

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
22nd Legislative Day
Thursday, March 9, 1995

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

Prayer by Reverend Dan Tolman, First Baptist Church of West Gardiner.

The Journal of Tuesday, March 7, 1995 was read and approved.

SENATE PAPERS
Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Prohibit Registering to Vote on Election Day" (S.P. 99) (L.D. 239)

Signed:

Senators: FERGUSON of Oxford
MICHAUD of Penobscot

Representatives: TRUMAN of Biddeford
FISHER of Brewer
BUCK of Yarmouth
CHIZMAR of Lisbon
MURPHY of Berwick
LEMONT of Kittery
LABRECQUE of Gorham
NADEAU of Saco
GAMACHE of Lewiston

Minority Report of the same Committee reporting **"Ought to Pass"** on same Bill.

Signed:

Senator: STEVENS of Androscoggin
Representative: TRUE of Fryeburg
Came from the Senate with the Reports read and the Bill and accompanying papers indefinitely postponed.
Was read.

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

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

Divided Report

Majority Report of the Committee on **State and Local Government** reporting **"Ought Not to Pass"** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives (S.P. 122) (L.D. 297)

Signed:

Senators: AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo

Representatives: LEMKE of Westbrook
GERRY of Auburn
ROBICHAUD of Caribou
LANE of Enfield
SAVAGE of Union

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-15) on same RESOLUTION.

Signed:

Representatives: DAGGETT of Augusta
AHEARNE of Madawaska
SAXL of Bangor

ROSEBUSH of East Millinocket
YACKOBITZ of Hermon

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

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

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

COMMUNICATIONS

The following Communication: (S.P. 276)

ONE HUNDRED AND SEVENTEENTH LEGISLATURE
March 3, 1995

Senator S. Peter Mills
Representative Sharon Treat
Chairpersons
Joint Standing Committee on Judiciary
117th Legislature
Augusta, Maine 04333

Dear Senator Mills and Representative Treat:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable John B. Beliveau of Lewiston for reappointment as a Judge of the Maine District Court.

Pursuant to Title 4, MRSA §157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

Came from the Senate, read and referred to the Committee on **Judiciary**.

Was read and referred to the Committee on **Judiciary** in concurrence.

The following Communication: (H.C. 55)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 166 An Act to Appropriate \$150,000 to the Maine Health Care Reform Commission

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

Sincerely,
S/Sen. Dana C. Hanley S/Rep. George J. Kerr
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 56)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

COMMITTEE ON BANKING AND INSURANCE

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

- L.D. 227 An Act to Increase Access to Affordable Health Insurance for Citizens of Maine
- L.D. 435 An Act to Prohibit Insurers from Cancelling the Policies of Elected Officials

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

Sincerely,

S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 57)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

- L.D. 77 Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates
- L.D. 84 An Act to Increase the Minimum Fines Imposed Upon Persons Who Operate a Motor Vehicle After Their License Is Suspended
- L.D. 162 An Act to Remove the Department of Corrections as the Inspecting Authority of County Jails
- L.D. 197 An Act to Allow the Suspension of Driving Privileges of Persons Bringing Firearms on Public School Property
- L.D. 278 An Act to Require That a Person Convicted of More Than One Crime Serve Each Sentence Consecutively

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

Sincerely,

S/Sen. John W. Benoit S/Rep. Herbert E. Clark
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 58)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

- L.D. 89 An Act to Ensure That School Building Plans Become the Property of the State
- L.D. 91 An Act to Require that All School Bus Purchases be Made Through the Bureau of General Services
- L.D. 133 An Act to Lower the Cost of New School Construction by Including the Design Phase in the Bidding Process

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

Sincerely,

S/Sen. Mary E. Small S/Rep. John L. Martin
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 59)

MAINE STATE LEGISLATURE
Augusta, Maine 04333
COMMITTEE ON HUMAN RESOURCES
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

- L.D. 132 An Act to Increase Access to Mental Health Services for Medicaid Recipients
- L.D. 273 An Act to Regulate Nonsewered Toilet Systems

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

Sincerely,

S/Sen. Joan M. Pendexter S/Rep. Michael Fitzpatrick
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 60)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

- L.D. 219 An Act to Allow Maine Residents over 70 Years of Age to Hunt Antlerless Deer

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

Sincerely,
S/Sen. Stephen E. Hall S/Rep. Dorothy A. Rotondi
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 61)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 30 An Act to Increase the Amount of Forfeited Bail That a District Attorney May Retain in the District Attorney's Extradition Account

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

Sincerely,
S/Sen. S. Peter Mills S/Rep. Sharon Treat
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 62)
MAINE STATE LEGISLATURE
Augusta, Maine 04333
COMMITTEE ON LEGAL AND VETERANS AFFAIRS
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 13 An Act to Specify Sales Commissions for All Lottery Agents

L.D. 62 An Act to Prohibit Voter Registration on Election Day

L.D. 78 An Act to Change the Dates on Which Primary Elections are Held and Certain Nomination Papers May be Signed

L.D. 336 An Act to Change the Date for Voter Registration

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

Sincerely,
S/Sen. Norman K. Ferguson, Jr. S/Rep. Guy R. Nadeau
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 63)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 15 Resolve, to Require that the Department of Environmental Protection Provide Possible Remedies for Materials It Strictly Controls

L.D. 31 An Act to Allow Protection from Governmentally Constructed Jetties by Amending the Definition of Permanent Structure to Exclude Ripraps Installed in Front of Seawalls from the 7-month Restriction

L.D. 261 An Act to Exempt Rifle and Pistol Ranges from Noise Ordinances

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

Sincerely,
S/Sen. Willis A. Lord S/Rep. Richard A. Gould
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 64)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 21 An Act to Limit the Number of Bills That May Be Filed by a Legislator

L.D. 125 An Act to Require the Registry of Deeds to Maintain a Separate Volume for the Recording of Subdivision Ordinances

L.D. 141 An Act to Require Towns with a Population of 3,500 or More to Provide Funding for Law Enforcement

L.D. 172 An Act to Provide Equity and Affordability in Code Enforcement for Small Communities

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

Sincerely,
S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 65)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION
March 6, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 389 An Act to Require the Use of Headlights on Vehicles Whenever the Windshield Wipers Are in Continuous Use

L.D. 475 An Act to Revise the Bidding Process for Department of Transportation Projects

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

Sincerely,

S/Sen. Albert Stevens, Jr. S/Rep. William B. O'Gara
Senate Chair House Chair

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Dedicate a Percentage of the Maine Sales Tax for School Funding" (H.P. 575) (L.D. 780) (Presented by Representative SIMONEAU of Thomaston)

Bill "An Act to Legalize Marijuana for Medicinal Purposes" (H.P. 579) (L.D. 784) (Presented by Representative STEVENS of Orono) (Cosponsored by Representatives: ADAMS of Portland, BRENNAN of Portland, CLOUTIER of South Portland, ETNIER of Harpswell, FITZPATRICK of Durham, GOULD of Greenville, GWADOSKY of Fairfield, HEESCHEN of Wilton, JACQUES of Waterville, JOHNSON of South Portland, JONES of Bar Harbor, JOSEPH of Waterville, KILKELLY of Wiscasset, MITCHELL of Vassalboro, MITCHELL of Portland, RICHARDSON of Portland, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, TRIPP of Topsham, VOLENIK of Sedgwick, WATSON of Farmingdale, WINN of Glenburn, Senators: ABROMSON of Cumberland, McCORMICK of Kennebec, O'DEA of Penobscot, RAND of Cumberland)

The Committee on Criminal Justice was suggested.

On motion of Representative CLARK of Millinocket, the Bill was referred to the Committee Human Resources, ordered printed and sent up for concurrence.

Education and Cultural Affairs

Bill "An Act to Allow the Maine Technical College System to Grant Utility Easements" (H.P. 574) (L.D. 779) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Representatives: CLOUTIER of South Portland, FARNUM of South Berwick, Senators: CASSIDY of Washington, FAIRCLOTH of Penobscot)

Judiciary

Bill "An Act to Conform Maine Law Related to Domestic Relations with Federal Law" (H.P. 568) (L.D. 769) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representatives: AHEARNE of Madawaska, DRISCOLL of Calais, GERRY of Auburn, KILKELLY of Wiscasset, POULIN of Oakland, SAXL of Bangor, WATSON of Farmingdale, WHEELER of Bridgewater, Senator: FAIRCLOTH of Penobscot)

Bill "An Act Protecting a Citizen's Right of Petition under the Constitution" (H.P. 576) (L.D. 781) (Presented by Representative RICHARDSON of Portland)

Labor

Bill "An Act to Permit the Buyback of Retirement Time" (H.P. 567) (L.D. 768) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representative ADAMS of Portland and Representative: AHEARNE of Madawaska)

Bill "An Act to Amend the Composition of the Board of Trustees of the Maine State Retirement System" (H.P. 572) (L.D. 777) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: AULT of Wayne, DAGGETT of Augusta, GREENLAW of Standish, JOSEPH of Waterville, JOY of Crystal, Senators: CAREY of Kennebec, HALL of Piscataquis, McCORMICK of Kennebec)

Legal and Veterans Affairs

Resolve, Authorizing Norman Davis to Sue the State for Wrongful Suspension of a Driver's License (H.P. 563) (L.D. 764) (Presented by Representative RICE of South Bristol) (By Request)

Marine Resources

Bill "An Act to Establish a Management Framework for the Lobster Fishery within State Waters" (H.P. 577) (L.D. 782) (Presented by Representative RICE of South Bristol) (Cosponsored by Representatives: BIGL of Bucksport, DiPIETRO of South Portland, GIERINGER of Portland, LINDAHL of Northport, MAYO of Bath, PENDLETON of Scarborough, POIRIER of Saco, SIMONEAU of Thomaston, SPEAR of Nobleboro, Senator: BEGLEY of Lincoln)

Resolve, Directing the Department of Marine Resources to Conduct a Study Concerning the Sea Cucumber Industry (H.P. 566) (L.D. 767) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Representatives: ADAMS of Portland, CHASE of China, ETNIER of Harpswell, JONES of Bar Harbor)

Natural Resources

Bill "An Act to Return to Municipalities Control over Permits by Rule Currently Implemented by the Department of Environmental Protection" (H.P. 569) (L.D. 770) (Presented by Representative RICE of South Bristol) (Cosponsored by Representatives: BIGL of Bucksport, BUCK of Yarmouth, CAMERON of Rumford, CHICK of Lebanon, FARNUM of South Berwick, HEINO of Boothbay, KEANE of Old Town, KNEELAND of Easton, LABRECQUE of Gorham, LANE of Enfield, LOOK of Jonesboro, LOVETT of Scarborough, LUMBRA of Bangor, MARSHALL of Eliot, PENDLETON of Scarborough, RICE of South Bristol, SPEAR of Nobleboro, UNDERWOOD of Oxford)

Resolve, to Require the Department of Environmental

Protection to Restore Daigle Pond (H.P. 571) (L.D. 776) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Senator PARADIS of Aroostook, Senator: KIEFFER of Aroostook)

Taxation

Bill "An Act to Authorize an Optional Regional Sales Tax" (H.P. 578) (L.D. 783) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: BRENNAN of Portland, JONES of Bar Harbor)

Transportation

Bill "An Act to Allow Salvage Dealers to Salvage a Car That Is over 10 Years Old without Having the Title" (H.P. 564) (L.D. 765) (Presented by Representative MARSHALL of Eliot) (Cosponsored by Representatives: BERRY of Livermore, KNEELAND of Easton, RICE of South Bristol)

Bill "An Act to Allow Emergency Personnel to Have Permanent Red Lights on Their Private Vehicles" (H.P. 573) (L.D. 778) (Presented by Representative TUTTLE of Sanford)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY) (H.P. 580) (L.D. 785) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Senator STEVENS of Androscoggin and Representative: STROUT of Corinth, Senator: PARADIS of Aroostook) (Governor's Bill)

Utilities and Energy

Bill "An Act to Allow the Submetering of Electric Rates in Campgrounds" (H.P. 565) (L.D. 766) (Presented by Representative TAYLOR of Cumberland) (Cosponsored by Representatives: GIERINGER of Portland, MARSHALL of Eliot, POIRIER of Saco, STONE of Bangor, TRUE of Fryeburg)

ORDERS

On motion of Representative JACQUES of Waterville, the following Joint Resolution: (H.P. 581) (Cosponsored by Representatives: CARLETON of Wells, GWADOSKY of Fairfield, MITCHELL of Vassalboro, Senators: AMERO of Cumberland, KIEFFER of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS AND PRESIDENT OF THE UNITED STATES TO SUSPEND THE JULY 26, 1995 DEADLINE FOR SANCTIONS AGAINST THE STATE OF MAINE UNDER THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990

WHEREAS, We, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Members of Congress of the United States, as follows:

WHEREAS, as 7 counties in Maine were determined by the federal Environmental Protection Agency as moderate nonattainment areas required by the federal Clean Air Act Amendments of 1990, Section 182(B),

(1), to submit a state implementation plan to meet the requirements of that Act; and

WHEREAS, as 4 Maine counties may no longer fall under the federal Environmental Protection Agency guidelines as nonattainment areas causing a necessary change in the State's implementation plan; and

WHEREAS, as the State of Maine is currently in a contract for IM/240 testing based on the original determination of the federal Environmental Protection Agency for the necessity of IM/240 testing in nonattainment areas; and

WHEREAS, the federal Environmental Protection Agency is currently making a full reevaluation of the necessity of the testing; and

WHEREAS, conclusive scientific data showing the extent of out-of-state airborne pollutants coming into Maine from outside sources is still being accumulated; and

WHEREAS, the State values its heritage of clean air for the health, safety and well-being of our citizens, environment and economy, and needs time to structure an appropriate and cost effective plan that works best for Maine's unique assets and needs; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully petition and urgently seek your support to request a one-year suspension of the July 26, 1995 deadline for sanctions against the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

On motion of Representative HICHBORN of LaGrange, the following Order: (H.O. 13)

ORDERED, that Representative Richard Kneeland of Easton be excused March 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jack L. Libby of Kennebunk be excused March 7 to 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Edward J. Povich of Ellsworth be excused February 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused February 27 and 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard N. Simoneau of Thomaston be excused March 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen Stevens of Orono be excused March 9 and 14 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions" (H.P. 111) (L.D. 146)

Signed:

Senator:

LONGLEY of Waldo

Representatives: DAGGETT of Augusta
AHEARNE of Madawaska
SAXL of Bangor
GERRY of Auburn
ROSEBUSH of East Millinocket
YACKOBITZ of Hermon

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
(H-12) on same Bill.

Signed:

Senators: AMERO of Cumberland
CARPENTER of York
Representatives: LEMKE of Westbrook
ROBICHAUD of Caribou
LANE of Enfield
SAVAGE of Union

Was read.

Representative DAGGETT of Augusta 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.

Divided Report

Majority Report of the Committee on State and Local Government reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-14) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Lower the Age of Eligibility to Serve in the Legislature (H.P. 114) (L.D. 149)

Signed:

Senators: AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo
Representatives: DAGGETT of Augusta
AHEARNE of Madawaska
LEMKE of Westbrook
GERRY of Auburn
ROSEBUSH of East Millinocket
LANE of Enfield
SAVAGE of Union
SAXL of Bangor

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

Signed:

Representatives: ROBICHAUD of Caribou
YACKOBITZ of Hermon

Was read.

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

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-13) on Bill "An Act to Reinstate Funding for the Saco River Corridor Commission" (H.P. 125) (L.D. 173)

Signed:

Representatives: SIMONEAU of Thomaston
KERR of Old Orchard Beach
DONNELLY of Presque Isle
POULIOT of Lewiston
TOWNSEND of Portland
DiPIETRO of South Portland
OTT of York

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

Signed:

Senators: BERUBE of Androscoggin
HANLEY of Oxford
BEGLEY of Lincoln
Representatives: JOSEPH of Waterville
MORRISON of Bangor
AIKMAN of Poland

Was read.

Representative KERR of Old Orchard Beach moved that the House accept the Majority **"Ought to Pass"** Report.

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

CONSENT CALENDAR

First Day

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

(S.P. 20) (L.D. 51) Bill "An Act to Amend the Laws Pertaining to Renewal of Liquor Licenses by Restaurants" Committee on Legal and Veterans Affairs reporting **"Ought to Pass"**

(S.P. 115) (L.D. 290) Bill "An Act Concerning the Degree-granting Authority of Beal Business School" Committee on Education and Cultural Affairs reporting **"Ought to Pass"**

(H.P. 22) (L.D. 16) Bill "An Act to Exempt Adaptive Equipment Installed in Motor Vehicles Operated by Wheelchair Users from the Motor Vehicle Excise Tax" Committee on Taxation reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-16)

(H.P. 29) (L.D. 23) Bill "An Act to Remove the Debt Limit on the West Paris Water District" Committee on Utilities and Energy reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-17)

(H.P. 44) (L.D. 38) Bill "An Act to Amend the Charter of the Sewer District of the Town of Kennebunk by Expanding Its Territorial Limits" (EMERGENCY) Committee on Utilities and Energy reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-18)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 14, 1995 under the listing of Second Day.

BILLS IN THE SECOND READING

Bill "An Act to Restore Funding to the Department of Conservation that was Deappropriated Due to Loon Plate Revenue" (S.P. 120) (L.D. 295)

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

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

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Human Resources reporting **"Ought to Pass"** as amended by

Committee Amendment "A" (H-15) on Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373)

Signed:

Senator: PINGREE of Knox
Representatives: FITZPATRICK of Durham
JOHNSON of South Portland
MITCHELL of Vassalboro
SHIAH of Bowdoinham
MITCHELL of Portland
ETNIER of Harpswell

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

Signed:

Senator: BENOIT of Franklin
Representatives: JOYNER of Hollis
MARVIN of Cape Elizabeth
WINGLASS of Auburn
LOVETT of Scarborough

Was read.

Representative FITZPATRICK of Durham moved that the House accept the Majority "Ought to Pass" Report.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" on Bill "An Act to Create a Transitional Pharmacy Benefit Program" (EMERGENCY) (H.P. 570) (L.D. 775)

Signed:

Senator: PINGREE of Knox
Representatives: FITZPATRICK of Durham
JOHNSON of South Portland
MITCHELL of Vassalboro
SHIAH of Bowdoinham
MITCHELL of Portland
ETNIER of Harpswell

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

Signed:

Senator: BENOIT of Franklin
Representatives: JOYNER of Hollis
MARVIN of Cape Elizabeth
WINGLASS of Auburn
LOVETT of Scarborough

Was read.

Representative FITZPATRICK of Durham moved that the House accept the Majority "Ought to Pass" Report.

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

SENATE PAPERS

The following Joint Order: (S.P. 287)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 14, 1995, at 9:30 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Expand the Membership of the State Employee Health Commission" (S.P. 289) (L.D. 787)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Expand Access to Financing for Health and Social Service Agencies" (S.P. 283) (L.D. 771)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Make Revisions to the Uniform Interstate Family Support Act" (EMERGENCY) (S.P. 286) (L.D. 774)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Prohibit Campaign Signs on Public Property" (S.P. 288) (L.D. 786)

Came from the Senate, referred to the Committee on Legal and Veterans Affairs and Ordered Printed.

Was referred to the Committee on Legal and Veterans Affairs in concurrence.

Bill "An Act to Amend the Laws Pertaining to the Control of Phosphorus Transport in Watersheds" (S.P. 285) (L.D. 773)

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

Was referred to the Committee on Natural Resources in concurrence.

Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1996" (S.P. 284) (L.D. 772)

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

Was referred to the Committee on Transportation in concurrence.

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

Senate Divided Report - Committee on Legal and Veterans Affairs - (1) Members "Ought Not to Pass" - (2) Members "Ought to Pass" on Bill "An Act to Prohibit Registering to Vote on Election Day" (S.P. 99) (L.D. 239) which was tabled by Representative NADEAU of Saco pending his motion to accept the Majority "Ought Not to Pass" Report.

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

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: As a member of the Legal Affairs — as it was called the Legal Affairs Committee in the last session — we did an extensive review of election laws and one of the common complaints we hear from municipal clerks was that registering voters on election day was an incredibly cumbersome and confusing process, making it very difficult for them

to ascertain whether or not somebody who was registering was actually a resident of that particular community.

I hate to see this bill go under the hammer in light of those concerns. I regret that I was not at the discussion of this bill when it was heard this year.

Maybe if a member of the committee could enlighten the Chamber as to whether or not this issue was discussed and how they would seek to remedy this concern of municipal clerks.

The SPEAKER: Representative Robichaud of Caribou has posed a question through the Chair to any member who may respond.

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think one of the reasons we voted this out "Ought Not to Pass" is we have some other bills coming. And I think what some of us would like to do is put in law some of the identifications that they can use on the same day registration.

I think that we all know that there are some problems but, there are a number of town clerks who did not have any problems. In being realistic and living in the real world around here — I have served on that committee for a number of years — we have had this bill before, this just isn't going to pass.

I would rather work and actually list in law some of the identifications that they have to ask on that day to make sure that everybody is a resident.

This was our way of thinking when we passed this out "Ought Not to Pass".

Subsequently, the Majority "Ought Not to Pass" Report was accepted in concurrence.

On motion of Representative MITCHELL of Vassalboro, the House recessed until 4:00 p.m..

(After Recess)

The House was called to order by the Speaker.

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

Divided Report - Committee on Human Resources - (7) Members "Ought to Pass" - (5) Members "Ought Not to Pass" on Bill "An Act to Create a Transitional Pharmacy Benefit Program" (EMERGENCY) (H.P. 570) (L.D. 775) which was tabled by Representative FITZPATRICK of Durham pending his motion to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I stand this afternoon to ask you to support the "Ought to Pass" Report from the Committee on Human Resources on L.D. 775.

This bill is not the Maine Health Program. This bill provides a short-term medication or drug benefit through June 30, 1995, at which point the benefit will end.

This bill will support life-maintaining drugs, high-cost medications, specialty medication, and no other.

These medications — in looking at the people who will be covered under this program — will be for chronic conditions. These are medications that people have been taking for a significant period of time.

This is also a program we need to act on today to give the Department of Human Services enough time to notify their client population and the physicians and hospitals involved.

There is no medication coverage in this particular L.D.. This is not a perfect health care bill, we don't pretend it is. It is a bill that intends to give limited length of coverage to a population that is typically described as the working poor.

We have had the opportunity to do two brief analysis of who is on this program. We have taken a look at 49 people and seen that 63 percent of them are employed.

These people are typically parents with kids, most of whom work for a living, but happen to be the working poor who don't have access to health insurance. They are geographically spread across the state in your counties and my counties. They are employed as health care aides, store clerks, factory workers, nurse assistants, laborers, housekeepers, bus drivers and sales persons. These are from the DHS records of the people who would be covered by this program.

Again, let me say it one more time, this is not the Maine Health Program. This is a short-term drug benefit to help perhaps 2,000 people, perhaps a few more, who are taking medications for serious chronic conditions, most of whom work for a living. This program will end on June 30, 1995.

Again, this is not a perfect program. This is a program we certainly labored over and had disagreements on. But, I think it is a reasonable thing for the Maine Legislature to do for the working poor, for our own citizens who are not on welfare and provides them a bridge, a three month bridge, to make other arrangements.

I would ask for your support for L.D. 775 as a reasonable thing to do for a group of people who badly need our support.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Joyner.

Representative JOYNER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to L.D. 775, "An Act to Create a Transitional Pharmacy Benefit Program". This program is discriminating because it serves only one out of forty people who are eligible. Less than 1200 Maine people will be served by this program. By keeping the drug benefit aspect of this program alive you are in fact discriminating against the other individuals who are eligible. We need to find a better way to take care of these people. This program is not the way.

To fund a program that is discriminating is wrong and we need to draw the line.

Representative Jacques of Waterville requested a roll call vote.

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. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Fitzpatrick of Durham that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Winn of Glenburn. If she were present and voting she would be voting yea, I would be voting nay.

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

Representative DEXTER: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Nass of Acton. If he were present and voting he would be voting nay, I would be voting yea.

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

Representative CAMERON: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Yackobitz of Hermon. If he were present and voting he would be voting nay, I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Tufts.

Representative TUFTS: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative McElroy of Unity. If he were present and voting he would be voting nay, I would be voting yea.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Fitzpatrick of Durham that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 8

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, Dipietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, Kontos, Lafountain, Lemaire, Lemke, Lemont, Look, Luther, Madore, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Perkins, Poulin, Pouliot, Povich, Reed, W; Richardson, Ricker, Rosebush, Rowe, Samson, Saxl JW; Saxl MV; Shiah, Simoneau, Sirois, Spear, Strout, Thompson, Townsend, Treat, Tripp, True, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Birney, Buck, Carleton, Clukey, Damren, Donnelly, Dunn, Gieringer, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Labrecque, Lane, Layton, Libby JD; Lindahl, Lovett, Lumbra, Marshall, Marvin, Mayo, McAlevey, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Rice, Robichaud, Savage, Stedman, Stone, Taylor, Underwood, Waterhouse, Whitcomb, Winglass.

ABSENT - Libby JL; Rotondi, Stevens, K..

(Cameron-yes/Yackobitz-no) (Tufts=yes/McElroy-no)

(Dexter=yes/Nass-no) (Winsor=no/Winn=yes)

Yes 91; No, 48; Absent, 3; Paired, 8; Excused, 0, Vacancy 1.

91 having voted in the affirmative and 48 in the negative, the Majority "Ought to Pass" Report was accepted.

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

Under further suspension of the rules, the Bill was passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

Senate Divided Report - Committee on State and Local Government - (8) Members "Ought Not to Pass" - (5) Members "Ought to Pass" as amended by Committee Amendment "A" (S-15) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives (S.P. 122) (L.D. 297) which was tabled by Representative DAGGETT of Augusta pending her motion to accept the Minority "Ought to Pass" Report.

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

Representative GERRY: Mr. Speaker, I am not sure exactly how to do this. So, is the motion that if we vote this, then this passes and we get four year terms for both House and Senate?

The SPEAKER: The pending question before the House is the motion of the Representative from Augusta, Representative Daggett, that the House accept the "Ought to Pass" Report.

That motion is debatable at this time and, as all pieces of legislation require, it would require two readings in this body as well as the other body before it came back for final enactment.

Representative GERRY: Before we vote on this I would like to maybe debate it.

The SPEAKER: The Representative may proceed and debate it at this time.

Representative GERRY: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to vote against this bill to increase our terms to four years. Basically on the grounds that Maine voters voted for us to have term limits, for us to have what they thought was no more than four two-year, consecutive terms. By voting for this bill it will increase our years to not four two-year terms, but four four-year terms which would increase our limit to 16 years and I cannot in good conscience vote against what the people of Maine had voted for. So, I ask you to vote against this measure to increase our terms.

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

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I also have a question on how this bill will impact a bill that we passed into law last year regarding term limits for the legislative leaders? I would like to have that question answered. It is three terms, six years, I believe, for legislative leaders and I don't know if there was any debate in committee on this but if there was I would ask a question through the Chair of any members of the Committee how that would impact term limits for legislative leaders?

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

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: To clarify what this bill does — this proposes an amendment to the Constitution which would change the term length from two to four years for each of the houses. It does nothing else. The term limits that have been spoken of earlier are in law, are in statute, they are not in the Constitution. This only has to do with the length of a term, from two to four years, extending that from two to four years.

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

Representative ROBICHAUD: Mr. Speaker, Colleagues in the House: To try to answer Representative Libby's question, to my recollection we did not discuss the impact on term limits for legislative leadership when reviewing this bill.

I would also call to the House's attention that the State and Local Government Committee also has another bill in front of us at this point dealing with four year terms only for the Senate and in that piece it does address the issue of maintaining the eight year limit so it, in other words, would be two four year terms, as passed by the voters.

This is not the only bill dealing with this issue out there. It happens to be one that includes both the House and the Senate having four year terms.

I would also point out again that the motion in front of us is the Minority Report. I would suggest taking a look at the bipartisan listing of the Majority Report and I would urge you to vote no on this particular motion.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I don't wish to address the issue one way or another of term limits and how that may impact on this proposal.

The basic concern I have with it is that it would establish a four year term for members of the House of Representatives. Traditionally that has been two years on the state level. It has been two years in most states of the United States. And, also consider that it is two years on the national level. I am not quite clear why if that is good enough on the national level somehow it is not good enough in the State of Maine.

I can certainly appreciate how we might not want to every two years face the voters, go through an arduous campaign, raise the money, do all the rest — but I think that is more than counter balanced by the reason the founders made it two years on the state level and also the national level that it makes us most assessable to the public. On that basis, on that basis, accessibility to the public, the democratic process, I would urge you to vote against the Minority Report.

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

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

I looked the bill over and I am not sure — and I haven't heard this particular issue mentioned — I am curious to know if there is any provision in this bill to stagger? In other words, half every two years

or is it the entire body every four years?

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

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would like to repeat, the only thing that this bill does to change the current situation is to lengthen the term from two years to four years. The terms are not staggered now, there is no mechanism for staggering in this. The only thing it does is changes a term from two to four years.

Representative Gerry of Auburn requested a roll call vote.

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. All those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Daggett of Augusta that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 9

YEA - Ahearn, Aikman, Ault, Benedikt, Birney, Campbell, Clark, Cross, Daggett, Desmond, Dexter, Driscoll, Gould, Hatch, Hichborn, Jones, K.; Joseph, Joy, Labrecque, Marvin, Morrison, Nadeau, O'Neal, Reed, W; Rosebush, Saxl JW; Sirois, Volenik, Wheeler.

NAY - Adams, Bailey, Barth, Berry, Bigl, Bouffard, Brennan, Buck, Bunker, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Cloutier, Clukey, Damren, Davidson, Dipietro, Donnelly, Dore, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Green, Greenlaw, Guerrette, Hartnett, Heesch, Heino, Jacques, Johnson, Jones, S.; Joyce, Joyner, Keane, Kerr, Kil Kelly, Kneeland, Kontos, Lafountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Meres, McAlevey, Mitchell EH; Mitchell JE; Murphy, Nickerson, O'Gara, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Rice, Richardson, Ricker, Robichaud, Rowe, Samson, Savage, Saxl MV; Shiah, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Watson, Whitcomb, Winglass, Winsor.

ABSENT - Libby JL; Mayo, McElroy, Nass, Rotondi, Stevens, K.; Winn, Yackobitz, The Speaker.

Yes, 29; No, 112; Absent, 9; Paired, 0; Excused, 0, Vacancy 1.

29 having voted in the affirmative and 112 in the negative, the Minority "Ought to Pass" Report was not accepted.

Subsequently, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report - Committee on State and Local Government - (11) Members "Ought to Pass" as amended

by Committee Amendment "A" (H-14) - (2) Members **"Ought Not to Pass"** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Lower the Age of Eligibility to Serve in the Legislature (H.P. 114) (L.D. 149) which was tabled by Representative DAGGETT of Augusta pending her motion to accept the Majority **"Ought to Pass"** as amended Report.

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

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: I rise to ask you to oppose the pending motion.

Just to give you a little background. We had a very exceptional young man come before us in Committee. He was a 15 year-old high school student from Ellsworth High School. They should be very proud of him because he was very impressive. He stated his case that he felt that 18 year-olds should be given — we should lower the age to allow them to run for the State Legislature. While this young man is definitely exceptional, I must stand and oppose that option to amend the Constitution to lower the age.

I will give you some of the reasons.

Number one, many people will say if we allow 18 year-olds to vote and be in the military they should have a right to be involved in our government system. I agree with that. As it is now 18 year-olds have the option to run and participate in municipal government.

If we look at our total government structure we have different age limits placed for different levels of government. As it stands now age 18 for municipal government; 21 for House of Representatives; 25 for State Senate. I believe it is also 25 for Governor; 25 for U.S. Representative; 30 for U.S. Senator; 35 for President. Are these also very arbitrary? I don't think so.

I think there was some logic being put in this. One of the things that comes to mind under our current example in front of us is that were we to lower the age we would have 18 year-olds, potentially, voting in the Legislature on issues, say, of liquor policy. However, the legal drinking age in the State of Maine is 21. I see some contradictions in that.

If it were a guarantee that this young man who came before us was going to be the rule, rather than the exception, that would be one thing but we have to take into account that at age 18, members of our society, are generally coming out of high school. Many of them have had some experience in the work force and I hope you will forgive me if I make some somewhat generalized comments but one of the things that make this body special and makes us powerful is we all bring a wealth and a variety of experience and we have to recognize that at some point these age limits were put in place to ensure access to this experience.

I also must rise and oppose this on the grounds that young people — the argument is made that young people are not currently given access to our legislature. I think — I will use myself as an example, we can use Representative Davidson, Representative Joyner and, many others, Representative Martin who was elected at age 22, I believe. There are plenty of examples of people from the younger generational category being involved in Maine State Government. I think for us to put forward a Constitutional Amendment on this issue is not necessary.

I urge you to vote against the pending motion.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House: As the sponsor of this bill I would like to emphasize a few reasons why you should pass it.

Ever since the voting age was reduced to 18, states have been moving in the direction of a lower age to serve in the Legislature. Seventeen other states allow 18 year-olds to serve in their lower chambers, including all of the other New England states. Fifteen states and the District of Columbia have Senates where the minimum age to serve is 18, including all of the other New England States except New Hampshire. And, another eight states have a minimum age of 21. That is a total of 23 states and the District of Columbia have an age of 21 or less to serve in their Senates.

These states have established a precedent for an age of 18 and 21 and show a firm commitment not to discriminate based on age.

We must join our neighbors, Massachusetts, Vermont, Rhode Island, Connecticut and yes, reluctantly even New Hampshire, in moving toward a lower age to serve in the Legislature.

An argument may be made that if an 18 year-old is old enough to serve in the military, is old enough to vote and, is old enough to be an elected municipal official, then he or she is old enough to serve in the Legislature. What better way to encourage our youngest voters to participate in democracy than allowing them to serve in the highest state body, the Legislature.

The prime mover behind this bill, Brent Gorden, who serves occasionally as a page in this body, initiated much of the research on this bill. He has polled high school student bodies and student councils. He has lobbied legislators. He spoke eloquently and with humor for this bill, before the Committee on State and Local Government. He believes in it passionately. Brent is 15 years old. It is for Brent and for all the other possible Brents who might benefit from its passage that we must pass this bill and send it to the people to choose its acceptance by referendum.

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

Representative CAMERON: Mr. Speaker, Men and Women of the House: Reading this bill, I can't help but think of my daughter. I have an 18 year-old daughter at home. If any of you ever tell her this, I will say that you are lying. I love her to death but this is not the place for my daughter. She loves politics. She was very angry at the fact that she turned 18 on the 17th of November rather than the 8th of November. I assume she wanted to vote for me. She never really said that but I made that assumption.

She will be down here in two or three weeks with the YMCA Youth in Government. I think that is an appropriate place for an 18 year-old. Again, I love her to death. I think the world of her, I am as proud of her as any of my children as I have ever been. But, the place for my 18 year-old daughter is finishing high school, going on to college and becoming a professional young lady and at that time come back down here.

I have heard the argument that if you are old enough to vote, you are old enough to do this; if you are old enough to vote, you are old enough to do that.

I stand before you to say that I am not necessarily convinced that many 18 year-olds are necessarily ready to vote at 18. I know a lot of you people feel very strongly about that and that is fine. I recognize your right to have that opinion. But, looking at what is going on in our world today, there are more opportunities for 18 year-olds than I guess I ever dreamed possible when I was 18, having grown up in the back woods of Maine on a farm, didn't even know where Augusta was hardly, (not sure some days I do now).

Again, I can't help but think of my own daughter and looking at what goes on in the hall of this House and sometimes, quite frankly, what goes on out in the hall ways and the pressure that is put on by constituents and the pressure that is put on by lobbyists and I have to tell you that I do not think that an 18 year-old is emotionally or psychologically prepared to do, to put up with that and also prepared to deal with some of the issues that face us on a day to day basis. As you know as we go through this session there will be some extremely controversial issues. Those of you who were here in the past recall that we had an issues that we had to clear the balcony of everybody, adults and children because the issue got so sensitive. I don't want my daughter sitting here listening to that at this point, folks. After she has been through college and had the opportunity to develop psychologically to a higher level, I would be very proud to have her down here.

My daughter is not psychologically younger than everyone else in her class either. I don't want you to think that. She is an honor student and very capable of making many decisions and extremely interested in this process. I made the mistake of not asking her if she would like to be here, but I would gamble that if I asked her, she would more likely be interested in working on her ski team and working on the homecoming dance.

I have to tell you that I think it is inappropriate. The folks that are here now at a younger age are doing a great job, both sides of the aisle. I am proud to be a colleague of theirs and they make all of us proud. But I think they are old enough to make the decisions and deal with the issues that we have to deal with.

Again, I have to tell you that I don't think an 18 year-old is. I would appreciate it if you would vote against this.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: My concern on this bill, and many others, is that whenever we generalize we end up making a lot of conclusions about a whole group of people, most of whom we don't know.

There are two election processes that will sift out the people that would be affected by this. The first is that once we have voted, if we were to vote to pass this, it will go to the people of the state. The people of the state will then have an opportunity to determine in their best judgment, while they are voting for some of us, possibly, if they believe that people at the age of 18 should be allowed the opportunity to serve.

Second from that is going to be the election process itself because a person who is 18 years old, just like any of the rest of us, will have to stand for election. They will have to go knocking on doors,

they will have to meet people who are sometimes friendly and sometimes not friendly. They will get bitten by dogs. They will go through all the same things that we went through in our election. That is the process. We are creating an opportunity — we are not mandating that 18 year-olds should serve in the legislature, we are merely providing an opportunity.

To follow up on the good Representative who spoke previously, as many of you know, my mom lives with me. Well, my mom is 67. I love her dearly. She is a very bright woman, she attended Gorham Teachers College, she was a teacher for many years. She would not want to be here. She is interested in the kinds of things that I am interested in but this is not a forum in which she would feel comfortable. It is not a matter of age. It is a matter of people. Some people can do this at 18, some people can do it at 40, some people can do it at 70, others could never do it all.

All this does is offer the people of the state an opportunity to say should this happen and beyond that, an opportunity for people to stand for election.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: The good Representative from Wiscasset is absolutely right, we are running the danger here of grossly generalizing which would not be fair to any group or any sector in society.

As someone who professionally has worked with young adults for many years, yes, many of them I would not think would be capable of being in the Legislature but I will tell you there are a number of them that I have met or had the opportunity to work with who would be fully capable of being in the Legislature.

One of the Representatives pointed out to me, with total accuracy by the way, he said the idea of you (me) being in the legislature at 18 scares me. Well, it would scare me too. But, we can't generalize.

We have a democratic society which supposedly promotes opportunity. Opportunity of access, that doesn't guarantee everyone is going to work out the same way but we should certainly promote that opportunity so we have a country or a state where people can be exceptional and use those exceptional gifts for society.

The Representative from Caribou pointed out that maybe it would be a good idea to limit this process to the municipal level. I can't for the life of me figure out if you are able to vote for people on the national level, why you can't participate at least on the state level. I think it is an accurate argument to make that if you are old enough to vote and you are old enough to die for this country you are certainly old enough to participate in the political process.

Finally, I would point out that this is not unprecedented. States of California, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Montana, New Hampshire, New York, North Dakota, Ohio, Rhode Island, Vermont, Washington, West Virginia and Wisconsin allow this to happen for the House of Representatives. All of these states except New Hampshire and West Virginia for the Senate. We have no data that very large numbers of 18 year-olds participate in these legislatures. Nor do we have any data that it has been to the detriment on the state level in these particular states.

So, I think this is an opportunity that we should grasp. This was a very strong vote by the State and

Local Government Committee. You won't often see a vote that strong.

I will admit in closing that I had the same trepidation and I will even admit I made the same kind of jokes you might be thinking up when this first came before us. But, after listening to the testimony and remaining open minded, I think the time has come for us to act on this. I urge you to support the Majority, overwhelming Majority "Ought to Pass" Report.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this. My constituents, and I believe I have said this before, they get awfully irritated and they keep saying why do we have all these referendum issues on the ballot? We sent you there to solve the problem for us. Okay, that being said, we had two bills before Education yesterday, held public hearings. Both of them involved keeping children in school until they graduated. If this particular bill goes to referendum and is passed then we are saying to some of these 18 year-olds who may be juniors in high school, you don't have to finish school, come to the Legislature, we will take care of you for life.

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

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

I apologize, I don't have copies of the bill here. Could someone answer the question that if both bodies of the Maine Legislature would have the same eligibility age? I don't know the answer because I don't have copies of the bill.

The SPEAKER: Representative Joseph of Waterville has posed a question through the Chair to any member who may care to respond.

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: The Bill that is before you would decrease the ages. It would be from 21 to 18 in the House of Representatives. Excuse me, I am looking at the amendment. There currently — the Constitution provides for — the Bill is actually a Constitutional Amendment, it would have to be voted for by the people and it maintains the current age spread that is in the Constitution but it simply lowers the ages. So, instead of the current 25 and 21, the Senate and the House respectively, it would lower them — this proposes to lower them to 21 and 18 for the Senate and the House respectively. It maintains the differential that is currently in the Constitution.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: During this debate three times I have heard the statement that if you are old enough to serve your country, perhaps die for your country, then you are old enough to serve here. I wonder if we might shift this debate to Washington D.C. and perhaps raise the level in which you can serve and die for your country and then we would have things on a more equal par.

I want you all to think about yourselves at 18 rather than generalizing — I think that I agree with other Representatives, generalizing is not a good idea. Think about yourselves at 18. To just share

with you, I don't think I could have been up here at 18 but I do believe I can be up here at this age precisely because I was doing other things in my life at 18. I was finishing school, I was running with my friends, I was perhaps staying up to late and doing other things I shouldn't have done. Hopefully that didn't damage me enough to be here. But, think about yourselves at that age and that might be a good way to decide that maybe this is not an appropriate change.

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

Representative STROUT: Mr. Speaker, Members of the House: On a similar situation to the Representative from Rumford, Representative Cameron, I would oppose this bill also. But, I am going to tell you as the father of three boys and three girls — my problem is I don't want this Legislature tonight to pass on to the people that is going to create problems in my family. I have two boys and two girls who have already gone by that age and I have got two that are coming up there and they don't think it is fair that now we are going to allow these other two to have a chance to serve at age 18 when they couldn't.

So, I don't want you people to get into a situation that you are going to create problems with my family. So, I hope you vote no tonight.

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

A vote of the House was taken.

Representative Daggett of Augusta requested a roll call vote.

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. All those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Daggett of Augusta that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 10

YEA - Adams, Ahearne, Benedikt, Berry, Brennan, Chartrand, Chase, Cloutier, Daggett, Davidson, Donnelly, Driscoll, Etnier, Fitzpatrick, Gates, Gieringer, Green, Greenlaw, Hatch, Hichborn, Jacques, Johnson, Jones, K.; Keane, Kilkelly, Lane, Lemaire, Lemke, Lumbra, Martin, Marvin, Mitchell EH; O'Neal, Peavey, Perkins, Poulin, Povich, Richardson, Rosebush, Rowe, Samson, Savage, Saxl JW; Shiah, Townsend, Treat, Tripp, Truman, Tuttle, Volenik, Watson, Whitcomb, Winglass.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Cross, Damren, Desmond, Dexter, Dipietro, Dore, Dunn, Farnum, Fisher, Gamache, Gerry, Gooley, Gould, Guerrette, Hartnett, Heeschen, Heino, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kontos, Labrecque, Lafountain, Layton, Lemont, Libby JD; Lindahl, Look, Lovett,

Luther, Madore, Marshall, Mayo, Meres, McAlevey, Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, Ott, Pendleton, Pinkham, Plowman, Poirier, Pouliot, Reed, G.; Reed, W; Rice, Ricker, Robichaud, Saxl MV; Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, True, Tufts, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Winsor.

ABSENT - Kneeland, Libby JL; McElroy, Nass, Rotondi, Stevens, K.; Winn, Yackobitz, The Speaker.

Yes, 53; No, 88; Absent, 9; Paired, 0; Excused, 0, Vacancy 1.

53 having voted in the affirmative and 88 in the negative, the Majority "Ought to Pass" Report was not accepted.

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

Divided Report - Committee on Appropriations and Financial Affairs - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (H-13) - (6) Members "Ought Not to Pass" on Bill "An Act to Reinstate Funding for the Saco River Corridor Commission" (H.P. 125) (L.D. 173) which was tabled by Representative KERR of Old Orchard Beach pending his motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: The Saco River Corridor Commission was established in the early '70's. The Corridor includes three rivers and riverbanks. They are the Saco River, Ossipee River and the Little Ossipee River. The Corridor consists in three counties, York, Cumberland and Oxford. There are 20 towns that are involved in this watershed. It structures 300 miles of riverfront that lie within these three rivers and 20 towns.

Back in the early 1970's members of the Legislature had the foresight to preserve and protect this vital resource that we now have.

One of the many objectives back then was to preserve the existing water quality, control erosion, protect fish and wildlife population, which today the river is the scene of a major fish restoration program undertaken by Central Maine Power Company in concert with numerous state and federal and private groups in the Biddeford/Saco area.

I would urge you to support this \$12,000 for this vital resource. The objections to this funding in the committee was that because not every community within the Saco River Corridor Commission supported the idea. There are eleven communities out of the 20 that support the Corridor Commission financially. The people within those 20 towns support the Corridor Commission as far as its funding. The debate that will be taking place later on in the session with two other bills is one, another way to fund it through a tax and more along the lines of a zoning issue where the control of the Corridor Commission should lie and what the setbacks should be.

This bill here, if passed by this body, will fund the Corridor Commission to the tune of \$12,000. At that time this bill will lie on the Appropriations table like any other bill that has an appropriation.

Last year the Appropriations Committee in this Legislature did not fund the Corridor Commission. The Governor chose to fund it through his contingency account. This Saco River Corridor Commission is not

just for southern Maine. This is for the entire state. It is a recreational tool that attracts a lot of people outside the state to our area. It is a reservoir for many communities.

I would urge you to continue to support the Saco River Corridor Commission.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make a long speech because Representative Kerr of Old Orchard has certainly told you exactly a little bit of the history of it.

The Saco River is very important to the southern Maine economy. It brings in tourists for canoeists, they have canoe races down this river. It is nothing but an asset to us — if we keep it clean. But, if we let the water quality in this river go down for \$12,000 it certainly is going to cost us a lot more to bring it back.

We have cleaned this river up. It is the cleanest river in the state. Let's keep it that way. Most of us down there really enjoy the Saco River, please help us keep it the way it is today.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of questions about this and I also, before asking the question, would like to ask the people of the House to think seriously about this and vote not to pass this bill.

My reasons are as follows; that the Commission was founded and funded many years ago. Many things have changed since that time. One of the most important things is the fact that the state did mandate that the towns have their comprehensive plans and in their plans an opportunity to state how they perhaps would take care of those particular areas — wetlands and things of that nature, and selling of real estate along the Saco River.

Having lived in the town of Fryeburg and we are about as far up as you can get before you get into New Hampshire on this River, that, and having lived there for 27 years, we cleaned up our section of the river by voluntary efforts. And now many of those particular businesses (and there are three businesses that I know) that now have access to the river and make their living in just a few months by renting canoes and so forth on this beautiful river.

I understand the reasoning behind keeping the corridor, perhaps the Commission, perhaps with those towns which are down from Limington down south to where it enters the ocean. I believe that we had a problem a few years ago and Lake Arrowhead caused a problem here because a developer came in and the town allowed them to develop small lots. You can imagine what happened when this was developed and the small lots of course were not geared to take care of waste and things that entered into the river. But the municipalities, as I said before, have taken care of this. And, I believe that they should be, and have the opportunity by carrying out the mandates of their towns to be able, if possible, to sell lots along the river if they deem necessary and not have the judgment of the Commission to say yea or nay. It is my understanding that the final judgment is this Commission.

In fact today I learned that they were going to be the only one to make this judgment. I think this is unfair to those particular towns that have taken

care of the situation. I can't believe that by allowing those towns, as I say, north of Limmington, because I believe from Limmington down, they are certainly in favor of the Commission and the Corridor for other reasons. But, I do feel that those of us that are north, perhaps, should have a little more jurisdiction over the river. I believe that those towns should be available to help in the funding because I do believe that they do get funds from other than the state.

So, I ask you to vote nay on this particular bill.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Men and Women of the House: I would just like to respond to what Representative True has just spoke to you about. To me, I would go even further than what Representative Kerr spoke when he said that this body, some 22 years ago, with its foresight established this Commission. I would say that they were on the cutting edge of what is almost mandatory if we are to provide proper management for our watersheds today. We can all agree that water has become an acute problem in this country, probably in the whole world. We use it every day, it probably encompasses almost every aspect of our lives.

I was reading an article in National Geographic, it said water is such a utilitarian resource that it is all over. We use it to flush, we use it to drink, we use it to swim in, we use it for manufacturing processes but because of its utilitarian aspect it is also hard to put out of our reach. The article refers to water as being far more persistent than even the most determined rat or cockroach. So, a lot of things we don't want in water get there any way. If you pour poison on the ground, even in the starkest desert, water will pick it up, molecule by molecule, and because water is always going somewhere it will take it away. We are talking about a corridor here that runs somewhere up in the mountains, the White Mountains of New Hampshire, and covers as far as the jurisdiction of this particular Commission is concerned some 300 miles of river bank. When it come across the border between New Hampshire and Maine around Conway and empties into the ocean down around Saco and Biddeford. I don't think you can leave its management just on a town for town basis. It requires an umbrella organization, that I think can look at the problems that the corridor and the management of that water supply presents, not just to those towns, the 22 towns or so that may border that but the entire region.

I have seen statistics that indicate that the Saco River could be the water source for municipalities and cities as far away as Boston, certainly for the entire county of York. It has got good water now.

I was talking to the superintendent of our water works down in York, we don't draw our water from the Saco River, but he was pretty emphatic about the fact that we should be addressing problems of water conservation and water protection of watershed by looking at the source of the water supply. That is the most economical point to begin considerations for eliminating pollution and conserving our precious resource, not down at the end of the river, the point of distribution where we are taping in with a pipe to draw our water for our baths and drinks.

250 years ago, I think, people were even recognizing the problem with water. This article went on to say and quoted Ben Franklin as saying,

"When the well is dry, we know the worth of water." Well, I think we know the worth of water. We know it is a precious resource now. We know (if you believe some of the figures that have been put out by EPA and some of the state environmental agencies) that one-third and sometimes one-half of our lakes are not fit to swim in, to certainly use for even treated drinking water sources and, in some cases you can't even fish in it.

We know, even in Maine, as some of you went down to the Hall of Flags a couple of weeks ago, there were some displays down there indicating that over 150 lakes in Maine, that were surveyed, were found to have excessive mercury content so that an advisory warning was issued that women who were pregnant or nursing or children under eight, should not consume fish that were taken from Maine lakes, Maine lakes, what we call God's Country. It is a problem. The question is how are we going to address the problem? What are we going to do with that knowledge?

I think that the worth of water was recognized by men and women, our colleagues who stood in this body 22 years ago, they made a decision the commission was the best way to address this problem, to address the management of the entire watershed. They took it under their guidance and decided that they were going to formulate this commission. It has been in existence for these past 22 years and this Legislature, except for the one year that Representative Kerr mentioned, has funded it with a modest amount of money to help it with its budget.

I ask you to continue that funding. Please pass the "Ought to Pass" Report.

Representative Murphy of Berwick requested a roll call vote.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief.

The Governor's budget, according to what we read in the papers and what we hear from Appropriations may have as much as a \$400 million shortfall. But, whatever the number is, it is large. I think we have to be very careful in sending any bills which require funding to the Appropriations table. I think that is in our best interest and what we should do of course to help our friends on the Appropriations Committee.

Just to clarify one thing. I think the people along the Allagash River might debate the point that the Saco is cleaner than they are. And there may be some other rivers that are even cleaner than that. But, what about the other rivers? For example, what about the Crooked River which feeds into Sebago Lake which is the watershed for Portland? That has no Corridor Commission like the Saco River Corridor Commission. Yet they don't — at least I don't hear and I get their publications, I don't hear that they are having too many problems with water purity and they have no Commission. As far as other rivers, the Androscoggin River which flows through my district in Bethel is probably a prettier river to canoe and is now being canoed by many many people, it is more scenic. People are now swimming in it, catching and even eating fish out of it. Lucky them.

So, I think we have to be very careful.

As far as I am concerned if the Corridor Commission can be straightened out so that there is no duplication and overlapping in its rules and regulations which will come up later, are standardized all along the river, then perhaps the

towns along the river would fund it if its a very modest fee, it shouldn't take very much from each town, the towns, the counties, to fund something and keep the state out of it.

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

Representative FARNUM: Mr. Speaker, Members of the House: I am going to bring the question quite home — take a drink of the Augusta water then go out and get some spring water that we have in the house, there is the difference. The difference is the same in the Saco River.

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. All those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Kerr of Old Orchard Beach that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 11

YEA - Adams, Ahearne, Bailey, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Bunker, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, Dipietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lafountain, Lemaire, Lemke, Lemont, Libby JD; Look, Marshall, Martin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, O'Neal, Ott, Pendleton, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Richardson, Ricker, Rosebush, Rowe, Samson, Savage, Saxl JW; Saxl MV; Shiah, Simoneau, Sirois, K.; Stone, Strout, Thompson, Townsend, Treat, Truman, Tufts, Tuttle, Tyler, Volenik, Watson, Wheeler, Whitcomb.

NAY - Aikman, Ault, Barth, Buck, Dunn, Gamache, Greenlaw, Guerrette, Hartnett, Heino, Joseph, Joy, Joyce, Lane, Layton, Lindahl, Lovett, Lumbr, Luther, Madore, Marvin, Morrison, Nickerson, Peavey, Perkins, Pinkham, Rice, Robichaud, Spear, Stedman, Taylor, Tripp, True, Underwood, Vigue, Waterhouse, Winglass, Winsor.

ABSENT - Campbell, Libby JL; McElroy, Nass, Plowman, Rotondi, Stevens, Winn, Yackobitz, The Speaker.

Yes, 102; No, 38; Absent, 10; Paired, 0; Excused, 0, Vacancy 1.

102 having voted in the affirmative and 38 in the negative the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-13) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, March 14, 1995.

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

SENATE PAPERS

Refer to the Committee on Natural Resources

Report of the Committee on Agriculture, Conservation and Forestry on Bill "An Act to Amend the Definition of Freshwater Wetland" (S.P. 59) (L.D. 88) reporting that it be referred to the Committee on Natural Resources.

Came from the Senate, with the report read and accepted and the Bill referred to the Committee on Natural Resources.

Report was read and accepted and the Bill referred to the Committee on Natural Resources in concurrence.

ORDERS

On motion of Representative DAGGETT of Augusta, the following Joint Order: (H.P. 582)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the year 1995.

Was read and passed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 119) (L.D. 154) Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1995" (EMERGENCY) (Governor's Bill) Committee on Transportation reporting "Ought to Pass"

(H.P. 247) (L.D. 349) Bill "An Act Concerning Tie Votes among Candidates in Municipal Secret Ballot Elections" Committee on Legal and Veterans Affairs reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 14, 1995 under the listing of Second Day.

SENATE PAPERS

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor" (S.P. 61) (L.D. 90)

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo
SAVAGE of Union
DAGGETT of Augusta
SAXL of Bangor
ROBICHAUD of Caribou
LANE of Enfield
YACKOBITZ of Hermon

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-17) on same Bill.

Signed:

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook
GERRY of Auburn

ROSEBUSH of East Millinocket
 Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.
 Was read.

Representative DAGGETT of Augusta 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 specially assigned for Tuesday, March 14, 1995.

The SPEAKER: The Chair has been asked a series of questions. One about the issue of paring on measures requiring two-thirds votes.

Secondly, the threshold necessary in a circumstance when a vacancy occurs in the makeup of the House in and of itself.

First of all — in dealing with the issue of paring — House Rule 7 affords the presiding officer the authority to allow paring or not to allow paring of votes. The practice of paring votes as established by House Rule 7 is a practice that has been limited by actions of my predecessors to normal majority votes.

Upon review of past rulings parings of votes at the enactment stage of legislation requiring more than a majority vote has not been allowed.

My understanding of those rulings is that paring, allowing the use of paring, for a majority vote makes no differential in terms of the eventual outcome. However, when you allow paring on a two-thirds or a super majority you are actually subtracting votes away from those members who are present and voting since you need more than a majority, you need a super majority for that purpose.

Since House Rule 7 affords the presiding officer with the authority to allow or not to allow paring, my decision will be to be consistent with the rulings of my predecessors in which not to allow paring for items which require a two-thirds vote.

I will also say that the issue of paring is one that is appropriate for public policy discussion. And as you know the other body does not allow paring and it is the opinion of this member of the House that if in fact there were ever an opportunity to present that to change the rules that this member as one individual would very likely support that movement to not allow paring. However, it is currently allowed in our rules that we have adopted and I am going to rule today that the use of paring for a super majority vote will not be allowed. That is consistent with my predecessors.

The SPEAKER: The second issue is the threshold vote that is required. Once again, most measures of which are enacted by emergency measure requires a two-thirds vote of the entire elected membership of this body. As you know, we are vacant one member at this time.

Mason's Manual deals with the issue of two-thirds vote as follows. It says, "Where a constitution, charter or a controlling provision of law requires a two-thirds vote of all members, a vote of less than that number, although two-thirds of a quorum, is not sufficient. Even though there are vacancies a vote equal to two-thirds of the total membership is required." That has been supported by opinions of the Attorney Generals' and so it does require 101 votes to enact an emergency measure even though a

vacancy currently exists in the House of Representatives.

ENACTOR

Emergency Measure

An Act to Create a Transitional Pharmacy Benefit Program (H.P. 570) (L.D. 775)

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

Representative JACQUES of Waterville requested a roll call on passage to be enacted.

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. All those in favor will vote yes; those opposed will vote no.

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

ROLL CALL NO. 12

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, Dexter, Dipietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, Lafountain, Lemaire, Lemke, Lemont, Look, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Perkins, Poulin, Pouliot, Povich, Reed, W; Richardson, Ricker, Rosebush, Rowe, Samson, Saxl JW; Saxl MV; Shiah, Simoneau, Sirois, Strout, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Bailey, Barth, Carleton, Clukey, Damren, Dunn, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jacques, Jones, S.; Joy, Joyce, Joyner, Labrecque, Lane, Layton, Libby JD; Lindahl, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, Ott, Peavey, Pendleton, Pinkham, Poirier, Reed, G.; Rice, Robichaud, Savage, Spear, Stedman, Stone, Taylor, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Ault, Birney, Buck, Donnelly, Kerr, Kneeland, Libby JL; McElroy, Nass, Nickerson, Plowman, Rotondi, Stevens, K.; Vigue, Winn, Yackobitz.
 Yes, 86; No, 48; Absent, 16; Paired, 0; Excused, 0, Vacancy 1.

86 having voted in the affirmative and 48 in the negative, a two-thirds vote of all the members elected to the House being necessary, the Bill failed of passage to be enacted and sent up for concurrence.

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

On motion of Representative STONE of Bangor, the House adjourned at 6:55 p.m., pursuant to the Joint Order (S.P. 287).