

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
33rd Legislative Day
Friday, April 1, 1994

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

Prayer by Honorable Patrick E. Paradis, Augusta.

The Journal of yesterday was read and approved.

SENATE PAPERS

Divided Report

Majority Report of the Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-568) on Bill "An Act to Promote Flexibility in Health Care Delivery Systems" (S.P. 592) (L.D. 1651)

Signed:

Senators: McCORMICK of Kennebec
CAREY of Kennebec
KIEFFER of Aroostook

Representatives: PINEAU of Jay
HALE of Sanford
TRACY of Rome
CARLETON of Wells
ERWIN of Rumford
RAND of Portland
KUTASI of Bridgton
CAMPBELL of Holden
JOSEPH of Waterville

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

Signed:

Representative: TOWNSEND of Canaan

Came from the Senate with the Majority **"Ought to Pass"** Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-568).

Reports were read.

On motion of Representative PINEAU of Jay, the Majority **"Ought to Pass"** Report was accepted.

The Bill read once. Committee Amendment "A" (S-568) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on **Appropriations and Financial Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Expand and

Improve the State's Distance Learning Infrastructure" (S.P. 717) (L.D. 1939) (Governor's Bill)

Signed:

Senators: TITCOMB of Cumberland
PEARSON of Penobscot

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

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-565) on same Bill.

Signed:

Senator: FOSTER of Hancock

Representatives: FOSS of Yarmouth
MacBRIDE of Presque Isle
CARROLL of Gray

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

Reports were read.

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

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

Non-Concurrent Matter

Bill "An Act to Increase the County Share of the Real Estate Transfer Tax" (H.P. 464) (L.D. 601) on which the Bill and accompanying papers were indefinitely postponed in the House on March 31, 1994.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-996) in non-concurrence.

The House voted to Adhere.

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

ORDERS

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

ORDERED, that Representative Dean F. Clukey of Houlton be excused March 10 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES
Ought to Pass as Amended

Representative JOSEPH from the Committee on State & Local Government on Bill "An Act to Correct Certain Inconsistencies in the Laws Relating to the Commission on Governmental Ethics and Election Practices" (H.P. 1380) (L.D. 1867) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1026)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-1026) 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-1026) and sent up for concurrence. Ordered sent forthwith.

CONSENT CALENDAR
First Day

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

(S.P. 752) (L.D. 1981) Bill "An Act to Establish a Self-employment Assistance Program" (Governor's Bill) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-571)

There being no objections, the above item was ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

(S.P. 454) (L.D. 1421) Bill "An Act to Separate Cushings Island in Casco Bay from the City of Portland and to Create the Cushings Island Village Corporation as Part of the Town of Long Island" Committee on State & Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-569)

On motion of Representative RICHARDSON of Portland, was removed from First Day Consent Calendar.

The Report was read and accepted. The Bill read once. Committee Amendment "A" (S-569) was read by the Clerk.

Representative RICHARDSON of Portland presented House Amendment "A" (H-1032) to Committee Amendment "A" (S-569) which was read by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: We have in this bill of

which the title has been changed the process bill on secession and separation.

The committee spent an enormous, serious, extensive, conscientious amount of time working through this issue and I have attended some of it but not all of it by any means. I respect enormously the effort and the compromises that all members of that committee had to make as they proceeded to this important issue.

We are now in the process of setting into place a process by which session issues will be moved through as they come to revisit us in this legislature. It is an important issue. The issues of secession can be issues of sovereignty and freedom, they can also be issues of civil war and difficulty and controversy and it will, I think, affect many, many of our communities.

I am presenting two House Amendments today, respectful of the committee's efforts and compromises but I want to raise two critical pieces that I think are not part of this process and I believe ought to be a part of the process.

House Amendment "A" before you deals with the issue of a seceding portion of a town taking with it property of inordinate value that happens to be near the residence of the registered voters who wish to secede. I can think of two examples of this potential problem. A section of my community, actually a part of my legislative district which many of you may have driven through if you drove to the Jetport, Stroudwater is contemplating secession from my city. They recognize and an advocate of that recognizes that were they to secede, the logical drawing of that boundary would include the largest corporate citizen of Portland, Unum, and an industrial area around it.

As a resident of Stroudwater said to me facetiously, we can send our kids to Exeter on that property and he is right. The simple reality is that Stroudwater is a wonderful, historical community, it is part of my district. I have no idea, I have not polled my constituents to see their sentiments on secession, I know some are in favor, some are opposed, but it is clear that if that proceeds and that process starts, that property will almost have to be drawn into the seceding session. They will take that in effect away from the whole community.

Another example is Wiscasset, which has power plants in it that are an important part of the financial structure of that community, if the neighbors around it in the Chewonki Neck area of Wiscasset choose to go, want to join Edgecomb, Westport or Southport or whatever ones about them, they could take the power plant with them if the process allowed that to happen as it came back.

I am presenting an amendment here that would eliminate the most egregious examples of that. It would say that of the total property valuation in the seceding piece, at least half of it must be the residential property of voters in that seceding piece. This is an amendment that will affect lakes where there are enough residents around the lake to take the seasonal property away from them, it will affect commercial and industrial property and enter into the dynamics of that sort of secession move and, frankly, if secession is for the purpose of taking away property and getting that property tax benefit, I would argue that it is not a true issue of sovereignty, it is an issue then of property taxes. We, as we set up a process, should look carefully at

the issue of sovereignty.

My amendment simply says, half of the property ought the personal residence of voters in the seceding piece and that they shouldn't have the opportunity of pursuing it if that is not the case. That may mean some redefinition of line and that simply will set the issue where it ought to be and my amendment then would stop the process for that seceding thing if that were not the case. Obviously then they would redraw the lines to take into account the real sovereignty issue and move forward. That's the only issue I am presenting in this amendment and I appreciate you hearing me. I will have one brief comment on the other amendment later on.

Mr. Speaker, I do request a Division.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "A" (H-1032) to Committee Amendment "A" (S-569).

I appreciate the kind words of the Representative of Portland about the hard work of the State and Local Government Committee. This was a difficult task; however, we did get through it and we now are offering to you this piece of legislation to create a procedure and process for secession and annexation.

The amendment before you has been discussed regarding the issues in the amendment before you by the State and Local Government Committee over and over and over again. The Representative is quite right when he said many people had to compromise and it was very difficult for those people to compromise. We wanted to present to you a process of secession and annexation that would not be too difficult nor too easy for those interested in secession.

The amendment before you in this discussions would in fact disqualify some areas of the state who wish to start this process.

I would urge you to indefinitely postpone this amendment, we are talking about a compromise piece, we are talking about a unanimous committee report.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I encourage you to go along with the Representative from Waterville and indefinitely postpone this amendment.

I was a skeptic in the Committee on State and Local Government when we decided to get into this process bill and was worried that we wouldn't be able to get it done. I didn't think we could thorough review it and reach a compromise in the time that we were allotted but I have to say that I was really proud of the committee working together in a truly non-partisan way at solving these problems and coming up with this bill. It is a result of compromise, there are checks and balances in the carefully compromise that the bill represents and I believe that this amendment throws those checks and balances and safeguards out of balance. I encourage you to reject this.

The purpose of creating the process bill that is before us was to create a process that didn't bias the efforts of secession for either the secessionists or the people who oppose secession. The idea was to create a process that would encourage people locally to work together to solve local problems without coming to the legislature first. The bill before you

does that very effectively. As a matter of fact, if anything, it makes secession more difficult than it is today, but it establishes a very definitive process that starts at the extremely local level with a petition requirement and then goes to another level of another petition requirement following a meeting of local people concerned with this to try to work out differences and then it goes to a local vote before it comes to the legislature. I believe that, while well intended, Representative Richardson's amendment doesn't factor into consideration those hurdles that must be overcome along the way. I think that any secession movement tries to shift property greatly into a new municipality is going to have a hard time overcoming each of those hurdles along the way. We have already seen how difficult it is to just cross the one hurdle of the legislative approval of secession. We have seen that twice now with two bills this year. This is going to throw up three additional hurdles to the legislative approval so I don't think we really have to worry about that.

I reject the notion of quota's whether they be attached to the notion of property or to population. I really think that we need to establish a process, the bill does that, it is a carefully worked out compromise so I encourage the House to consider the compromise intact and reject this amendment.

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

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

To any member of the committee — we are considering the House Amendment and the issue that Representative Richardson raised I think is a very good one, a very serious one. I don't sit on the committee, I did not hear the committee's conversations concerning that issue. If the bill itself has a number of requirements for a community to secede, that's a good thing, but if a community can, as Representative Richardson mentioned, secede with one high taxpayer, one employer, one property tax paying business from the larger community, it seems as though we are back to the tax questions and not questions of self-determination so I would ask someone from the committee to address that specifically and put my mind at rest.

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

The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: There are an infinite number of issues that could be raised about defining a secession area. One of the things that the committee talked about was, how many people does it take? If two neighbors decide to get together and want to call themselves, is that a secession area? Issues about how much property is owned and so on and so on. It could go on ad infinitum. What the committee decided to do because you can't possibly enumerate all of those conditions and foresee every consequence. What the committee decided to do, our approach to solving that problem was to create enough hurdles to make sure that when you had an area defined for secession that it was indeed something that qualified for that. Through the process, there are a lot of gates that have to be gone through to prevent the kind of situation that Representative Richardson has defined. We could have a hundred amendments in here

to deal with a particular different gerrymandering situations — what if, for example, we talked about the so-called doughnut secession where all the farmers in a community in central Aroostook County might decide to get together and cut out the center of town and define themselves as a secession area — you just can't foresee all those consequences. The only way we can do it is to set up enough hurdles to make sure that we can prevent those kinds of circumstances from arising.

I would recommend that we do indefinitely postpone the amendment and accept the committee report.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would also urge you to indefinitely postpone this amendment. This issue was discussed at great length within the committee as were numerous other issues as the previous speaker already alluded to.

I would also draw your attention to the committee amendment, page 5, section H, and "one of the areas that must be studied is the effect of the proposing incorporation on communities adjacent to the secession territory and on school districts within and adjacent to the secession territory." Certainly if there was an absolutely inordinate impact on the other communities, that is a factor that would have to be addressed while they are going through the study process and that is information that would be available to the legislature to deal with at that time.

So, I feel what we have attempted to do here is to deal with those issues, not by looking at minutia but by looking at a process that in fact forces all the things to come to the surface.

Every secession is going to be different. Even if geographically the areas are all the same, the situation is different as we have seen and has been our experience in the last three years so the attempt is there to raise all the issues, to force a study of all the issues but not to put something in place that is so restrictive and so detailed that it is impossible to follow.

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

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the work the State and Local Government Committee has put on this but I would like to ask the committee to provide for us, before we finally go through with this bill, a fairly explicit discussion of the various hurdles and safeguards and processes that are said to be in here. I think though you may have spent a lot of time working out these details, I believe that we have got to be convinced that those safeguards are there rather than just going right ahead and dismissing proposals such as that from Representative Richardson.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call, Mr. Speaker.

We are now discussing the amendment before you. After we have dealt with these amendments, we certainly will go into detail but I believe that we now need to discuss the amendment and how it affects

certain portions of the bill as well as perhaps the second amendment is proposed.

You can be assured that there will be details discussed on this particular piece of legislation.

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

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

The SPEAKER: The pending question before the House is motion of the Representative from Waterville, Representative Joseph, that House Amendment "A" (H-1032) to Committee Amendment "A" (S-569) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 304

YEA - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bruno, Cameron, Carleton, Carr, Carroll, Cathcart, Chonko, Clark, Clement, Clukey, Constantine, Cote, Cross, Dexter, Donnelly, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gamache, Gould, R. A.; Gray, Greenlaw, Hatch, Heino, Hussey, Jacques, Jalbert, Joseph, Joy, Kerr, Ketterer, Kilkelly, Larrivee, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michael, Michaud, Morrison, Murphy, Nadeau, Nash, Nickerson, Oliver, Ott, Paradis, P.; Pendexter, Pinette, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Rotondi, Ruhlin, Simoneau, Skoglund, Spear, Stevens, A.; Sullivan, Tardy, Taylor, Thompson, Townsend, G.; Tracy, Treat, True, Tufts, Vigue, Winn, Young, Zirnkilton.

NAY - Bowers, Brennan, Caron, Chase, Coles, Daggett, Dutremble, L.; Gean, Hale, Heeschen, Hichborn, Hoglund, Johnson, Kneeland, Lord, Mitchell, E.; Mitchell, J.; Norton, O'Gara, Pfeiffer, Pineau, Rand, Richardson, Robichaud, Rowe, Saxl, Simonds, Small, Stevens, K.; Strout, Swazey, Townsend, E.; Townsend, L.; Walker, Wentworth, Whitcomb.

ABSENT - Campbell, Cashman, Cloutier, Coffman, DiPietro, Foss, Hillock, Holt, Kontos, Kutasi, Martin, H.; Pendleton, Rydell, Saint Onge, The Speaker.

Yes, 100; No, 36; Absent, 15; Paired, 0; Excused, 0.

100 having voted in the affirmative and 36 in the negative, with 15 being absent, subsequently, House Amendment "A" (H-1032) to Committee Amendment "A" (S-569) was indefinitely postponed.

Representative RICHARDSON of Portland presented House Amendment "B" (H-1033) to Committee Amendment "A" (S-569) which was read by the Clerk.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I request a division. I did not want to stand up and discuss further some of the issues that were raised before but they do pertain to House Amendment "B." The simple reality is that the kicking of the secession process will be a serious business for most towns and communities in

Maine so when they enter the process, they must deal with the process, it is an extended affair not to be taken lightly. It will cost the communities that have to respond in that process at least a serious effort as well as perhaps some money. Because of that I felt that this additional amendment essentially dealing with -- it wouldn't be correct to say frivolous, I am sure people involved feel that it is frivolous with secession movements that are not of significant consequence that would likely be filtered out and should be dealt with at the outside and be a part of the process.

The House Amendment before you essentially makes the statement that there ought to be a significant mass of people, enough voters, citizens, involved in that process for it to be a legitimate secession movement and a real sovereignty question. I propose that it not start unless there are 75 registered voters in the seceding piece and that if there are that, then it proceeds building in effect a prima facie case in the process for a serious secession consideration and not forcing the community to go through a nominal one or a difficult one. It is sort of arbitrate to pick a number but secession movements and the community civil wars that we have seen in effect dramatized to us as people make strong and heartfelt appeals to us in the halls are not a pleasant business. Secession is a charter change or constitutional thing, it is, in my view, not simply merely a majoritarian vote issue, you've got to work at it a little bit and do what the committee has correctly recommended as jump through some hoops. If there is not a significant mass there, a real bonafide piece to split off, I would suggest that there be that before this extended, involved and very carefully thought out process by the committee would kick in. That is why I have moved to amend it by saying that the process begins with 75 voters have so requested and then there is a process that you will hear described later for that to begin.

The simple reality is that if a community says no and the process is pursued by that seceding piece, it will move through and come back to this body and that will be a major effort. I am suggest that that in fact ought to be a major effort with a serious and large group of people and a lot of individuals to avoid, of course, the problem of somebody who owns a farm or piece of land next to another town who wants to institute the process out of some particular feelings toward the town administration or city administration in which they leave. Right now, one or two people, three, four people, can institute that process and, although the cards would be stacked against them in the process because of the petition environments, the reality would be that they could move that process on through. I think that ought to start when there is a real community or section of community or subsection of a community that wishes to secede.

I am not interested in pressing this case at all, I simply think these were the two most important omissions in starting what is going to be, I think, a significant charter drama for many of our communities as it is exacerbated both by very sincere feelings as we have seen expressed on this issue here in this legislature by people who wish to secede and by people who are very upset about personal property taxes. I think it should be a real secession in effect with a significant number before it starts.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, I move that House Amendment "B" (H-1033) to Committee Amendment "A" (S-569) be indefinitely postponed.

Mr. Speaker, Men and Women of the House: I urge you to indefinitely postpone this House Amendment "B." If you would look at your amendment, which is on your desks and which is L.D. 1421, I need to clarify for you now that the title of the bill which appears before you is a misnomer and misleading because this bill strikes out that title and this is "An Act to Establish Procedures for Secession and Annexation." In this process, once a group of people have decided in any municipality to secede from that municipality, they must do so in accordance with this process that is set up. The first step of this process says that "a group of people of 10 percent of the registered voters within the secession territory should request a meeting with that municipal government and they must provide information to that municipal meeting about the physical boundaries, resident population, the non-resident population and a list of no more than 5 people who will serve as representatives of that area that wishes to secede."

We can go into this further but I don't believe that my comments would be germane to House Amendment "B" but I would urge you to indefinitely postpone this particular amendment so we can go on and discuss the bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that House Amendment "B" (H-1033) to Committee Amendment "A" (S-569) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 voted in favor of the same and 30 against, House Amendment "B" (H-1033) to Committee Amendment "A" (S-569) was indefinitely postponed.

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

Representative MARTIN: Mr. Speaker, Members of the House: In looking at the bill, which deals with Cushing Island in Casco Bay and then looking at the Committee Amendment, I now find we have set up a process for every community in Maine to separate from one another. I would question the germaneness of Committee Amendment "A" to the bill.

Subsequently, the Bill was tabled pending a ruling from the Chair.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second 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) (C. "A" H-1024)

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. Ordered sent forthwith.

UNFINISHED BUSINESS

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

Bill "An Act to Encourage Municipal Investment in Local Economic Development Projects" (EMERGENCY) (S.P. 647) (L.D. 1806)

- In House, Minority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted on March 28, 1994.

- In Senate, Senate 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.

TABLED - March 31, 1994 (Till Later Today) by Representative NADEAU of Saco.

PENDING - Motion of same Representative to Recede and Concur.

Representative NADEAU of Saco withdrew his motion to Recede and Concur.

The same Representative moved that the House Insist and ask for a Committee of Conference.

Representative STROUT of Corinth requested a Division on the motion to Insist and ask for a Committee of Conference.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Nadeau of Saco that the House Insist and ask for a Committee of Conference.

A vote of the House was taken.

Representative NADEAU of Saco requested a roll call on the motion to Insist and ask for a Committee of Conference.

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

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

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: Please reconsider this. All we are trying to do now is to get together with a compromise that you can all live with.

We have been talking about jobs and we have been talking about economic development — this is a step in that direction. If this can be compromised and brought down to what we can all live with, then we are doing something for jobs and economic development. We are giving the communities an opportunity to do this so I ask if you voted against this, please give it a shot, give us a chance to come back with something that may be we can all live with.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Saco, Representative Nadeau, that the House Insist and Ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 305

YEA - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Carleton, Caron, Carr, Carroll, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Cross, Daggett, Dexter, Donnelly, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Greenlaw, Hale, Hatch, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Joseph, Joy, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, J.; Melendy, Michaud, Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plozman, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Saint Onge, Saxl, Simoneau, Skoglund, Small, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Treat, True, Tufts, Vigue, Walker, Wentworth, Whitcomb, Young, Zirkilton, The Speaker.

NAY - Gray, Kneeland, Lemke, Libby Jack, Mitchell, E.; Norton, Simonds, Spear, Tracy, Winn.

ABSENT - Bailey, H.; Cameron, Campbell, Cashman, Cathcart, DiPietro, Hillock, Jalbert, Kutasi, Martin, H.; Michael, Pendexter, Ruhlin, Rydell.

Yes, 127; No, 10; Absent, 14; Paired, 0; Excused, 0.

127 having voted in the affirmative and 10 in the negative, with 14 being absent, subsequently, the House voted to Insist and ask for a Committee of Conference.

HOUSE DIVIDED REPORT - Majority (12) "Ought to Pass" as amended by Committee Amendment "A" (H-1000)

- Minority (1) "Ought to Pass" as amended by Committee Amendment "B" (H-1001) - Committee on Judiciary 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)

TABLED - March 31, 1994 (Till Later Today) by Representative COTE of Auburn.

PENDING - Acceptance of Either Report.

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

Representative COTE: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

Mr. Speaker, Men and Women of the House: The legislature charge the commission to study the future of Maine's courts with making recommendations to ensure access for all citizens to an equitable, responsible and efficient judicial system.

The commission was to address current and future needs of the courts and how it should ideally look for implementation while keeping in mind that the court structure will be designed to serve the

interests of the public and not any particular group of judges or lawyers and will be as simple as possible. The commission to study the future of Maine's courts omnibus bill was held over from the first session. Representatives of the judicial department, the judicial council, Maine State Bar Association and many interested consumers of the courts worked very hard to the implementation of future commissions' recommendations.

The Judiciary Committee of which the commission is a creature, the judicial department and the commission members seek the most cost efficient court system that will assure not only justice but the perception of justice to all. Many initial first steps must be taken now to achieve this goal and realize greater economy in the future. The three entities believe that L.D. 1314 is such a step.

The report resulting from the two year study is a notable piece of work. Please support the Majority "Ought to Pass" Report.

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

The Bill read once. Committee Amendment "A" (H-1000) was read by the Clerk.

Representative KERR of Old Orchard Beach presented House Amendment "A" (H-1015) to Committee Amendment "A" (H-1000) which was read by the Clerk and adopted.

Committee Amendment "A" (H-1000) as amended by House Amendment "A" (H-1015) 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-1000) as amended by House Amendment "A" (H-1015) thereto and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (6) "Ought to Pass" pursuant to Joint Order H.P. 1416 on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (H.P. 1470) (L.D. 1998)

- Report "B" (4) "Ought Not to Pass" pursuant to Joint Order H.P. 1416

- Report "C" (2) "Ought to Pass" pursuant to Joint Order H.P. 1416 on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (H.P. 1471) (L.D. 1999)

- Report "D" (1) "Ought to Pass" pursuant to Joint Order H.P. 1416 on Bill "An Act Authorizing a Tribally Owned Casino in the City of Calais" (EMERGENCY) (H.P. 1472) (L.D. 2000) - Committee on Judiciary

TABLED - March 31, 1994 (Till Later Today) by Representative COTE of Auburn.

PENDING - Acceptance of Any Report.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of any Report and later today assigned.

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

TABLED - March 31, 1994 (Till Later Today) by Representative MITCHELL of Freeport.

PENDING - Passage to be Engrossed.

On motion of Representative MITCHELL of Freeport, the House reconsidered its action whereby Committee Amendment "A" (H-973) was adopted.

The same Representative presented House Amendment "A" (H-1017) to Committee Amendment "A" (H-973) which was read by the Clerk and adopted.

Committee Amendment "A" (H-973) as amended by House Amendment "A" (H-1017) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-973) as amended by House Amendment "A" (H-1017) thereto and sent up for concurrence. Ordered sent forthwith.

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

TABLED - March 31, 1994 (Till Later Today) by Representative BENNETT of Norway.

PENDING - Passage to be Enacted.

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

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

TABLED - March 31, 1994 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

Representative CLARK of Millinocket presented House Amendment "A" (H-1029) which was read by the Clerk and adopted.

Representative COFFMAN of Old Town presented House Amendment "B" (H-1034) which was read by the Clerk.

Representative CLARK of Millinocket moved that House Amendment "B" (H-1034) be indefinitely postponed.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill before you has come upon us very, very quickly. The matter concerns \$120 million that the CMP is asking to be bailed out with. \$120 million of taxpayer and ratepayer money that will be guaranteed by FAME, the Finance Authority of Maine.

My amendment would be in answer to this. It would ask that CMP declare bankruptcy immediately. I know that this is strong language but people are tired of CMP, the power companies at the public trough, wanting to be bailed out. Enough is enough. Rates cannot keep going up, we cannot be asked to keep bailing them out, they are a financial insolvent company and I say this in all sincerity.

This whole matter and the way it has come about is scandalous. I sat on the Utilities Committee when David Flanagan, the President of CMP, came before us asking questions that he refused to answer. This

gentleman who has a thorough knowledge of facts and figures on his company refused to acknowledge how much he was giving out in contracts.....

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark, and would inquire for what purpose the Representative rises?

Representative CLARK: A point of order? I wish the gentleman who is debating the amendment would stick to the amendment, please.

The SPEAKER: The Chair would encourage the Representative from Old Town, Representative Coffman, to confine his comments to the provisions represented in House Amendment "B." The Representative may proceed.

Representative COFFMAN: Thank you Mr. Speaker.

This proposal would solve the entire problem with the independent power producer contracts once and for all. All contracts would be absolved, would be ended, and have to be renegotiated once the company comes out of bankruptcy.

There are too many unanswered questions here, questions as a Utility Committee member I was shocked that I was not receiving the answers when I asked them of the executive of CMP. If we can't get the answers to our questions, then the only way that we can is to have the company declare bankruptcy, open up their books, open up all the contracts and you can better believe that it that happens, the cost of electricity will go down. That is what we are here for, that is what this amendment addresses.

I have heard that the one concern about this, that the people on retirement or whoever has invested in this company, who has stock in this company — well, there is an easy solution to that — once the company comes out of bankruptcy and is reorganized and it isn't saddled with these contracts with all these past bad decisions, the stockholders of the present company can receive preferred stock in the new company. That's the solution to that problem but I think is well worthwhile in addressing, not to just roll over and give them a \$120 million to bail them out. Bail out time is over, this company is bankrupt, there is no doubt about it and it is time we stood up to them and stood up to the independent power producers, stood up to the back room deals and solve this problem once and for all for the ratepayers of this state. We are keeping business out of this state, we are sending businesses out of this state, the homeowner can't pay their bills anymore.

I have a person who is not in my district but he owns a restaurant, he has bought a generator, he has all his electrical bills on the wall and he has cut his electrical use in half and he is proud of it. It is too bad that it has come to that because we won't stand and do our job here.

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

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

As I understand this amendment, it will cancel all supply contracts that CMP has, both high-cost and low-cost — is there any provision in this amendment or in federal or state law which will assure that CMP is able to sign new contracts with low-cost producers that won't increase rates in Maine, that is new contracts at the same low cost?

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

The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: I have read with interest the amendment presented by our friend, the Representative from Old Town, Representative Coffman, which would require immediate declaration of bankruptcy by the Central Maine Power Company. It is intriguing on one level and was entertaining in some respects as delightful on another level as that idea might be to one part of our being, as legislators I do think that we have to face the very fact that on a practical level, I would prefer that we discuss the terms of the bill itself, L.D. 1997, about which I do hope we will ask questions so it may be thoroughly understood before it proceeds further.

Take some assurance from that rather than merely believing that bankruptcy of a large public utility would solve all our problems that perhaps a little bit of delicate surgery may solve those problems instead. I believe as well that the Central Maine Power Company, being of that breed and class of large utility that falls under special parts of the bankruptcy laws, that though the company itself may by legislative act, be forced to declare bankruptcy that the contracts then held with the innocence, so to speak, would still be valid. The bankruptcy laws are very complicated and stand in different status than the bankruptcy laws that would pertain to what you or I must do as individuals. For that reason, though I do encourage further questions about the bill that would follow, I would suggest that we dispose of the attempted amendment with thanks for all the thinking that it forces us to do.

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

Representative MARSHALL: Mr. Speaker, Colleagues of the House: I am not a big friend of CMP; however, the contracts that CMP and NUGS have entered into as far as I can tell so far were entered into under our direction or under the PUC's direction. It would seem to me that it would be a gross mistake for us to cancel all of these and the hundreds of millions of dollars of investments that people have made at our request. Some of these contracts are very reasonable and it would seem to be a gross mistake to get rid of all of those.

I am not real happy with the \$120 million proposal that we have to bail out this situation or buy down some of these contracts but under the circumstances that we created the problem, it would seem that we have some responsibilities to come up with a solution to it that doesn't cripple the probably thousands of jobs throughout the state that this represents and the stability of our electric system.

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

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative Coles question, the way the process would work is that the bankruptcy court, the court would step in and open up these contracts and look at the contracts and the validity, which ones are valid and which ones aren't.

I am in agreement with Representative Marshall that some of these contracts are valid. They are actually good contracts but other ones are not. The

whole process needs to be investigated here. I am greatly offended when this is pushed through as quickly as it is, when this amendment just came out this morning and I have to be here right now defending it when I don't have everything put together to do just that. I can't understand why it has to go as fast it does.

Irregardless, back to the point, the bankruptcy court is where this should be at or any court so these books can be opened because that's what needs to be done, once and for all, but that is not what the independent power producers want. That is not what CMP wants.

If this does not pass, I have already joined with the Public Intervenor for the PUC in expressing my concerns about this whole matter to the Supreme Court. CMP has filed an appeal on the rate increase. They went to court to do that, they didn't get enough money. Keep in mind how many times have they been there for money, every year it seems like they have bogged down the PUC with requests for more and more money, higher and higher rates. Now they have found that people are asking questions, that their books are being asked to be opened, that no longer can the President of CMP hand over \$10 million at a whack for a piece of paper for a plant that was never built, for ground that was never broken, a piece of paper, things like that should be investigated. The Supreme Court of this state will do just that. They are not going to be allowed to back out of their appeal and that is what they want to do now. I tell you right here that the Public Intervenor, the single public representative on the PUC, is standing in their way because they don't want the courts to look into this matter. We can prevent all that by adopting this amendment and requiring what needs to be done. This issue has replaced Workers' Comp as the number one issue in this state in costing us jobs. It is time that we dealt with it in a timely fashion and deal with it with a firm hand.

I ask you on the behalf of the ratepayers of this state, the business owners of this state and the citizens of this state to consider this seriously.

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: If you think, as you look at this bill that making a decision on whether or not to allow \$120 million worth of bonds to be sold is complicated and we haven't had time to discuss that, then you ought to really and seriously look at the implications of a bankruptcy case and the implications of who this covers. You are talking about the federal government in some of these things, you have no idea (and the good Representative would like to have you accept it) how long and how complicated this little piece of paper is. So, I suggest that you go along with the motion on the floor to indefinitely postpone this.

Representative Coffman of Old Town was granted permission to speak a third time.

Representative COFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: For the Record I would like to state that I have received no campaign contributions from any executives at CMP. I challenge the other members of the Utility Committee to do the same.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I would like to have that testimony just presented struck from the Record, I don't think it has anything to do with the amendments before us today.

The SPEAKER: The Chair will take that under advisement.

The Chair will order a vote. The pending question before the House is the motion of the Representative from Millinocket, Representative Clark, that House Amendment "B" (H-1034) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 voted in favor of the same and 2 against, House Amendment "B" (H-1034) was indefinitely postponed.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-1029) and sent up for concurrence. Ordered sent forthwith.

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)

- In House, failed of passage to be enacted on March 30, 1994.

- In Senate, passed to be enacted in non-concurrence. TABLED - March 31, 1994 (Till Later Today) by Representative JACQUES of Waterville.
PENDING - Further consideration.

Representative TREAT of Gardiner moved that the House Recede and Concur.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: A few days ago we talked about this bill and this House decided at that point in time that it was a bad idea. It was a bad idea then and it is a bad idea now and it will be a bad idea in the future.

This bill in effect changes the duties and the role of the Superintendent of Pineland Center. Now it may help people in central office and reduce the people there but at Pineland Center, it maintains the top echelon's while we continue to lay off direct care workers there, those who are caring for the most in need in this society.

I would hope that you would maintain your support on this bill, send it down to defeat as we did a couple of days ago.

In 1963, when President Kennedy signed the Mental Retardation Act, it started the community movement. He signed it and in his speech he said clearly to the people of this country that "those of mental retardation may be the victims of their fate but they should not be the victims of our neglect." It is time here with this vote that we can keep direct care people giving the care to those residents at Pineland who are still there without continuing adding more roles and responsibilities to the upper echelon and keeping them in place instead of direct care workers. I would urge you all to vote to kill this bill.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I would just like to briefly remind you of what this bill does what it doesn't do.

This bill will consolidate the responsibilities of the Superintendent of Pineland with responsibilities for overall bureau direction. We view that as an appropriate thing because the responsibilities at Pineland are in fact decreasing as persons who are living at Pineland are being placed in community settings. It is appropriate for the Superintendent of Pineland to also be involved in community settings and setting that policy.

We have been assured by the Commissioner of the Department of Mental Health and Retardation that this person who is currently Superintendent of Pineland will remain at Pineland. Much of the week his base will be there so that he will not be moved to the central office to carry out this job.

This bill does not involve reducing any direct care staff. If it is done in the budget, that is something that the Appropriations Committee does, it is not affected by this bill. This bill does not increase upper management at the expense of direct care. I want to make that very clear.

This is a department bill, it came to us from the Commissioner, she believes it is very important to do it, it is the exact same thing that we did on the Mental Health side of the department where we merged the positions of the Superintendent of AMHI with the Bureau Director position over there. This makes consistency between Mental Health and Mental Retardation. It is not an expression of any reduced interests in doing the very best that we need to do for persons with mental retardation.

I don't think there will be any diminishment of quality and it is really a separate issue. I know there is a lot of concern about Pineland closing and there is a lot of people here who have constituents who may have family members at Pineland — this bill does not affect that decision to close or reduce Pineland in any way, it is independent of it, it is making the policy consistent across the department. I do hope that you will support the committee's position, it was a unanimous report, and recede and concur with the other body.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I can recall getting up on this issue during the progress of closing down the facility. Philosophically, I do not accept any situation that will deter or reduce the services of Pineland. Realistically, I know what has happened and is happening, I cannot accept it. Evidently, the other body could not accept it.

I urge you to reconsider your vote and let your heart speak just once.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Ladies and Gentlemen of the House: There are certain words in this body that bring a lot of emotion to someone. The term "Pineland Center" is one of those terms. We think of people who have some disabilities and it affects our heart. If it doesn't, then you are not a compassionate human being.

This bill does not affect that compassion at all. As a matter of fact, passage of this bill will help those people. The duties of the Superintendent will be that he will now go out into the community to make sure that the services that are required for these people will be there. That will be the difference if you pass this bill. It will not reduce staff at

Pineland, it has no bearing on the staff at Pineland, this bill will change the responsibilities of that Superintendent to make sure that the community services that we all want for the residents of Pineland will be in place.

Please do not let your emotions get in the way of the vote to support this bill.

Representative Pendexter of Scarborough requested a roll call.

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

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

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just want to argue to you, contrary to my friend Representative Carroll's position, that this bill would be a benefit to people who are the recipients of services through the Bureau of Mental Health and Retardation. The reason I believe it would be a benefit to them is that we are talking about a Bureau that has been chronically underfunded for some years now. For us to go on paying for two administrative positions at the expense of direct care would be a mistake.

It is a good bill and a good idea to streamline the administrative position in order to concentrate our efforts and our funds on direct care.

I urge you to recede and concur.

The SPEAKER: The pending question before the House is the motion to recede and concur. This being an emergency measure, a two-third vote of all the elected members is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 306

YEA - Adams, Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Carleton, Caron, Carr, Chase, Clukey, Coffman, Coles, Constantine, Cross, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Greenlaw, Heesch, Heino, Hichborn, Hoglund, Holt, Jacques, Johnson, Joy, Kneeland, Kontos, Larrivee, Lemont, Libby Jack, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, J.; Michael, Morrison, Murphy, Nash, Nickerson, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pineau, Pinette, Plourde, Plowman, Poulin, Rand, Reed, G.; Reed, W.; Robichaud, Rotondi, Rowe, Ruhlin, Simonds, Simoneau, Small, Spear, Stevens, K.; Tardy, Taylor, Thompson, Townsend, E.; Townsend, L.; Treat, True, Tufts, Vigue, Wentworth, Whitcomb, Young, Zirnkilton, The Speaker.

NAY - Aliberti, Carroll, Chonko, Clark, Clement, Cloutier, Cote, Daggett, Driscoll, Erwin, Gray, Hale, Hatch, Hussey, Joseph, Kerr, Ketterer, Kilkelly, Lemke, Libby James, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, O'Gara, Pouliot, Richardson, Ricker, Saint Onge, Saxl, Skoglund,

Stevens, A.; Strout, Sullivan, Swazey, Townsend, G.; Tracy, Walker, Winn.

ABSENT - Campbell, Cashman, Cathcart, Hillock, Jalbert, Kutasi, Martin, H.; Pfeiffer, Rydell.

Yes, 101; No, 41; Absent, 9; Paired, 0; Excused, 0.

101 having voted in the affirmative and 41 voted in the negative, with 9 being absent, the motion to Recede and Concur did prevail.

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

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 31, 1994 (Till Later Today) by Representative ZIRNKILTON of Mount Desert.
PENDING - Acceptance of Any Report.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Joy. Representative JOY: Mr. Speaker, Members of the House: I stand before you and move that the House accept Report "C" "Ought Not to Pass."

I have not often risen to speak before this body; instead I have chosen to take a page from the good Senator Muskie's book and "chose to listen and then let my light do the talking."

Some of my colleagues have accused me of not having a green light but that is another matter.

I stand today to address a bill that should not be before us for two distinct reasons. I will try to explain those reasons.

First and foremost, this item does not meet the requirements spelled out in the letter which I presume every legislator received before this session, that only those bills with emergency matters and financial matters or executive orders would be coming before this session of the legislature. This bill does not come under that description nor does most of the legislation before us but instead represents the efforts of special interest groups to promote their causes. That is the reason we are here today on Good Friday and did not adjourn yesterday as proposed. Did each of you ask a member of the legislative council why these bills were in? I did, I asked two and neither response was satisfactory.

The other reason I oppose this legislation can be summed up in one simple word, "discrimination." I am often asked why as an educator are you opposed to this bill? It is just for that reason that I am opposed, I am an educator and I have been for many years. I am also a member of the Maine State Retirement System and this legislation is certainly not the way to go to fix the problems that exists in that system.

I got my start as an educator in the 5th grade in a small one room schoolhouse in a the little Plantation of Macwahoc when it was found that I had

an aptitude for some of the three R's and I was asked if I would like to work with the first, second and third grades to teach them their three R's and I have been an educator ever since and I hope I can be for the rest of my life.

We were taught not to discriminate then and before prayers and teaching moral values were kicked out of school, they used to call it the golden rule "do unto others as you would have others do unto you." Our forefathers drafted the Constitution and those who have seen fit to amend it along the way have seen the necessity to include and preserve an anti-discrimination clause for the protection of all the citizens of Maine. It can be found on page 10 of the 1993 Senate and House Registers. If you don't have one available, I would like to share it with you. "No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof." I think that is very clear. How does this proposed Constitutional Amendment come in conflict with that? L.D. 1822 as amended proposes giving contract status with the Maine State Retirement System for teachers and Maine State employees.

The original bill was much broader than that and included public instrumentality and other persons who have Maine State Retirement status.

The amendment narrowed that down and limited it to teachers and state employees. This protection is not granted to anyone in the private sector. How discriminatory is this? I checked in early March to find out just how bad this was. There are 16,900 teachers in the State of Maine. There are 27,500 state employees. In December, there were 636,600 people in the state's work force and in the 1990 census, it showed 1,227,928 persons. Teachers and state employees represent less than 7 percent of the total work force. They also represent less than 4 percent of the total population. If this Constitutional Amendment is passed, you will be granting a discriminatory privilege to less than 4 percent as a population and less than 7 percent of the total work force. This flies right in the face of the equal protection clause.

I would like to take just a moment to show you how easily words can be manipulated to imply something that they really don't say. A few days ago, we all got a copy of a letter across our desks asking you to support 1822. This letter came from one of the agencies which represents Maine State Employees; in fact, the President. I would like to read from the fourth paragraph in that letter. It says: "We agree with those who say Maine's Constitution should not be amended to give special treatment" and then comes that one word but, a very important word and they go on to say "that in the past three years it has proven that Maine statutes do not offer basic security enjoyed by employees in the private sector." Here is the sentence that is very misleading. It says: "In the private sector, the employer cannot change the federal laws which protect pensions." I would like to point out that neither can we change federal laws. However, the implication is here that federal law gives contract status for pensions in the private sector and that is just not so.

I would also like to tell you how I dealt with this issue with the teachers with whom I worked for many years. I went to them and explained my

position, I explained that I could not support this because I do not support discrimination and they understood. Whether they agreed with me or not, they understood where I was coming from and I hope that every legislator in here, when you have a chance to talk with your teachers or talk with state employees, that you point out this discriminatory part.

When someone asked or insisted that you vote for this L.D., did you immediately go talk to 13 people that will not be covered by this L.D. 1822? If you didn't, then you are not representing all of the people of the State of Maine because for every teacher or state employee, there are 13 people out there who cannot have this benefit.

I was reminded, very abruptly one day when I asked someone why we only have representatives there for the teachers and the state employees in our hearings and work sessions — no one was there representing the other large percentage of the population. I was quickly informed that that was my job and the job of every legislator who was there and I cannot understand why the report ever came out of committee with a Majority "Ought to Pass" because those legislators have a responsibility to represent all of the people just as I do.

I have heard about all of the reasons that you can for people who will give as an excuse for voting for this issue, some of them — "my benefits would change under the system," "relative lost benefits," "we won't attract quality people" and, the last one which I think is probably the poorest answer, "I will lose votes." Ladies and gentlemen, I contend that we are not down here to ensure ourselves of votes for reelection, we are down here to represent the rights of all of the people of all of the State of Maine. Those are the rights that are guaranteed to them under the Constitution and I think we have an obligation to protect them. In fact, that was part of our obligation when we became Representatives of the State of Maine.

One last issue that goes along with this — in January of this year, I received an envelope with a lot of information about income tax, including my W-2. On that W-2 it said that my employer was the State of Maine, that makes me an employee of the State of Maine, I am also a member of the Maine State Retirement System and I feel that we all will be voting with a conflict of interest if we vote for passage of this to send it out to the people. I don't think it can get much stronger than that and when it comes for a vote, I urge you to follow my light.

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

Representative VIGUE: Mr. Speaker, Men and Women of the House: I would like to have my name recorded as supporting L.D. 1822 as I previously had given my word that I would support that position. So I am asking the body that I be allowed to list my name in support of L.D. 1822.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will reject Committee Report "C", which is the "Ought Not to Pass" Report so that we can go on to support the Majority Report of the Committee which now just got larger.

What this bill is about, this Resolve, is sending to the voters of Maine a Constitutional Amendment which will establish a contractual relationship between state employees and teachers and the State of Maine for their pension benefits. This amendment is designed to give employees of the state and teachers the kind of protection that this legislature and our Governor has been unable to afford. Having been here for the past four years I have watched time and time again as we have attempted to balance the budget in difficult times and we have turned to the pension system in this state for a good deal of the solution. I think that is inappropriate. While we did that, I heard from many members of this body and the other body that it pained them to be cutting benefits for state employees and teachers but they saw no other option.

I think often times we get into this process where we simply adopt those options that are available to us and we would probably bond for a good deal of our operating expenses if the Constitution didn't prohibit it. If that option were available to us, I believe we would probably do it in these economic times. I think it is time we take away the option of using our pension system as a cash cow. The only way to do that is to put it in the Constitution.

In 1991 when we first started dealing with the budget crisis, one of the first things that we did was go to the retirement system's ancillary benefit account, the trust fund, where we determined there was a surplus, not the actuaries, but us, and we took money directly out of the accounts to balance the budget. We sure could use that money now in the retirement system. We knew we did the wrong thing at that point and attempted to correct it by putting out to the voters a Constitutional Amendment that would not allow us, this legislature, to go back to the retirement system after we had appropriated money and take it away. The voters passed that overwhelmingly. It provided for us the discipline we could not provide ourselves to do the right thing.

This amendment is right along those lines, it does the same thing but it goes the next step further, it assures that we won't now, if the voters pass this, attempt to reduce benefits for workers for the sake of balancing the budget.

One of the previous speaker's suggested that this was a special interest bill — a couple of points here — teachers and state employees are residents of our state and they have every right to come in here as residents of our state, whether they are represented by a union or not and request that they get fair treatment, and that is what they have done. Many of us on the committee responded and offered that fair treatment.

The argument of discrimination, I have no idea where that comes from, what the basis is, and it makes little sense to me.

The issue of whether private sector employees are protected or not — I think the points that were made in the letter that was read are truly accurate, that private sector employees do have the protection that we are attempting to offer our public sector employees in state employment and employment in school districts as teachers.

I am not running again for this House. My decision on this particular matter was not influenced by my desire to get votes nor do I think anyone else on the Majority Report voted that way with a desire to get votes. It was a desire to give state

employees and teachers the protection they deserve in our retirement system and I take offense at the suggestion that this was done purely for the reason to get votes.

I hope you can reject the "Ought Not to Pass" Report so we can go on to discuss further the "Ought to Pass" Report of the majority of the committee.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I had to rise today to add my voice to the support to reject Report "C" "Ought Not to Pass." There have been a number of points made here on the floor today that I would like to address and I will try to be as brief as I can.

Yes, I consider teachers special interest, I consider working people of this state special interests. I feel that what we should do is not take something away from folks who have worked very hard to gain it. When you talk about other working people we should be bringing those folks up to jobs and economic development to the level of those folks who have gained this. Keep in mind that there was also another point made here on the floor of the House that we should be representing our constituents — well, I find my constituents to be very intelligent people and every two years they get that decision.

I would also point out if this passes, this goes to the people so that majority that has been spoken of on the floor of the House is going to get a say on it. This isn't a rubber stamp.

I think this is a necessary thing to do. We all know the problems we have been through here in the last couple of years with short money and high demands. Let's face it, the retirement system has been raided and enough is enough. We cannot sit here as a legislature and direct to another legislature that you will not touch this or you will do this — you can't do that. If you have a Constitutional Amendment, which the people of the State of Maine gets to vote on, they can do it. They should be given the right to decide. It's not just teachers that are going to be voting on this, every voter who wants to get themselves up off the couch and into the polls is going to have a say about this. I think that is probably one of the most important points here on this issue.

I have a great deal of respect for Representative Joy, I don't know him too well but the fact that he has spent his life teaching demands that I give him a high regard of respect and I do. The reason that I do that is because my wife is a school teacher as well and I know how hard they work, I know how hard they dedicate themselves to making life better for children that are put in their charge and I have the highest regard for teachers and I want you to know that I wouldn't do it for \$500,000 a year. It is a tough job, some people are cut out for it, some aren't. I might do it for \$500,000 a year but nonetheless I would have to get paid considerably more than they get paid today to want to go into that. Plus, I think you have to have a certain dedication to do it anyway so I have a great deal of respect for teachers. I think it is asking small return that after their years of labor and dedication that what they paid into the system, in order to keep them in their older age, after their duty is done and after they have performed their duties, I think it is a small amount to expect that they get that back and that they be taken care of in their time of need.

So, I urge you ladies and gentlemen, for all the people of the State of Maine, please vote against the Report "C" "Ought Not to Pass" so we can go on and send this measure to the majority voters of the people of the State of Maine so they can have their say on this.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I will not make the argument to you that we have raided the retirement system again and again, it is true but that isn't the basis of my support of this bill. I do agree with Representative Wentworth except for one small point. I do understand the discrimination argument but let me put it to you another way, I would propose the notion to you that Maine State employees are in fact a discriminated class with respect to their pensions. Maine teachers are a discriminated class with respect to their pensions for the following reasons, that the non-impairment clauses in the U.S. and the Maine Constitution do prevent an employer from impairing a negotiated contract with employees. But, Maine State employees and teachers have been prevented by the Maine Law Court from including pension in their contract so the employees and the teachers cannot include pension benefits in a negotiated contract which would then protect them as other employees in the state are protected. All other employees in the state are either protected by union contracts should they choose to join a union and therefore would have contracts that are protected by the Constitution in the case of private employees or other public employees who are also protected.

This one category of individual who has no protection I would argue that they are therefore the discriminated against class and not a special class that we are going to be treating as better than any other employees. I beg you to please reject the "Ought Not to Pass" motion on the floor.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: We have often heard the old saw "that the only thing certain in this world are death and taxes" and that this bill seeks to change that to that the only certain in this world is death, taxes and the State of Maine Employees Retirement Fund. No other citizens have this guarantee. Private sector employees do not have this guarantee, that is why so many employers have transferred their pension plans into a defined contribution plan to better initiate a return to the employees upon retirement.

We should allow the committee to study this entire issue of state retirement, not to restrict their study by recently instituted Constitutional guarantee. I urge you to vote this "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to get one thing very clear, I did not imply in any way that members of the committee voted the way they did to get votes. That was not intended in my speech at all.

I would like to take just a moment to go back to last year and I think probably to just give you a little bit of an idea of just how much I think that

the benefits that are due the teachers and state employees how high I value those.

Last year, the Maine Association of Retirees came to us when we were trying to figure out how to balance the budget and offered a proposal whereby there would be a \$72 million deferral, along with a proposed Constitutional Amendment that would require the state to fund adequately the retirement system. At that time, almost every member of the committee was willing to modify or amend the Constitution, to meet those requirements because they had their arm twisted by that \$72 million deferral. A short time later, the Appropriations Committee apparently sent a message back to us and we met right down here in the front of the House and they said that they would like to have us come forth a unanimous opinion or approval for a \$100 million deferral. The entire committee, with the exception of two members, my seatmate, Representative Birney and myself, went along with that request. We did not and we stated our opposition to it at that time. We felt that the Maine Association of Retiree's proposal was probably the best that we could get so I would like to assure you that I am certainly concerned with protecting the benefits of the retirees and members who have yet to come through the system.

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

Representative BIRNEY: Mr. Speaker, Distinguished Members of this House: I guess I am going to talk a little bit about benefits today, seeing how that is what this Constitutional Amendment is supposed to protect. One of major reasons I am opposed to this legislation is the benefits are very inequitable in the retirement system. Low-end employees, employees earning less than \$25,000 a year, do not receive the percentage of benefits when you look at the employer's share when they retire as someone earning \$35,000, \$50,000 or \$75,000.

Another situation is, if you have someone who has worked for the state for 25 or 30 years, they do not receive the employer share of benefits as someone coming in late in their 50's working 6, 8 or 10 years into the system. For instance, if someone comes in at 51 and works until 61, the Monks Commission Report, if you look at that, they receive 18 percent of their pay in employer benefits. Some of these people who have worked for 25 or 30 years, if you look at that report, are only receiving 4 percent. Right now, they are being told that the employer is paying 6 point something of their pay. This is inequitable. If we have a Constitutional Amendment to make this a contract now before the Monks Committee gets a chance to work on the retirement system, we are going to block any change in that. It is going to be a contract you are not going to change.

Another thing that I want to talk about regarding benefits — we talk about benefit reduction last year and we did it to balance the budget — the benefit reduction we did last year were ballooning and here is another inequity that we stopped where people could take their vacation pay and their sick pay and put it together in their last year. You remember the last three years that you work is what your retirement is based on. So they put their sick pay and their vacation pay in and it balloons their salary up to get more pension. People, this is not funded, this is part of the unfunded liability. We talk constantly about the state raiding the retirement trust and so forth but a lot of the

unfunded liability comes from inequities in the system.

Last year there were approximately 300 people who retired at around the age of 54 or 55 with a 2.8 percent penalty. We changed that for non-vested to 6 percent which is pretty standard in this country — 6 to 9 percent penalty for early retirement because that is what it costs the system. The 2.8 percent penalty based on the average pay last year amounts to about \$100,000 per employee of unfunded liability. In other words, that money was not paid in by the employee or the employer to make that benefit whole.

These are changes that we have made in the benefits. These are inequities in the system.

I can understand people being angry about it that they cannot take that amount out of the system but it hadn't been paid in. This is a major part of the unfunded liability for these inequities. There are still inequities in the system which I feel will come out in the Monks Committee when they their work. Folks, we need to know about this before we make a contract. We need to know, we need to make things equitable.

Another thing I want to talk about is we were talking about how private sector is protected — they are not. Fifty-two percent of the work force in Maine today have nothing to rely on but Social Security — tell me how many times that has changed in the last 10 years. What are we going to do about that? Can we put that in the Constitution in Maine?

Let's look at our military now, people with 15, 17 years and are asked to leave because we are cutting back — what are they taking for a pension? They are not because they haven't got their 20 years. Is that protection?

We are protected a certain portion of our citizenry and it is I feel, as Representative Joy stated, unconstitutional. I have great empathy for the employees and their frustration with the retirement system and I really feel that I worked hard to try to solve the problems and dig into the issue. I did attend the Monks Commission meetings and I didn't see many of the rest of the committee there on a meeting to meeting basis. They all attended at some point but I will tell you, I missed two meetings, and we met every other week. There was no pay for that, no mileage, but I did it because I am interested.

I do want to see a whole system for our employees but this is not the way to go. I do want to see that they are guaranteed a good retirement but to change the Constitution, I cannot vote to put that before the people.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: Rather than try to pass off opinion as fact, I will just try to boil this down to a simple question. The question is whether you want to assure that once somebody enters in the teaching profession or state employment that the provisions for their retirement benefits will stay with them throughout their employment or get better if we choose to do that but get no worse or whether you want to continue to offer the legislature the opportunity to change benefits at will and to erode the benefits that employees will receive in the future. That is the basic question, whether to give

employees security or continue for the legislature to have the power to change benefits at will.

I would suggest to you that employees deserve when they come into state service to know what they will get for retirement benefits as long as they continue in state service and that they should not have to be scared that this legislature, because of the budget crisis, will take an action to reduce their benefits simply to solve the budget problem.

I hope you will reject the "Ought Not to Pass" Report so we can go on to support the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: This issue to me is about being responsible legislators. If the legislature doesn't trust itself, then let's put the retirement system out of reach like a candy jar. If we are a body of intelligent people who will act responsibly, then leave the retirement plan where it is so that it can be amended and improved as appropriate.

There have been abuses of the system in the past that the legislature has had to correct. There may be other defects that will come to light in the future. We are in the midst of a program to improve the system so let's give L.D. 1841 "An Act to Provide Retirement Alternatives" a chance to be implemented.

Please vote to accept Report "C" and vote yes on the item that is before us.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: It has been mentioned here this morning about the unfair practices of the retirement system — someone gets a larger percentage than someone else and this type of thing — isn't that the American way? Can you go through your complete contingency that you support or that you represent and find everybody getting the same percentage of increase a year in wages? What is the incentive? That is not the issue here this morning anyway. The issue is security for state employees in that contract.

It was mentioned earlier, "do unto others as you would have others do unto you" — think about that. Just give that a little thought. Isn't it a peace of mind to you if you were in that situation or another situation to know that you have certain privileges that will not be broken? It is a peace of mind.

It was mentioned here this morning by my good friend from Eastport that he wouldn't be teaching for a half a million dollars because it is a difficult job. I would like to turn that around a little bit, I taught for some 28 years for a little bit less than the half a million dollars a year but the important thing is that I thank the people of the State of Maine for giving me the opportunity to teach because I had 28 years of sheer pleasure.

I have a great deal of faith in the public. The people in my area when we were so-called raiding the retirement system, the same people on Monday that would say to me that the teachers are getting too doggone much money and the state employees are too highly paid and they don't do anything, would be the same people on Wednesday that would say to me, I am not sure that we should be messing their retirement system. Same people, the very same.

I have a lot of faith in the people out there in the State of Maine, they will do the right thing, let's give them the opportunity.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that the Representative from Boothbay didn't make a half a million a year, he should have in his career.

I am going to be very brief, I just want to make a couple of more points.

Mr. Speaker, when the vote is taken, I would request a roll call.

It has been brought up as to whether or not this is Constitutional — I would offer to you that the people of the State of Maine can make it Constitutional and if we send this out to them, they will decide yea or nay whether they want it to be Constitutional. They are the ultimate power, the Constitution is there to protect them, that's in their hands.

As far as some of the ballooning and what have you, I am not going to argue that particular point, I am sure that some of that went on; however, I know quite a few retired teachers and I don't know any of them living high off the hog (as we would say in Washington County).

The Monks Commission, I want to thank them for the hard work that they are doing and the folks involving themselves in that, that's a hard job, and I recognize that they put a lot of hard work into it, but the Monks Commission, like the legislature, has to follow the will of the people. They are no better than us, they have to follow the will of the people.

All this issue is about is to let the people decide. They can make it Constitutional or they can send directions to the Monks Commission and to us. As far the people trusting the legislature one way or another, I think if you asked ten people, you would probably get ten different opinions. But once again, if you send this out to them, they can decide for themselves whether they want to leave this open to us or they can close the shop to us. It is their decision. They are the ultimate power, we hear a lot of talk about that, here is an opportunity to send a question to them that they can decide very easily and very capably.

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

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

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make you painfully aware of something that is very personal to me from the private sector. Many of you probably will remember a company called Pan American World Airways, I worked for Pan American World Airways. Pan American World Airways had several retirement systems with their various different groups. The pilots, fortunately, were smart enough to get a certain thing built into their retirement system whereby they didn't lose any money because their money was accrued and sent outside the company on a

monthly basis. However, the Flight Attendants and also all of the maintenance people trusted the company they worked for and their company systematically raided their retirement system. These people with 30 years of service, when Pan American went bankrupt, got zip.

Now there is an analogy here to the state employees. Until recently, we did not have a problem with raiding the State Retirement System, it has only happened once in history up until the last few years; however, the potential for doing the same thing to the state employees is there. Why don't we want to protect our employees? Why do we not want to give our people in this state the right to vote on this issue? I urge you to defeat the pending motion.

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

Representative MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I think the Representative from Bangor, Representative Morrison's analogy has some merit to it except it doesn't go quite far enough. If we are going to protect the teachers retirement and we follow that analogy, we ought not to leave it within the state, we need to put it outside of the state if we are going to do something like that, put it into a private insurance company or a private investment company or something to that effect so that it does parallel what the private sector is doing.

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

Representative BIRNEY: Mr. Speaker, Members of the House: I do want to protect the employees retirement system and I think everyone here does. I am just stating that this is not the vehicle to do it. Let the Monks Commission Committee finish their work and then let's look at that and protect the system.

I just wanted to respond to that with Representative Morrison and also when you talk about private sector, the Monks Commission has recommended that we offer an alternative of Social Security and a defined benefits plan — defined contribution plan, I am sorry, we have defined benefits plan now which is archaic which we are trying to protect. I really feel that if we do this Constitutional Amendment, we are tying one hand behind that Monks Commission Committee.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I will be very brief in announcing my support for this Constitutional Amendment because, even though I will never understand the retirement system as well as the very studious members of that committee, I do understand the expectations of someone who comes to work and works there for his or her entire life in terms of planning how they are going to survive when they do reach retirement age.

The question I would like to pose to any member of that committee, particularly after Representative Birney's continuous remarks about the Monks Commission, is there anything that would prevent any action on the recommendation of the Monks Commission report? What prevents further action if we should pass a Constitutional Amendment? I would like an answer to that question from the committee, please.

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

The Chair recognizes the Representative from Kennebunkport, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: The answer to that question is that if we were to pass this Constitutional Amendment on to the voters and they adopted it, it would in no way impair the recommendations of the Monks Commission.

The Monks Commission's recommendations suggest that we set up an option, that we offer an alternative that is comparable in value to the employees to the current defined benefit plan. That option is something that, under the Monks Commission, is recommended to be an election on the part of the employee, a free choice, and if the employee chooses to go with the defined contribution plan and Social Security, that is their choice. There is no contract that will be broken, it is up to the individual employee. Adopting this will not restrict the ability of us to change the system in the future for new hires or to change the system in a way that offers comparable benefit, trading one benefit for another that is of comparable or better value to the employee. It will not restrict us from doing any of that. What it will restrict us from doing is what we have done for the last four years, which is every time the budget is short, going to the employees and searching through the benefits structure for something we can change that will create enough savings to offset our budget shortfall and that is all we have done for the last four years is to search through the benefit structure for those savings to match our needs.

Representative Birney of Paris was granted permission to speak a third time.

Representative BIRNEY: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with Representative Wentworth. It will tie the hands of the commission in the fact that there still are some inequities in the system as far as loopholes in the law. If we make a Constitutional Amendment and it is passed by the public vote, we cannot change those benefits that are run away and not equitable and are costing the taxpayers money over and above what they feel and why they think now they are contributing to the employers share of the retirement.

It is going to tie the hands of that commission and another thing we have to look at too is the age of retirement. The Monks Commission has recommended Social Security with a defined benefit plan and that is the way most of the private sector has gone. There are only ten states at this point in a union that do not have Social Security benefits but there is an age of retirement thing there that I think is going to be questionable if we vote this contractual agreement through the Constitution. It is going to tie their hand, I feel.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: I am having a lot of difficult standing here listening to everybody stand up and say we have got to protect the state employees from the Legislature. That is probably what this amendment to the Constitution should say. That is what we are doing.

As lot of you know I am a retired State Police Officer. My retirement date initially was July 1, 1991. You don't know how much I sweated from July 1, 1991 to July 28 when I finally did get to retire. I sweated, I said I know they are going to change it, I know they are. It really worried me.

I would have no problem at all supporting this if I could be assured that both sides of this issue would go out to the public when it goes to referendum.

I know the state employees are going to be organized, the teachers are going to be organized and they are going to be putting out an awful lot of information on this to the public. I just wonder who is going to be paying for the argument on the other side? It is causing me quite a bit of grief but I do agree that the state employees need protection from this Legislature. It is a sad state of affairs when we have to say this. I have heard many of you get up and say that exact same thing, "We keep changing it, we keep changing it. We keep raiding the Retirement System." This is a bill for the state employees not to have to worry about this Legislature.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Men and Women of the House: The fate of this bill, L.D. 1822, probably will be one of the hardest decisions you will be asked to make in this session, certainly, and perhaps in your legislative career. The easy way out will be to vote for this resolution and send it to the people. Easy, because of the past performance of this legislature and previous legislatures in failing miserably when addressing Maine State Retirement System issues and in using the retirement system as a budget balancing football. Easy, because of the pressure that has already been brought upon all legislators by teachers and state workers in their district who certainly want this resolution passed. Easy, because it is very easy to say let the people decide the issue.

Well, I say the easy way is not the right way. Representative Joy has clearly spelled out the reasons why he is opposed to this and why it should not be put in the Constitution. If we do put this in the Constitution what will prevent other special interest from putting their interests in the Constitution. Why not have revenue sharing to towns protected so that it can never be reduced or tree growth reimbursement protected or AFDC payments protected? Special interests should not be put part of our Constitution. To me putting it in the framework of the Constitution is a cop-out. We, the 116th, and earlier legislatures created the problem and we can and must fix the problem.

Representative Birney has clearly outlined some of the possible conflicts that would arise if the present inequities are locked-in the Constitution.

I firmly believe that if we can implement the Monk's Commission recommendations we will result in having a better Maine State Retirement System for all state employees and teachers.

Finally, it has been said, "Let the people have the final say." Well, I don't know about you but the constituents in my district are constantly saying, "We sent you to Augusta to do the states business, why don't you do it instead of putting complicated referendum questions on the ballot that we don't understand?"

If this issue goes to the people, the people will hear only one side of the issue. The unions will

spend considerable dollars to advance their agenda through full-page ads. For example, I have on my desk the March issue of the Maine Educator. If you look at page 16 there is such a full page ad. They will send out mass mailings and they will operate their phone banks. So, I say, the people will hear only one side of this issue.

Please support the Minority "Ought Not to Pass" Report.

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

Representative SULLIVAN: Mr. Speaker, Ladies and Gentlemen of the House: I am only going to take one minute. First of all I will preface my remarks, I have been a teacher for 28 years, however, it has all been in the private sector so I do not have a vested interest in the Maine State Retirement System. My point in rising is to consider the fact that the credibility of the State of Maine and this Legislature in particular is on the line once more. When people sign a contract, when they are hired for a job they expect the other party as well as themselves to live up to the points that are in their contract. For us to try to change things on them continually is wrong. Therefore I would ask that you vote against this report "Ought Not to Pass."

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

Representative FARNUM: Mr. Speaker, Members of the Legislature: This is not a new story. The teachers pension, the state pension has been raided not two or three years ago, but ever since the Longley Administration. And, every since the Longley Administration this legislature has had a chance to have something to say and they have done nothing.

Ten years ago the problem was brought in before the Veteran and Pension Committee or whatever it is called. They did nothing except bog it down.

Vote as you want to.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: I want to thank the good Representative from Bangor, Representative Sullivan, for just making up my mind. She said the credibility of this Legislature is at stake. She is right. If we pass this Constitutional Amendment we will never get the chance to regain our credibility with our state employees because they will be constitutionally protected and they won't have to worry about the Legislature again.

I would like to have a chance to regain that credibility and show them that we will not keep raiding the system.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House: I just request that you take a good look at this. We refuse to face up to our responsibilities, we have robbed the retirement fund. We told the system last year that it was broke, that it needs some fixing and then we borrowed from an unfunded liability towards the system to make sure the state runs.

I want you to know that this is a political issue. It is going to be divided down the middle and we are going to decide it today whether or not to send this out to the people of the state.

I believe that we set the tone for all business in this state and what we need to send them right now is a chance to vote on this to say "yes" we want to be protected in the future. All businesses in this state will take note and say, "Hey, they are real serious about this, when they do their own business they are willing to put it on the line." I say it is not whether we are going to get elected or what we do in the future or what we do now. I request that you vote against this amendment so that we might accept the "Ought to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Joy of Island Falls, that the House accept Report "C" "Ought Not to Pass." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 307

YEA - Barth, Bennett, Birney, Bruno, Carr, Cross, Foss, Joy, Libby James, Lindahl, Look, MacBride, Marshall, Nash, Nickerson, Ott, Pendexter, Plowman, Reed, G.; Robichaud, Taylor, Thompson, Whitcomb, Young, Zirkilton.

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

ABSENT - Campbell, Cashman, Cathcart, Chonko, Hillock, Jalbert, Kneeland, Kutasi, Martin, H.; Rydell, Tardy.

Yes, 25; No, 115; Absent, 11; Paired, 0; Excused, 0.

25 having voted in the affirmative and 115 in the negative, with 11 being absent, Report "C" "Ought Not to Pass" was not accepted.

Subsequently, Report "A" "Ought to Pass" was accepted. The Bill read once. Committee Amendment "A" (S-515) 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-515) and sent up for concurrence. Ordered sent forthwith.

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

ENACTORS

Emergency Measure

An Act to Make Changes in the Manufactured Housing Laws (S.P. 461) (L.D. 1453) (H. "A" H-992 to C. "A" S-530)

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

Emergency Measure

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control (H.P. 1302) (L.D. 1757) (C. "A" H-995)

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

Emergency Measure

An Act Concerning the 1993 Apportionment of Legislative Districts (H.P. 1372) (L.D. 1856) (H. "A" H-889)

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. 111 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. Ordered sent forthwith.

Emergency Measure

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

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

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

Emergency Measure

An Act to Amend the Date of Repeal of State Increment Financing Districts and to Allow the Finance Authority of Maine to Issue Revenue Refunding Securities (S.P. 767) (L.D. 1987) (S. "A" S-546)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

Emergency Measure

Resolve, Establishing the Commission to Study Biotechnology and Genetic Engineering (H.P. 1015) (L.D. 1361) (S. "B" S-554 to C. "A" H-877)

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

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

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1994 (H.P. 1463) (L.D. 1989)

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 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1994 (H.P. 1464) (L.D. 1990)

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 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Clarify the Transfer of Certain State Lands to the Maine Veterans' Homes (H.P. 1465) (L.D. 1991) (Governor's Bill)

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. 121 voted in favor of the same and 0 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Expand the Powers of the Great Salt Bay Sanitary District (H.P. 1336) (L.D. 1799) (H. "A" H-919 to C. "A" H-825)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 2 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1994 (H.P. 1462) (L.D. 1988)

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

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

Mandate

An Act Creating the York County Budget Committee (H.P. 1351) (L.D. 1817) (H. "A" H-924 to C. "A" H-872)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Permit Collection of Public Assistance Overpayments by Administrative Process (S.P. 471) (L.D. 1463) (Governor's Bill) (C. "A" S-532)

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

On motion of Representative COTE of Auburn was set aside.

On further motion of the same Representative, under suspension of the rules, the House reconsidered

its action whereby L.D. 1463 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-532) was adopted.

The same Representative presented House Amendment "A" (H-1027) to Committee Amendment "A" (S-532) which was read by the Clerk and adopted.

On motion of Representative PLOWMAN of Hampden, the House reconsidered its action whereby House Amendment "A" (H-1027) to Committee Amendment "A" (S-532) was adopted.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, I would request that someone explain what the amendment is.

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

The Chair recognizes the Representative from Auburn, Representative Cote.

Representative COTE: Mr. Speaker, Men and Women of the House: This amendment insures that the remedies provided for the recovery of over payments apply to over payments made before the effective date of the bill.

Subsequently, House Amendment "A" (H-1027) to Committee Amendment "A" (S-532) was adopted.

Committee Amendment "A" (S-532) as amended by House Amendment "A" (H-1027) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-532) as amended by House Amendment "A" (H-1027) thereto in non-concurrence and sent up for concurrence.

An Act to Ensure Quality Psychological Services (S.P. 580) (L.D. 1624) (C. "A" S-504)

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

On motion of Representative PINEAU of Jay was set aside.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1624 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-504) was adopted.

The same Representative presented House Amendment "A" (H-1022) to Committee Amendment "A" (S-504) which was read by the Clerk and adopted.

Committee Amendment "A" (S-504) as amended by House Amendment "A" (H-1022) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-504) as amended by House Amendment "A" (H-1022) thereto in non-concurrence and sent up for concurrence.

An Act to Establish the Maine School of Science and Mathematics and the Task Force on the Maine School of Visual and Performing Arts (S.P. 733) (L.D. 1958) (Governor's Bill) (C. "A" S-511)

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

On motion of Representative JACQUES of Waterville was set aside.

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

CONSENT CALENDAR

Second Day

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

(S.P. 752) (L.D. 1981) Bill "An Act to Establish a Self-employment Assistance Program" (Governor's Bill) (C. "A" S-571)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Promote Flexibility in Health Care Delivery Systems" (S.P. 592) (L.D. 1651) (C. "A" S-568)

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

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

ENACTORS

An Act to Revise and Recodify the Maine Revised Statutes, Title 29 (S.P. 277) (L.D. 841) (C. "A" S-549)

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

MATTERS PENDING RULING

Bill "An Act to Improve Access to Pharmaceuticals for Rural Health Center Patients" (H.P. 558) (L.D. 755)

- In House, Committee Amendment "A" (H-986) Read. TABLED - March 30, 1994 by Speaker GWADOSKY of Fairfield.

PENDING - Ruling of the Chair.

The SPEAKER: The Chair has under consideration L.D. 755. Pending the request of Representative Carroll of Gray for a ruling as to the germaneness of Committee Amendment "A". The title of L.D. 755 is "An Act to Improve Access to Pharmaceuticals for Rural Health Center Patients" to be germane an amendment must be at once, relevant and appropriate. The Chair has reviewed past rulings available to the Chair, rulings which are varied, and rulings which have to a great extent often allowed for the greatest consideration of legislation. The Chair will rule today consistent with those prior rulings. The original bill, as well as the Committee Amendment deals with MRSA Title 32. The original bill, as well as the amendment deals with rural health centers. The original bill as well as the amendment deals with pharmaceuticals. The Chair would suggest that prospectively it would be appropriate for the Legislature to review its rules that have been established by the House and Senate in the areas of germaneness prospectively. However, at this time it is the opinion of the Chair that Committee Amendment "A" is at once relevant and appropriate and therefore germane to the bill.

The pending question now before the House is adoption of Committee Amendment "A".

Subsequently, Committee Amendment "A" (H-986) was adopted. The Bill was assigned for second reading Tuesday, April 5, 1994.

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

Bill "An Act to Separate Cushings Island in Casco Bay from the City of Portland and to Create the Cushings Island Village Corporation as Part of the Town of Long Island" (S.P. 454) (L.D. 1421) which was tabled pending ruling of the Chair.

The SPEAKER: The Chair also has under consideration L.D. 1421 and the Committee Amendment to the bill as to a request for ruling on germaneness by Representative Martin of Eagle Lake.

L.D. 1421, "An Act to Separate Cushings Island in Casco Bay from the City of Portland and to Create the Cushings Island Village Corporation as Part of the Town of Long Island." As the Chair previously ruled to be germane an amendment must be at once relevant and appropriate. L.D. 1421 is an allocated statute. The Committee Amendment itself deals with MRSA, Title 32. The original bill deals specifically with Cushings Island in Casco Bay only. The amendment creates a whole new statute concerning the process for consolidation, secession and annexation. It is the opinion of the Chair that Committee Amendment "A" therefore is not germane.

The pending question now before the House is second reading.

Subsequently, the Bill was assigned for second reading Tuesday, April 5, 1994.

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

SENATE PAPER

The following Joint Order: (S.P. 775)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 5, 1994, the House to convene at three o'clock in the afternoon and the Senate to convene at five o'clock in the afternoon.

Was read and passed in concurrence.

BILLS HELD

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

- In House, Passed to be Enacted.
HELD at the Request of Representative KILKELLY of Wiscasset.

Representative KILKELLY of Wiscasset moved that the House reconsider its action whereby L.D. 1756 was passed to be enacted.

On further motion of the same Representative, tabled pending her motion to reconsider and specially assigned for Tuesday, April 5, 1994.

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 (BOND ISSUE) (H.P. 1392) (L.D. 1890) (Governor's Bill) (C. "A" H-963)

- In House, Passed to be Enacted.
HELD at the Request of Representative KILKELLY of Wiscasset.

Representative KILKELLY of Wiscasset moved that the House reconsider its action whereby L.D. 1890 was passed to be enacted.

On further motion of the same Representative, tabled pending her motion to reconsider and specially assigned for Tuesday, April 5, 1994.

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 (BOND ISSUE) (S.P. 696) (L.D. 1894) (Governor's Bill) (C. "A" S-535)

- In House, Passed to be Enacted.
HELD at the Request of Representative KILKELLY of Wiscasset.

Representative KILKELLY of Wiscasset moved that the House reconsider its action whereby L.D. 1894 was passed to be enacted.

On further motion of the same Representative, tabled pending her motion to reconsider and specially assigned for Tuesday, April 5, 1994.

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 (BOND ISSUE) (S.P. 700) (L.D. 1898) (Governor's Bill) (C. "A" S-538)
- In House, Passed to be Enacted.
HELD at the Request of Representative KILKELLY of Wiscasset.

Representative KILKELLY of Wiscasset moved that the House reconsider its action whereby L.D. 1898 was passed to be enacted.

On further motion of the same Representative, tabled pending her motion to reconsider and specially assigned for Tuesday, April 5, 1994.

Reference is made to (S.P. 647) (L.D. 1806) Bill "An Act to Encourage Municipal Investment in Local Economic Development Projects" (EMERGENCY)

In reference to the action of the House on April 1, 1994, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative DORE of Auburn
Representative TARDY of Palmyra
Representative SPEAR of Nobleboro

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

On motion of Representative MORRISON of Bangor adjourned at 1:10 p.m. pursuant to the Joint Order (S.P. 775).