

# 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  
29th Legislative Day  
Wednesday, April 5, 1995

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

Prayer by Pastor Donald Daigle, St. Bridget's Catholic Church, North Vassalboro.

The Journal of yesterday was read and approved.

SENATE PAPERS

**Ought to Pass as Amended**

Report of the Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-33) on Bill "An Act to Increase the Limit on the Extradition Account" (S.P. 53) (L.D. 82)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-33).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-33) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 6, 1995.

**Ought to Pass as Amended**

Report of the Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-39) on Bill "An Act to Broaden the Crime of Criminal Mischief and to Repeal the Crime of Animal Enterprise Terrorism" (S.P. 204) (L.D. 547)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-39).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-39) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 6, 1995.

**Divided Report**

Majority Report of the Committee on **Labor** reporting **"Ought Not to Pass"** on Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers" (S.P. 71) (L.D. 159)

Signed:

Senators: BEGLEY of Lincoln  
MILLS of Somerset

Representatives: JOY of Crystal  
JOYCE of Biddeford  
PENDLETON of Scarborough  
STEDMAN of Hartland  
WINSOR of Norway

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-40) on same Bill.

Signed:

Senator: RAND of Cumberland  
Representatives: HATCH of Skowhegan  
CHASE of China  
LEMAIRE of Lewiston  
SAMSON of Jay  
TUTTLE of Sanford

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

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either Report and later today assigned.

**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:

**Human Resources**

Bill "An Act to Award Child Support Payments Directly to the Recipient" (H.P. 864) (L.D. 1214) (Presented by Representative AHEARNE of Madawaska)

Bill "An Act to Consolidate Health Care Planning, Oversight and Regulation in Maine" (H.P. 869) (L.D. 1219) (Presented by Representative AHEARNE of Madawaska)

**Judiciary**

Bill "An Act to Amend the Maine Civil Rights Act to Provide Greater Protections to Reproductive Facilities" (H.P. 866) (L.D. 1216) (Presented by Representative TREAT of Gardiner) (Cosponsored by Senator MILLS of Somerset) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Bill "An Act to Protect Constitutional Property Rights and to Provide Just Compensation" (H.P. 867) (L.D. 1217) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Senator PENDEXTER of Cumberland and Representatives: AHEARNE of Madawaska, AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BIRNEY of Paris, BOUFFARD of Lewiston, BUCK of Yarmouth, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAMREN of Belgrade, DIPIETRO of South Portland, DONNELLY of Presque Isle, DRISCOLL of Calais, DUNN of Gray, FARNUM of South Berwick, FISHER of Brewer, GAMACHE of Lewiston, GERRY of Auburn, GIERINGER of Portland, GOOLEY of Farmington, GOULD of Greenville, GREENLAW of Standish, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of LaGrange, JACQUES of Waterville, JONES of Pittsfield, JOY of Crystal, JOYCE of Biddeford, JOYNER of Hollis, KEANE of Old Town, KERR of Old Orchard Beach, KNEELAND of Easton, LANE of Enfield, LAYTON of Cherryfield, LEMKE of Westbrook, LEMONT of Kittery, LOOK of Jonesboro, LOVETT of Scarborough, LUMBRA of Bangor, MADORE of Augusta, MARSHALL of Eliot, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, MERES of Norridgewock, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, NICKERSON of Turner, O'GARA of Westbrook, O'NEAL of Limestone, PEAVEY of Woolwich, PENDLETON of Scarborough, PERKINS of Penobscot, PINKHAM of Lamoine, PLOWMAN of Hampden, POIRIER of Saco, POULIN of Oakland, POULIOT of Lewiston, REED of Falmouth, REED of Dexter, RICE of South Bristol, RICKER of Lewiston, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, ROTONDI of Madison, SAVAGE of Union, SIMONEAU of Thomaston, SIROIS of Caribou, SPEAR of Nobleboro, STEDMAN of Hartland, STONE of Bangor, TRIPP of Topsham, TRUE of Fryeburg, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham, UNDERWOOD of Oxford, VIGUE

of Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater, WHITCOMB of Waldo, WINSOR of Norway, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BUTLAND of Cumberland, CAREY of Kennebec, CARPENTER of York, CASSIDY of Washington, CIANCHETTE of Somerset, FERGUSON of Oxford, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, HATHAWAY of York, KIEFFER of Aroostook, LORD of York, PARADIS of Aroostook, SMALL of Sagadahoc)

#### Legal and Veterans Affairs

Bill "An Act to Amend the Laws Relating to Harness Racing" (H.P. 868) (L.D. 1218) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: AHEARNE of Madawaska, BOUFFARD of Lewiston, DEXTER of Kingfield, DiPIETRO of South Portland, HICHBORN of LaGrange, KILKELLY of Wiscasset, POULIOT of Lewiston, TYLER of Windham, WINN of Glenburn, Senators: CAREY of Kennebec, O'DEA of Penobscot, PARADIS of Aroostook, PENDEXTER of Cumberland)

#### Marine Resources

Bill "An Act to Clarify Licensing in the Sea Urchin Fishery" (H.P. 865) (L.D. 1215) (Presented by Representative CLOUTIER of South Portland) (Cosponsored by Senator: GOLDTHWAIT of Hancock) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.)

#### REPORTS OF COMMITTEES

##### Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-65) on Bill "An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth" (H.P. 65) (L.D. 101)

Signed:

Senator:

Representatives:

PINGREE of Knox  
FITZPATRICK of Durham  
JOHNSON of South Portland  
JOYNER of Hollis  
SHIAH of Bowdoinham  
ETNIER of Harpswell  
MITCHELL of Portland  
JONES of Bar Harbor  
WINGLASS of Auburn

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

Signed:

Senators:

Representatives:

PENDEXTER of Cumberland  
BENOIT of Franklin  
MARVIN of Cape Elizabeth  
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 that the House accept the Majority "Ought to Pass" Report and later today assigned.

##### Divided Report

Majority Report of the Committee on Labor reporting

"Ought to Pass" as amended by Committee Amendment "A" (H-66) on Bill "An Act to Increase the Minimum Wage in Maine" (H.P. 108) (L.D. 143)

Signed:

Senators:

Representatives:

MILLS of Somerset  
RAND of Cumberland  
HATCH of Skowhegan  
CHASE of China  
LEMAIRE of Lewiston  
PENDLETON of Scarborough  
SAMSON of Jay  
TUTTLE of Sanford

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-67) on same Bill.

Signed:

Senator:

Representatives:

BEGLEY of Lincoln  
JOY of Crystal  
JOYCE of Biddeford  
STEDMAN of Hartland  
WINSOR of Norway

Was read.

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either Report and later today assigned.

##### Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Provide a Cost-of-Living Adjustment to Minimum Wage Earners" (H.P. 206) (L.D. 265)

Signed:

Senators:

Representatives:

BEGLEY of Lincoln  
MILLS of Somerset  
JOY of Crystal  
JOYCE of Biddeford  
LEMAIRE of Lewiston  
PENDLETON of Scarborough  
STEDMAN of Hartland  
WINSOR of Norway

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-68) on same Bill.

Signed:

Senator:

Representatives:

RAND of Cumberland  
HATCH of Skowhegan  
CHASE of China  
SAMSON of Jay  
TUTTLE of Sanford

Was read.

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either Report and later today assigned.

##### Divided Report

Majority Report of the Committee on Education and Cultural Affairs reporting "Ought Not to Pass" on Bill "An Act to Require the Administration of Medication in Schools by Licensed Personnel" (H.P. 348) (L.D. 468)

Signed:

Senators:

Representatives:

SMALL of Sagadahoc  
ESTY of Cumberland  
ABROMSON of Cumberland  
AULT of Wayne  
BARTH of Bethel  
DESMOND of Mapleton  
STEVENS of Orono

LIBBY of Buxton  
McELROY of Unity  
BRENNAN of Portland  
WINN of Glenburn

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

Signed:

Representatives: MARTIN of Eagle Lake  
CLOUTIER of South Portland

Was read.

On motion of Representative MARTIN of Eagle Lake,  
tabled pending acceptance of either Report and later  
today assigned.

#### CONSENT CALENDAR

##### First Day

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

(S.P. 114) (L.D. 289) Bill "An Act to Clarify the  
Status of Certain Gifts to Legislators under the  
Governmental Ethics Laws" Committee on Legal and  
Veterans Affairs reporting "Ought to Pass"

(S.P. 72) (L.D. 160) Bill "An Act to Amend the Laws  
Pertaining to Governmentally Constructed Jetties"  
(EMERGENCY) Committee on Natural Resources reporting  
"Ought to Pass" as amended by Committee Amendment "A"  
(S-36)

(S.P. 206) (L.D. 549) Bill "An Act to Give the  
State a Right to Appeal from the Denial of a Rule 35  
Motion" Committee on Criminal Justice reporting  
"Ought to Pass" as amended by Committee Amendment "A"  
(S-38)

There being no objections, the above items were  
ordered to appear on the Consent Calendar of Thursday,  
April 6, 1995 under the listing of Second Day.

#### CONSENT CALENDAR

##### Second Day

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

(S.P. 184) (L.D. 493) Bill "An Act to Amend Certain  
Powers of Hospital Administrative District No. 4"  
(EMERGENCY)

(S.P. 95) (L.D. 235) Bill "An Act to Provide the  
Maine Legislature with Additional Financial  
Information" (EMERGENCY) (C. "A" S-32)

(H.P. 23) (L.D. 17) Resolve, to Make the Monument  
Erected at the Mount Hope Cemetery in Bangor the  
Official State Memorial Honoring Veterans from Maine  
Who Died during the Korean War

(H.P. 421) (L.D. 578) Bill "An Act to Amend Certain  
Laws Relating to the Collection of Property Taxes"

No objections having been noted at the end of the  
Second Legislative Day, the Senate Papers were Passed  
to be Engrossed or Passed to be Engrossed as Amended  
in concurrence and the House Papers were Passed to be  
Engrossed and sent up for concurrence.

#### BILLS IN THE SECOND READING

##### As Amended

Bill "An Act to Increase the Fee Amount that an  
Unorganized Territory is Allowed to Retain as an Agent  
of the State Collecting Excise Taxes" (S.P. 57)  
(L.D. 86) (C. "A" S-31)

Bill "An Act to Require that Employees in 24-Hour  
Convenience Stores Have Access to Telephones and  
Alarms" (H.P. 127) (L.D. 175) (C. "A" H-52)

Bill "An Act to Extend the Return Period for  
Judgment Executions" (S.P. 123) (L.D. 298) (C. "A"  
S-29)

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

#### ENACTORS

An Act to Change the Activities Requiring a Permit  
from the Department of Environmental Protection  
(H.P. 165) (L.D. 213) (C. "A" H-38)

An Act to Enhance the Title to Real Estate Acquired  
by Municipalities for Nonpayment of Taxes (H.P. 168)  
(L.D. 216)

An Act to Amend the Sewer Lien Law to Provide Clear  
Title (H.P. 169) (L.D. 217) (C. "A" H-30)

An Act to Amend the Law Regarding Minimum Sentences  
for Class C Crimes Involving the Use of a Firearm  
against a Person (H.P. 317) (L.D. 438)

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

#### UNFINISHED BUSINESS

The following matters, in the consideration of  
which the House was engaged at the time of adjournment  
Tuesday, April 4, 1995, have preference in the Orders  
of the Day and continue with such preference until  
disposed of as provided by Rule 24.

SENATE DIVIDED REPORT - Majority (10) "Ought Not  
to Pass" - Minority (3) "Ought to Pass" as amended by  
Committee Amendment "A" (S-30) - Committee on Legal  
and Veterans Affairs on Bill "An Act to Prohibit  
Candidates from Attending the Voting Place Except to  
Vote" (S.P. 69) (L.D. 157)

- In Senate, Majority "Ought Not to Pass" Report read  
and accepted.

TABLED - April 4, 1995 (Till Later Today) by  
Representative NADEAU of Saco.

PENDING - Motion of same Representative to accept the  
Majority "Ought Not to Pass" Report.

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

Representative TRUE: Mr. Speaker, Colleagues of  
the House: I request that the House support the  
Minority "Ought to Pass" Report and wish to speak to  
that.

I realize when you are outvoted ten to two that  
perhaps a lot of credence should be given to the  
Majority. However, I did feel that it was important  
to understand why perhaps at least two or three of us  
voted in the Minority.

Certainly I don't believe that any of us here in  
this House but realizes that our constituents want an  
aura of trust. And, if you think in terms of all the  
bills that we have which are going to regulate  
members of the House and members of the other body —  
there seems to me that there is a reason for this.

Also, I am sure all of you have observed where  
perhaps one candidate or the other have not fully  
supported the rules as they are now written. This  
certainly would take care of most of the things which

I feel is necessary if we are to gain the trust of our constituents.

It has been said, and rightfully so, that perhaps this is an opportunity to socialize. The problem, as I see it, is that many of us, although we may have five, six or some probably more towns than that, in order to do this it would be an impossibility to go everywhere in order to socialize. I would wager that we will pick the most populous of those particular towns to be there to socialize and I don't believe actually that it is the social movement that we are pushing but rather another attempt to continue our political means.

We have months in order to get our words across and I think that it ought to stop and certainly, if we are there to vote, and that ought to be the end of it.

I would like my colleagues to consider supporting the "Ought to Pass" Report.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: This matter before us is simply an anti-democratic (with a small "d") process. The citizens, the voters, deserve to know who is actually interested in running for office. It has been my experience that people kind of like and almost expect the candidate to be at the polls. They kind of expect to come in and say, "Hi, Guy, gee, how are you doing?" or, "Gee, Mr. Jones, nice to see you, thanks for coming in." That's it.

We have got to remember that the people who are actually in charge of the voting area are the wardens. If Guy Nadeau is a little bit over the line, the warden will tell me. The warden has the authority to just evict me from the premises. That is an area that I don't think the State of Maine ought to be messing into.

I strongly urge you to accept the Majority "Ought Not to Pass" Report.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I am really concerned about this because I have to agree with the good Representative from Saco. I think the only ones that can't trust each other is us. We don't trust each other. The people out there — I have never had a complaint about anything going on at the polls. I have been involved in many elections. I have been warden at the polls and if I had a problem, I went up and spoke to the person, they were very nice about it, they cut out whatever they were doing. It was not a great problem.

The last election back in the fall, I was down to the polls in my home town and true, I only have two towns to go to so maybe it makes a difference on where I am coming from. I went down there and stood, being a native I know almost everybody in town. The candidate that was running for Senator came in from Kittery, stood there beside me. He is a different party. As people voted, then came out, I am standing there introducing him to all the people in Berwick, whether they were in his district or not. I looked at him and said, "Mark, this isn't the way it is supposed to be." But really, that is the way it is supposed to be. We are supposed to be decent human beings, friendly to each other and let the people decide. More people came out and said, "I voted for both of you." Now, whether they did or not I have no

idea but I am sure a lot of them probably did — because he got elected and the took a big vote in Berwick and so did I, I took all of it.

So, I think that is the way it should be. I think people should have a right to come up and talk to you. I think as Democrats and Republicans or if we have another party we should stand there and talk to each other and then they can see who we are. The ones who don't trust us is us, it is not the people out there. I have never had a person say to me, "I don't trust you Eleanor," down at the polls.

I am sure — I like to talk to people so I talk to all of them whether they vote for me or not, it don't bother me any.

I went to South Berwick and did the same thing. I saw nothing wrong down there. I just believe that we should be able to go to the polls on Election Day and our constituents should be able to come in and at least see what we look like and be able to come over and ask us a question after they vote. I don't think that is intimidating anybody or anything else.

I remember years ago when I ran for the Board of Selectmen for the first time. There was a man and his wife who came in who I baby-sat for in high school. She hollered over to me, she said, "Eleanor, the only reason I am here is you are on the ballot." Well, that woman came just to vote for me and she told me so. I don't see anything wrong with that. I didn't intimidate her at all except I baby-sat for her all through high school.

These are the people that we are trying to say they don't know who they are voting for or we are going to intimidate them, it is ridiculous.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe this is a matter of trust. And, at the same time I don't believe that the voting booth is a social event either.

Those of us that are politicians have six or eight or even more months during the year in order to get our opinion across to our constituents and they can make their decision during that period of time. But, when we go to the voting booth the citizens should be able to go there uninhibited by a gauntlet of politicians trying to get some last minute message out to the voters. It seems to me that the process of voting should be such that those citizens are allowed to do that without having the proof of aspiring politicians trying to interfere with the process.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: As the good Representative from Waterville. This legislation comes back every two years and it is another example of something that is put forth, and I think in availed attempt, to tell people that we are somehow below them when we run for office, that we have a different set of standards when we run for office. This bill here is one of the most offensive bills to me, personally, that I have had to debate and vote on in my tenure in the Legislature. I have a lot of respect for the Representative from Fryeburg, Representative True. He is a gentleman and I know he never meant it to be offensive but I take it, I am personally offended by

it because it supposes some things that just are not true.

I have served with hundreds of different legislators in this body and I would tell you that a great great majority of them were outstanding men and women, extremely dedicated to their job and though we may have had differences in opinions and philosophies in the way we should do things in this state, I have got to say I have very warm feelings for most of those legislators.

What this bill does, if you pass it, is tells the people of Maine that you are violating the law. Because, right now when you visit the polls as a candidate you are restricted to what you can and cannot do. I assure you, men and women of the House, in Waterville it is followed to the letter of the law.

I visit the polls often. I have four wards in my district. I did before I ran for the Legislature, I used to get absentee ballots as a service to the City Clerk and I did it regardless of party because I feel so strongly that people ought to be encouraged to exercise their vote. They ought to be encouraged to exercise their vote regardless of the party. And, yes, I have had opponents that showed up at the polls that actually campaigned, said they should vote for them instead of me because they were smarter than I was, they were brighter than I was, they were a better talker than I was, the whole gamut. But, it didn't last very long because the warden came over, quickly pointed out the error of their ways and sent them on their way if they were going to continue in that light.

I do not wear a button when I go to the polls. Most of the time we talk about hunting; if I have got my deer yet; how the fishing season was. I have never asked anybody to support me. I have not even talked about politics at all unless somebody came and asked a specific question.

I ask for no more right as a candidate than any other citizen in my district has. And that is they can go to them polls any time they want, plop their head in, whether it is to socialize or whether it is just to see, out of curiosity how many people are turning out and who they might be.

I have had many people come to me with constituent requests on election day when they didn't even know if I was still going to be their Representative or not, but it was an opportunity for them to approach me and say, while you are at it could you get me a low digit plate? I haven't been able to see you in a couple of weeks, I have seen you here, I am making this request.

We have had lots of pieces of legislation in the last few years and I know that some of you ran against this institution and you did so for your own reasons. But, the fact of the matter is now that you are a member of this institution an institution that has been here for well over 150 years. Out of nothing more than the simple respect for those who have come before you and those who will serve after you, please let's not do anything as an institution to prey on some of the misconceptions out there about what type of human beings you and I happen to be.

That is what this bill does. It is against the law now to campaign at the polling place on Election Day as a candidate. Pure and simple. Let the wardens do their job, but let's not treat us like second class citizens and admit to the people that, number one, we are going to violate the law when we are there. Number two, that we deserve any less

consideration than any one of our constituents have. This is an insulting bill, ladies and gentlemen of the House, and it is insulting to you and I. We ought to make sure that it is treated appropriately.

The SPEAKER: The Chair will order a vote. The pending question is the motion of Representative Nadeau of Saco that the House accept the Majority "Ought Not to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

110 voted in favor of the same and 10 against, subsequently, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-28) - Minority (2) "Ought Not to Pass" - Committee on Legal and Veterans Affairs on Bill "An Act to Reduce the Number of Days a Tenant May Be in Arrears for Rent Payments" (S.P. 76) (L.D. 164)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-28).

TABLED - April 4, 1995 (Till Later Today) by Representative MADEAU of Saco.

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

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

The Bill was read once. Committee Amendment "A" (S-28) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, April 6, 1995.

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SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-27) - Minority (2) "Ought Not to Pass" - Committee on Human Resources on Bill "An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care" (EMERGENCY) (S.P. 93) (L.D. 233)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-27).

TABLED - April 4, 1995 (Till Later Today) by Representative FITZPATRICK of Durham.

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

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

Representative WINGLASS: Mr. Speaker, Distinguished Colleagues of the House: I would like to urge my fellow members to join me in accepting the Minority "Ought Not to Pass" motion or position on this bill. I would like to speak to that position.

I rise not to oppose direct child care, remember that, not to oppose direct child care. As a matter of fact, I personally would like to see that program expanded. Rather, I oppose the unjustified protection that this bill affords to the child care resource development centers which are found around the state.

For example, in Lewiston and Auburn, we are served by an RDC in South Paris. In Lubec the service is provided by an RDC in Milbridge.

RDC's provide no direct care. RDC's provide no direct care. They do assist new potential care

givers get started. They maintain a referral system that aids parents to find a provider, they administer a voucher system which provides subsidized assistance to some families. So, they do provide useful functions. The degree of their utility, however, begs a question of financial programming discretion.

The Bill has the effect of protecting or fencing the RDC's. I do not believe this body or frankly the Commissioner of Human Services should acquiesce to protectionism or fencing approvals.

A close look at the bills justification, that is the justification advanced for these bills, reveals that there is an emergency preamble and in that preamble there are a total of six clauses "whereas" if you will, and they justify this continued funding for RDC's, protected funding for RDC's. Actually four of those are the typical or traditional boiler plates. There are two of some substance. One of them says, "Whereas, funding for the Resource Development Centers is due to expire on 30 June 1995."

I call your attention to the amendment. The amendment of course polices up that inaccuracy and does stipulate that in point of fact there are \$365,000 set aside for funding in the current next Governor's budget.

The second "whereas" of any substance says, "the resource centers need to be continued in order for a council to adequately examine the centers and prepare and present their findings," that is the Child Care Advisory Council, "to present their findings in a third annual report, due January of 1996, to the Commissioner of Human Services." Well, a point of fact, ladies and gentlemen and colleagues, the report has already been made and as it was required to have been made and the second annual report of the Child Care Advisory Committee and for any who would be interested I have a copy dated January 13, and all members of the Human Resources Committee now have such a thing.

Therefore, I suggest to you that the justification for this particular bill is suspect at best and perhaps when the bill was written was very applicable but as we have seen events unfold that is no longer the case. Therefore, with no justification remaining for the bill, I know of no reason to add paperwork or eliminate financial discretion prerogatives of various committees here in this chamber.

I therefore hope you will join me in voting no on this bill of little utility and, from what I can see, no purpose.

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I would ask you to support the Majority "Ought to Pass" 11 to 2 report, bipartisan, from the Committee on Human Resources.

I would also like to respond to my good friend from Auburn in regard to the value of the Child Care Resource Center. I would disagree that — and I would pose to you that these centers are very very valuable and I — as the process of hearing this bill and working this bill, I think a number of people on the committee who were initially skeptical as to whether these resource centers were valuable, had their minds up and voted with the large majority on this report. Very clearly, these centers are the linchpin of the child care delivery system in the State of Maine. They provide referrals to licensed

and residential day care facilities. They provide training for child care providers which is absolutely critical to make sure that our children that are using licensed and residential day care facilities have experienced providers. Very importantly they work with the private sector to help the private sector open day care centers or acquire day care slots so employees who are working for a living every day have the availability of child care resources.

Lastly, they work with individual citizens who are seeking to open up day care centers in their own home to become small business people. It is the only resource available for those services. So, in a sense, yes, to the Representative from Auburn, they don't provide direct services. But, what I would offer to you is they provide crucial services and tie together the whole child care system. As we are talking about moving into an era of real welfare reform this is a service we can't do without.

I ask you to support the "Ought to Pass" Report.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I just want to speak to you today as a working parent. I have two children, two boys, a four-year-old and eight-month-old baby. I can't tell you how important the resource and referral services are. I have used them three times. Each time I needed to go to work I, again, I when after my election and I had to figure out what I was going to do with the baby I contacted the one located in Augusta. As it turned out, that option didn't work out. But, I was mighty glad they existed.

If you have never faced the situation of knowing that it is time to go back to work, the family resources are depleting, but you have this infant that you need to find care for. You need to somehow locate a stranger, in all probability it is going to be a stranger, to leave your infant with. You want to know that that infant is going to be safe. You want to know that you can afford that care. It would be nice if it were somewhere near where you live or perhaps on your way to work and then, the real treat is when you have two children and you are trying to juggle that, figure out how you are ever going to afford it or make it all work so that you can get to work on time.

It is a critically important service. It is a direct service. I would have been lost without it many times. I ask you to support this, the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Mr. Speaker, Men and Women of the House: I feel a little odd opposing a child care bill because I think you all remember what happened about a month ago when I didn't have any child care. I had a little friend with me for the day.

Like my good friend from Portland, I too, have been in the day care scramble for a long time. I have three children that I have to find day care for. One of them is an afternoon kindergarten student, that is a nightmare for any working parent. You get to find two day care providers for that person because they go from 12:30 to 3:00. I also have a nine-year-old and then I had a baby who was three days old when I left her at day care for the first time.



In October I had a sitter all lined up who was watching my two boys, I was eight months pregnant, we were about two weeks in front of the election and my sitter said she changed her mind, she didn't want the baby after all. So, I scrambled, I called two different child care referral services because I just frankly didn't know what was going to happen if I couldn't find somebody who could come in and watch the baby and get the other two going.

What happened to me was I called a private place which cost me a lot more money. They came, looked over our home, interviewed our children, interviewed us, we filled out a big long questionnaire and then we also used this service, a public service, it cost a lot less money. I filled out a questionnaire and they sent me four candidates to look at. None of the four were anything like what I asked for. When I called them on the telephone and said these people didn't meet the qualifications I asked for. They said, well, your qualifications were unreasonable. And, that is why we didn't meet the qualifications. At that point I decided that only the mother or the father could decide what kind of day care they need for their child and who can provide that kind of care. So, at that point I went on the hunt myself and I found people myself. I asked friends, I used the telephone book, I put an add in the paper, I did all the things that you need to do in order to find someone to watch your children that you will feel comfortable with.

I do believe that day care is a deterrent to work in this state. I believe that there are women who would go to work if they could have somebody to provide day care for them. We don't have enough money in this state right now to provide the day care that is needed for all of these women.

I say that we should put this money into direct child care services. We are talking about nearly \$400,000. We are talking about ten offices across the state that provide these referral services and these training services. They also help people who want to go into day care to start their day care center. I don't think that that is the job of this government. I don't think we should be training people, starting programs. I think that is a job of free enterprise. There is plenty of day care in this state and it is not necessary right now for us to be providing these services and it is necessary for us to be helping women to get back to work.

I would ask that you vote against this pending motion. I thank you for your attention.

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

Representative LEMAIRE: Mr. Speaker, Ladies and Gentlemen of the House: I said earlier in the Democratic caucus that I was feeling guilty because I wasn't getting enough constituent calls and I probably have received more on this to ensure that this resource and training is left in place. I really think that is all I have to say because I think the day care providers feel that they need this. I think they have called a lot of legislators on this and I hope you will support it.

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I just want to be clear on one point — that we heard very clearly from the day care community and from the Department of Human Services

in particular and they all gave us the same information and that is please don't tamper with the Resource Development Centers now. Let this go forward for another year, give us a chance to reevaluate the system, but please don't tamper with it now because it is a very very valuable linchpin to our whole welfare reform issues. So, to do it now would be premature and irresponsible at best.

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

Representative WINGLASS: Mr. Speaker, Distinguished Colleagues of the House: If I could respond to that point — remember, this bill doesn't do away with the Resource Development Centers. It protects it, it builds a fence around them. There is no issue here about eliminating them. The money is in the Governor's budget for their continued existence. My argument is there is no need for this bill, it doesn't accomplish anything.

That is what I would have to say and I hope my colleagues will consider that.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I have spoken at length with the colleagues on my committee about the services that this does provide and I think there is some agreement that referral is not necessarily the most important service that this does provide. It also provides assistance to any one wanting to get into the day care business. Which, I have spoken with my day care provider and others who said that they simply could not have opened a day care without this assistance. They were not able to do it. This was an invaluable service and it does do something that is important.

I would like to question Representative Marvin's assessment that there is enough day care because I have heard numerous parents say that there simply are not enough spots available, that is usually for infants, but there is some shortage and I think that it is important to encourage development of high quality day care in our state.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to Representative Fitzpatrick.

I am curious if this resource center is in fact providing services to potential people who want to open day care centers? How many centers have opened in the last two years? What the success rate is of those centers and, how many of them are still in business?

The SPEAKER: Representative Stone of Bangor has posed a question through the Chair to Representative Fitzpatrick of Durham who may respond if he so desires.

The Chair recognizes that Representative.

Representative FITZPATRICK: Mr. Speaker, Members of the House: In answer to the question, what I can tell you is there are ten resource development centers. I don't have the statistics right at hand on how many home occupations have been open. I certainly can provide you with that. That was certainly part of their testimony, certainly part of their function, but we didn't break out that information for today.

Representative JACQUES of Waterville requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth 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 is the motion of Representative Fitzpatrick of Durham that the House accept the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 28

YEA - Adams, Ahearne, Ault, Benedikt, Berry, Bouffard, Brennan, Bunker, Carleton, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etner, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Joyner, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lovett, Madore, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Peavey, Perkins, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Bailey, Barth, Bigl, Buck, Cameron, Campbell, Clukey, Cross, Damren, Farnum, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Lumbr, Marshall, Marvin, McAlevey, Murphy, Nass, Nickerson, Paul, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Birney, Chartrand, Hichborn, Lemke, Look, Luther, Martin, McElroy, Ott, Vigue.

Yes, 85; No, 56; Absent, 10; Paired, 0; Excused, 0.

85 having voted in the affirmative and 56 in the negative, with 10 being absent, the Majority "Ought to Pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (S-27) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, April 6, 1995.

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

On motion of Representative LINDAHL of Northport, the House recessed until 4:30 p.m..

(After Recess)

The House was called to order by the Speaker.

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 4, 1995, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

SENATE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (S-25) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators (S.P. 155) (L.D. 378) - In Senate, Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-25).

TABLED - April 4, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (S-26) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 (S.P. 170) (L.D. 431)

- In Senate, Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-26).

TABLED - April 4, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

SENATE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (S-37) - Committee on Criminal Justice on Bill "An Act to Create a Board to Hear Citizen Complaints Regarding Private Investigators" (S.P. 182) (L.D. 491)

- In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED - April 4, 1995 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

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

Resolve, Authorizing the Director of the Bureau of Parks and Recreation to Sell Land and Improvements on Hospital Street in Augusta, Maine Known as the Trial House (H.P. 809) (L.D. 1126)  
(Committee on Agriculture, Conservation and Forestry suggested)

TABLED - April 4, 1995 (Till Later Today) by Representative KILKELLY of Wiscasset.  
PENDING - Reference.

On motion of Representative KILKELLY of Wiscasset, tabled pending reference and later today assigned.

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-63) - Committee on Criminal Justice on Bill "An Act to Provide for Resident State Police Officers for Municipalities without a Police Force" (H.P. 16) (L.D. 10)

TABLED - April 4, 1995 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

Representative DUNN off Gray requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

Representative DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the "Ought Not to Pass" motion before us. The purpose of this bill was to permit local communities who do not currently have local police forces to be able to contract with the State Police to provide for local police protection.

At the present time local communities have the opportunity to contract with the County Sheriffs but not the State Police.

Under the bill, as I presented it, there would be no cost to the state, the local community would be required to pay for the total cost of the police protection by the state including the training for the police officers.

I encourage you to vote no on the pending motion.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I hope when you vote this evening you vote for the "Ought Not to Pass." Some of the things that were said earlier, yes, it is not going to be any cost to us. But, it will be a cost to us eventually because when that State Police officer takes that job, if he or she does in that town — for example if they have that contract just for a year that state police goes back into the department, we are going to pick up the cost for that. We have an opportunity now to go through the Sheriff's Department now if they want law enforcement. They have an opportunity now to spend the \$83,000 that they want to put in for one single State Police officer to start their own police department.

I hope when you vote tonight you vote "Ought Not to Pass."

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

Representative MARTIN: Mr. Speaker, Members of the House: I suspect that I know what is eventually

going to happen to this piece of legislation. But, it is basically a piece of legislation that provides for local control. If each municipality wants it it is up to them to find the money.

It seems to me an appropriate way to allow municipalities to make the choices as to whether or not they want State Police or whether or not they want County Sheriff's. In my opinion that is an option that the local people can make and we don't have to make it here.

So, I would hope that you would support the legislation.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the good Representative from Eagle Lake, I think that the local communities should be given the choice to select. Other states offer this service and there is no reason why Maine shouldn't offer this service.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I totally disagree with the last two speakers because basically this is a cost — going to the cost to the state. Yes, they can hire this person for a year, two years, but we as a state are going to be picked up with that expense after it is left over. He or she actually has to come back to the department, we are going to be stuck with that person. I don't mind having local options to the community. We have it right now, you can elect to go with the Sheriff's Department, you can even hire your own police department. But, don't put any more burden on the State of Maine.

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

Representative FARNUM: Mr. Speaker, Members of the House: This bill is going to do one of two things. We are going to pay for everyone's police department or the town is going to pay for their own police department.

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

#### ROLL CALL NO. 29

YEA - Adams, Benedikt, Berry, Bigl, Brennan, Bunker, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Damren, Davidson, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gould, Green, Hatch, Heeschen, Heino, Jacques, Johnson, Jones, K.; Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lovett, Madore, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Pendleton, Perkins, Pinkham, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Stone, Strout, Townsend, Treat, Tripp, Truman, Tufts, Tuttle, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Buck, Cameron, Campbell, Carleton, Clukey, Cross, Desmond, Dexter, Dunn, Gerry, Greenlaw, Guerrette, Hartnett, Jones, S.; Joseph, Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl,

Lumbra, Martin, Marvin, Murphy, Nass, Nickerson, Ott, Paul, Peavey, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Sirois, Spear, Stedman, Taylor, Thompson, True, Tyler, Underwood, Winglass, Winsor, Yackobitz.

ABSENT - Birney, Bouffard, Chartrand, Donnelly, Gooley, Hichborn, Lemont, Look, Luther, Marshall, McElroy, Rotondi, Vigue.

Yes, 80; No, 58; Absent, 13; Paired, 0; Excused, 0.

80 having voted in the affirmative and 58 in the negative, with 13 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-62) - Minority (5) "Ought Not to Pass" - Committee on Criminal Justice on Bill "An Act to Establish a Presumption That the Owner of a Motor Vehicle Is the Driver If That Vehicle Is Involved in a High-speed Chase" (H.P. 266) (L.D. 368)

TABLED - April 4, 1995 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

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

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that has been around before. What this does is mirrors the school bus law. And, what that is - that you can take down the bus driver can take down the number of the license plate of a vehicle that would pass a school bus, that can be followed up and what this bill does is allows a law enforcement officer to do a follow-up on a high-speed chase.

I had - this bill was submitted by me from one of my constituents whose family was involved in a high-speed chase about a year ago.

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

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

Representative CLARK: Mr. Speaker, Men and Women of the House: Sorry about so many divided reports today but the committee is pretty independent in the way they think.

I hope when you vote tonight you will vote with the Minority "Ought Not to Pass" and I will explain a little bit why.

This bill goes a little bit further than was explained by the good Representative earlier. Presumption has a lot to do with it. That, I think, sends a message to everybody on a high-speed chase. I would be standing here this evening advocating no high-speed chase whatsoever, because basically anyone who gets hurt or gets killed is an innocent bystander.

This will not solve the problem here. This, I think, can make more of a problem. Imagine yourself going on vacation to Florida (nice sunny Florida about now) and one of your cars are at home. Somebody takes your car and goes for a joy-ride. The police officer chases that car, gets a number, finds out you own it but you are in Florida. Presumption. That comes into play.

There is a lot more than meets this bill than just a school bus.

Yes, this bill has been around here before, and has never come out of this building.

I hope when you vote tonight you use some common sense and not vote for this bill.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: I join with the Chairman of the Committee and urge you to vote for the "Ought Not to Pass" Report.

This bill creates strict liability infraction. Purely by ownership of the vehicle that was involved in a high-speed chase you are guilty of the infraction.

This bill will not stop high-speed chases. It imposes a civil infraction where a fine can be imposed.

The way this bill is written, even if you are the owner of this vehicle you could still be convicted of this infraction even if there is evidence that someone else was driving the vehicle. Because, the exception in the law, as written, requires that there be a conviction of someone else that they were driving the vehicle.

It requires a conviction to be excluded from being held accountable just because you are the owner of the vehicle.

I urge you to vote for the "Ought Not to Pass" Report.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: If you want to save lives I say you support the bill and vote against the "Ought Not to Pass." There is no question that the program with passing stopped school busses is effective.

All this does is give the police officer an extra tool so that if he is involved in a high-speed chase when the threat of injury for the chase outweighs the chase itself, he has an opportunity to break that chase off and then go back and further his investigation by using the plate number and identifying the vehicle.

I urge you to vote against the "Ought Not to Pass" and allow the bill to pass and be effective.

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: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: We spent some time in committee on this issue. It is not only the time we spent in committee on this issue, I used to be out there on the road and I have listened to the debate and the outcome in the last couple of session on this issue. I understand why some people would vote against this. But, being out there on the road and talking to the average person that is involved in these situations they just can't understand why we, as a body, would not take some action, affirmative action, similar to what we have already proven to be very tested and well done in the school bus situation. This mirrors it, as a matter of fact, it mirrors it

with one exception. I ask that the one section that we don't have to prove a conviction, we just have to point the person in the right direction. The owner of the vehicle only has to say, "I loaned my car to Joey." Be honest and up-front and point the person in the direction of who was the last known operator and that is it, you have done your duty as the owner and the responsible person of the vehicle.

When we take the vehicle out on the road it is not a right, it is a privilege and we allow those dangerous vehicles out there and to kill the other people that are on the road, we have to take responsibility as an owner at least to help law enforcement in the right direction.

What hasn't been spoken in what has been passed in the past on Inland Fishery and Game is identical bills. If somebody takes your snowmobile and whether your son or somebody down the road has your snowmobile with your permission and it gets involved in some kind of criminal activity, the law is very clear that they can go back and charge the owner of that snowmobile. We expect all these stringent things in Inland Fisheries and Game but we can't expect the same kind of level of responsibility to people on the highway.

Like I said, just to close, I know we get up here and talk a long time, but when I explain to the average citizen out there that we just can't take the license plate number down and try to do something to deter the owner or the operators of that vehicle that we have to catch them and ID them physically, they just can't understand that, they really can't understand that and I hope that you would support the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Members of the House: I would pose a question through the Chair.

Why can't the police just take the number from the plate now? I can't quite understand it and never could, and still don't.

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

The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: I was trying to discuss something else, I understand the question to be that why can't you just take the license plate number and then to deal with it that way? The problem that we are running into and the same problem was the big problem with the school bus is that (a sad thing to say) but the people that tend to be high-speed chase people and the people that tend to be violators of passing stopped school busses are the same people that when you come to try to figure out who did it, don't want to cooperate. So then you get back to trying to address the owner of the vehicle and a lot of times when you are dealing with a certain element of people the owners of those vehicles will do whatever they can to assist and not getting somebody else in trouble. But, when you own a vehicle I think when you have that responsibility of owning the vehicle then you should be owning up to that responsibility and helping law enforcement continue their investigation.

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

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

I have heard a lot of the analogies made between passing stopped school busses and high-speed chases and instinctively I am thinking that the person passing a school bus probably is the owner of the car but instinctively I am thinking that the person in a high-speed chase probably isn't the owner of the car. Maybe that is because we watch too much television and we see CNN covering these, and the also seem to be stolen cars. I throw that out — is that a true assumption to make that often the high-speed chase is in fact a stolen vehicle?

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

The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I kind of totally agree with the statement just made, basically the one driving that car going by that school bus is the owner of that vehicle and I hope we don't put the same figure on a school bus compared to high-speed chase because I don't think it is in the same class. Basically when a person is in a high-speed chase they are trying to get away from the law enforcement. Most of the time it is somebody who has a car, they are not supposed to be having it, might have borrowed that car, the last thing you want to do is put a liability on somebody home in bed sleeping, that his car might have been stolen, her car might have been stolen and make them go to court and question something they didn't do.

I think the bill is totally wrong. I hope when you vote you vote "Ought Not to Pass."

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

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: In addressing the last question it has been my experience that most of the people who are running from the police are either intoxicated or have no license and that is their motive for running.

In the dozens and dozens of chases that I have been involved in, three involved stolen vehicles, the rest were all operating after suspension or something else.

I don't look at this as a police tool, although it is.

I would support the Majority Report which I believe this is a safety issue, cut and dry, safety.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, the many chases, high-speed chases, that I was ever involved in very very few of them involved stolen vehicles. I agree with the gentleman who just spoke, most of them are operating after suspension or operating under the influence, and doesn't want to be stopped by the police.

I think that this would be an effective tool in dealing with that issue.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: One of the issues you have to

realize here is that if these are drunks and this is not going to stop these chases, this bill, in any way. If someone is willing to run from the police, putting a \$200 ticket on the owner of the vehicle, if they are going to hide the identity of that driver, there are criminal laws in which to prosecute them for filing false statements to the police. There are already laws in place that if someone lies to the police about the whereabouts of any of the aspects with relation to a criminal investigation there are criminal laws to prosecute them. This is a strict liability law which would impose a penalty on the owner of the vehicle and it puts the burden on the owner of the vehicle to get out of it. I think that is the wrong way to go about it.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to clarify the part about the stolen vehicle. There are four exceptions to this, to the owner being convicted of this infraction. One of them is if the officer has probable cause that the vehicle was stolen.

All this is is a tool and probably wouldn't be used more than one percent of the time. But, if it just saved one life, I think it would be worth the effort. So, I urge you to vote against the "Ought Not to Pass" so we can go on to vote for the "Ought to Pass."

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: Just one quick thing. I believe that anybody loaning their car to anybody has a responsibility to make sure that that person is a responsible person and if they get in trouble with it I think they should give them up if their car is ultimately involved in a high-speed chase, the officer comes, they should say, "Yea, I am sorry, I loaned it to so and so." You have a responsibility for your own vehicle and who you loan it to.

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

Representative PAUL: Mr. Speaker, Men and Women of the House: In my 26 years in law enforcement in reading this bill the word that bothers me is presumption. I almost think this is unconstitutional because when you go to court, an officer takes someone to court they have to prove who is behind the wheel and I wish somebody would remark and clear that up for me if they differ.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: I would be glad to answer Representative Paul. The violation in this case is an infraction and in that level of adjudication the presumption is very adequate and it is not going to run into that situation. If it was a Class E or D crime or a crime of some type I would agree with the good Representative.

The SPEAKER: A roll call has been ordered. The pending question is the motion of Representative Clark of Millinocket that the House accept the Minority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 30

YEA - Adams, Ahearne, Benedikt, Berry, Brennan, Chase, Chick, Chizmar, Clark, Cloutier, Davidson, Dexter, DiPietro, Donnelly, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Hartnett, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Joyner, Keane, Kerr, LaFountain, Lemaire, Libby JD; Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, O'Neal, Paul, Pendleton, Perkins, Poirier, Poulin, Pouliot, Ricker, Rosebush, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Underwood, Volenik, Watson, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Buck, Bunker, Cameron, Campbell, Carleton, Clukey, Cross, Daggett, Damren, Desmond, Driscoll, Dunn, Gerry, Gieringer, Greenlaw, Guerrette, Heino, Jones, S.; Joy, Joyce, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemke, Libby JL; Lindahl, Lovett, Lumbra, Madore, Marvin, Mayo, McAlevy, McElroy, Nickerson, O'Gara, Ott, Peavey, Pinkham, Plowman, Povich, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Rowe, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Birney, Bouffard, Chartrand, Gooley, Hichborn, Lemont, Look, Luther, Marshall, Rotondi, Vigue.

Yes, 70; No, 70; Absent, 11; Paired, 0; Excused, 0. 70 having voted in the affirmative and 70 in the negative, with 11 being absent, the motion to accept the Minority "Ought Not to Pass" Report failed.

Subsequently, Representative STROUT of Corinth moved that the House accept the Majority "Ought to Pass" Report.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I have to catch my breath with that one. I hope when you vote you don't vote with the Majority "Ought to Pass" Report, and go with with the Minority Report as I stated earlier. Basically this is presumption, you are going to be guilty even if you didn't have that vehicle. Think in your mind, do you want to have your constituents — you go home and tell them they are going to be guilty of a crime of nobody even driving that vehicle?

You talk about law enforcement having a tool, let law enforcement use a tool that they have just been given. They were given a blanket with spikes they could put out. That will stop a high-speed chase. This bill will not stop a high-speed chase. That person is still going to try to outrun a police officer.

If you want a tool, like I said earlier, let them use the blanket. Let them use the blanket and stop the high-speed chase. Like I said earlier, if I thought one minute this would stop and save a life, I would be on the other side. This is going to make it harder for the people back home to justify that they weren't behind that wheel. You want to give that message to the people you represent back home then vote yes.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I disagree. I feel that this bill will stop a high-speed chase because just the minute that police officer backs off and doesn't

pursue that vehicle the operator is going to slow down.

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

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: The logic of a high-speed chase whether it is to pursue that or to get a license number, every bone in our body says get the license number and deal with it later. The police officer goes to the license plate owner, the owner of the car, and says your car was involved in that chase, who was driving? The question then is whether the owner of the car has the motivation to cooperate so that the person who was really at fault is reasonably apprehended.

I think it is a reasonable proposition. I think the accountability lays with the owner of the car. I think it is appropriate as a mechanism to stop high-speed chases and I hope we pass this law.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Men and Women of the House: That made a lot of sense, what the good Representative said, and I agree with him except that the word presumption in this situation scares me. I think the police have enough tools. I think the blanket with the nails in it, from what I read, does work. I would urge you to vote against this bill.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I can't believe I am standing up on this. If I could just have your tolerance for one brief moment. It sounds to me as though the motivation will be that it will be presumed that you are guilty. I can't believe in America today we are discussing the possibility of presuming that you are the driver and that you are guilty of the high-speed chase, as a method to convince you to cooperate with the police and find out who took your car out.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Rosebush.

Representative ROSEBUSH: Mr. Speaker, Men and Women of the House: I have a little problem with this bill. What if a police officer receives a wrong number on the plate and they end up at somebody's house? Which, mistakes happen. Then that person is going to have to prove their innocence when they don't even know what the heck is going on.

Another problem I have with it is high-speed chase — you have a police officer sitting on the side of the road and if a car goes flying by him say 110 miles an hour, that police officer has to go out and basically start chasing him just to get the number and in the mean time what is going to happen? They are probably going to be calling ahead to set up the spikes in the mean time.

I am going to vote against this "Ought to Pass" for the reason being that you are going to be presumed guilty and proven.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clear up what the past speaker just brought up as getting the wrong number. If that happened, the information that would

come back on that vehicle with the number given would be the wrong vehicle. I am sure that the police officer would pick that up.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: Just a short point. No one knows what happens with this bill if you have a vehicle registered to the husband and the wife, by the way. So, both of you can get a ticket.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: I apologize for rising. I listened to this debate in the 116th. I assumed it was the result of a very gruesome high-speed chase in my district. I don't know if many of you know about the City of Brewer, but as you approach the City of Brewer from Bar Harbor there is a crest in the hill. Over the hill there was a road block. The road block was there just to check lights, licenses, and just a routine check. A vehicle Camero of sorts or whatever came over the crest, saw the road block, spun around in the middle of the road, sped off over the rise. The police officer, then in pursuit, went over the rise — if any of you know 1-A in Brewer, it is a significant two lane highway. They chased this vehicle for six or seven miles, turned left on a connector road, which is Route 46 to Route 9, by then they had lost the vehicle. In the six miles they did get to a point where they could identify the plate. At that point they could have stopped, they continued pursuit. They went up a very treacherous road for about four miles. By the time the police came to the point where they could see the car it had run into a young doctor with his kids, a girlfriend with her kids, killed the doctor immediately and also killed the two kids in the car they were pursuing, the Camero.

I feel that this bill is simply a tool for those policemen to call off that chase. Policemen are intelligent people, if the tag number is wrong they will find that out. If the driver isn't the owner, they will also find that out.

I believe this is simply a tool and I sincerely believe that those three people, the young doctor, in which his children saw him dead and the two kids (intoxicated or not) would still be alive because the chase would have been called off. I believe this is simply a tool — please allow the police to identify that tag and call off the chase.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: I would like to say briefly the current laws that have to do with ATV's and snowmobiles and the current law with the schools busses and all that, if there was such wide-spread abuse of enforcing and using this new change as a tool then we would probably be here today trying to revoke what we gave permission to in those areas in the past. I would say that it is out there, it is working and I would just encourage you to endorse this as well in that same light.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, I would pose a question to whoever could answer the question. Would it give the people a level of comfort to employ



those speed brakes, those spikes that are available, are they widely available and would that stop the high-speed chases?

The SPEAKER: Representative Povich of Ellsworth has posed a question through the Chair to any member who may respond if they so desire, the Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I don't claim to be an expert or past law enforcement officer, but anything you watched on television or anything you have seen, they definitely work. They definitely work. They have got to be used. I don't think they have been used that much in the State of Maine. I think a lot of departments have them right now, give them a chance to be used. I think that will stop a car a lot faster than giving the right or presumption to follow that car any further.

As a matter of fact, a police officer can back off at any time, why pursue someone when they are going that fast? A little common sense would tell you to back off. Why don't they back off? Why have they stopped some of these? There wouldn't be any accidents today if they would just back off a little bit.

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

Representative STONE: Mr. Speaker, Men and Women of the House: I would like to pose a question for Representative Clark or another member of the Criminal Justice Committee, if somebody could tell me how many high-speed chases there have been in the last two years in the State of Maine?

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

The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: That information was never brought to us at the committee. In fact, there was never any information given to us that on any number of high-speed chases that they couldn't identify the driver. We weren't given any of that information in support of the bill.

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

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: I think the pads that they are talking about as far as stopping the fleeing vehicle works very well. But, that is assuming there is a police officer in front of that fleeing vehicle. You have got to remember this is a very rural state and God Bless their hearts there are many many nights there are men and women out there working alone as police officers and they are the only person around in 100 and some odd miles. Many times, they are it, there is nobody else.

We also must consider one other aspect. There is a presumption with this law that the owner of the vehicle is the operator. Statistically you probably could prove that but there is one other element that we have got to look at and that is once that police officer turns that ticket in he has got a district attorney he has to deal with and he has got to come up with some proof and he has got to go through a legal system that is designed to protect the people who are charged. So, it is not as if you write the

ticket and the person is found guilty. There is a presumption. We have a presumption in our speeding laws, we presume by writing our law that being clocked on radar is a presumption of speeding. We have a presumption that if you pass a school bus, the operator of that vehicle is the owner.

I shan't speak to this again.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I would like to tell you about a young trooper from the southern part of the state who was a single parent. His wife died of a long illness and left him with two young daughters. He wasn't a thrill seeker, he had no desire to be involved in high-speed chases unless it meant that he was helping to apprehend someone who was a bad guy. This young man signed off and headed home because he worked the night shift and he was looking forward to having breakfast with his daughters before they went off to school in the morning. Unfortunately, before he got too far down the road, there was a high-speed chase called in and he happened to be in front of the car, not behind the car, but in front of the car. They wanted to slow this fellow down so they could get his license plate. That guy didn't make it home that morning. He died. He wasn't a thrill seeker, wasn't his greatest dream in life to become a state trooper so he could chase people up and down the highway at 100 miles an hour. He just wanted to be a good dad, provide a good living and do his job. He is not here.

The last time I gave this floor speech his cousin was sitting up there, she came to hear and see and to help testify as to the fact that these police officers want to go home every night. They don't live on the edge trying to kill themselves chasing people around. They do it because they have to find out and protect the people that they were sworn to protect and that they were hired to protect.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: Just to set the Record straight, police officers are involved in high-speed chases a lot more than what we are talking about here, almost every day, at least every week a police officer is involved in some sort of a chase out there. Departments wrestle with policy dealing with high-speed chases all the time.

If the good Representative from Millinocket thinks that you can start dropping off these chases once you get above a certain speed, you are just going to increase the number of high-speed chases that you have out there because everyone is going to know that the police are going to drop off these chases and that is just going to encourage people to be involved in high-speed chases more and more and more.

This bill will give the police the tool they need to be able to drop off a chase and continue the investigation.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: Just a point of clarification on this particular chase and the spikes. In this case it was six miles from Brewer to Holden and then five miles from Holden to Eddington. There was no way that another trooper or law enforcement officer could get in front of this chase in the short time that



they were in pursuit. So, I think it is an option in the city where you can get around to it, but in this case there was not way that they could call in reinforcements and drop that blanket.

I urge passage of the "Ought to Pass" Report.

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

A vote of the House was taken.

Representative AIKMAN of Poland requested a roll call on the motion to accept the Majority "Ought to Pass" Report.

The SPEAKER: A roll call has been requested, for the Chair to order a roll call it must have the expressed desire of more than one-fifth 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 is the motion of Representative Strout of Corinth that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 31

YEA - Aikman, Ault, Bailey, Barth, Bigl, Buck, Bunker, Cameron, Campbell, Carleton, Clukey, Cross, Damren, Driscoll, Dunn, Gerry, Greenlaw, Guerrette, Heino, Jones, S.; Joy, Joyce, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemke, Libby JL; Lindahl, Lumbra, Madore, Marvin, Mayo, McAlevey, McElroy, Nickerson, O'Gara, Ott, Peavey, Plowman, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Rowe, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

NAY - Adams, Ahearne, Benedikt, Berry, Brennan, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gould, Green, Hartnett, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Joyner, Keane, Kerr, LaFountain, Lemaire, Libby JD; Lovett, Marshall, Martin, Meres, Mitchell EH; Morrison, Murphy, Nadeau, Nass, O'Neal, Paul, Pendleton, Perkins, Pinkham, Poirier, Poulin, Pouliot, Povich, Ricker, Rosebush, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Underwood, Volenik, Watson, Winn, The Speaker.

ABSENT - Birney, Bouffard, Chartrand, Gooley, Hichborn, Lemont, Look, Luther, Mitchell JE; Rotondi, Vigue.

Yes, 63; No, 77; Absent, 11; Paired, 0; Excused, 0.

63 having voted in the affirmative and 77 in the negative, with 11 being absent, the motion to accept the Majority "Ought to Pass" Report was not accepted.

Representative CLARK of Millinocket, moved that the House accept the Minority "Ought Not to Pass" Report.

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

Bill "An Act to Amend the Laws Pertaining to the Duties of Skiers and Tramway Passengers by Defining Inherent Risks" (H.P. 801) (L.D. 1118)

(Committee on Business and Economic Development suggested)

TABLED - April 4, 1995 (Till Later Today) by Representative ROWE of Portland.

PENDING - Reference.

On motion of Representative ROWE of Portland, the Bill was referred to the Committee on Business and Economic Development, ordered printed and sent up for concurrence.

#### TABLED AND TODAY ASSIGNED

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

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-35) - Minority (3) "Ought Not to Pass" - Committee on Banking and Insurance on Bill "An Act to Repeal the Prohibition on Prejudgment Attachments in Consumer Credit Cases" (S.P. 124) (L.D. 299)

- In Senate, Minority "Ought Not to Pass" Report read and accepted.

TABLED - April 4, 1995 by Representative CAMPBELL of Holden.

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

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative CAMPBELL of Holden to accept the Majority "Ought to Pass" as amended Report and specially assigned for Thursday, April 6, 1995.

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" - Committee on Agriculture, Conservation and Forestry on Bill "An Act to Require Labeling on Genetically Engineered Food" (H.P. 220) (L.D. 279)

TABLED - April 4, 1995 by Representative KILKELLY of Wiscasset.

PENDING - Motion of same Representative to accept the Minority "Ought to Pass" Report.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative KILKELLY of Wiscasset to accept the Minority "Ought to Pass" Report and specially assigned for Thursday, April 6, 1995.

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-46) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing Maine Citizens to Propose Constitutional Amendments by Initiative (H.P. 227) (L.D. 305)

TABLED - April 4, 1995 by Representative AHEARNE of Madawaska.

PENDING - Motion of Representative DAGGETT of Augusta to accept the Majority "Ought Not to Pass" Report.

On motion of Representative JACQUES of Waterville, tabled pending the Motion of Representative DAGGETT of Augusta to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, April 6, 1995.

HOUSE ORDER - Relative to House Rule 1 and House Rule 55 (H.O. 17)

- In House, Read on March 30, 1995.

TABLED - April 4, 1995 by Representative JACQUES of Waterville.  
PENDING - Passage.

On motion of Representative JACQUES of Waterville, tabled pending passage and specially assigned for Thursday, April 6, 1995.

HOUSE ORDER - Relative to amending House Rule 7 (H.O. 15)

- In House, Read on March 21, 1995.

TABLED - April 4, 1995 by Representative CARLETON of Wells.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative JACQUES of Waterville, tabled pending passage and specially assigned for Thursday, April 6, 1995.

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

#### SENATE PAPERS

Bill "An Act to Amend the Requirements for School Construction Projects" (S.P. 444) (L.D. 1211)

Came from the Senate, referred to the Committee on Education and Cultural Affairs and Ordered Printed.

Was referred to the Committee on Education and Cultural Affairs in concurrence.

Bill "An Act to Eliminate State Participation in the Retail Liquor Business" (S.P. 445) (L.D. 1212)

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 Protect Near-shore Groundfish Spawning Areas" (EMERGENCY) (S.P. 443) (L.D. 1210)

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

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring" (S.P. 446) (L.D. 1213)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

The following Joint Resolution: (S.P. 442)

#### JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE DAYS OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

WHEREAS, 53 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the year 1995 is the 50th anniversary of the conclusion of World War II; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi

concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 27, 1995 has been designated internationally as a Day of Remembrance of the Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 23rd to April 30th as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

#### ORDERS

On motion of Representative O'GARA of Westbrook the following Joint Order (H.P. 882)

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation report out a bill, "An Act Concerning Environmental Registration Plates," to the House of Representatives.

Was read and passed and sent up for concurrence.

On motion of Representative DORE of Auburn, the House adjourned at 6:18 p.m. until 9:30 a.m., Thursday, April 6, 1995 in memory of those who suffered as victims of the Holocaust.