matter

An Act to Revise the Duties of the Superintendent of the Pineland Center (EMERGENCY) (H.P. 1445) (L.D. 1972) (Governor's Bill) (C. "A" H-870) which failed of passage to be enacted in the House on March 30, 1994.

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

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

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#### REPORTS OF COMMITTEES

##### Ought to Pass as Amended

Representative PINEAU from the Committee on Banking & Insurance on Bill "An Act to Make Maine Law



Consistent with the Federal Law Regarding the Omnibus Budget Reconciliation Act of 1993 and to Clarify Maine Laws Regarding Underwriting and Continuity" (H.P. 1451) (L.D. 1980) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1020)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-1020) was read by the 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-1020) and sent up for concurrence.

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Clarify Maine Election Laws (H.P. 1201) (L.D. 1609) (C. "A" H-947) which was passed to be enacted in the House on March 31, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-947) as amended by Senate Amendment "A" (S-557) thereto in non-concurrence.

On motion of Representative PARADIS of Augusta, tabled pending further consideration and later today assigned.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1449) (L.D. 1978) Bill "An Act Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$1,500,000 for Renovation of the County Court House in Augusta" (EMERGENCY) Committee on State & Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1024)

There being no objections, the above item was ordered to appear on the Consent Calendar of Friday, April 1, 1994 under the listing of Second Day.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act to Revise the Authorization of the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District" (EMERGENCY) (H.P. 1474) (L.D. 2002) (Presented by Representative BOWERS of Washington) (Cosponsored by Senator PINGREE of Knox and Representatives: NASH of Camden, WHITCOMB of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Education suggested and ordered printed.

Under suspension of the rules and without reference to a Committee, the Bill was read twice, passed to be engrossed, and sent up for concurrence.

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Bill "An Act to Establish a Catastrophic Health Expense Program" (H.P. 1473) (L.D. 2001) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representative TREAT of Gardiner, Senator BALDACCI of Penobscot and Representatives: BRUNO of Raymond, DORE of Auburn, RYDELL of Brunswick, SIMONEAU of Thomaston) (Governor's Bill)

Was referred to the Committee on Taxation, ordered printed 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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**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-958) - Committee on Judiciary on Bill "An Act Concerning High-speed Chases" (EMERGENCY) (H.P. 1294) (L.D. 1742) TABLED - March 29, 1994 by Representative CAMERON of Rumford.

PENDING - Motion of same Representative to Reconsider whereby the Majority "Ought Not to Pass" Report was read and accepted.

On motion of Representative ZIRNKILTON of Mount Desert, tabled pending the motion of Representative CAMERON of Rumford to Reconsider whereby the Majority "Ought Not to Pass" Report was read and accepted and specially assigned for Friday, April 1, 1994.

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Expression of Legislative Sentiment recognizing the Scarborough High School Academic Decathlon Team (HLS 912)

TABLED - March 29, 1994 by Representative PENDLETON of Scarborough.

PENDING - Passage.

On motion of Representative PARADIS of Augusta, tabled pending passage and specially assigned for Friday, April 1, 1994.

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SENATE DIVIDED REPORT - Report "A" (8) "Ought to Pass" as amended by Committee Amendment "A" (S-515) -

Report "B" (1) **"Ought to Pass"** as amended by Committee Amendment "B" (S-516) - Report "C" (4) **"Ought Not to Pass"** - Committee on Aging, Retirement and Veterans on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (S.P. 653) (L.D. 1822)  
 - In Senate, Report "A" **"Ought to Pass"** as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-515).  
 TABLED - March 30, 1994 (Till Later Today) by Representative ZIRNKILTON of Mount Desert.  
 PENDING - Acceptance of Any Report.

On motion of Representative ZIRNKILTON of Mount Desert, tabled pending acceptance of any Report and later today assigned.

SENATE DIVIDED REPORT - Majority (7) **"Ought to Pass"** as amended by Committee Amendment "A" (S-537) - Minority (6) **"Ought Not to Pass"** - Committee on Banking and Insurance on Bill "An Act to Clarify the Maine Banking Code as it Pertains to Service Corporation Serving Credit Unions" (S.P. 555) (L.D. 1591)  
 - In Senate, Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-537).  
 TABLED - March 30, 1994 (Till Later Today) by Representative PINEAU of Jay.  
 PENDING - Acceptance of Either Report.

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

Representative RAND of Portland moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative RAND: Mr. Speaker, Ladies and Gentlemen of the House: This L.D. is a reaction by the banks to legislation that we passed last year, L.D. 389, which updated and clarified the law governing investments by State Chartered Credit Unions in Credit Union service organizations (CUSO's). The language was drafted by the Bureau of Banking and paralleled federal law governing investments by CUSO's by federally chartered credit unions. Both laws provide that credit unions may invest in a CUSO if, among other things, the CUSO primarily serves credit unions and credit union members. Federal and state regulators interpret this as giving them the discretion to determine the amount or percentage of non-credit union related customers of a CUSO that would be appropriate for a particular investment by a particular credit union in a particular CUSO. The percentage ranges from a bare minimum of 51 percent to the maximum of 100 percent.

If this bill passes, what we will be doing is putting our Maine chartered credit unions at a disadvantage to our federally chartered credit unions. The placement of these restrictions will cause our Maine credit unions to switch to the federal charter. This would reduce the dedicated revenue to the Bureau of Banking and Consumer Credit Protection. The amounts are in the range of \$96,000 and \$28,000 respectively. The significant revenue

loss by either of the bureaus may require the lay-off of positions.

The bottom line is that this does not affect the banks in any shape, form or manner whatsoever but does put Maine Credit Unions at a disadvantage.

If you are supportive of Maine chartered credit unions, you will be voting with me to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: Welcome to another stimulating discussion of Banking and Insurance dividends.

What we are voting on here is in reaction, as the good Representative from Portland stated, to a bill we passed in the first half of this session. We allowed Maine state chartered credit unions to invest in CUSO's. However, there are those of us in committee when dealing with this issue, whether it be under the understanding or whatever, assumed the role of the Maine chartered credit unions or the credit unions to be serving their common bond membership.

The common bond membership is what distinguishes credit unions from banks. Common bond is a definition used for credit unions to who they can serve as opposed to a bank that can serve anyone. Of course the difference is that in the bank, they are taxed a premium tax and they also have to meet the Community Reinvestment Act. Two differences between your credit unions are federally chartered credit unions and state chartered credit unions. The definition of common bond to the federal and state is very different. Federally chartered credit unions have a very narrow common bond definition whereas state chartered have a broad definition of common bond, thereby increasing their market for membership.

The bill came in in a reaction to a bill promulgated by the bureau saying that if in fact a state chartered credit union had 51 percent common bond service that they could in fact invest in the CUSO. The bill came in from that and the bill we had in front of the committee was in fact 100 percent common bond which meant that credit unions investing in CUSO's, the CUSO could only do common bond or credit union membership.

The committee deliberated for hours on this and we came up with Committee Amendment "A." You will see it is a 75 percent compromise, almost halfway between the 51 percent where the credit unions were happy and the 100 percent where the banks would be happy. So, of course, no one is happy.

We also grandfathered the investment of the one state chartered credit union that has already invested, we grandfathered that investment. Your decision here is on whether you want to go with the 51 percent, the 75 percent with the grandfather, that is how it lays out.

I would hope you would support the Majority. There is a difference here that you are not just talking parody between your federal and state chartered credit unions, you are talking parody issue between your credit union and your Maine chartered banks. That is where this comes into play. You are putting your chartered state banks at a disadvantage because of the community reinvestment and the non-tax status of the credit unions. By having a 51 percent common bond, you are really opening that market. That is your decision, I hope you go with the Majority Report.

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

Representative REED: Mr. Speaker, Men and Women of the House: I think you should remember that this bill only pertains to state credit unions and there are only ten or eleven state credit unions in comparison to 99 federal credit unions. I think this is just another regulation where we are regulating business. I don't believe that we should be legislating business. Competition takes care of business. What this bill will probably do is force a lot of the state credit unions to file and to become federal credit unions.

I will urge you to vote for the indefinite postponement of the bill and papers.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker told you the exact correct information that there are 12 state chartered credit unions and they have that competition.

I would like to disagree with my good friend from Jay, Representative Pineau, we did not grandfather the CUSO at the University of Maine. We talked about it and we originally did but that is not what happened. If you pass the bill or you don't vote for the indefinite postponement, what you are going to be doing to that CUSO at the University of Maine is pulling the rug right out from under them because the Bureau of Banking reviewed their application and allowed them the 51 percent which is parody with the federal credit union. Now you are going to change the rules in the middle of the game and put them at a real disadvantage. They may be so far below that 75 percent that is in the bill that they will be in violation of the law.

I urge you to vote for the indefinite postponement.

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

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I won't put you through more of this, at least for very long.

Banks and credit unions engage in the same business. However, of course, there is a difference between them, the difference comes about as a result of a trade-off. Credit unions enjoy special tax status, they don't pay state sales tax, state financial institution franchise tax, the equivalent of a state corporate income tax and federal income taxes. Our state chartered banks do.

The trade-off is that credit unions, in order to get the special tax breaks that they have, are required to have their banking and financial relationships among people, a specified group of people, and this is what is being referred to when we talk about the common bond. Common bond might include people who work for the same employer or all kinds of different groups. I am sure you are very much aware of the groups.

When we passed the legislation a couple of years ago to allow state chartered credit unions to gather together their tax free money and invest in a so-called CUSO, Credit Union Service Organization, we expected that these (at least this member expected) Credit Union Service Organization would be dealing, loaning money to taking deposits from credit union members. I was surprised that the interpretation given to the language which allowed these Credit Union Service Organizations to in fact lend to

anybody, to me, the fact of the tax breaks given to credit unions in return for the common bond now means nothing. The tax breaks are there for the credit unions, they are not there for state chartered banks. The reason for the tax breaks has been violated so I did not think it was fair that that situation should continue to exist.

The original bill called for CUSO's not to do business with anybody but a credit union member. The interpretation of the rule allowed 49 percent non-credit union members. The majority of the committee split the difference and I hope you will agree that that is a satisfactory resolution. I urge you to vote against the indefinite postponement of this bill.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I very rarely get involved in these continuous, it seems, unending battles between the banks of Maine and the small credit unions of the State of Maine. The reason that I don't like to get involved is because I have been a member of my credit union since I was 13 years of age. I am a member of the Board of Directors and I am the Chairman of the Credit Committee of that Credit Union.

A few things that haven't been talked about here — one of the reasons that credit unions are exempt from some of these taxes is that they are a non-profit organization. The profits made in the credit unions are returned back to its members. Its members own and operate the credit union. The biggest reason why CUSO's came into existence was because the banks (for a myriad of different reasons) were very reluctant to loan money to some people. That is, if you didn't have about eight times the collateral that you needed for the loan, the banks didn't want to talk to you.

Credit unions have become bigger and stronger in the State of Maine because banks are becoming more and more difficult to do business with. Most of the people that join credit unions join because their father or mother were a member there, their brother was a member there or somebody in their family was a member there and credit unions treat them like individual human beings that know where they come from, their family history, their credit history and we take them on their word. We don't require four months of background checks and we don't require ten times the collateral that is required when you go to one of these big banks. I guess now there are about three banks that own most of the banks in the State of Maine.

It really starts to get under my skin when we talk about these big banks being at a competitive disadvantage because these poor credit unions don't have to do this, this and that and the poor banks come crying to the legislature about how the credit unions are hurting them. I will tell you why the credit unions are hurting them because these big banks still haven't woke up the fact that people in Maine don't like to be treated like people in New York City. People in Maine pay their bills, they work very hard to pay their bills and when they want to borrow money, whether it be for a new car or maybe for business or for a home improvement loan, they don't want to go through 55 lawyers and eight different set of credit checks to borrow \$5,000. So they left the bank and they went to the credit union

where the credit union is run by local people who know them, know their history, and know their background. The sad part of it to the banks is we lend them the money, that is what is getting them upset, because we are taking customers away from them because they are no longer the only game in town.

Had the banks had a little more compassion, a little more heart, a little more like the banks used to be when they were owned and operated by people in the community, credit unions wouldn't be as strong as they are today and certainly CUSO's would not be required.

The simple fact of the matter is that credit unions have started cutting into the banks business because credit unions have heart and banks have lost their heart. So, if you want to hurt your little credit union back home, you vote for this bill. If you want to help them stay strong and provide the services to the community that they were designed for, that they were formed for, you vote to indefinitely postpone. Then you can go back to your people back home and tell them you did something to help those credit unions. I am sure most of you are members of your credit union family and that is what we call each other is members of our family because we lend money to each other, we work as a family, we don't pay dividends to big corporate shareholders all over the country. We don't answer to somebody in New York, we answer to a board of directors right there in the town of Livermore Falls or Waterville, Maine or Presque Isle.

I would urge you today to vote for the motion to indefinitely postpone, help those little credit unions continue to help your people and my people, it makes a lot of sense.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: After that impassioned speech from the good Representative from Waterville, I feel it is only right that I get to my feet. I guess I could be impassioned, but after spending six months up there in Banking and Insurance, it is impossible to get excited about anything, especially a speech from my floor leader.

The fact of the matter is we are not talking about putting credit unions out of business. I am a credit union member, a member. I also do business in my small community bank. When I walk in, they say, "Hi Ed" and everybody knows me from that local bank.

Please, let's not confuse the issue with who is providing the best service for us. Please, let's not confuse the issue that credit unions serve communities and banks serve shareholders. That is not what this bill does and if you vote that way, just know you are voting off target.

What we are talking about is whether or not to allow the common bond to be expanded, how the bureau promulgated in its rules. I cannot get excited about that, maybe that is why I am in the back row and not in the front row. I will let the House know that I was one that called the good Representative from Waterville and wanted him in that corner, sometimes I guess.

Please know what you are voting on here. I am not going to prolong it, what you are voting on is actually the common bond. You are voting on state chartered credit unions, something that federally

chartered can already do, the difference being the definition of common bond between the two charters.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to repeat something that Representative Reed of Dexter and Representative Rand of Portland have mentioned to you earlier and that is there are 12 state chartered credit unions, there are a large number of federally chartered and if you pass this bill then those state chartered credit unions are going to become federally chartered credit unions and they can do that kind of business (without this special deal that we gave that one CUSO) and then you are going to lose between 96,000 plus another 28,000 and there are going to be lay-offs in the Bureau of Banking. Is that what you want? Treat the credit unions fairly and kill this bill.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: It is true that there are more federally chartered credit unions than there are state chartered credit unions. The rules for them are different. For instance, they have a different definition of common bond. The trend in the State of Maine is for credit unions to go from being federally chartered to state chartered. There is an advantage, I believe, in being a state chartered credit union. Although this bill may reduce that advantage somewhat, I don't believe that the things the good Representative from Rumford has told you are going to take place if we pass this bill.

This is a matter of simple equity between our community banks and our community credit unions.

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 Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, I merely want the Clerk to read the Report.

Subsequently, the Clerk read the Committee Report in its entirety.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Rand of Portland that the Bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 302

YEA - Adams, Ahearne, Aliberti, Anderson, Beam, Brennan, Caron, Carroll, Cashman, Chase, Chonko, Cloutier, Coffman, Coles, Constantine, Cote, Cross, Daggett, DiPietro, Dutremble, L.; Erwin, Farnum, Farren, Gean, Gould, R. A.; Gray, Hale, Hatch, Heesch, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kontos, Lemke, Libby James, Lord, Marsh, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richardson,

Rotondi, Rydell, Simonds, Skoglund, Stevens, A.; Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Vigue, Wentworth.

NAY - Aikman, Ault, Bailey, R.; Barth, Bennett, Birney, Bowers, Bruno, Cameron, Campbell, Carleton, Carr, Clark, Clement, Clukey, Dexter, Driscoll, Faircloth, Fitzpatrick, Foss, Gamache, Greenlaw, Heino, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Larrivee, Lemont, Libby Jack, Lindahl, Lipman, Look, MacBride, Marshall, Morrison, Nadeau, Nash, Nickerson, Ott, Pendexter, Pfeiffer, Pineau, Plowman, Ricker, Robichaud, Rowe, Ruhlin, Saint Onge, Saxl, Simoneau, Small, Spear, Strout, Tardy, Taylor, Thompson, Townsend, G.; True, Tufts, Walker, Whitcomb, Winn, Young, Zirnkilton, The Speaker.

ABSENT - Bailey, H.; Cathcart, Donnelly, Dore, Farnsworth, Hillock, Johnson, Kutasi, Martin, H.; Martin, J..

Yes, 74; No, 67; Absent, 10; Paired, 0; Excused, 0. 74 having voted in the affirmative and 67 in the negative, with 10 being absent, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

SENATE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (S-454) - Minority (5) "Ought Not to Pass" - Committee on Business Legislation on Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 390) (L.D. 1185) - In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-454) as amended by Senate Amendment "B" (S-513) thereto. TABLED - March 30, 1994 (Till Later Today) by Representative HOGLUND of Portland. PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative HOGLUND of Portland, tabled pending her motion to accept the Majority "Ought to Pass" as amended Report and specially assigned for Friday, April 1, 1994.

SENATE DIVIDED REPORT - Report "A" (9) "Ought to Pass" as amended by Committee Amendment "A" (S-551) - Report "B" (2) "Ought Not to Pass" - Report "C" (1) "Ought to Pass" as amended by Committee Amendment "B" (S-552) - Committee on Business Legislation on Bill "An Act to Clarify Agency Relationships in Real Estate Transactions" (S.P. 616) (L.D. 1714) - In Senate, Report "A" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-551). TABLED - March 30, 1994 (Till Later Today) by Representative HOGLUND of Portland. PENDING - Motion of same Representative to accept Report "A" "Ought to Pass" as amended.

On motion of Representative HOGLUND of Portland, tabled pending her motion to accept Report "A" "Ought to Pass" as amended and later today assigned.

Expression of Legislative Sentiment recognizing Joseph Nicholas (HLS 913) TABLED - March 30, 1994 (Till Later Today) by Representative KERR of Old Orchard Beach. PENDING - Passage.

On motion of Representative JACQUES of Waterville, tabled pending passage and specially assigned for Friday, April 1, 1994.

An Act to Amend the Adoption Laws (S.P. 309) (L.D. 942) (C. "A" S-495) TABLED - March 30, 1994 (Till Later Today) by Representative JACQUES of Waterville. PENDING - Passage to be Enacted.

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

An Act to Establish the Maine Surplus Energy Auction Program (S.P. 707) (L.D. 1904) (Governor's Bill) (C. "A" S-491) TABLED - March 30, 1994 (Till Later Today) by Representative MARTIN of Eagle Lake. PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**TABLED AND TODAY ASSIGNED**

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

Bill "An Act Regarding Cable Television" (H.P. 1096) (L.D. 1483) TABLED - March 30, 1994 by Representative CLARK of Millinocket. PENDING - Adoption of Committee Amendment "A" (H-836).

Representative ADAMS of Portland presented House Amendment "B" (H-982) to Committee Amendment "A" (H-836) which was read by the Clerk.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: This amendment addresses the concerns brought up by several members of the House who are served by our smaller cable companies. Maine has several small cable companies. Maine in fact still has a few very small cable companies, in essence, Mom and Pop companies. All of them, large or small, offer us a choice of channels in tiers or levels from which we can pick and choose our service. Unfortunately, because some people do persist in being late in paying their bills, this amendment would clarify that cable companies can charge Maine's standard late fee on the total overdue amount and they don't have to calculate the same figure on each level of service. The total figure, I assure you, comes out exactly the same through either method of calculation. This method just means a little less paper work but the law has to be clear to say that so

the companies can do that and this amendment does that.

Subsequently, House Amendment "B" (H-982) was adopted.

Committee Amendment "A" (H-836) as amended by House Amendment "B" (H-982) thereto was adopted.

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

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-836) as amended by House Amendment "B" (H-982) thereto and sent up for concurrence.

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HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-969) - Committee on Legal Affairs on Bill "An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers" (H.P. 828) (L.D. 1114)

TABLED - March 30, 1994 by Representative ZIRNKILTON of Mount Desert.

PENDING - Acceptance of the Committee Report.

On motion of Representative ZIRNKILTON of Mount Desert, tabled pending acceptance of the Committee Report and specially assigned for Friday, April 1, 1994.

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HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-952) - Minority (3) "Ought Not to Pass" - Committee on Judiciary on Bill "An Act to Amend the Maine Health Security Act" (H.P. 86) (L.D. 116)

TABLED - March 30, 1994 by Representative COTE of Auburn.

PENDING - Acceptance of Either Report.

On motion of Representative PLOWMAN of Hampden, the Bill and all accompanying papers were recommitted to the Committee on Judiciary and sent up for concurrence.

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Bill "An Act to Create Retirement Alternatives" (EMERGENCY) (H.P. 1362) (L.D. 1841) (C. "A" H-867)

TABLED - March 30, 1994 by Representative ZIRNKILTON of Mount Desert.

PENDING - Adoption of House Amendment "A" (H-972).

Subsequently, House Amendment "A" (H-972) was adopted.

Representative BIRNEY of Paris presented House Amendment "B" (H-1021) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Mr. Speaker, Members of the House: I wish to add House Amendment "B" to L.D. 1841, An "Act to Create Retirement Alternatives." 1841 was created and is before this House to decide what we are going to do with many of the retirement problems. It came out of the Blue Ribbon Commission, it was recommended by the Blue Ribbon Commission and it was voted out of the committee unanimous that we ought to set up a committee of equal representation

of labor and employees — this takes it out of the political arena.

This amendment basically requires this committee to look at the membership in the pension of the retirement system and to decide or to look at the enforceable contractual relationship, if there should be one, what it should be, and what it should consist of.

This amendment also permits the committee to report back and propose legislation to this legislature in January of 1996 when they report back their other findings.

I encourage you all to read the bill. I know it hasn't been discussed before because it was Unanimous "Ought to Pass." It addresses many of the problems in the retirement system and I do feel that this is the place to put this contractual relationship. I think this committee should look at it. I think it has been too long that the legislature has been involved in policy making for the retirement system. I think that we need to put some stability in the retirement system. I think this committee can do it. I am confident that it can happen because as I said it is out of the political arena.

By enacting this amendment, we will not have to rely on other measures or means to achieve some of these questions and also to achieve an enforceable contractual relationship. It can be looked at by both sides and reported back in a fair study.

Also, if other measures should fail, this is a chance for it to at least be looked at because we do need to protect the retirement of our state employees and our teachers. I think we all agreed in committee and we all agree in this legislature — I know we have been lobbied hard as far as the retirement system and where its going, people are nervous. There is a lot of information out there, good information and misinformation and I think, once and for all, if we set up a committee up and add this amendment so they can look at the contractual obligation and whether we should proceed in that manner, that this is the way we should go.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Members of the House: I move indefinite postponement of House Amendment "B."

The bill, 1841, "An Act to Create Retirement Alternatives" is the product of the Commission set up to study the retirement system last year. As it stands now, it is a delicate balance, I believe, in what that commission wanted us to do and what the Legislature, Aging Retirement and Veterans Committee members finally decided on. It was a unanimous report. I believe that the compromises that we reached in that were important. This particular approach of adding something after we came out with a unanimous report, in an attempt, I believe, to create some political cover for avoiding the real policy decision, I think is the wrong way to go.

Study the question of whether to create a contractual obligation with teachers and state employees will get us no further than we are today. That is a policy decision that we must make and we can study it to death and still have to come back here and make the decision. We have the information we need right now to make an intelligent decision on this matter and I don't think putting it in the

charges of this commission is going to get us any further along.

I would encourage you for that reason to support indefinite postponement.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I made a promise that this issue I would keep completely neutral from it until the gentlelady from Norway brought up this amendment. I think what I feel proud about the committee on Aging Retirement and Veterans is the bipartisan makeup of the committee. On the House side, it is evenly divided, five and five. That is why I think I have been so proud that we have been able to accomplish so much.

The main crux of the work we did this year was the result of the so-called Monks Commission Report, something we have been waiting for for a long time. We have had five or six reports over the years and nothing ever came from it. This time the Monks Commission came up and said, here is what we do. They finally came up with a definitive answer on this bill before us now, to create a commission, we raised it up to eleven members, who would study the whole thing and come up with (hopefully) every problem that exists. There were even charges made to that commission by the committee — here is what we would like to see.

In the background there was a movement underfoot, rightfully so, and I feel sympathetic towards them, the contractual obligation of the state to the state employees. There is even a bill here which proposes a constitutional amendment to do this. I, myself, voted for it, but I am scared when you tamper with the constitution.

I must commend the gentlelady from Norway for coming up with the answer that I have been wanting to see that rather we come out and specifically state that this is a contractual obligation. She is now saying we will let that commission which was created at the drop of the Monks Commission to come up to see if there is any way possible that we can guarantee the teachers and the state employee that when they go into the retirement system, they have a contractual obligation so they can turn around now and say, I am guaranteed now, the state can't turn around and take anything away from me.

I would say this is a good amendment. I am pleased to see that I feel better about it. I would say that we should adopt the Amendment "B" proposed by the gentlelady from Norway.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Mr. Speaker, Distinguished Members of the House: Policy was mentioned earlier and how that we had information enough to set policy today. In this committee this year we deliberated over 20 some odd bills. Most of them pertained to policy. We chose to leave it up to this commission to take it out of the political arena to look at policy issues. There was only one policy issue that was addressed and came out a divided report and that is because it wasn't going to cost the retirement system anything.

We have, in committee, up until this point, taken a hands-off as far as trying to do anything about unfunded liability, creating more unfunded liability because it is complex and we need people to look into it further than what this legislature can as

laypeople in the short time that we are here. This is why I introduced this amendment.

Mr. Speaker, I request the yeas and nays.

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 Wentworth of Kennebunkport that House Amendment "B" (H-1021) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 303

YEA - Adams, Ahearne, Bailey, R.; Beam, Bowers, Brennan, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Constantine, Cote, Daggett, Driscoll, Erwin, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gray, Hale, Hatch, Heeschen, Hوجلund, Holt, Jacques, Joseph, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Melendy, Michaud, Mitchell, J.; Morrison, Nadeau, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pinette, Poulin, Rand, Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skوجلund, Stevens, K.; Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Cross, Dexter, DiPietro, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Gamache, Greenlaw, Heino, Hichborn, Jalbert, Joy, Kerr, Kneeland, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michael, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Plourde, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Simoneau, Small, Spear, Stevens, A.; Tardy, Taylor, Thompson, Tufts, Vigue, Whitcomb, Young, Zirnkilton.

ABSENT - Bailey, H.; Coffman, Dore, Hillock, Hussey, Johnson, Kutasi, Martin, H.; Martin, J.; Mitchell, E.; Pineau, Strout, Sullivan.

Yes, 72; No, 66; Absent, 13; Paired, 0; Excused, 0. 72 having voted in the affirmative and 66 in the negative, with 13 being absent, House Amendment "B" (H-1021) was indefinitely postponed.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-867) and House Amendment "A" (H-972) and sent up for concurrence.

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

Resolve, Establishing the People with Disabilities Access Commission (H.P. 1321) (L.D. 1783) (C. "A" H-894)

TABLED - March 30, 1994 by Representative JACQUES of Waterville.

PENDING - Final Passage.

On motion of Representative JACQUES of Waterville, tabled pending final passage and specially assigned for Friday, April 1, 1994.

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

An Act to Amend the Adoption Laws (S.P. 309) (L.D. 942) (C. "A" S-495) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

On motion of Representative FARNSWORTH of Hallowell, under suspension of the rules, the House reconsidered its action whereby L.D. 942 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-495) was adopted.

The same Representative presented House Amendment "A" (H-1014) to Committee Amendment "A" (S-495) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: This bill amending the adoption laws has been through many, many work sessions in our committee but there is one place that I believe we need to correct and this amendment changes one word from "shall" to "may" for the purpose of giving the courts discretion with respect to notice to petitions to adopt.

What this would mean is that the court will have discretion about whether or not to order publication in the newspaper of notification of a mother's intent to consent to adoption when the court is not aware of who the father of the child is and would otherwise be placing an announcement in the paper with the mother and the child's name. I believe that is consistent with what people would prefer to have — discretion in the court.

Subsequently, House Amendment "A" (H-1014) was adopted.

Committee Amendment "A" (S-495) as amended by House Amendment "A" (H-1014) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-495) as amended by House Amendment "A" (H-1014) thereto in non-concurrence and sent up for concurrence.

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

Resolve, Authorizing the State to Release its Interest in Certain Real Property in Belfast (H.P. 1397) (L.D. 1906)

TABLED - March 30, 1994 by Representative JACQUES of Waterville.

PENDING - Final Passage.

Subsequently, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Bill "An Act to Create a Franchise Practices Act" (H.P. 1407) (L.D. 1916)

TABLED - March 30, 1994 by Representative COLES of Harpswell.

PENDING - Adoption of House Amendment "A" (H-1005) to Committee Amendment "A" (H-912).

On motion of Representative COLES of Harpswell, tabled pending adoption of House Amendment "A" (H-1005) to Committee Amendment "A" (H-912) and specially assigned for Friday, April 1, 1994.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-849) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Separate Peaks Island and Certain Other Islands in Casco Bay from the City of Portland" (EMERGENCY) (H.P. 1082) (L.D. 1448)

TABLED - March 30, 1994 by Representative ANDERSON of Woodland.

PENDING - Motion of same Representative to reconsider whereby the Minority "Ought Not to Pass" Report was read and accepted.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative ANDERSON of Woodland to reconsider whereby the Minority "Ought Not to Pass" Report was accepted and specially assigned for Friday, April 1, 1994.

Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State" (S.P. 655) (L.D. 1824) (C. "A" S-508)

TABLED - March 30, 1994 by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to reconsider passage to be engrossed as amended by Committee Amendment "A" (S-508).

Subsequently, the House reconsidered its action whereby L.D. 1824 was passed to be engrossed as amended by Committee Amendment "A" (S-508).

On motion of Representative DAGGETT of Augusta, the House reconsidered its action whereby Committee Amendment "A" (S-508) was adopted.

The same Representative presented House Amendment "A" (H-1016) to Committee Amendment "A" (S-508) which was read by the Clerk and adopted.

On motion of Representative GEAN of Alfred, tabled pending adoption of Committee Amendment "A" (S-508) as amended by House Amendment "A" (H-1016) thereto and specially assigned for Friday, April 1, 1994.

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

An Act to Clarify Maine Election Laws (H.P. 1201) (L.D. 1609) (C. "A" H-947) which was tabled by Representative PARADIS of Augusta pending further consideration.



Subsequently, the House voted to Recede and Concur.

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

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

**ENACTORS**

**Bond Issue**

An Act to Authorize a Department of Inland Fisheries and Wildlife Bond Issue of \$10,000,000 for Fish Hatcheries (H.P. 1301) (L.D. 1756) (C. "A" H-962)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 113 voted in favor of the same and 6 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Construct Water Pollution Control Facilities and to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and Environment from Uncontrolled Hazardous Substances Sites (H.P. 1392) (L.D. 1890) (Governor's Bill) (C. "A" H-963)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 92 voted in favor of the same and 27 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for the Remediation and Capping of Municipal Solid Waste Landfills (S.P. 696) (L.D. 1894) (Governor's Bill) (C. "A" S-535)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 86 voted in favor of the same and 37 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Safety Improvements at the Baxter School for the Deaf (S.P. 700) (L.D. 1898) (Governor's Bill) (C. "A" S-538)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 102 voted in favor of the same and 14 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Improve the Academic Facilities of the University of Maine System (S.P. 718) (L.D. 1940) (Governor's Bill) (C. "A" S-539)

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

On motion of Representative CHONKO of Topsham, the House reconsidered its action whereby L.D. 1940 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-539) was adopted.

The same Representative presented House Amendment "A" (H-1012) to Committee Amendment "A" (S-539) which was read by the Clerk and adopted.

Committee Amendment "A" (S-539) as amended by House Amendment "A" (H-1012) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-539) as amended by House Amendment "A" (H-1012) thereto in non-concurrence and sent up for concurrence.

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**Emergency Measure**

An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee (H.P. 1083) (L.D. 1449) (C. "A" H-951)

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

Representative PARADIS of Augusta requested a roll call on passage to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Friday, April 1, 1994. (Roll Call requested)

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**Emergency Measure**

An Act Imposing Real Estate Transfer Tax on Nongovernmental Entities in Transactions Involving Governmental Entities (H.P. 1333) (L.D. 1796) (H. "A" H-928 to C. "A" H-814)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Promote the Quality of Maine Dairy Products (H.P. 1384) (L.D. 1883) (C. "A" H-950)

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

On motion of Representative TARDY of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 1883 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-950) was adopted.

The same Representative presented House Amendment "A" (H-1030) to Committee Amendment "A" (H-950) which was read by the Clerk and adopted.

On motion of Representative DONNELLY of Presque Isle, the House reconsidered its action whereby House Amendment "A" (H-1030) to Committee Amendment "A" (H-950) was adopted.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I was wondering if the Chairman of the Agriculture Committee could explain why we are adding "shall adopt" and taking the option away from the department to adopt rules?

The SPEAKER: Representative Donnelly of Presque Isle has posed a question through the Chair to Representative Tardy of Palmyra who may respond if he so desires.

The Chair recognizes that Representative.

Representative TARDY: Mr. Speaker, Men and Women of the House: The original amendment was drafted "if the Department adopts the rules." The rules that we intend to be adopted are optional and there was some confusion when it was drafted. The Department fully intends to adopt the rules and we just corrected it so the people, the consumers out there, won't have any doubt that this legislature is taking a very positive step in giving them a choice in identifying those Maine products that are not using RBSC.

Subsequently, House Amendment "A" (H-1030) to Committee Amendment "A" (H-950) was adopted.

Committee Amendment "A" (H-950) as amended by House Amendment "A" (H-1030) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-950) as amended by House Amendment "A" (H-1030) thereto in non-concurrence and sent up for concurrence.

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**Emergency Measure**

An Act to Improve Licensing Procedures at the Bureau of Insurance (H.P. 1414) (L.D. 1924) (Governor's Bill) (C. "A" H-884; H. "A" H-931)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services (S.P. 356) (L.D. 1070) (C. "A" S-505)

An Act to Amend the Laws Governing Municipal Elections (H.P. 1110) (L.D. 1506) (H. "A" H-921 to C. "A" H-901)

An Act to Establish Limited Liability Companies (H.P. 1123) (L.D. 1522) (C. "A" H-980)

An Act to Promote Fairness Among Various Types of Counselors (H.P. 1209) (L.D. 1628) (C. "A" H-905)

An Act to Implement the Recommendations of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board (H.P. 1434) (L.D. 1961) (H. "A" H-965 to C. "A" H-861)

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

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

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On motion of Representative WENTWORTH of Kennebunkport adjourned at 6:30 p.m., until 9:30 a.m., Friday, April 1, 1994.