

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
35th Legislative Day
Wednesday, April 26, 1995

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

Prayer by the Reverend James McPhee, United Methodist Church, Brunswick.

The Journal of yesterday was read and approved.

SPEAKER GWADOSKY: Oklahoma Governor, Frank Keating, has asked the citizens of his state to observe a moment of silence in memory of the victims of the Oklahoma City bombing at 9:02 Central time.

At 10:02 Eastern time, it would be our intention to join with the citizens of Oklahoma in this observance. The Chair will interrupt proceedings at that time so that we may join in a moment of silence.

SENATE PAPERS

The following Communication: (H.C. 113)
Maine State Senate
State House Station 3
Augusta, Maine 04333
April 25, 1995

The Honorable Joseph W. Mayo

Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby Passage to Be Engrossed as Amended Failed on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil." (S.P. 117) (L.D. 292)

Sincerely,
S/May M. Ross
Secretary of the Senate

Was read and ordered placed on file.

The following Communication: (H.C. 114)
Maine State Senate
State House Station 3
Augusta, Maine 04333
April 25, 1995

The Honorable Joseph W. Mayo

Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Minority Ought Not to Pass Report on Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms." (H.P. 127) (L.D. 175)

Sincerely,
S/May M. Ross
Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-62) on Bill "An Act to Stabilize Health Insurance Rates for Small Businesses" (S.P. 164) (L.D. 425)

Signed:

Senator:

Representatives:

MCCORMICK of Kennebec
CAMPBELL of Holden
CHASE of China
GATES of Rockport
GUERRETTE of Pittston
MAYO of Bath
VIGUE of Winslow
MITCHELL of Vassalboro
SAXL of Portland

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

Signed:

Senators:

Representatives:

ABROMSON of Cumberland
SMALL of Sagadahoc
JONES of Pittsfield
LUMBRA of Bangor

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

Was read.

Representative VIGUE of Winslow moved that the House accept the Majority "Ought to Pass" as amended Report.

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

Divided Report

Majority Report of the Committee on Legal and Veterans Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning the Required Distance between Agency Liquor Stores" (S.P. 227) (L.D. 587)

Signed:

Senators:

Representatives:

MICHAUD of Penobscot
STEVENS of Androscoggin
LABRECQUE of Gorham
MURPHY of Berwick
BUCK of Yarmouth
CHIZMAR of Lisbon
LEMONT of Kittery
TRUMAN of Biddeford
GAMACHE of Lewiston
NADEAU of Saco
FISHER of Brewer
TRUE of Fryeburg

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

Signed:

Senator:

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

Was read.

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

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

COMMUNICATIONS

The following Communication: (S.P. 516)
MAINE STATE SENATE
STATE HOUSE STATION #3

AUGUSTA, MAINE 04333

April 13, 1995

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

Dear Mr. President and Mr. Speaker:

On April 13, 1995, eight bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 13, 1995 as follows:

Agriculture, Conservation and Forestry

Bill "An Act to Clarify the Animal Welfare laws and Euthanasia Procedures Performed by Certain Officials" (S.P. 497) (L.D. 1356) (Presented by Senator CASSIDY of Washington) (Cosponsored by: Representative KILKELLY of Wiscasset) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Business and Economic Development

Resolve, to Determine the Effectiveness of Economic Development Incentives in Maine (EMERGENCY) (S.P. 494) (L.D. 1353) (Presented by Senator RAND of Cumberland) (Cosponsored by Representative TUTTLE of Sanford and Senators: BUSTIN of Kennebec, CAREY of Kennebec, ESTY of Cumberland, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HATHAWAY of York, LONGLEY of Waldo, McCORMICK of Kennebec, MICHAUD of Penobscot, PARADIS of Aroostook, PINGREE of Knox, RUHLIN of Penobscot, Representatives: ADAMS of Portland, BERRY of Livermore, CHASE of China, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, DORE of Auburn, GATES of Rockport, GERRY of Auburn, HATCH of Skowhegan, LEMAIRE of Lewiston, ROSEBUSH of East Millinocket, SAMSON of Jay, TRUMAN of Biddeford, VOLENIK of Sedgwick)

Bill "An Act to Modify the Electricians' Examining Board Law" (S.P. 495) (L.D. 1354) (Presented by Senator HALL of Piscataquis) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act to Create the Propane and Natural Gas Professional Act of 1995" (S.P. 498) (L.D. 1357) (Presented by Senator HARRIMAN of Cumberland)

Education and Cultural Affairs

Bill "An Act to Amend the Laws Relating to Administrator Certification" (S.P. 493) (L.D. 1352) (Presented by Senator CARPENTER of York) (Cosponsored by Senator: O'DEA of Penobscot, Representatives: McELROY of Unity, MITCHELL of Vassalboro) (Submitted by the Department of Education pursuant to Joint Rule 24.)

Judiciary

Bill "An Act to Authorize the Formation of Limited Liability Partnerships" (S.P. 499) (L.D. 1358) (Presented by Senator HARRIMAN of Cumberland) (Cosponsored by Representative DORE of Auburn and Senators: ABROMSON of Cumberland, BENOIT of Franklin, CAREY of Kennebec, CARPENTER of York, CIANCHETTE of Somerset, FERGUSON of Oxford, LORD of York, O'DEA of Penobscot, RAND of Cumberland, Representatives: DUNN of Gray, GWADOSKY of Fairfield, JACQUES of Waterville, KEANE of Old Town, MURPHY of Berwick, NADEAU of Saco, PLOWMAN of Hampden, REED of Falmouth, TRIPP of Topsham)

Natural Resources

Bill "An Act to Regulate Automobile Refinishing Operations" (S.P. 492) (L.D. 1351) (Presented by Senator BUSTIN of Kennebec) (BY REQUEST) (Cosponsored by Representative: MADORE of Augusta)

State and Local Government

Bill "An Act to Establish Standards for Privatization Contracts" (S.P. 496) (L.D. 1355) (Presented by Senator BUSTIN of Kennebec)

Sincerely

S/May M. Ross

Secretary of the Senate

S/Joseph W. Mayo

Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 517)

**MAINE STATE SENATE
STATE HOUSE STATION 3
AUGUSTA, MAINE 04333**

April 14, 1995

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

Dear Mr. President and Mr. Speaker:

On April 14, 1995, thirteen bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 14, 1995 as follows:

Agriculture, Conservation and Forestry

Bill "An Act to Permit Boarding and Licensed Kennels to Administer Rabies Vaccinations" (S.P. 503) (L.D. 1362) (Presented by Senator MICHAUD of Penobscot)

Business and Economic Development

Bill "An Act Concerning the Acupuncture Certificate of Licensure Laws" (S.P. 502) (L.D. 1361) (Presented by Senator PINGREE of Knox)

Bill "An Act to Promote Long-term Economic Development through the Establishment of the Maine Technology Investment Fund" (EMERGENCY) (S.P. 511) (L.D. 1370) (Presented by Senator PINGREE of Knox) (Cosponsored by Senators: CAREY of Kennebec, CARPENTER of York, CIANCHETTE of Somerset, CLEVELAND of Androscoggin, ESTY of Cumberland, FAIRCLOTH of Penobscot, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, LAWRENCE of York, MICHAUD of Penobscot, O'DEA of Penobscot, RAND of Cumberland, RUHLIN of Penobscot, Representatives: BERRY of Livermore, CHARTRAND of Rockland, DAVIDSON of Brunswick, DEXTER of Kingfield, HEESCHEN of Wilton, KILKELLY of Wiscasset, KONTOS of Windham, LOOK of Jonesboro, ROWE of Portland, SAMSON of Jay, SPEAR of Nobleboro, TOWNSEND of Portland, WATSON of Farmingdale)

Human Resources

Bill "An Act to Expand Project Opportunity and Replace Welfare Entitlement Programs with Unemployment Programs" (S.P. 509) (L.D. 1368) (Presented by Senator PENDEXTER of Cumberland) (Cosponsored by Representative JOYNER of Hollis and Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BUTLAND of Cumberland, CARPENTER of York, CASSIDY of Washington, FERGUSON of Oxford, HALL of Piscataquis,

HANLEY of Oxford, HATHAWAY of York, KIEFFER of Aroostook, LORD of York, MILLS of Somerset, SMALL of Sagadahoc, STEVENS of Androscoggin, Representatives: AULT of Wayne, BAILEY of Township 27, CARLETON of Wells, DAMREN of Belgrade, DUNN of Gray, GOOLEY of Farmington, JONES of Pittsfield, JOYCE of Biddeford, KNEELAND of Easton, LINDAHL of Northport, LOVETT of Scarborough, LUMBRA of Bangor, MARVIN of Cape Elizabeth, McELROY of Unity, NASS of Acton, POIRIER of Saco, REED of Falmouth, RICE of South Bristol, SAVAGE of Union, STEDMAN of Hartland, TAYLOR of Cumberland, TUFTS of Stockton Springs, WHITCOMB of Waldo, WINGLASS of Auburn, WINSOR of Norway)

Judiciary

Bill "An Act to Establish a New Prosecutorial District Consisting of Oxford County and Franklin County" (S.P. 500) (L.D. 1359) (Presented by Senator FERGUSON of Oxford) (Cosponsored by Senators: BENOIT of Franklin, CLEVELAND of Androscoggin, HANLEY of Oxford, Representatives: BARTH of Bethel, DEXTER of Kingfield, GOOLEY of Farmington, WINSOR of Norway)

Bill "An Act Concerning the Judicial Endorsement of Persons Held for Evaluation Treatment" (S.P. 501) (L.D. 1360) (Presented by Senator FAIRCLOTH of Penobscot) (Cosponsored by Senator MILLS of Somerset and Representative: WATSON of Farmingdale) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act Concerning the Termination of Parental Rights" (S.P. 508) (L.D. 1367) (Presented by Senator PINGREE of Knox) (Cosponsored by Representative PLOWMAN of Hampden and Senators: BENOIT of Franklin, CAREY of Kennebec, FAIRCLOTH of Penobscot, LONGLEY of Waldo, McCORMICK of Kennebec, O'DEA of Penobscot, PENDEXTER of Cumberland, RUHLIN of Penobscot, Representatives: CAMERON of Rumford, DEXTER of Kingfield, DORE of Auburn, KILKELLY of Wiscasset, SIMONEAU of Thomaston)

Bill "An Act Relating to Civil Actions, Providing for the Defense of Assumption of Risk, Providing for Standards of Liability in Product Liability Actions and Providing for Standards and Procedures in Awarding Punitive Damages" (S.P. 512) (L.D. 1371) (Presented by Senator CIANCHETTE of Somerset) (Cosponsored by Senators: BUTLAND of Cumberland, CAREY of Kennebec, FERGUSON of Oxford, HARRIMAN of Cumberland, KIEFFER of Aroostook, Representatives: CAMERON of Rumford, KERR of Old Orchard Beach, PLOWMAN of Hampden, WHITCOMB of Waldo)

Labor

Resolve, Concerning the Workweek of Department of Corrections Personnel (S.P. 505) (L.D. 1364) (Presented by Senator BUSTIN of Kennebec)

State and Local Government

Resolve, to Provide Clear Title for the Maine Judicial Center (EMERGENCY) (S.P. 507) (L.D. 1366) (Presented by Senator BUSTIN of Kennebec) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act to Amend the Law to Reflect Recent Changes in the Joint Rules" (S.P. 510) (L.D. 1369) (Presented by President BUTLAND of Cumberland) (Cosponsored by Speaker GWADOSKY of Fairfield)

Taxation

Bill "An Act to Promote Modernization and Job Training for Small and Medium-sized Businesses in Maine" (S.P. 506) (L.D. 1365) (Presented by President BUTLAND of Cumberland) (Cosponsored by Senator: HARRIMAN of Cumberland, Representatives: MURPHY of Berwick, REED of Falmouth, SPEAR of Nobleboro)

Transportation

Bill "An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1995" (EMERGENCY) (S.P. 504) (L.D. 1363) (Presented by Senator STEVENS of Androscoggin) (Cosponsored by Senators: BEGLEY of Lincoln, BENOIT of Franklin, CARPENTER of York, CASSIDY of Washington, CLEVELAND of Androscoggin, LORD of York, PENDEXTER of Cumberland, SMALL of Sagadahoc, Representatives: BAILEY of Township 27, CHARTRAND of Rockland, RICKER of Lewiston, TUFTS of Stockton Springs, UNDERWOOD of Oxford) (Submitted by the Maine Turnpike Authority pursuant to Joint Rule 24.)

Sincerely,

S/May M. Ross

Secretary of the Senate

S/Joseph W. Mayo

Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 518)

**MAINE STATE SENATE
STATE HOUSE STATION 3
AUGUSTA, MAINE 04333**

April 18, 1995

Jeffrey H. Butland

President of the Senate

117th Legislature

Dan A. Gwadosky

Speaker of the House

117th Legislature

Dear Mr. President and Mr. Speaker:

On April 18, 1995, three bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 18, 1995 as follows:

Judiciary

Resolve, to Authorize the Joint Standing Committee on Judiciary to Study and Make Recommendations Concerning the Enactment of the Uniform Adoption Act (EMERGENCY) (S.P. 513) (L.D. 1398) (Presented by Senator MILLS of Somerset)

Bill "An Act to Amend the Adoption Laws" (S.P. 515) (L.D. 1400) (Presented by Senator MILLS of Somerset)

Legal and Veterans Affairs

Bill "An Act to Control the Sale and Display of Tobacco Products" (S.P. 514) (L.D. 1399) (Presented by Senator MILLS of Somerset)

Sincerely,

S/May M. Ross

Secretary of the Senate

S/Joseph W. Mayo

Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 520)

**MAINE STATE SENATE
STATE HOUSE STATION 3
AUGUSTA, MAINE 04333**

April 19, 1995

Jeffrey H. Butland

President of the Senate

117th Legislature

Dan A. Gwadosky
Speaker of the House
117th Legislature

Dear Mr. President and Mr. Speaker:

On April 19, 1995, one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, the following bill was referred to the Joint Standing Committee on Human Resources on April 19, 1995 :

Bill "An Act Relating to the Establishment of a Continuum of Quality and Affordable Long-term Care and Service Alternatives" (S.P. 519) (L.D. 1401) (Presented by Senator PENDEXTER of Cumberland) (Cosponsored by Senators: AMERO of Cumberland, BUSTIN of Kennebec, HARRIMAN of Cumberland, HATHAWAY of York, McCORMICK of Kennebec, Representatives: MADORE of Augusta, REED of Falmouth, TRIPP of Topsham)

Sincerely,
S/May M. Ross
Secretary of the Senate
S/Joseph W. Mayo
Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (H.C. 115)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002
April 25, 1995

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

Dear Clerk of the House:

Please be advised that I have made the following appointments:

State Emergency Response Commission; Pursuant to Title 37-B, M.R.S.A., Section 792:

Mr. Joseph E. Bolduc of Oakland, as the public member who is a volunteer firefighter.

Advisory Commission on Radioactive Waste; Pursuant to Title 38, M.R.S.A., Section 1453-A:

Dr. John Chen of Fairfield, as the public member with interest.

Please let me know if you have any questions regarding these appointments.

Sincerely,
S/Dan A. Gwadosky
Speaker of the House
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Business and Economic Development

Bill "An Act to Modify the Licensure Act for Substance Abuse Counselors" (H.P. 1008) (L.D. 1419) (Presented by Representative LIBBY of Kennebunk)

(Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Education and Cultural Affairs

Resolve, To Permit Aides to Work under the Direct Supervision of Speech Therapists in Public Schools (H.P. 1003) (L.D. 1414) (Presented by Representative WINN of Glenburn)

Human Resources

Resolve, to Create Access to Child Care (H.P. 1002) (L.D. 1413) (Presented by Representative SAXL of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, AULT of Wayne, CARLETON of Wells, DAVIDSON of Brunswick, DONNELLY of Presque Isle, DORE of Auburn, ETNIER of Harpswell, FITZPATRICK of Durham, GUERRETTE of Pittston, JACQUES of Waterville, JONES of Bar Harbor, KONTOS of Windham, LEMAIRE of Lewiston, MAYO of Bath, MITCHELL of Vassalboro, MITCHELL of Portland, O'NEAL of Limestone, ROBICHAUD of Caribou, SAXL of Bangor, TRUE of Fryeburg, WHEELER of Bridgewater, Senators: ABROMSON of Cumberland, ESTY of Cumberland, McCORMICK of Kennebec, PENDEXTER of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Legal and Veterans Affairs

Bill "An Act to Establish Air Medical Services in the State in Conjunction with the Maine Army National Guard" (H.P. 1004) (L.D. 1415) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Representatives: BERRY of Livermore, CHIZMAR of Lisbon, CLARK of Millinocket, MORRISON of Bangor, NADEAU of Saco, SAMSON of Jay, TYLER of Windham)

Natural Resources

Resolve, Directing the State Planning Office to Improve the Coordination of State Agencies and Resources Involved in Projects Having an Environmental Significance (H.P. 1005) (L.D. 1416) (Presented by Representative BENEDIKT of Brunswick) (Cosponsored by Representatives: FISHER of Brewer, GOULD of Greenville, KEANE of Old Town, MAYO of Bath, POULIOT of Lewiston, TOWNSEND of Portland, Senator: RAND of Cumberland)

Taxation

Bill "An Act to Restrict Application of the Maine Tree Growth Tax Law" (H.P. 1006) (L.D. 1417) (Presented by Representative PERKINS of Penobscot) (By Request)

Bill "An Act to Fund Drug Abuse Resistance Education (DARE) by Increasing the Tobacco Tax by 1.5 Mills" (H.P. 1007) (L.D. 1418) (Presented by Representative BUNKER of Kossuth Township) (By Request) (Cosponsored by Representatives: BAILEY of Township 27, CLARK of Millinocket, GOOLEY of Farmington, WATSON of Farmingdale, WHEELER of Bridgewater)

REPORTS OF COMMITTEES Ought to Pass as Amended

Representative GOULD from the Committee on **Natural Resources** on Bill "An Act to Repeal the Motor Vehicle Emission Inspection Program" (EMERGENCY) (H.P. 54) (L.D. 48) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-143)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-143) was read by the Clerk and adopted.

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

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-143) and sent up for concurrence. Ordered sent forthwith.

Ought to Pass as Amended

Representative O'GARA from the Committee on **Transportation** on Bill "An Act to Create a Purple Heart License Plate" (H.P. 102) (L.D. 137) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-154)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-154) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 27, 1995.

Ought to Pass as Amended

Representative O'GARA from the Committee on **Transportation** on Bill "An Act to Permit Greenhouses To Have Temporary Road Signs" (H.P. 193) (L.D. 252) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-153)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-153) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 27, 1995.

Ought to Pass as Amended

Representative DORE from the Committee on **Taxation** on Bill "An Act to Amend the Law Governing Real Estate Transfer Taxes Applicable to the Maine Turnpike Authority" (H.P. 479) (L.D. 660) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-146)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-146) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 27, 1995.

Ought to Pass as Amended

Representative GOULD from the Committee on **Natural Resources** on Bill "An Act to Repeal the Motor Vehicle Emission Inspection Program" (I.B. 2) (L.D. 716) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-144)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-144) was read by the Clerk and adopted.

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

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-144) and sent up for concurrence. Ordered sent forthwith.

Ought to Pass as Amended

Representative LEMONT from the Committee on **Legal and Veterans Affairs** on Bill "An Act to Allow Employees of the Maine State Liquor and Lottery Commission and Their Families to Purchase Lottery Tickets" (H.P. 530) (L.D. 726) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-141)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-141) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 27, 1995.

At this point, 10:02 Eastern time, Speaker Gwadosky of Fairfield, gavelled the Members of the Maine House of Representatives to stand and pause in a moment of silence and remembrance of the victims of the Oklahoma City bombing.

Ought to Pass as Amended

Representative LEMAIRE from the Committee on **Labor** on Bill "An Act to Amend the Workers' Compensation Board's Annual Assessment" (EMERGENCY) (H.P. 695) (L.D. 953) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-148)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-148) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 27, 1995.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting **"Ought Not to Pass"** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature to 99 Members in the House and 33 Members in the Senate (H.P. 46) (L.D. 40)

Signed:

Senator:	LONGLEY of Waldo
Representatives:	DAGGETT of Augusta
	AHEARNE of Madawaska
	ROSEBUSH of East Millinocket
	ROBICHAUD of Caribou
	LANE of Enfield
	YACKOBITZ of Hermon
	SAVAGE of Union

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-117) on same RESOLUTION.

Signed:

Sensors:	AMERO of Cumberland
	CARPENTER of York
Representative:	GERRY of Auburn

Was read.

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

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

Divided Report

Majority Report of the Committee on **Natural Resources** reporting **"Ought Not to Pass"** on Bill "An Act to Ensure the Protection of Tribal Fish Stocks and Other Natural Resources" (H.P. 63) (L.D. 99)

Signed:
 Senators: LORD of York
 HATHAWAY of York
 Representatives: GOULD of Greenville
 POULIN of Oakland
 SAXL of Bangor
 GREENLAW of Standish
 DAMREN of Belgrade
 NICKERSON of Turner
 MARSHALL of Eliot

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
 (H-120) on same Bill.

Signed:
 Senator: RUHLIN of Penobscot
 Representatives: BERRY of Livermore
 MERES of Norridgewock
 SHIAH of Bowdoinham

Was read.

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

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

Divided Report

Majority Report of the Committee on Education and
 Cultural Affairs reporting **"Ought to Pass"** as amended
 by Committee Amendment "A" (H-113) on Bill "An Act to
 Prohibit Schools from Charging Activity Fees for
 Participation in Extracurricular Events" (H.P. 140)
 (L.D. 188)

Signed:
 Senator: ESTY of Cumberland
 Representatives: DESMOND of Mapleton
 STEVENS of Orono
 CLOUTIER of South Portland
 LIBBY of Buxton
 McELROY of Unity
 BRENNAN of Portland
 WINN of Glenburn

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

Signed:
 Senators: SMALL of Sagadahoc
 ABROMSON of Cumberland
 Representatives: MARTIN of Eagle Lake
 AULT of Wayne
 BARTH of Bethel

Was read.

Representative MARTIN of Eagle Lake moved that the
 House accept the Minority **"Ought Not to Pass"** Report.

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

Divided Report

Majority Report of the Committee on Legal and
 Veterans Affairs reporting **"Ought to Pass"** as amended
 by Committee Amendment "A" (H-129) on Bill "An Act to
 Clarify the Statutory Prohibition of the Collection
 of More Than 2 Months of Rent in Advance" (H.P. 196)
 (L.D. 255)

Signed:
 Senators: STEVENS of Androscoggin
 FERGUSON of Oxford
 MICHAUD of Penobscot
 Representatives: FISHER of Brewer

CHIZMAR of Lisbon
 TRUE of Fryeburg
 NADEAU of Saco
 TRUMAN of Biddeford

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

Signed:
 Representatives: BUCK of Yarmouth
 GAMACHE of Lewiston
 LABRECQUE of Gorham
 LEMONT of Kittery
 MURPHY of Berwick

Was read.

Representative CHIZMAR of Lisbon moved that the
 House accept the Majority **"Ought to Pass"** as amended
 Report.

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

Divided Report

Majority Report of the Committee on Education and
 Cultural Affairs reporting **"Ought to Pass"** as amended
 by Committee Amendment "A" (H-114) on Bill "An Act to
 Permit Law Enforcement Officers to Transport Truants
 Back to School" (H.P. 204) (L.D. 263)

Signed:
 Senators: SMALL of Sagadahoc
 ESTY of Cumberland
 ABROMSON of Cumberland
 Representatives: AULT of Wayne
 BARTH of Bethel
 DESMOND of Mapleton
 CLOUTIER of South Portland
 LIBBY of Buxton
 McELROY of Unity
 WINN of Glenburn
 MARTIN of Eagle Lake

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

Signed:
 Representatives: STEVENS of Orono
 BRENNAN of Portland

Was read.

Representative CLOUTIER of South Portland moved
 that the House accept the Majority **"Ought to Pass"**
 as amended Report.

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

Divided Report

Majority Report of the Committee on Labor
 reporting **"Ought Not to Pass"** on Bill "An Act
 Regarding the Testing of Public Employees for Drugs"
 (H.P. 223) (L.D. 301)

Signed:
 Senators: BEGLEY of Lincoln
 MILLS of Somerset
 Representatives: JOY of Crystal
 JOYCE of Biddeford
 PENDLETON of Scarborough
 STEDMAN of Hartland
 TUTTLE of Sanford
 WINSOR of Norway

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
 (H-118) on same Bill.

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

Was read.

Representative CHASE of China moved that the House accept the Minority **"Ought to Pass"** as amended Report.

On further motion of the same Representative, tabled pending her motion to accept the Minority **"Ought to Pass"** as amended Report and specially assigned for Thursday, April 27, 1995.

Divided Report

Majority Report of the Committee on Labor reporting **"Ought Not to Pass"** on Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" (H.P. 262) (L.D. 364)

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" (H-112) on same Bill.

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

Was read.

Representative CHASE of China moved that the House accept the Minority **"Ought to Pass"** as amended Report.

On further motion of the same Representative, tabled pending her motion to accept the Minority **"Ought to Pass"** as amended Report and specially assigned for Thursday, April 27, 1995.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-124) on Bill "An Act to Include Short-term Health Insurance Policies in the Continuity Laws" (H.P. 321) (L.D. 442)

Signed:
 Senators: ABROMSON of Cumberland
 SMALL of Sagadahoc
 Representatives: CAMPBELL of Holden
 GUERRETTE of Pittston
 JONES of Pittsfield
 LUMBRA of Bangor
 MAYO of Bath

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

Signed:
 Senator: McCORMICK of Kennebec
 Representatives: CHASE of China
 GATES of Rockport

SAXL of Portland
 MITCHELL of Vassalboro

Was read.

Representative GATES of Rockport moved that the House accept the Minority **"Ought Not to Pass"** Report.
 On further motion of the same Representative, tabled pending his motion to accept the Minority **"Ought Not to Pass"** 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 Repeal the Laws That Require the Screening for Scoliosis and Related Spinal Abnormalities" (H.P. 386) (L.D. 521)

Signed:
 Senators: SMALL of Sagadahoc
 ESTY of Cumberland
 ABROMSON of Cumberland
 Representatives: AULT of Wayne
 DESMOND of Mapleton
 STEVENS of Orono
 MARTIN of Eagle Lake
 BRENNAN of Portland
 WINN of Glenburn
 CLOUTIER of South Portland

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-115) on same Bill.

Signed:
 Representatives: BARTH of Bethel
 LIBBY of Buxton
 McELROY of Unity

Was read.

Representative CLOUTIER of South Portland moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

Divided Report

Majority Report of the Committee on Natural Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-121) on Bill "An Act to Restrict the Use of Eminent Domain Power" (H.P. 397) (L.D. 532)

Signed:
 Senators: LORD of York
 RUHLIN of Penobscot
 GOULD of Greenville
 POULIN of Oakland
 SAXL of Bangor
 BERRY of Livermore
 MERES of Norridgewock
 SHIAH of Bowdoinham
 DAMREN of Belgrade
 NICKERSON of Turner
 MARSHALL of Eliot

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (H-122) on same Bill.

Signed:
 Senator: HATHAWAY of York
 Representative: GREENLAW of Standish
 Was read.

Representative GOULD of Greenville moved that the House accept the Majority **"Ought to Pass"** as amended Report.

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

Divided Report

Majority Report of the Committee on **Agriculture, Conservation and Forestry** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-128) on Bill "An Act to Allow the Sale of Irradiated Food in the State" (H.P. 437) (L.D. 603)

Signed:

Senators: CASSIDY of Washington
PARADIS of Aroostook
LORD of York

Representatives: KNEELAND of Easton
SPEAR of Nobleboro
HICHBORN of Lagrange
TYLER of Windham
CROSS of Dover-Foxcroft
DEXTER of Kingfield
STROUT of Corinth

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

Signed:

Representatives: KILKELLY of Wiscasset
AHEARNE of Madawaska
HEESCHEN of Wilton

Was read.

Representative HEESCHEN of Wilton moved that the House accept the Minority **"Ought Not to Pass"** Report.

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

Divided Report

Majority Report of the Committee on **Labor** reporting **"Ought Not to Pass"** on Bill "An Act to Require the State to Pay for Mediation Sessions" (H.P. 439) (L.D. 605)

Signed:

Senators: BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland
Representatives: HATCH of Skowhegan
CHASE of China
JOY of Crystal
JOYCE of Biddeford
PENDLETON of Scarborough
STEDMAN of Hartland
TUTTLE of Sanford
WINSOR of Norway

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-130) on same Bill.

Signed:

Representatives: LEMAIRE of Lewiston
SAMSON of Jay

Was read.

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

On further motion of the same Representative, tabled pending her motion to accept the Majority **"Ought Not to Pass"** Report and specially assigned for Thursday, April 27, 1995.

Divided Report

Majority Report of the Committee on **Banking and Insurance** reporting **"Ought Not to Pass"** on Bill "An Act to Include Loss of Tax Revenue to the State When Considering a Credit Union Application for Expansion" (H.P. 454) (L.D. 620)

Signed:

Senators: McCORMICK of Kennebec
ABROMSON of Cumberland
SMALL of Sagadahoc
Representatives: CHASE of China
SAXL of Portland
CAMPBELL of Holden
MAYO of Bath
GATES of Rockport
LUMBRA of Bangor
GUERRETTE of Pittston
MITCHELL of Vassalboro

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-132) on same Bill.

Signed:

Representative: JONES of Pittsfield
Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority **"Ought Not to Pass"** Report and specially assigned for Thursday, April 27, 1995.

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting **"Ought Not to Pass"** on Bill "An Act to Deregulate the All-terrain Vehicle Market" (H.P. 531) (L.D. 727)

Signed:

Senators: HALL of Piscataquis
MICHAUD of Penobscot
Representatives: ROTONDI of Madison
JACQUES of Waterville
CLARK of Millinocket
KEANE of Old Town
ROSEBUSH of East Millinocket
TUFTS of Stockton Springs
CHICK of Lebanon

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-119) on same Bill.

Signed:

Senator: KIEFFER of Aroostook
Representatives: GREENLAW of Standish
PERKINS of Penobscot
UNDERWOOD of Oxford

Was read.

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

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

Divided Report

Majority Report of the Committee on **State and Local Government** reporting **"Ought Not to Pass"** on Bill "An Act to Require the Reconfirmation of

Gubernatorial Appointments at the Beginning of Each Gubernatorial Term" (H.P. 534) (L.D. 730)

Signed:

Senators:

LONGLEY of Waldo
AMERO of Cumberland
CARPENTER of York
DAGGETT of Augusta
ROBICHAUD of Caribou
SAVAGE of Union

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-126) on same Bill.

Signed:

Representatives:

AHEARNE of Madawaska
GERRY of Auburn
ROSEBUSH of East Millinocket
LANE of Enfield
YACKOBITZ of Hermon

Was read.

Representative DAGGETT of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the Composition of the Board of Trustees of the Maine State Retirement System" (H.P. 572) (L.D. 777)

Signed:

Senators:

BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland
HATCH of Skowhegan
CHASE of China
JOYCE of Biddeford
LEMAIRE of Lewiston
PENDLETON of Scarborough
SAMSON of Jay
STEDMAN of Hartland
TUTTLE of Sanford

Representatives:

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

Signed:

Representatives:

JOY of Crystal
WINSOR of Norway

Was read.

Representative CHASE of China moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, April 27, 1995.

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

CONSENT CALENDAR

First Day

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

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

Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-63)

(H.P. 408) (L.D. 565) Resolve, Directing the Department of Human Services to Review the Regulations for the Licensure of General and Specialty Hospitals and Report to the Joint Standing Committee on Human Resources Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-155)

(H.P. 456) (L.D. 622) Bill "An Act to Expand the Jurisdiction of the Consumer Advisory Board of the Department of Mental Health and Mental Retardation by Giving Board Members and Its Staff Direct Access to All Areas of Agencies That Serve People with Autism" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-156)

(H.P. 626) (L.D. 851) Bill "An Act to Conform the Maine Tax Laws for 1994 with the United States Internal Revenue Code" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-147)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 27, 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. 108) (L.D. 284) Bill "An Act Amending the Charter of the Department of Electric Works within the Town of Madison" (EMERGENCY) (C. "A" S-57)

(S.P. 256) (L.D. 694) Bill "An Act to Create the Franklin Utility District" (EMERGENCY) (C. "A" S-58)

(H.P. 574) (L.D. 779) Bill "An Act to Allow the Maine Technical College System to Grant Utility Easements"

(H.P. 707) (L.D. 964) Bill "An Act Establishing Education as a Priority for the State by Expediting Consideration of the Education Budget"

(H.P. 12) (L.D. 6) Bill "An Act to Amend the Workers' Compensation Laws to Provide an Exemption from Coverage Requirements for Nonresident Employees" (C. "A" H-131)

(H.P. 176) (L.D. 224) Bill "An Act to Clarify the Laws Regarding the Location of Transfer Stations on Islands" (C. "A" H-108)

(H.P. 226) (L.D. 304) Bill "An Act Concerning the Offset of Workers' Compensation Benefits by Social Security Benefits" (C. "A" H-136)

(H.P. 248) (L.D. 350) Bill "An Act to Encourage Collaboration between Local School Units" (C. "A" H-110)

(H.P. 259) (L.D. 361) Bill "An Act to Define a 'Demonstrator' under the Board of Barbering and Cosmetology" (C. "A" H-109)

(H.P. 286) (L.D. 390) Bill "An Act to Clarify the Tax-exempt Status of Municipally Owned Solid Waste Disposal Facilities" (C. "A" H-125)

(H.P. 299) (L.D. 403) Bill "An Act to Allow a School District to Print the District's Name on School Buses" (C. "A" H-111)

(H.P. 326) (L.D. 447) Bill "An Act Regarding the Expansion of Certain Waste Disposal Facilities" (C. "A" H-116)

(H.P. 381) (L.D. 516) Bill "An Act Concerning the Liability of Corporate Clerks" (C. "A" H-138)

(H.P. 544) (L.D. 740) Bill "An Act Concerning Extracurricular Activity Eligibility for Students Identified under the Federal Individuals with Disabilities Education Act" (C. "A" H-137)

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

(H.P. 431) (L.D. 594) Bill "An Act to Modify Community Rating for Individual and Small Group Health Plans" (EMERGENCY) (C. "A" H-123)

On motion of Representative MITCHELL of Vassalboro was removed from the Second Day Consent Calendar.

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-123) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, April 27, 1995.

BILLS IN THE SECOND READING As Amended

Bill "An Act to Repeal the Provision of Law Voiding a Lease for Premises Defined as a Common Nuisance" (H.P. 158) (L.D. 205) (C. "A" H-127)

Bill "An Act to Clarify the Laws Regarding the Sale of Recreational Vehicles on Sunday" (H.P. 163) (L.D. 211) (C. "A" H-133)

Bill "An Act to Require Insurance Companies to Reenroll Individuals Who Return to an Insurance Group as Though No Break in Coverage Occurred" (S.P. 154) (L.D. 340) (C. "A" S-60)

Bill "An Act to Amend the Site Location of Development Laws Relating to Former Military Bases" (H.P. 393) (L.D. 528) (C. "A" H-106)

Bill "An Act to Change the Definitions of 'River,' 'Stream' and 'Brook' in the Environmental Laws" (H.P. 452) (L.D. 618) (C. "A" H-107)

Bill "An Act Concerning Fraudulent Redemptions" (H.P. 512) (L.D. 700) (C. "A" H-134)

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

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

ENACTOR

Emergency Measure

An Act to Stop the Alewives Restoration Program in the St. Croix River (H.P. 385) (L.D. 520) (C. "A" H-78)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 25, 1995, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

Bill "An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth" (H.P. 65) (L.D. 101) - In House, Majority "Ought to Pass" as amended Report of the Committee on Human Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-65) on April 6, 1995.

- In Senate, Minority "Ought Not to Pass" Report of the Committee on Human Resources read and accepted in non-concurrence.

TABLED - April 13, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative POVICH of Ellsworth, the House voted to Recede.

On further motion of the same Representative, Committee Amendment "A" (H-65) was indefinitely postponed.

The same Representative presented House Amendment "A" (H-105) which was read by the Clerk.

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

Representative POVICH: Thank you Mr. Speaker, Men and Women of the House: L.D. 101, An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth is an enabling bill. Amendment (H-105) does nothing to change the essence of this bill that originally passed through this body under the hammer.

Unfortunately L.D. 101 encountered a small tempest in the other body which this amendment is designed to silence. We understand that this amendment will be received favorably by the other body. This amendment removes the General Fund Appropriation and erects the Department of Human Services to fund The Next Step within existing funds. We have a high level of comfort that the new Commissioner of the Department of Human Services will not de-appropriate any funds from any of the nine other projects that we are currently receiving from purchased social services.

We also await the fate of the Senator from Cumberland, Senator Amero's domestic violence bill, L.D. 846 which advances to our body. More than that, The Next Step would not, in principal, accept de-appropriated funds from any of the other nine coalition partners. They need the money as much as The Next Step.

The basic factor emerges with or without the amendment, DHS has disclosed to me face to face that the Department cannot contract for purchased social services without The Next Step being formally named by this body. That act is accomplished very simply by passing L.D. 101 as amended. The Maine Coalition for family crisis services which explicitly represents the other nine domestic violence projects throughout the state has voted to accept The Next Step as their tenth project. They are awaiting our action of passage of L.D. 101 to complete that franchise. Please vote yes to L.D. 101 as amended. Thank you.

Subsequently, House Amendment "A" (H-105) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-105) in non-concurrence and sent up for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators (S.P. 155) (L.D. 378)

- In House, Majority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted on April 5, 1995.

- In Senate, Senate insisted on its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-25) and asked for a Committee of Conference in non-concurrence.

TABLED - April 13, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

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

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 House, Majority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted on April 5, 1995.

- In Senate, Senate insisted on its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-26) and asked for a Committee of Conference in non-concurrence.

TABLED - April 13, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

Subsequently, the House voted to Insist and join in a Committee of Conference.

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-69) - Minority (6) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 113) (L.D. 148)

TABLED - April 13, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

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

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

Representative ROBICHAUD: Thank you Mr. Speaker, Colleagues of the House: I would urge you to oppose the pending motion so we can go on to accept the Majority "Ought to Pass" Report on this bill.

Just to fill you in a little bit, we had, of course, all the bills dealing with the constitutional officers. This particular bill was amended to include only the Office of the Treasurer and I would again draw your attention to debate we had a little earlier on a similar bill where I discussed some of the merits of allowing the members of the public, the

Maine citizens, to have a direct say in electing these constitutional officers. These are very important members of our governmental system.

I would also remind you that we entrust the people of the state of Maine to make a great many decisions. We entrust them to elect us. We entrust them to accept or reject constitutional amendments, of which, this is one.

This measure would send the question to the public as to whether or not they would choose to publicly elect the Treasurer. I would urge you to please go on to oppose this motion so we can accept the Majority Report.

Representative ROBICHAUD of Caribou requested the Clerk to read the Committee Report.

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

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

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: I, too, would like to remind you of the discussion we had regarding the statewide election of constitutional officers which took place a couple of weeks ago.

I would just like to remind you and ask you to think about the implications of a statewide campaign for these constitutional officers. Today a statewide campaign costs over a million dollars. Any of the statewide elections for these constitutional officers would require these people to be fund raising statewide and it would by its very nature eliminate people who do not have access to that ability to fund raise. It would eliminate some very capable candidates.

I would also like to remind you that when the committee considered all of these bills, of which there were numerous ones, asking for changes in the constitutional officer selection method. It is my recollection that there was not one member of the public that came in and spoke on this issue. I would suggest to you that there is no overwhelming or even underwhelming push to change this selection process.

I would grant you that in some instances it is a very unique process which Maine has, but has been a very good process. There have not been problems with fraud or poor performances in office. It is a system that has worked and I would suggest to you will continue to work. In fact, I would suggest to you as the numbers are closer together that the quality of candidates will become even better.

I urge you to focus on changes that seem to have a positive impact and really will do something. I would suggest to you that this is not one. I would urge you to support the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Thank you Mr. Speaker, Men and Women of the House: I am pleased to hear the comments from the Representative of Augusta who said the public doesn't care. However, it would be helpful to ask the public and that is all this resolution does. It proposes that we ask the public whether or not they choose to have a popular election.

Perhaps it does work well and perhaps it still would work well if we picked the U.S. Senators for the United States Senate. We have decided, rightly so, to turn those questions over to the people. I think all this piece of legislation does is put before the people the opportunity for them to decide rather or not they choose to pick the constitutional

officers instead of having them picked by one party of the legislature.

It seems to me that we ought not fear the opinion of the public and I would suggest that the Majority Report asks the appropriate question, Should the public decide? Mr. Speaker I request the yeas and nays when the vote is taken.

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

Representative NADEAU: Thank you Mr. Speaker. I request permission to pose a question through the Chair, please.

The SPEAKER: The Representative may pose his question.

Representative NADEAU: This question would probably be directed to either the Minority Leader or someone who ended up signing the Majority Report of the committee. If, in fact, we are trying to run a lean, but not necessarily a mean government, could somebody please tell me what the cost of a question on the ballot would be and where they intend to find this money.

The SPEAKER: The Representative from Saco, Representative Nadeau has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Thank you Mr. Speaker. In response to the good Representative's question, the cost for this particular measure is no more or no less than any other constitutional amendment or referendum item that we send out to the public. It is \$95,000 dollars for the first six ballot items we come up with and \$7,000 dollars for each subsequent item. That is standard.

However, I would also mention that even though I think that is a good and valid point to talk about how we spend money that way, maybe this issue should be raised every time we have a measure like this in front of us. I am going to take this opportunity to say one other thing and that is just because there is no glaring problem staring us in the face shouldn't deter us from attempting to improve upon the process. Complacency and apathy is just as bad as a glaring problem or it could be seen as a glaring problem.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Thank you Mr. Speaker, Men and Women of the House: I urge you not to vote for the Minority "Ought Not to Pass" Report.

My reason being, change is difficult, we all know that. We really consider that we are in a state right now where people are asking for more input into the democratic system and they are asking for change. I think this is a healthy change and a good change. Rather than having a closed door to these constitutional officers I think it will open the door wide open as more people become interested and involved.

I really submit that the varied publicity and argument going toward a referendum vote would be healthy for the democratic process for the people of the state of Maine who would be able to consider how now our constitutional officers are currently elected. Who is elected and from what pools we draw them from. I think this will open the process wide open to a healthy environment in our constitutional system. I urge you to vote against the Minority "Ought Not to Pass" Report. Thank you.

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

Representative GERRY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I encourage you to support my colleagues that have spoke in behalf of accepting the Majority Report and not the Minority Report.

I have spoken with Marilyn Canavan and she said at this time half the United States has a popular election of their constitutional officers and the other half have the Governor appoint them. As far as she knows, Maine is the only state that allows their House and Senate to choose their constitutional officers. She also gave me the cost of campaigns and they are not as bad as you might think. Any legislator who would like to see my statistics are more than welcome to see these things.

Also, our constitutional officers don't have to file campaign finance reports unless they become a PAC and collect money. As long as a candidate uses their own money they can spend whatever. I think that our constitutional officers whether we support this bill or not should state exactly how much they do spend individually for their campaigns.

The reason I support this bill is the time has come when we should allow the people to have this chance to vote whether or not they want to elect a constitutional officers or let us elect them. I feel the people will want to elect them themselves. They are tired of us having to play party games. That is what it seems to be amounting to is whichever one can cut deals with the other party in order to support a candidate. I do not feel that is right.

Again, I ask you to please support the Majority Report.

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

Representative SAXL: Thank you Mr. Speaker, Men and Women of the House: We have been very fortunate in Maine to have very distinguished people represent us in the constitutional officers. That has been accomplished through the process we currently have now. I ask you to retain that process and to vote for the "Ought Not to Pass" Report.

There is no reason to bring into the political process the large spending field of a statewide election of constitutional officers. That will only detract from their ability to do their jobs. We all know the kind of effort that goes into fund raising on a statewide level campaign. It is important that they be free from that kind of rough and tumble and be able to professionally execute their responsibilities. Thank you.

Representative WHITCOMB of Waldo requested a roll call on the motion to accept the Minority "Ought Not 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 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 members present and voting having expressed a desire for a roll call, a roll call was ordered.

The pending question is the motion of Representative Daggett of Augusta 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. 44

YEA - Adams, Ahearn, Benedikt, Berry, Brennan, Bunker, Chartrand, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Gamache, Gates, Gould, Green, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, LaFountain, Lemke, Luther, Marshall, Martin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Perkins, Poulin, Povich, Richardson, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chase, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Gerry, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbr, Madore, Marvin, McElroy, Murphy, Nass, Nickerson, Ott, Paul, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Bouffard, Fitzpatrick, Hatch, Kilkelly, Lemaire, Look, Pouliot, Ricker, Stone, Truman.

Yes, 71; No, 70; Absent, 10; Excused, 0.

71 having voted in the affirmative and 70 voted in the negative, with 10 being absent, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-70) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Popular Election of the Attorney General (H.P. 153) (L.D. 201)

TABLED - April 13, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

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

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

Representative LEMKE: Thank you Mr. Speaker, Men and Women of the House: I urge you to vote against the Minority "Ought Not to Pass" Report. There is a Majority Report, a bipartisan Majority Report, of nine to four in favor of the popular election of the Attorney General of the State of Maine.

There are a number of reasons why you should vote against the pending motion and therefore a vote for this. Forty-three states of the United States presently popularly elect their Attorney Generals. Quite frankly I believe, and I believe those states believe and have believed for some time that we shouldn't be having a Legislature's Attorney General neither should we have a Governor's Attorney General, but we should have a people's Attorney General. The way you have that is to allow the people to vote directly for the Attorney General.

There is a basic question that I would pose for anyone who supports the pending motion and that is why? Why is it ok on the county level to elect District Attorneys, but it is not ok for the Attorney General on the state level. I submit there is

absolutely no answer to this question which is consistent with a democratic society.

The argument has been raised and it will cost a lot of money. Yes, it probably will cost a lot of money. That is not an argument to vote against popularly electing an Attorney General it is a very strong argument for campaign finance reform. Those are two distinct things, ladies and gentlemen, and I hope you keep them separate.

It has also been mentioned on this floor that everything works fine the way it is. I am an historian and I am not aware of that. Sometimes we have good Attorney Generals and sometimes we have bad Attorney Generals under the present system that we have. That might very well also occur if we popularly elected them, but at least we would let the people have a direct say instead of the decisions being made in private and behind closed doors.

I believe this is something which is consistent with our democratic traditions so I urge you to vote against the pending motion and Mr. Speaker I ask when the vote be taken it be taken by the yeas and nays. Thank you.

Representative LEMKE of Westbrook requested a roll call on the motion to accept the Minority "Ought Not to Pass" Report.

Representative AHEARNE of Madawaska requested the Clerk to read the Committee Report.

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

The SPEAKER: A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of 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 Chair recognized the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: I am reluctant to speak again on a similar issue, but I will. I do want you to think again about the implications of the statewide campaign and even though several, actually one person indicated that it doesn't cost very much money. As an example from last November, the cost for the top two vote getters in the Gubernatorial campaign which was a statewide election was three million dollars.

Perhaps for some of you that isn't a lot of money, for me that is a lot of money and when you think about the state's chief law enforcement officer out there getting money from other attorneys and corporations that may be effected by decisions that that person has to make raising over a million dollars. Do you think that might have some kind of effect on any decisions? Maybe it won't and I hope it won't.

Until we have campaign finance reform, I think we need to be very careful about offices that are sent for statewide elections. I think we need to be very careful and I would suggest you consider that very carefully when you push your button for this vote.

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

Representative LEMKE: Thank you Mr. Speaker, Men and Women of the House: This is the second or third time that I have heard this argument being made in

opposition to popular election of a constitutional officer. It is posed in terms of the implications of having a statewide campaign.

I would have you consider the implications if we don't have statewide campaigns. What is the corollary to this type of argument? We shouldn't have elections for any office if it is going to be costly. The result of that will not be democracy. The result of that will be oligarchy if we do not allow the people to vote. That is the basic issue here.

Are we a democracy in the State of Maine or aren't we? I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Thank you Mr. Speaker, Men and Women of the House: I wish to concur with the Representative from Westbrook in terms of challenging the argument that the effort to raise money is the principal reason that you should be opposed to the initiative of asking the people to popularly elect constitutional officers. It seems to fly in the face of what we do.

We as candidates find it ok to go out and raise funds and even ask the same people who might be inclined to vote for us to help us achieve a certain level of financial support. It is all right if we allow constitutional officers on behalf of one political party to raise funds in support of who ever they choose. It is not all right for people to raise funds in their own behalf to campaign for an office. I think those arguments simply fall on their own face. I urge your support for the Majority Report of the bill. Thank you.

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

Representative TOWNSEND: Thank you Mr. Speaker, Men and Women of the House: This is an issue I have struggled with for a long time. I am rising today to support the Minority "Ought Not to Pass" Report.

I have to disagree with the Minority Leader. I feel that the issue of money is an extremely important one in the issue of the Attorney General's race. It is extremely troublesome to me. The money needed to run a statewide race, as you know, is a lot. The question becomes where then would a candidate go for that money. Would they then go to their fellow attorneys, people who might have business before them or corporations. I think we need to keep in mind the law court ruling which has said that law enforcement officers ought not to be soliciting contributions. That obviously was in the issue of charities, but it is a related issue.

I find it deeply troubling to think that the top law enforcement officer in the state would be fund raising in order to get elected. I want to reinforce the fact that campaign finance reform has not been enacted yet. I am one of the strongest supporters, but until we have it it is not a relevant argument here.

Finally, I want to say that we often get bogged down in this body on issues which are easy for the public to understand and easy to campaign on. I think it is nice to go home and say that you voted this way or that way on a constitutional amendment.

I would say that if you want to do something really truly beneficial for the Office of the Attorney General, I would argue that you vote to adequately fund it. So that their Consumer

Protection Division can actually get involved in consumer protection issues rather than simply sending them out for mediation and sending a few letters.

We heard testimony from the current Attorney General that they are holding up their computer terminals on stacks of statutes. Statutes which are utterly worthless except as a piece of furniture, because they don't have the money to purchase the amendments. Without amendments those statutes are not only useless, they are worse than useless. They are misleading.

If you want to do something truly beneficial for the Office of the Attorney General work to get it adequately funded. It won't be something you could carry home as a campaign issue, but it will be a real accomplishment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Thank you Mr. Speaker, Men and Women of the House: I would like to remind you that the Majority "Ought to Pass" Report had strong bipartisan support. I think the arguments we have heard today are healthy ones and if we do not allow the people of the State of Maine to hear the arguments they will be denied access again to the system.

I think it is our duty and I remind you that this bill will send a referendum and people will be able to hear these fine arguments and they will be able to decide for themselves whether or not they want a popular election of the Attorney General. I urge you to vote against the Minority "Ought Not to Pass" Report. Thank you.

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

Representative DONNELLY: Thank you Mr. Speaker, Men and Women of the House: I don't believe this is a feel good bill as some have tried to paint it. I see it more as a good government bill. The argument has been made that for the Attorney General to go out and raise money would leave that Attorney General vulnerable to particular interests which they are supposed to regulate.

The Attorney General is elected by a very small group of people now whom the Attorney General has some oversight over. I don't believe the people we have elected as Attorney General have faltered to that kind of pressure. Nor do I believe the quality of candidates would run and raise money would. To impugn the integrity of someone who hasn't put their name before the public in this court seems premature and maybe even a little silly.

I think if he is elected statewide the person would have a mandate from the people to do what they campaigned for. They would have to lay out what they stand for among the general public. They would be elected on that basis not just on raising money. If we look through the campaign finance reports, not everybody who raised the most money got elected.

People discern and choose to make differentials between folks based on things other than the amount of dollars they are able to raise from big corporations. It makes sense to move the Attorney General more so than any other constitutional office out into the public. To be a true independent voice for what is right and what is wrong and a true independent voice in prosecuting the laws of the state. Thank you.

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

Representative MITCHELL: Thank you Mr. Speaker, Men and Women of the House: I very much respect the opportunity to sit in this corner and I want to disclaim from the beginning this is not a partisan position that I am taking. I am speaking simply as a Representative from Vassalboro and as a longtime member of this body and a longtime observer of how we do our business here. I apologize to any members of my party who's position I am offending. I do think it is so important that I could not sit silently by.

There is a huge difference in the Attorney General and, for instance, the Governor of the State of Maine. The Governor is elected politically and is free to interpret mandates and obviously goes out and raises large sums of money in order to reach that position. Though we certainly have problems with that and we must deal with campaign finance reform that is simply the way it is right now because we have been unable to do so.

The Attorney General is not elected to listen to mandates. The Attorney General is selected to interpret the laws of Maine passed by this body of elected Representatives and coordinated with that of the Governor. I think that is exactly the problem that I am concerned about. Of all the constitutional officers the most serious one to elect publicly is the Attorney General.

Now Representative Lemke says that those of us who are opposed had absolutely no reason and we shouldn't be concerned about money and besides most of the other states elected their Attorney Generals popularly. The Attorney General's of those other states were elected popularly at a time when campaign finance was not the issue that it is today and probably they should be reviewing how they go about doing their business.

Until, as the good chair of the committee said, until you really reform campaign finance laws I cannot for the life of me understand why you would want the person who is charged with fairness and equity in interpreting the laws of Maine to go out and raise money from people this person must regulate and interpret the laws of. What a serious, serious departure from how we view state government. I hope you will vote with the Minority "Ought Not to Pass" Report and lets move on to running this government.

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

Representative ROBICHAUD: Thank you Mr. Speaker. Much talk has been focused on the cost, the anticipated cost, of what these statewide campaigns would run.

According to research provided by the Commission on Governmental Ethics and Election Practices, who is the chief agency responsible for campaign finance information for our state, if we look at some other states around the nation that do have popularly elected Attorney Generals we find that in, for example, California a very large state. What they spend on average for Attorney General popular election races is one-seventh of what the spend for a Gubernatorial Race. In fact, the winning candidate spent about one-tenth of what was actually spent on a Gubernatorial Race.

If we go a little closer to our size, we have Massachusetts. In the 1990 election of their Attorney General the total cost for all candidates in

the Attorney Generals race was one-sixth of that of the Governor's race. In fact, the winning candidate spent about one-twelfth of the average cost.

If we go to Vermont, another fellow New England state. In Vermont the average cost of their popular election for Attorney General is less than one percent of the cost of the statewide election for the position of Governor.

I think though cost and the issues of campaign finance are legitimate for this body to be discussing, I think we must put them in the proper context when looking at an Attorney Generals race or any kind of constitutional officer race. It seems to be a pretty solid precedence going from large states, even Illinois, spends about one-fifth of what is spent in a Gubernatorial race on their Attorney Generals race.

I think we need to put this into perspective financially. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke having spoken twice now requests consent to address the House a third time. Is there objection? The Chair hears no objection, the Representative may proceed.

Representative LEMKE: Thank you Mr. Speaker. Men and Women of the House: I had not intended to speak again on this issue but some comments were made by the good Representative from Vassalboro and I respect her position, but I do want to clarify that the statement I made about democracy was in the context of a question which I asked on the floor about a half hour ago and I have not yet heard an answer to that question.

The question which I will restate is why is it ok in the State of Maine to popularly elect District Attorneys in the counties, but it is not ok to elect an Attorney General on the state level. It was in the context of that question that I did not believe that there was an answer consistent with a democratic society to it. I will sit down and I will not rise again, but I would appreciate an answer to that question.

The SPEAKER: The Chair would apologize to the Representative from Westbrook, Representative Lemke. I thought the earlier question was rhetorical, at that time, the Chair understands at this time. The Chair the Representative from Westbrook, Representative Lemke has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Thank you Mr. Speaker, Men and Women of the House: I don't like to get up once, let alone twice. I just wanted to refocus everyone's attention to the fact that we are not today deciding whether or not the Attorney General is going to be popularly elected. We are deciding today whether or not we feel the people of the state of Maine have the right to decide that issue for themselves. Again, I urge you to vote against the Minority "Ought Not to Pass" Report. Thank you.

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

Representative BUNKER: Thank you Mr. Speaker. Men and Women of the House: I have been sitting here patiently for a while and listening to the pros and cons of this bill.

My concern is that we have a very unique system here in Maine and I think this system is built on a

unique set of checks and balances. I am up here talking personally trying to protect my constituents. I feel that this unique system that Maine has is a very valuable set of checks and balances work very well. If I have a constituent call me about one of these constitutional offices purview, I can go directly to him and I am received very seriously because of our position in oversight in electing these officers.

I know my constituent feels he is the one out of the magnitude of the state of Maine. That one constituent feels when he calls state government that they are not responsive to him or her. We know that when we go and ask a question on behalf of our constituents that they sit up and take notice and they listen to our concerns and try to at least way what is going on in this particular case.

My concern is money. I have heard on the campaign trail many times, why are we spending all this money when it could be used better elsewhere. That million dollars for that campaign, why didn't somebody put that to help kids. I heard that daily when I was on the campaign trail. That is very sensitive, but that issue has been talked about.

My other concern is if we abrogate our authority to elect these officers, how are they going to respond to us when we knock on their door with a constituent concern. They only answer to the magnitude of people that don't seem to have the ability to do what we do for them when we go and knock on these constitutional officers doors. I would ask you to support the "Ought Not to Pass" Report.

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

ROLL CALL NO. 45

YEA - Adams, Bailey, Berry, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, LaFontaine, Lemaire, Luther, Martin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Perkins, Poulin, Povich, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, The Speaker.

NAY - Ahearne, Aikman, Ault, Barth, Benedikt, Bigl, Birney, Brennan, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Gerry, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbr, Madore, Marshall, Marvin, McElroy, Murphy, Nass, Nickerson, Ott, Paul, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Savage, Simoneau, Spear, Stedman, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winn, Winsor, Yackobitz.

ABSENT - Bouffard, Hatch, Kilkelly, Look, Pouliot, Ricker, Stone, Truman.

Yes, 68; No, 75; Absent, 8; Excused, 0.

68 having voted in the affirmative and 75 voted in the negative, with 8 being absent, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" Report was accepted. Committee Amendment "A" (H-70) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, April 27, 1995.

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-71) - Minority (4) "Ought Not to Pass" - Committee on Taxation on Bill "An Act to Increase the Tax Exemption on Church Properties" (H.P. 284) (L.D. 388) TABLED - April 13, 1995 (Till Later Today) by Representative JACQUES of Waterville. PENDING - Motion of Representative DORE of Auburn to accept the Minority "Ought Not to Pass" Report.

On motion of Representative DORE of Auburn, tabled pending her motion to accept the Minority "Ought Not to Pass" Report and specially assigned for Thursday, April 27, 1995.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-66) - Minority (5) "Ought to Pass" as amended by Committee Amendment "B" (H-67) - Committee on Labor on Bill "An Act to Increase the Minimum Wage in Maine" (H.P. 108) (L.D. 143) TABLED - April 13, 1995 (Till Later Today) by Representative JACQUES of Waterville. PENDING - Acceptance of either Report.

On motion of Representative JACQUES of Waterville, tabled pending his motion to accept either Report and specially assigned for Thursday, April 27, 1995.

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-93) - Committee on State and Local Government on Bill "An Act to Require Legislators to Pay a Portion of Their Health and Dental Insurance Premiums" (H.P. 187) (L.D. 246) TABLED - April 13, 1995 (Till Later Today) by Representative DAGGETT of Augusta. PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative McElroy.

Representative McElroy: Thank you Mr. Speaker, Men and Women of the House: I urge you to join with me and vote no on the "Ought Not to Pass" motion on this L.D.

Like all of you, I didn't run for office for the money and the benefits. When I got elected to this office I was quite surprised by the benefits that were provided for this public service position. Fully paid health, dental, life insurance, retirement benefits, \$32 dollars a day meal money, mileage or lodging for everyday that we are in session and a \$750 dollar per session constituent allowance that we don't have to account for. Quite a benefit package for the position and better than I have ever had as a professional educator or during the time I worked for a major paper company in the state of Maine.

I sponsored L.D. 246 because I thought it was reasonable to ask legislators to make a small

sacrifice. I knew that we would be faced with many tough decisions this year and because of our budget we would be forced to ask the citizens of the state of Maine to make sacrifices. We have already forced some people to make sacrifices and we will be asking more people of Maine to make more sacrifices before we adjourn.

I think it is time that we lead the way and show the people of Maine that we as legislators are willing to make a small sacrifice by cutting the current benefits on our insurance. This proposal would require that legislators pay twenty percent of the cost of our health insurance premiums and the incidental cost of our dental insurance premium. This eighty/twenty split would put us more in line with businesses here in Maine most of which require employees to pay for at least a portion of their insurance coverage.

It would cost those of us who take advantage of the insurance less than \$65 dollars a month for both the dental and the medical coverage. This small payment by us would save the state \$497,267 dollars in the next biennium. That is nearly \$500,000 dollars, a half a million that could help solve the state's budget problems.

Even under this proposal, we will be receiving a very generous benefits plan. The health insurance offered to us is a much better plan than most of our constituents have. Under this plan that is available to legislators, if we go to one of the select physicians we pay only \$5 dollars per office visit. There are no deductible clauses of features.

We also have a drug card that requires us to pay only a \$7 dollar deductible for prescription drugs and only \$3 dollars for generic drugs. This is still a bargain at \$65 dollars a month.

L.D. 246 will put Maine legislators on a par with legislators in most other states. Currently twenty-two states require legislators to pay for a portion of their health insurance, twenty-two states out of fifty-two. Another five states including New Hampshire and Vermont, our sister states to the south, require legislators to pay the entire cost of their health insurance if they sign up for the state plan.

This proposal also makes sense as a matter of health policy. It is important for all consumers of health care to be aware of the cost. Something that happens when employees share some of the financial burdens of health coverage. When an employer like the state of Maine, a poor state, picks up the entire cost of our insurance coverage it insulates us, as legislators, from the rising health insurance costs.

I ask you all to vote no on the "Ought Not to Pass" motion when it comes to a vote. It is a common sense piece of legislation that will send a message, a good message, to the people of Maine that legislators individually and personally are willing to help solve the state's budget problems.

Mr. Speaker when the vote is taken, I request the yeas and nays.

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

Representative MARTIN: Thank you Mr. Speaker, Members of the House. I congratulate the Representative who just preceded me in terms of attempting to deal with an issue that obviously creates a public perception of what it is we get or don't get.

I need to just tell you a couple of things. First of all I am not directly effected so I need to make that clear. I have two other places that I can get the insurance paid for at one hundred percent, so it doesn't really make any difference. I would also point out that, for example, the number of other people in this body who are covered in the same manner, shape or form, for example, retired state employees, retired educators that get a portion based on the law which has been changing each year. We have a number of other people covered by the same, for example, other employers where they might have been.

Let me just tell you the real danger. Remember that the way in which this all came about is that legislators are treated in the law books as if they were state employees. Basically the benefits we get are those in terms of health care and others are what ever is negotiated by the, for example, unions for employees, we then end up being covered by it.

At this point what we do is separate ourselves whether it is by percentage or otherwise. We have to create a separate pool. I repeat we would have to create a separate pool because now we would have a deductible. State employees do not have a deductible. What that will mean is that we will then be classified by the health insurance company in a different manner because the pool will now be different. Therefore, automatically the rates that we now would be paying will be, I suspect, substantially different and potentially somewhat higher.

I know that I don't want to sound like a former member of this body, but I happen to have a license to sell health insurance. I have been a member of the organization for some twenty years and I am still a practicing agent. I do know some things about health insurance. I can guarantee you that once you change that pool and we are no longer a part of a greater pool our eighty percent that remains will be substantially higher than that we are when we are thrown into a larger category.

Let me tell you why. The Maine Legislature, for whatever reason, is substantially older than the average population of state employees. Therefore, the rates will be substantially higher based on the fact that that pool is substantially smaller and the quote above fifty-five ratio is substantially higher than what is in the general population of state employees.

Those are the facts. In understanding the direction the Representative is coming from, it has a great deal of merit. But the way in which this should be accomplished is through collective bargaining. Hopefully the Governor will deal with the question of health care, because, frankly, it is one that is out of sight. As much as I hate to do this to a fellow member on the Education Committee, I would suggest that you accept the Majority "Ought Not to Pass". Thank you.

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

Representative SIMONEAU: Mr. Speaker, may I ask a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative SIMONEAU: Like most of you I just read this bill. Am I reading this correctly? In addition to requiring the payment by the

Representatives and Senators it also gives to those people who do not take this insurance a cash equivalent.

The SPEAKER: The Representative from Thomaston, Representative Simoneau has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: It is my understanding that was amended out of the bill. There was not interest on the part of the committee to provide that cash equivalent for a variety of reasons. It is my understanding that is not part of the bill at this point.

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

Representative ROBICHAUD: Thank you Mr. Speaker, Colleagues of the House: The good Chair of the State and Local Government Committee is right. That was amended out of the bill.

I just want to draw your attention to a few facts. One is that in FY95 as of February 1995 there were only one hundred and sixty-one legislators participating in the health program to begin with. I guess in discussing the impact this change would have on the total pool, I think it might be relevant to compare that number of one hundred and sixty-one to the total state employees and determine the percentage of potential impact.

Also, in the committee deliberations and to let you know we had a bipartisan subcommittee that came out with a uniform, unofficial agreement which resulted in the Committee Amendment on this bill. We found out that certain things are subject to changes by the legislature, in terms of benefits and certain things belong in the area of collective bargaining. One of those things that did belong in the area of collective bargaining so those of us in support of this bill kind of agreed with a hands off is the issue of dependent coverage.

In regards to state employees that is all negotiated under collective bargaining. It was our agreement that that should be left in tact as a function of that activity. However, when it comes to the individual employee or in this case individual legislator that element as to how much is paid is subject to legislative decision, in other words, can be changed in statute. We also did take a look at what some other states are doing and about seventy-one percent of the states do have a system where in some cases the legislator pays the whole tab and just has provided access to health insurance.

In most there is some kind of co-pay situation. That is what is being proposed here. The group that worked on this feels very strongly about maintaining access, that includes access also to the dental insurance for legislators and their families. The issue is should we as a part-time citizen legislature be receiving benefits equivalent to that of full-time state employees. I suppose it can be argued that our jobs though in title is part-time, but in responsibility is full-time.

At some point we have to decide, are we going to take the responsibility to be part-time legislators, maintain positions in some way, shape or form outside of here. According to the general statistics in terms of age of the legislature I may be speaking as an atypical member, but I think many of us, if not all of us, give up substantial activities, whether they

be employment of otherwise, in order to be here. We recognize that we are here in commitment and on a part-time basis.

I think that we might want to consider having our benefits also reflect this. We looked at several different options. We looked at the option of maybe having a seventy/thirty co-pay arrangement. We looked at many different options and decided that a more reasonable, a more scaled back eighty/twenty plan would be more appropriate for discussion. We are talking under the eighty-twenty plan the average cost for a legislator would be \$48.12 a month.

Just for those of you who may not be aware, the state per month pays \$240.60 for each and every one of us who participate in the state plan, per month. Under the eighty/twenty plan the state is still paying \$192.48 is eighty percent we would be asked to contribute just twenty percent of that. Again, that does not impact at all on dependents. Dependents would still be covered in the same manner as is currently presented.

I would encourage you to please look at this bill and look at the content and the issues it is addressing. I think in terms of accountability and focus and on what our true mission is in here, which is to serve the public as part-time citizen legislators, not as full-time state employees.

I think we really need to take that into consideration. Thank you.

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

Representative ROSEBUSH: Thank you Mr. Speaker, Men and Women of the House: I was on the subcommittee even though I was a little late for the meeting. It seems as though everything so far is targeted at us. I work in a mill. I chose to come down here to serve the people of my district. To date, I have given up \$9,000 dollars, but that is my choice. I have full benefits at work, but I guess I want to put a challenge out, the people who don't want to receive benefits get off them. Thank you.

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

Representative FARNUM: Thank you Mr. Speaker. I want to differ with the next to the last speaker. We are not part-time legislators. There isn't a day at home that I don't get a request or a telephone call for something. That makes us full-time. I agree with the speaker just now, if you don't want it, don't take it.

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

Representative VIGUE: Thank you Mr. Speaker, Men and Women of the House: I think that we have to own up to what we do and what we are. I, for one, feel that this place has never over paid me one red cent. I have spent this week starting from eight o'clock in the morning to ten o'clock at night at some function or another. I don't think we should apologize for the amount of money that we are paid by the state, whether it be in benefits or money.

I spent some time in Columbus, Ohio a month ago and my counterpart in California was making \$68,000 dollars per year with a \$32,000 dollar expense

account for his office. If you look at Massachusetts, you have the same, but a smaller pay, somewhere in the neighborhood of \$48,000 dollars.

You call it part-time, I spent up through July one year from nine in the morning to sometimes three or four a.m. I am not going to apologize for what the state pays me. I have listened to this from people coming in and stating that we are over paid or we should not accept health insurance. I will not apologize and I think that we should make sure that this is put asleep. Accept the Majority "Ought Not to Pass" Report. Thank you.

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

Representative CHASE: Thank you Mr. Speaker, Colleagues in the House: My concerns about this bill have to do with a point that Representative Martin made having to do with the average age of members of the legislature.

I truly believe that a legislature should be filled with working people, parents, single people and people who are not able to serve in this House in part, because of the amount of remuneration which they do not receive from this job. Personally as Representative Rosebush has, I walked off a financial cliff to run. I knew that was my decision. However, I will say very, very bluntly that I can't pay out of pocket to serve. It is simply a financial impossibility. I would urge us to try to get more working people involved in this body, paying whatever we need to pay them and not cut the necessary benefits because some members in the body are lucky enough to have something like a health insurance benefit paid for elsewhere.

I provide my employees with a health insurance benefit, but because of the terms of the contract, one must work in a full-time position to receive the benefit. I am excluded from the very benefit that I provide for my employees. I wish you would think about that and forgive me if I sound selfish, I certainly don't mean to. It is the reality of the situations of some of us in this body. Thanks for your attention.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Thank you Mr. Speaker, Men and Women of the House: This is an emotional bill and I agree it seems as though legislators are bearing the brunt of reform and so forth. At first I was opposed to this and being on the State and Local Government Committee and agreeing to be on the subcommittee, I had to do a lot of soul searching and thinking. I don't believe any of us are attracted to this job for salary.

If we are talking about cutting back on legislative salary and or benefits, that might hurt those people who might consider running. I doubt it. I wonder how many of you considered salary and benefits when you were applying for this job. I think that is a mute point. I don't think that has anything to do with this. I do believe there is some symbolic gesture here, I believe we are going to be asking agencies, state employees and the people of the state Maine to make a lot of sacrifices and please open your ears, your mind and your heart to what this bill is really saying. It is not taking away our benefits.

I came up with the best compromise and the best good will message for the people of the state of

Maine. We would be paying, those of us who take it, \$42 dollars a month, as was previously stated. It would leave the rest of it alone and have access to the dental plan. I have never in my life, through my husband's work or anything else, had access to a dental plan. We have the best benefit package going. State employees have the best benefit package going.

This would simply bring the level of our benefits down to where the majority of working people of the state of Maine have. That is an eighty/twenty plan. In fact, the majority of working people of the state of Maine don't have access to a plan as good as eighty/twenty plan. Also, beyond symbolism this is a real savings and this is a real start. The total savings for FY 96-97 would be \$254,358 dollars. I would really urge you to vote against the Majority "Ought Not to Pass" Report. Thank you.

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

Representative MARTIN: Thank you Mr. Speaker, Members of the House: I don't want to belabor the point, but I just want to make sure that there is no misunderstanding. The potential here to go the route we are talking about in this bill will increase the cost. It will increase the cost very simply because the pool is different and insurance companies do not allow, on one hand that part of the way which you pay for some people within the plan is with a deductible and another part of the plan that it is not.

If what we are trying to do is save a quarter of a million dollars knock the salary down and that will be legitimate. That would be a savings. What this bill does is works in the long run in the reverse and you will be coming back and looking at an increase in the total cost of the legislative budget because of what we have done. That is all I am saying and you may choose to do which ever it is you want to do, but I want to make sure that it is clear today.

I want to point out in addition that it is true that not every person in the legislature has it. There are a couple of legislators who have turned down any and all, both dental and the other insurance. Keep in mind that there are a number of people who are retired state employees in this body, whether former state troopers or whatever, who are getting full benefits paid for through the system, that is part of the benefits. There are those former persons who might be former educators and they get a portion paid for and I was one of those who supported, I can't remember now, I think we started at twenty percent. We went to thirty percent and I don't know where we are in the process. I don't know if we are now at thirty-five or forty, but you many remember that the goal was to eventually to get those former people to one hundred percent.

That was what the committee came out with, so that is why a number of people are not covered by the plan and I understand that as well. Thank you Mr. Speaker, I just want to make sure that it is correct.

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

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: This sounds like a reasonable bill here on the floor and it will sound very reasonable back home to vote for this. There has been a lot of talk about whether our plan is better than other state workers, certainly it is

better than a lot of the people in the state of Maine get, there is no question about that.

Before we go any further in this direction of reducing pay and benefits, I think we have to take a very hard look at where we are heading. People say there are a lot of retired state people here. I am amazed almost weekly I meet a couple more people who have a retirement plan, either teachers or state troopers or whatever, these are all fine occupations.

We talk about a citizens legislature, these people are all citizens, of course, that is not the point. When we say citizens legislature we imply a broad spectrum reflective of the citizens in general. We do not have that here, my colleagues and friends, we do not have that here today. I think we should ask why. Number one, why do we not have it? Do we want to have it? How to get there? I think by whittling away at our pay and benefits it certainly is not the direction to go so that the working people can get over here and take this so called citizens job.

Before we go any further in this direction and I am not sure how I am going to vote until I push the button on this one. It is a very tough one for me. I submitted a bill earlier and it has been signed into law, public law thirty-seven, it requires that every time a salary gets printed for any state or legislative employee, every time, the dollar value of the benefit package will be printed too.

I wanted this for all public employees, municipal, teachers and everybody but the second part would have taken an two-thirds majority because it would have been an unfunded mandate even though it would only cost pennies. It would have been an unfunded mandate and I didn't want to try to do that at this time. I think it should be for all public employees printed right along. Then the public can see what we are all getting and then they can decide what we are worth. Thank you.

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

Representative KEANE: Thank you Mr. Speaker. I would like to pose a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative KEANE: Thank you. It is my understanding that the 116th Legislature took a five percent cut in pay. Is that true?

The SPEAKER: The Representative from Old Town, Representative Keane has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: It is my understanding that is true and it is in effect now.

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

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I am not a retired state employee or retired from any company. I have paid my health insurance most of my life for my husband and I and our family. I am not ashamed to take the health insurance plan here. I have been here a while and I feel as though I have worked hard and I agree with some of the other speakers who say if you want a citizen legislature you are going to have to pay some benefits for them.

The legislators in the state of Maine are not over paid. When you start looking at the state of Pennsylvania, they are up around \$90,000 dollars,

Massachusetts is \$40,000 dollars, New Hampshire and yes, but they do not meet the way we do. They do not run their legislature in any way that we run it. They may go one or two days a week. Some members don't even have a committee. It is run nothing compared to ours. They do not make the same personal sacrifices that we have to make.

I do not feel guilty and I am going to vote to keep this health insurance and I hope that the people in this legislature listen to what the good Representative from Eagle Lake said because I am not an insurance agent, but any of us who have been out there and run a little business and had health insurance for our employees know what it is for group insurance and different things you have to do and negotiate with an insurance group.

It will change your whole thing and I hope you will join me and the others in voting to keep the health insurance plan that we have. Thank you.

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

Representative MARSHALL: Thank you Mr. Speaker, Colleagues of the House: I will try to make this very brief. When I decided to run for the legislature I did count the costs of coming here and what the salary was very carefully. I had to make sure I had enough cash flow to maintain my family when I came here. We did take a five percent cut this year, as opposed to what we had last year.

The present proposal would amount to another \$500 dollar a year cut. We keep nipping away and pretty soon we will have the same kind of population that New Hampshire has is retired people and house wives. I don't think that is what we call a real citizens legislature. Thank you.

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

Representative MITCHELL: Thank you Mr. Speaker, Men and Women of the House: I would just like to address one of the assertions by the good Representative from Enfield, Representative Lane that no one considers benefits in coming to the House. I believe I represent what I think is a small minority in this body, being a young woman and a divorced parent of a small child. I did very seriously consider benefits.

I gave up full coverage with full dependent coverage when I became a part-time employee and I need the coverage we receive here to do this. I chose to do this for the community service aspect of it, but I could not do it and I could not bring the perspective that I represent here without these benefits.

I think it is very important to maintain the citizens legislature that we are trying to create. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Thank you Mr. Speaker, Ladies and Gentlemen of the House: My seat mate has hit a point with me that I think is a little close to my heart. I made a decision when I came down here as she has said. I looked this package over. One of the prime reasons I came, I came from one hundred percent into a hundred percent, as far as health insurance was concerned. That made it possible for me to come down here.

Without this kind of a package I don't believe you will get the response from those people who would

like to come down here, but can't because they can't afford it. I am a Republican. I ask you to accept the Majority "Ought Not to Pass" Report. Thank you.

Representative McElroy of Unity requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of 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 pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 46

YEA - Adams, Ahearne, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gooley, Gould, Green, Greenlaw, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kneeland, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Libby JL; Lindahl, Luther, Marshall, Mayo, McAleve, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Peavey, Perkins, Poirier, Poulin, Pouliot, Povich, Reed, W.; Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, Yackobitz, The Speaker.

NAY - Aikman, Ault, Barth, Birney, Buck, Campbell, Carleton, Chick, Clukey, Damren, Donnelly, Dunn, Gerry, Gieringer, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Lane, Layton, Libby JD; Lovett, Lumbra, Madore, Marvin, McElroy, Nass, Nickerson, Ott, Paul, Pendleton, Pinkham, Plowman, Reed, G.; Rice, Robichaud, Savage, Simoneau, Stedman, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Hatch, Kilkelly, Look, Martin, Stone, Truman.

Yes, 96; No, 49; Absent, 6; Excused, 0.

96 having voted in the affirmative and 49 voted in the negative, with 6 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Permit Consumer-owned Utilities to Seek Rate Reductions" (S.P. 522) (L.D. 1420)

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

Was referred to the Committee on Utilities and Energy in concurrence.

ENACTORS Emergency Measure

An Act to Repeal the Motor Vehicle Emission Inspection Program (H.P. 54) (L.D. 48) (C. "A" H-143)
Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

The SPEAKER: A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of 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 pending question before you House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 47

YEA - Adams, Ahearne, Aikman, Ault, Barth, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chase, Chick, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Madore, Marshall, Marvin, Mayo, McAleve, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, Yackobitz, The Speaker.

NAY - Benedikt, Chartrand, Chizmar, Jones, K.; Peavey, Richardson.

ABSENT - Bailey, Dore, Hatch, Kilkelly, Look, Martin, Stone, Truman.

Yes, 137; No, 6; Absent, 8; Excused, 0.

137 having voted in the affirmative, and 6 voted in the negative, with 8 being absent, a two-thirds vote of all the members elected to the House being necessary, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Repeal the Motor Vehicle Emission Inspection Program (I.B. 2) (L.D. 716) (C. "A" H-144)
Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

The SPEAKER: A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of 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 pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 48

YEA - Adams, Ahearne, Aikman, Ault, Barth, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chase, Chick, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, Yackobitz, The Speaker.

NAY - Benedikt, Chartrand, Chizmar, Heeschen, Jones, K.; Peavey.

ABSENT - Bailey, Hatch, Kilkelly, Look, Martin, Richardson, Stone, Truman.

Yes, 137; No, 6; Absent, 8; Excused, 0.

137 having voted in the affirmative and 6 voted in the negative, with 8 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, L.D. 48 and L.D. 716 having been acted upon, were ordered sent forthwith.

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

On motion of Representative JACQUES of Waterville, the House recessed until 4:00 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 25, 1995, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by

Committee Amendment "A" (H-77) - Committee on Judiciary on Bill "An Act to Authorize the Broadcasting of Information about Persons Who Are Delinquent with Child Support Payments" (H.P. 250) (L.D. 352)

TABLED - April 12, 1995 by Representative JACQUES of Waterville.

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

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

Representative TREAT: Thank you Mr. Speaker, Men and Women of the House: I am a little out of breath. The Judiciary Committee has just run up here from Room 113 where we have been in the middle of a hearing. I hope you will let us catch our breath as we engage in our first floor debate about a divided report coming to this floor.

This bill is a bill that would provide for the broadcast of names of non-custodial parents who have not paid their child support money. It does come from the committee with the Majority "Ought Not to Pass" Report eleven with the "Ought Not to Pass" position and two persons on the committee supporting the bill.

I would urge that you vote with the Majority "Ought Not to Pass" position for the following reasons. Those of us who oppose this legislation did so because we really were looking at the interest of the child. Actually I think that is the interest that both sides of this question focused on.

We simply came out on different sides of the issue when we got to the conclusion of our analysis. Obviously the whole point of child support is to help the children that that money is going towards. In this case it seems that the method of getting that support for the children was more harmful than actually getting the money by that means.

It is true that we do have a law right now that allows for the names to be published in the newspaper. That has not been utilized by the Department of Human Services yet. It has been in law for a couple of years. They only recently made a decision to start the practice. We have no experience with that we can look to in terms of how it has worked in this state and what the repercussions might have been for the children involved.

I think we have to remember that like it or not and I believe we may still be in turn off TV week, I don't know, but we really are in a TV culture. Kids watch a lot of TV and we do not doubt that it may be a very effective policy to list the names of their parents on the television screens. It was the conclusion of the Majority of the committee that in so doing we ran the risk of humiliating and shaming the very children that we are trying to help.

Children are stressed enough in this day and age and certainly children in divorced households don't have the easiest time of it. All kids right now have a tough time, but it didn't seem to make a lot of sense to be placing this additional humiliation on children who are often in a family situation where if child support money is being withheld it is frequently being withheld because it is a bad situation and the parents don't get along. There is a lot of negative going on in the first place.

We looked at ways to try to address this problem by getting some sort of a consent, but it still ended up being the parents consenting to it. We couldn't

figure out a way to address this problem. It is also a fact that people make mistakes and unfortunately even our government agencies make mistakes. I know those of you who have been legislators for more than a couple of months have probably gotten at least one, if not more, telephone calls about a child support case.

Mistakes are made and they are sometimes made in respect to the paying person. I have had those cases myself. That is not surprising, in fact, the average case load for DHS child support enforcement officer is eight hundred cases per DHS worker. That is the average. It runs from a five hundred low to a twelve hundred cases per person case load. Obviously the opportunity for error when you have five hundred, eight hundred, or twelve hundred cases is fairly great.

The problem is this. An error once made cannot be retracted in this case. Once the name is broadcast the reputation is ruined. The child is humiliated and a retraction is basically meaningless. If that weren't bad enough, the legislation explicitly states that there is immunity, even if errors are made, against the television station or the state. That is current law and this law extends it to the television station. So a television station broadcasting something unless it was intentional done would mouth intending to basically slander a particular person, there is nothing that person can do.

It seemed to us that this was not an appropriate thing to do. The intent was certainly a good intent, but the consequences of it to the majority of the committee were consequences that concerned us particularly because they are consequences that can effect the children who are involved.

We hope you will support our Majority "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative LaFountain.

Representative LaFountain: Thank you Mr. Speaker, Men and Women of the House: I rise today to speak in opposition to the pending motion. Urge you to vote no and to support the Minority Report.

If you would review the bill you will notice the current law allows the Department of Human Services to publish the names of individuals who are delinquent in their child support payments. The issue before you today, therefore, is not whether or not the department should be allowed to release these names. Legislation from the 116th Legislature gave them that permission.

What this bill does is it merely extends the departments power to enforce support enforcement and collection efforts and to release those names to broadcast entities such as radio and television. The bill further extends the right for those broadcast entities to also be immune from civil and criminal liability similar to the publishing networks.

Mr. Speaker, when the vote is taken I request the yeas and nays.

The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Thank you Mr. Speaker, Men and Women of the House: I also rise to ask you to vote against the Majority "Ought Not to Pass" Report. I have handed out a fact sheet and I would like to stress just a couple of the points that I made.

One is not every parent who owes child support is considered delinquent. There are degrees of delinquent. To make this list you have to be sixty days in arrears and have refused every contact by DHS, every letter, every certified letter, have refused contact. Not gone in to discuss your financial situation. Not gone in to discuss a payment agreement.

As I was saying to you before, we can already put these in the newspaper. Right now this sets up an unfair playing field between the media. We aggressively seeking persons who have gone underground and worked for themselves, under the table and are quite intent on not supporting their children. I think this is something that is being done in other states, in fact, Maine is quite gentle compared with other states.

You have heard that there is going to be a picture broadcast. DHS does not collect or distribute pictures of people who do not pay child support. This is not a DHS function. Should the press decide to go out and seek pictures or should parents seek to collaborate with the press the picture is going to be in the newspaper just as easily as it would be broadcast on any television station.

I would ask you to vote against the Majority "Ought Not to Pass" so we can accept the Minority "Ought to Pass". Thank you.

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

Representative HARTNETT: Thank you Mr. Speaker, Men and Women of the House: With all due respect to my wonderful colleague on the Judiciary Committee, Representative Plowman, I am going to urge you to vote to accept the Majority "Ought Not to Pass" Report.

Constitutionally there probably isn't very little difference between broadcasting and printing in the newspaper. In confirmation hearings for some of the judges we do this question has been put to them and they have said really constitutionally there is no difference. I would like you to think for a moment about young children and what the difference might be for them between seeing that picture of daddy or daddy's name flashed across the TV screen, which he is probably watching and seeing that name printed in the newspaper. Or should I say not seeing that name printed in the newspaper.

I think there is a very, very big difference. DHS is, with the support of the Judiciary Committee has been able to aggressively pursue parents who are in arrears on child support. We have many, many tools. We are still considering some right now. I would argue that we don't need this tool. Again I would ask that you all support the Majority Report.

Representative LaFountain of Biddeford requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of 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 pending question before the House is the motion to accept the Majority "Ought Not to Pass"

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

ROLL CALL NO. 49

YEA - Adams, Ahearne, Aikman, Bailey, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Bunker, Chase, Chizmar, Clark, Cloutier, Daggett, Damren, Davidson, Desmond, DiPietro, Dore, Driscoll, Dunn, Etnier, Fisher, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Hartnett, Heesch, Heino, Hichborn, Jacques, Jones, K.; Jones, S.; Joseph, Keane, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Poulin, Povich, Rice, Ricker, Robichaud, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stedman, Stevens, Strout, Taylor, Thompson, Townsend, Treat, Tripp, Tufts, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Winglass, Winsor, Yackobitz.

NAY - Barth, Buck, Cameron, Carleton, Chick, Clukey, Cross, Dexter, Donnelly, Farnum, Gamache, Guerrette, Johnson, Joy, Joyce, Joyner, Kerr, LaFountain, Lumbra, McElroy, Murphy, Ott, Plowman, Poirier, Pouliot, Reed, G.; Reed, W.; Rosebush, Simoneau, True, Tuttle.

ABSENT - Ault, Campbell, Chartrand, Hatch, Kilkelly, Look, Richardson, Rotondi, Stone, Truman, Whitcomb, Winn, The Speaker.

Yes, 107; No, 31; Absent, 13; Excused, 0.

107 having voted in the affirmative and 31 voted in the negative, with 13 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Bill "An Act to Amend the Laws Pertaining to Governmentally Constructed Jetties" (EMERGENCY) (S.P. 72) (L.D. 160)

TABLED - April 12, 1995 by Representative JACQUES of Waterville.

PENDING - Adoption of House Amendment "B" (H-98) to Committee Amendment "A" (S-36) (Roll Call Ordered)

Representative ETNIER of Harpswell withdrew House Amendment "B" (H-98) to Committee Amendment "A" (S-36).

The same Representative presented House Amendment "C" (H-135) to Committee Amendment "A" (S-36) which was read by the Clerk.

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

Representative ETNIER: Thank you Mr. Speaker. I wish to speak to my motion please.

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

Representative ETNIER: Thank you Mr. Speaker. Again, I beg your indulgence on this. We discussed this probably two weeks ago and I intend to be as succinct and clear as possible. Please excuse all the amendments that are connected with this.

My latest attempt here with this House Amendment that I am asking you to consider, House Amendment "C" is a further attempt to reach a compromise with the people who have a problem in the southern part of the state with the jetties in their area. My House Amendment "C" says essentially that for the purposes of this section a sand beach area effected by a

governmentally erected jettie includes any sand beach area within a two mile radius of such a jettie.

That again is to, in my opinion, turn the committee amendment around so that it more accurately reflects the original bill which dealt solely with governmentally constructed jetties, of which there are only five in the state. All in the southern part of the state and what I am trying to correct, in my opinion, is what happened in the committee amendment which basically made this bill go on a statewide basis.

I feel that we have a responsibility here that if we are going to have a bill that concerns issues on a statewide basis that is what the bill should be titled, not necessarily title, but that certainly is what the public hearing should be held on. People who would be interested based on that concern would then be interested enough to show up. The bill originally was quite carefully worded to only reflect governmentally constructed jetties and now it has moved on to reflect the entire coast of Maine. I don't feel that is right.

My amendment is an attempt to address the concerns of those people in southern Maine who do have a problem and who do have property near governmentally constructed jetties. Thank you very much.

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

Representative CARLETON: Thank you Mr. Speaker, Men and Women of the House: Just as a refresher this bill arose out of and concerns what a land owner can do when his or her house or other property is threatened with destruction because of the destruction of a seawall.

The bill would allow riprap to be placed in front of the property until proper remedies for the whole situation could take place. The bill arose out of a circumstance which happened in my home town. The bill does not contemplate allowing anybody to put any new seawall in where one does not exist. It does not contemplate any new construction. All it contemplates is allowing home owners to put in riprap to protect themselves from imminent destruction of their property because of the failure of a seawall.

The committee took the original bill which talked about governmentally constructed jetties and applied that to the bill, rewrote the bill, adopted the revised bill unanimously and instead of referring to governmentally erected jetties they inserted the more general term, coastal sand dune system. The reason why this is important to me and to some of us is that there has been a dispute about the destruction of sand beaches.

When we talk about governmentally constructed jetties we are talking about the federally constructed jetties, the Army Corp of Engineers, in my particular town has consistently denied that the jetties have caused the problem, everybody else disagrees. The point is that the term governmentally constructed jetties is and the effect of governmentally constructed jetties is something that cannot be readily determined. That fact can be used to stymie people who desperately need to repair their seawalls without having to go through hearing after hearing to determine causation.

This past Friday after we discussed the bill here there was a further accident in my district. A seawall had been undermined by the tides and part of it tilted and was about ready to fall over exposing some property in back of it. I don't think that this

amendment provides the protection that we would like. The committee adopted the committee amendment on the unanimous vote and I would urge you to defeat this House Amendment.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief. There are a couple of points that I think are important for you to know in your attempt to reject the proposed Amendment "C".

First of all it states beaches, sand beaches, I don't know of any place in the law that sand beaches is defined. We would have a little difficulty determining what is a sand beach and what isn't a sand beach. Of course I wouldn't have much difficulty up my way because Moosehead doesn't have any sand beaches. We are of course talking about the coast.

The second point that I would like to make is that it is extremely difficult to prove where damage comes from. To limit is to simply saying government constructed makes it most difficult to determine because as the Representative from Wells has said, they don't agree that it is their jettie, the Corp of Engineers, that is doing the damage.

The third point that I would like to make is that this does not give adequate protection to houses that were legally built on lots that were legally cited. I think a land owner and a home owner should have the right to protect their property.

Finally, I am not familiar with the Wells Beach area, but it is my understanding that where this amendment says within two miles. I believe the beaches are at least five miles long in Wells. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I rose the other day to support the amendment by Representative Etnier and I agree with his change and I support his change.

I was on the Natural Resources Committee and the subcommittee. I still feel that I guess it is unfair to address the whole coast line of the state of Maine when the original intent of the bill was to address the areas in the governmentally constructed jetties.

We know what a governmentally constructed jettie is. We know the damage that is being caused by them. The Corp of Engineers doesn't accept it and that doesn't mean the state of Maine can't accept it. I support his amendment. Thank you.

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

Representative JOHNSON: Thank you Mr. Speaker. I wish to speak to the concept that riprap or some hard material on a beach is going to solve the problem. All the reading I have done in this area about beach erosion is if you put something hard on the beach, whether it be riprap or a wall, it only encourages more and more erosion.

The only way you solve that problem is by sand. You must move the sand and you must rebuild the beach. I am familiar with Drake's Island. I am familiar with the jetties. When those jetties were not there you have a beautiful beach, some thirty years ago. When those jetties were put in that sand beach was destroyed. It was destroyed and the

cobblestones came up. You can see this happening every year, every winter. Thank you.

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

Representative CARLETON: Thank you Mr. Speaker. I take the comments from the Representative from South Portland to heart, but I would like to add something further. I think that most people think that erecting a seawall in an area where the tide is going to come in and hit is going to have a detrimental long term effect on the sand on the beach, because of the reflex action back from the seawall when the tide comes in and strikes that wall.

I am not so sure that same conclusion can be drawn concerning riprap. Riprap is stone, by the way, that is piled up in front of a seawall. I don't think you can draw the same conclusion. In any event the choice in many cases is whether or not you provide a temporary solution by means of the use of riprap or have your house fall into the ocean. You make that choice.

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

Representative MARSHALL: Thank you Mr. Speaker, Colleagues of the House: The situation is the sand has moved away from these peoples seawalls and the sand needs to be put back. The bottom line is the jetties are there. There is going to be a long time before they get removed and in the mean time I guess we are just going to let those houses drift off into the ocean. These people will lose their homes.

The situation is much deeper than that. We have a little feud going on as to what the solution of this is going to be. It is simply whether we allow the owners of these homes some protection at their own cost to losing their homes. It just seems kind of sad that we want to restrict it. One of the things that the subcommittee was concerned with, and this was the subcommittee Representative Berry served on, and was unanimous support to what we did. We didn't want to make a law or an amendment that was site specific.

We thought if we were going to make this available to some we ought to be able to make it available to all and not have some private law that we developed. I would like to encourage you to go against this amendment "C" and go on to adopt the Committee Amendment.

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

Representative JACQUES: Thank you Mr. Speaker, Men and Women of the House: As the Representative from Waterville, I have to say that having served on the former Energy and Natural Resources Committee every single session there was at least one seawall bill in.

Make no doubt about it. We should have never started building seawalls in the first place. The fact of the matter is we did. The problem with that is there are a lot of things we shouldn't have done in the first place. We shouldn't have buried gasoline tanks underground, but we did. We shouldn't have had land fills and put all the stuff we did in landfills, but we did. We shouldn't have used the herbicides, pesticides and insecticides that we have over the years, but we did. We did so because at the time that was the only thing left to us to solve the potential problems that were occurring.

We never looked down the road to see what those ramifications were. Every session of the legislature we had Joe Kelly come to us and tell us about the movement of sand. You don't have to be a genius to figure that out, it happens on Moosehead Lake. One spring I have a lot of sand on my shore and the next spring I don't have any and it belongs down below. Two years after that it is back in front of my shore. I understand the movement of sand.

The problem is we built these jetties and we built sand walls and they are starting to fall apart and that is a bad thing. It is not a bad thing because they don't belong there it is a bad thing because people have invested behind them. We can say it is their fault. They shouldn't have done it. All these other arguments, but the simple fact of the matter is we have done it. Every single year we come back and we try to address the issue of what do you do to address the people who have property behind these seawalls and jetties.

The subcommittee came out with a recommendation that isn't the best in the world, I understand. This is not a perfect world. We have spent millions of dollars and put ourselves through many inconveniences trying to address the mistakes we have made in the past, environmentally to our own water, land and ocean. The problem I have with the amendment is that, once again, it treats the jetties that were constructed by the government differently than jetties that were constructed by anybody else.

Like all of a sudden there should be a distinction between the fact that government created one jetty or one seawall versus a landowner or group of landowners in association. I am not against the environment, my record clearly will establish that, but I think there comes a time when we have got to start treating everyone fairly. An investment that I might have of a half a million dollars in a piece of property is no less of importance to me than one that is protected by a governmentally constructed seawall or jetty.

I will admit we should have never built them, but we did. When we built the first one we made our first mistake. The problem is you have them there, what do you do. Do you let them fall apart or fall into the ocean, which they will do eventually and take somebody's property and their investment away and say I'm sorry you should have never built it. It wasn't a sound thing to do. I don't believe so.

I think if you continue to have that mentality you are going to start losing the support of the very people who are out there designing the environmental laws that we have in place that are based on years of experience in learning where our mistakes were. The mistake we can make is continue to repeat the mistakes of the past. We should not throw this whole thing out under the guise we shouldn't have done it. If that was the case there wouldn't be too much left for us to do anywhere.

I support the original subcommittee's report, the original unanimous report because I think in a manner of fairness it is the most responsible and fair manner to address something that should have never been done, but it was. That is the simple fact and I dare say that the legislatures for years to come will be back here trying to grapple where constructed seawalls and what you are going to do to protect people's property because that is the way mother nature is.

Even after being a nation two hundred years we still haven't learnt that you don't fool with mother nature. That is more than just a catchy saying. That is the fact. We have tried in the everglades. We have tried all across this country to mess around with mother nature and the people have ended up paying the price for that. We do it under the guise of expediency of making things conform, of making things nice and all we have done is created expensive financial hardships on the people we say we are out to serve and protect.

I think you should think about that. Is the difference between a jetty that was created by a government entity as if they were all knowing and god like versus the one that was created by an association or an individual landowner should they be treated differently, I don't believe so. In either case, were they right? I don't believe so. The fact of the matter is, it was done. Now you have to mitigate continued damage that is going to be effected by the mistake you made in the past. Clearly this is a case where you don't throw the whole thing out to mother ocean based on the fact that the government did one and people did the other.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Thank you Mr. Speaker, Ladies and Gentlemen of the House: A couple of quick points. As a member of Natural Resources Committee that voted originally on the unanimous report on this bill, I will admit I was confused, I thought we were still dealing with the governmentally constructed jetties. There are five as Representative Etnier said in this state.

As the Representative from Wells, Representative Carleton mentioned, I do want to take care of the problem that the people down there are having and perhaps others that are dealing with governmentally constructed jetties. However, Representative Etnier has brought up an excellent point, when we open up a bill to go statewide, when we print the bills, they have titles and they have statement of facts. A lot of people thought, ok, this bill is dealing with the five governmentally constructed jetties. Then we got away from that a bit and went statewide, the whole coast, with this bill.

I think Representative Etnier's Amendment (H-135), the one we are going to be voting on shortly is a good compromise in this. I think it will address the problem that the people in Wells have and I certainly want to deal with their issue. I understand that. As Representative Jacques has just mentioned, you can't fight the sea. We keep trying to fight the sea and it comes back to haunt us. Yes, the jetties are a poor idea, but we are stuck with them. We have a lot of expensive homes that are potentially threatened in Wells and perhaps some of the other governmentally constructed jetty locations.

So, I know it is a bit of a complex issue and it has gotten a little bit involved here, but I would urge people to support Representative Etnier on this amendment and thank you for your time.

The SPEAKER: The pending question before the House is adoption of House Amendment "C" to Committee Amendment "A". The Chair will order a Division. All those in favor will vote yes; those opposed will vote no. Is the House ready for the question?

The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Thank you Mr. Speaker. I noticed from my calendar that a roll call had been ordered on this already. Is that correct?

The SPEAKER: The Chair would respond to the Representative that was on House Amendment "B". The Representative is free to request a roll call at this time, however.

Representative CARLETON: Thank you Mr. Speaker. My apologies. I do request a roll call.

Representative CARLETON of Wells requested a roll call on adoption of House Amendment "C" (H-135) to Committee Amendment "A" (S-36).

The SPEAKER: A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of 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 pending question before the House is adoption of House Amendment "C" (H-135) to Committee Amendment "A" (S-36). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 50

YEA - Adams, Ahearne, Benedikt, Berry, Brennan, Bunker, Chase, Cloutier, Davidson, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gates, Gerry, Green, Hartnett, Heesch, Johnson, Jones, K.; Keane, Kontos, Lemaire, Lemke, Luther, Martin, Meres, Mitchell JE; O'Neal, Povich, Rosebush, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Townsend, Treat, Tripp, Volenik, Watson.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Cross, Damren, Desmond, Dexter, DiPietro, Donnelly, Dunn, Farnum, Gamache, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbr, Madore, Marshall, Marvin, McAlevey, McElroy, Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rowe, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor, Yackobitz.

ABSENT - Chartrand, Daggett, Hatch, Kerr, Kilkelly, Look, Mayo, Mitchell EH; Richardson, Rotondi, Truman, The Speaker.

Yes, 42; No, 97; Absent, 12; Excused, 0.

42 having voted in the affirmative and 97 voted in the negative, with 12 being absent, House Amendment "C" (H-135) to Committee Amendment "A" (S-36) was not adopted.

Subsequently, Committee Amendment "A" (S-36) was adopted.

The Bill was passed to be engrossed and sent up for concurrence and ordered sent forthwith.

Bill "An Act to Repeal the Laws Regarding Consumer Information Pamphlets" (H.P. 307) (L.D. 411) (C. "A" H-88)

TABLED - April 13, 1995 by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

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

Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373)

- In House, Majority "Ought to Pass" as amended Report of the Committee on Human Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-15) on March 28, 1995.

- In Senate, Passed to be engrossed in non-concurrence.

TABLED - April 13, 1995 by Representative FITZPATRICK of Durham.

PENDING - Further Consideration.

On motion of Representative FITZPATRICK of Durham, the Bill was tabled pending further consideration and specially assigned for Thursday, April 27, 1995.

An Act to Reduce the Number of Days a Tenant May Be in Arrears for Rent Payments (S.P. 76) (L.D. 164) (C. "A" S-28)

TABLED - April 13, 1995 by Representative NADEAU of Saco.

PENDING - Passage to be Enacted.

On motion of Representative NADEAU of Saco, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

Under further suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-28) was adopted.

The same Representative presented House Amendment "A" (H-139) to Committee Amendment "A" (S-28) which was read by the Clerk.

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

Representative NADEAU: Thank you Mr. Speaker, Men and Women of the House: This is not an eleventh hour trick we are trying to play. Basically what we have here is an amendment which was written in legalese that most of us couldn't understand.

It was brought to the attention by some staff members in this area that this was, in fact, a potential problem. What this Amendment (H-139) actually does is add a little bit of English to the little bit of legalese that was already there. There is no substantive changes.

The same Representative presented House Amendment "A" (H-139) to Committee Amendment "A" (S-28) was adopted.

On motion of Representative JONES of Bar Harbor, the House reconsidered its action whereby House Amendment "A" (H-139) to Committee Amendment "A" (S-28) was adopted.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Thank you Mr. Speaker. May I pose a question through the Chair to Representative Nadeau.

The SPEAKER: The Representative may pose his question.

Representative JONES: Thank you Mr. Speaker. It was my understanding that an agreement had been made that we would go from fourteen days to seven days for

late payment of rent and in exchange for that the tenant would be able to pay rent up until the date the rite of possession was issued. Am I correct in assuming that?

The SPEAKER: The Representative from Bar Harbor, Representative Jones has posed a question through the Chair to the Representative from Saco, Representative Nadeau who may choose to respond if he so chooses.

The Chair recognizes that gentlemen.

Representative NADEAU: Thank you Mr. Speaker. If the Representative would care to look at the amendment it says very clearly on line twenty-seven that fourteen is crossed and seven is inserted.

Representative JONES of Bar Harbor moved to table one legislative day pending adoption of House Amendment "A" (H-139) to Committee Amendment "A" (S-28).

Representative NADEAU of Saco request a division on the motion to table.

A vote of the House was taken. 55 voted in favor of the same and 66 voted against, subsequently, the motion to table was not accepted.

On motion of Representative THOMPSON of Naples, tabled pending adoption of House Amendment "A" (H-139) to Committee Amendment "A" (S-28) and later and later today assigned.

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995" (EMERGENCY) (H.P. 1001) (L.D. 1412)

(Committee on Appropriations and Financial Affairs suggested)

TABLED - April 25, 1995 (Till Later Today) by Representative KERR of Old Orchard Beach.

PENDING - Reference.

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

The Bill was assigned for second reading later in today's session.

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

Senate Divided Report - committee on Banking and Insurance - (9) Members "Ought to Pass" as amended by Committee Amendment "A" (S-62) - (4) Members "Ought Not to Pass" on Bill "An Act to Stabilize Health Insurance Rates for Small Businesses" (S.P. 164) (L.D. 425) which was tabled by Representative VIGUE of Winslow pending his motion to accept the Majority "Ought To Pass" as amended Report.

-Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted in non-concurrence.

The Bill read once. Committee Amendment "A" (S-62) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, April 27, 1995.

Senate Divided Report - Committee on Legal and Veterans Affairs - (12) Members "Ought Not to Pass" - (1) "Ought to Pass" on Bill "An Act Concerning the Required Distance between Agency Liquor Stores" (S.P. 227) (L.D. 587) which was tabled by

Representative NADEAU of Saco pending his motion to accept the Majority "Ought Not to Pass" Report.

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

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

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

House Divided Report - Committee on State and Local Government - (8) Members "Ought Not to Pass" - (3) Members "Ought to Pass" as amended by Committee Amendment "A" (H-117) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature to 99 Members in the House and 33 Members in the Senate (H.P. 46) (L.D. 40) which was tabled by Representative DAGGETT of Augusta pending her motion to accept the Majority "Ought Not to Pass" Report.

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

House Divided Report - Committee on Natural Resources - (9) Members "Ought Not to Pass" (4) Members "Ought to Pass" as amended by Committee Amendment "A" (H-120) on Bill "An Act to Ensure the Protection of Tribal Fish Stocks and Other Natural Resources" (H.P. 63) (L.D. 99) which was tabled by Representative GOULD of Greenville pending his motion to accept the Majority "Ought Not to Pass" Report.

On motion of Representative MARTIN of Eagle Lake the Bill was tabled pending the motion of Representative GOULD of Greenville to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday April 27, 1995.

House Divided Report - Committee on Education and Cultural Affairs - (8) Members "Ought to Pass" as amended by Committee Amendment "A" (H-113) - (5) Members "Ought Not to Pass" on Bill "An Act to Prohibit Schools from Charging Activity Fees for Participation in Extracurricular Events" (H.P. 140) (L.D. 188) which was tabled by Representative MARTIN of Eagle Lake pending his motion to accept the Minority "Ought Not to Pass" Report.

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

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: May I make a correction. I believe that is the Minority "Ought Not to Pass" Report. Is that correct?

The SPEAKER: The Chair would apologize. The pending motion is to accept the Minority "Ought Not to Pass" Report. The Representative may proceed.

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: I will try to keep this as brief as possible. This is a practice that some schools 14 of the 200 and some odd schools in the state of Maine are participating in. They are collecting fees for participation in extracurricular or cocurricular activities. The fee is usually between \$25 and \$45 dollars per child, per sport.

If you have a family of five and you have some kids that are going to school you are talking about paying between \$200 and \$300 dollars in some cases

for your family to participate in extracurriculars. I am talking about sports, band, basketball, football and many other extracurricular activities. Not only that collection is poor policy, but I think it is highly discriminatory. It is a fee that is being collected improperly.

Let me address this point first. You and I know that the schools are financed through tax dollars. We pay property taxes and we pay state income tax and other state taxes that go into GPA from those monies offerings by the school are funded. I think in this case where it is an offering by schools there should not be a fee charged for participation in that particular event, whatever it might be. It is a kin to charging for your son or daughter to go to chemistry class. These are offerings of the school. I would say that in essence you are being doubly taxed.

My question is, why should a kid from Edward Little have to pay \$35 dollars to participate and if they want to play three sports, you are talking about \$105 dollars for one kid to participate in sports. Why should they have to pay \$105 dollars that their parents have already paid in property and state taxes that go toward GPA. Why should they have to pay? The answer is they shouldn't. They have already paid. The kid in Lewiston High School that just happens to go to Lewiston High School doesn't have to pay an activity fee.

The kid in Auburn does. I think that is really unfortunate. What is unfortunate beyond that is the fact that these children who cannot afford the fee may be excluded from participating on these teams. That is the key point I want to make today. What if your parent says, "I don't want to pay this extra fee. I am already paying my property taxes. I am already paying state income taxes. I am paying sales tax." What if they don't want to pay. Your kid doesn't get to play.

What if they can't afford it? Some of the schools have made provisions, while if you can't afford it we will find a way. We will give you a waiver of some sort. That is fine except for it is another case of the have and the have not. For the \$8,000 dollars, now on average we are talking about school raising \$8,000 dollars. Is it worth \$8,000 dollars to have a system where the have and the have nots are exposed? Where some kids have equal access is at risk. I don't think so. I hope that you will agree with me on that.

That is why eight people on the Education Committee voted in favor of this bill. In order to vote in favor of this bill you have to vote no today. The Minority "Ought Not to Pass" was forwarded. Again, a quality of access is at stake here. Another thing I want you to think about, in the statutes, Chapter 206, section 1, the duty of school units is stated, elementary and secondary schools are to provide free education for its residents students at all levels, free education at all levels.

I think that because 14 school districts in this state are collecting this fee, I think they are violating this statute. I have asked for an Attorney General's opinion, but I haven't got it yet. That is unfortunate, but I hope to get it as soon as possible.

I would like to applaud some area administrators and quote them really quickly who have spoken out publicly against pay to play. Joseph Finley, who is

a Principal at Mt. Ararat, said he is facing his toughest budget decision ever, but under no circumstances would he consider a program and I quote "unfairly eliminates students from sports programs". Don Wilson at Biddeford High School, he is the Athletic Director, he said he is glad his school dropped the policy after one year. He said, "It was difficult and unpleasant especially for coaches". The coaches had to collect the fee from the kids. I think that is really unfortunate.

Edward White, former Superintendent in Representative Look's district, said this. I thought it was just a fantastic way, much better that I could put it. He said, "It is my contention that extracurricular activities are part and parcel of a student's education and as such must be funded by the system. Historically we provide a free education to all of our students. We must not pick parts of that education and require parents to pay for it. This could be equated to having children pay for the frogs they dissect or the history books they read." I urge you to support passage of this L.D.

One final thing I would like to say and I will sit down. The Maine Principals Association has a resolve and I would like to read part of that resolve right now.

It says, "Whereas, student activities have been long a vital part of Maine schools and

Whereas, participation fees may place a financial burden on some families and

Whereas, the underfunding of activity programs fails to recognize the educational benefit derived from such programs and

Therefore be it resolved that the Maine Principals Association urges local school districts to preserve the integrity of student activity programs by recognizing their work to individual students and the life of the school and

Be it further resolved that the MPA opposes the use of participation fees in all activity programs at any level."

I took a little bit of criticism for passing it out to the House because the Maine Principals did come and they did testify and they said maybe the money is more important, but this is a resolve and it is still a resolve they hold to. I truly believe in it. I would really appreciate your support today. It is a bill that means a lot to me. I won't ask for too many votes this session, but this is one of them. I really think it is a very poor policy. I would appreciate your support by voting no on the pending motion. Thank you.

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

Representative MARTIN: Thank you Mr. Speaker, Members of the House: Let me first agree that all thirteen members of the Education Committee feels strongly that there should not be any fees accessed for people who play sports. That was a given, all of us believed in that approach.

Second the SPA also opposes that same policy that some fourteen schools in Maine have. However, the SPA also opposed the passage of this bill. I repeat, they opposed the passage of this bill. Let me just illustrate why. We are talking about attempting to put fees or prevent fees. If a school district decides that they need to raise the money for whatever reason and lets not kid our selves, the reason why they have to do that is because we have

not adequately funded elementary and secondary education in our own districts from state funds.

If they feel they have to and all they have to do if we pass this bill is to simply require that certain other costs have to be picked up and simply divert and require some other costs to be paid rather than the fees that they are charging. It seems to me, bottom line, that we ought not to be telling local school boards, and some of you have served on local school boards and are presently serving on school boards now, what they can and can't do as we proceed to attempt to cut budgets at the local level, especially with the way that we are doing it at the state level.

I repeat. I do not support this particular issue. In terms of the requirement of fees being assessed by local school boards, but sometimes it is the only option that school boards have in attempting to save a teacher. Remember, the bottom line, at least the last time I checked of a school district or a school board was to make sure they had a quality program excluding sports. I repeat, we ought to be concerned with the type of academic programs that are presently on going in our school systems. That ought to be our number one concern. Then if we have money left over, then we ought to be giving money for football, basketball, track, swimming and everything else.

I think that is a local issue. I will close by simply saying that perhaps a year ago my position would have been little different, but now since I am a member of the school board, I now know that local control is most important. I urge you to accept the "Ought Not to Pass" Report.

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

Representative HEINO: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I truly think this is an issue that should be handled locally. I don't think we need more laws on the books to handle this. Some may wonder whether or not a student would be deprived from the opportunity to play a sport. If it is a local issue, they will solve those problems. I don't think we need to deal with each individual problem that is here.

Next session are we going to deal with what to charge for dances. Some schools charge for dances some schools don't. What about class trips. Some raise money and students don't have to pay for it. Some pay for it out of their own pockets. To me this is somewhat like micro managing the local school systems. I don't think we should be involved in it. I think the local school system, it is lead by and administered by very capable people. They are elected by their citizens.

If they are not handling these type of situations correctly, there is a process to remove them. I would also urge you to support the Minority "Ought Not to Pass" Report.

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

Representative BRENNAN: Thank you Mr. Speaker, Men and Women of the House: I don't believe this is a micromanagement issue. This is an issue about educational policy. If you believe there is a relationship between people participating in cocurricular activities and their performance in the classroom and academic performance then you will vote against the Minority Report. In fact, by applying a fee we are saying as a further hindrance or barrier

to people participating in those activities that are directly related to their academic performance.

I agree with the Representative from Eagle Lake, nobody on the committee agreed that this was a good policy. However, all of a sudden we all knew it was a bad educational policy, but it turned into a local control issue. I would ask you to separate this out and view this as an educational policy, not an issue of micromanagement or local control. Thank you.

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

Representative LEMAIRE: Thank you Mr. Speaker. I had no intention of speaking on this, but I attended a school committee meeting the other night where the city council wanted to have a zero increase and the school committee was desperately trying to get the money. The 200 people in attendance, most of them supporting education. No one wants fees, but one of the things the school committee is going to have to cut is all sports activities.

I want to ask you about local control of this. If we are making a law to say you can't have fees for athletics, are we next going to have a law saying you must have athletics. What is education all about? We all want athletics in the school system, but are we saying it is more important than the quality of education for children in a classroom. I don't think so. I support the "Ought Not to Pass".

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

Representative McALEVEY: Thank you Mr. Speaker, Men and Women of the House: I served as a Vice Chairman of the school board when we instituted pay to play five years ago. That was a very difficult decision for us to do. The points I wish to make tonight are two points.

Curriculum and policy lie at the local level, at the school board level. School boards, I think, tend to have more of a finger on the pulse of what is happening in our communities than any other elected organization in the state. We elected to go to pay to play, not because we were mean spirited, it was a device to ward off that segment in our community who was going to scrap thousands and thousands of dollars worth of our budget in sports.

It was a compromise. That same school district, MSAD #57, this year lifted its pay to play, but for those three years we assessed it and we used a system where children who couldn't afford would be waived. Frankly, any parent who came forward and said I am having a problem, we automatically waived it. It was a device to keep away the wolves who were going to shut down our educational program. The bottom line for me is, matters of curriculum, matters of policy, by federal statute, by federal case law, lie with the local school board and nowhere else.

Representative LIBBY of Buxton requested a roll call on the motion to accept the Minority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of 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 pending question before the House is the acceptance of the Minority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 51

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Bunker, Cameron, Campbell, Chartrand, Chick, Chizmar, Clark, Clukey, Daggett, Damren, DiPietro, Driscoll, Farnum, Fisher, Fitzpatrick, Gamache, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Heesch, Heino, Jacques, Johnson, Joseph, Keane, Kerr, Labrecque, LaFountain, Lemaire, Lemont, Libby JL; Lindahl, Lovett, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rosebush, Simoneau, Sirois, Spear, Stedman, Strout, Taylor, Thompson, Townsend, Tripp, Tyler, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb.

NAY - Brennan, Buck, Carleton, Chase, Cloutier, Cross, Davidson, Desmond, Donnelly, Dore, Dunn, Ethier, Gates, Gerry, Hichborn, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kneeland, Kontos, Lane, Layton, Lemke, Libby JD; Look, Lumbr, Luther, Murphy, Nickerson, O'Gara, Pinkham, Plowman, Poirier, Rice, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Stevens, Stone, Treat, True, Tufts, Tuttle, Underwood, Winglass, Winn, Winsor, Yackobitz.

ABSENT - Dexter, Hatch, Kilkelly, Rotondi, Truman, The Speaker.

Yes, 92; No, 53; Absent, 6; Excused, 0.

92 having voted in the affirmative and 53 voted in the negative, with 6 being absent, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

House Divided Report - Committee on Legal and Veterans Affairs - (8) Members "Ought to Pass" as amended by Committee Amendment "A" (H-129) - (5) Members "Ought Not to Pass" on Bill "An Act to Clarify the Statutory Prohibition of the Collection of More Than 2 Months of Rent in Advance" (H.P. 196) (L.D. 255) which was tabled by Representative CHIZMAR of Lisbon pending her motion to accept the Majority "Ought to Pass" as amended Report.

Representative ROBICHAUD of Caribou requested a division on the motion to accept the Majority "Ought to Pass" as amended Report.

Representative STEVENS of Orono 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 it must have the expressed desire of more than one-fifth of 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 pending question before the House is acceptance of the "Ought to Pass" as amended Report.

The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Thank you Mr. Speaker, Men and Women of the House: This bill may need a bit of clarification for some of you who don't know exactly what it means.

Currently a land lord is entitled to collect two months rent for security deposit. They are entitled to collect six months rent in advance. What happens when someone gives their money over in advance aside from losing whatever interest may be accrued on an account. Someone loses their right to withhold rent and make repairs that may be suffered due to a negligent landlord.

At the hearing this bill had for the committee, many landlords were present. You can imagine they were all over the room. Most of the landlords there assured us that they themselves did not practice charging six months rent in advance. They claim things like this is a regional issue, a college issue, but I take issue with that, because that simply is not the case. When someone has your money up front money that forever is the belonging of the tenant until a security deposit is withheld or until rent is used in time and space occupied in an apartment the landlord has money that belongs to someone else. If someone loses the prerogative to withhold rent and repair something that could be broken and detrimental to somebody's quality of life, for instance, a broken window or broken lock on the door, dripping faucet.

Last year we increased the amount of money someone is entitled to withhold to \$250 dollars or half a months rent, whichever is more. You may remember if you were here last session, that we passed that bill. This is not a collegiate issue. I would offer that this is landowner tenant issue and not a single landlord at the committee either testifying or sitting on the committee said I myself practice this or I need this for my business. I need this because I keep the interest and I live off it or I need this because it makes book keeping easier. It is simply not the case. It is practiced all over the state of Maine, not simply in Orono.

I would offer that if it is a practice in state law to only collect two months rent advance for security deposits we could take the same standard and apply it to rent in advance period. We have taken special precautions in this bill to protect the summer colonies who enjoy paying rent four months at a whack. There is a clause in the bill for voluntary payment of rent up front. As a committee there are people supporting it who in the past who have actively fought against it, because of these two precautions. People coming for the summer may pay four months in advance and people who voluntarily want to pay may do so at their pleasure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Thank you Mr. Speaker, Men and Women of the House: I rise today in opposition of this legislation. In committee we heard testimony that there was a problem only in city of Orono and there was only a problem for two or three landlords. We had testimony from Lewiston that it was not a problem in Lewiston. We had testimony concerning Waterville where they have three colleges, there is not a problem in Waterville.

My argument is this is a home rule problem. This should be addressed in Orono and also to address the good Representative from Orono's concerns. We have code enforcement officers to address landlords who

don't take care of problems in their properties. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out that landlord tenant law is not a home rule issue. I think we should all be aware of that. In requiring more than two months of rent in advance is one way to discriminate against renters and tenants in this state legally. I wanted to make those points. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" as amended Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 52

YEA - Adams, Ahearne, Benedikt, Berry, Brennan, Chartrand, Chase, Chizmar, Clark, Cloutier, Davidson, Desmond, Driscoll, Etnier, Fisher, Fitzpatrick, Gates, Gerry, Green, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Lemaire, Libby JD; Luther, Martin, Meres, Mitchell EH; Mitchell JE; Nadeau, O'Neal, Perkins, Richardson, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, True, Tuttle, Volenik, Watson, Winn.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Daggett, Damren, DiPietro, Donnelly, Dunn, Farnum, Gamache, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kerr, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Murphy, Nass, Nickerson, O'Gara, Ott, Paul, Peavey, Pendleton, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Tufts, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Dexter, Dore, Hatch, Kilkelly, Lemke, Rotondi, Truman, The Speaker.

Yes, 54; No, 89; Absent, 8; Excused, 0.

54 having voted in the affirmative and 89 voted in the negative, with 8 being absent, the Majority "Ought to Pass" as amended Report was not accepted.

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

House Divided Report - Committee on Education and Cultural Affairs - (11) Members "Ought to Pass" as amended by Committee Amendment "A" (H-114) - (2) Members "Ought Not to Pass" on Bill "An Act to Permit Law Enforcement Officers to Transport Truants Back to School" (H.P. 204) (L.D. 263) which was tabled by Representative CLOUTIER of South Portland pending his motion to accept the Majority "Ought to Pass" as amended Report.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted. The Bill was read once. Committee Amendment "A" (H-114) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, April 27, 1995.

House Divided Report - Committee on Banking and Insurance - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (H-124) - (5) Members "Ought Not to Pass" on Bill "An Act to Include Short-term Health Insurance Policies in the Continuity Laws" (H.P. 321) (L.D. 442) which was tabled by Representative GATES of Rockport pending his motion to accept the Minority "Ought Not to Pass" Report.

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

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the pending motion of "Ought Not to Pass" and I move that we accept the Majority "Ought to Pass". I am opposed to the pending motion. As what happened this morning, I am not ready to pick it up. I would like to return to the "Ought to Pass" motion.

Representative GATES of Rockport moved to tabled until later today pending his motion to accept the Minority "Ought Not to Pass" Report.

Representative CAMERON of Rumford requested a division on the motion to table.

A vote of the House was taken. 51 voted in favor of the same and 78 voted against, the motion to table did not prevail.

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

Representative CAMERON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would appreciate it if you would vote against the pending motion. As you can see the pending motion is a Minority Report and I know there has been a bit of discussion around both caucuses and there also was in the committee itself.

Just to be sure you folks understand. This is a type of insurance policy that was not available in the state of Maine until just the last couple of years. We can get into long debate about why it is not available or anything. It isn't available and I know some of you in here, like myself, who have had children graduate from college and if they didn't go to work immediately that didn't provide insurance, they do not have available a short term health insurance policy to them that is a reasonable cost.

This is a problem for our young folks. It is also a problem for people who are between jobs. You may lose your job for whatever reason. If you want some health care, even if it is a minimum quality health care plan, if you want something available for your family it is not available.

The way this is written, it would only be good for twelve months. It would allow people to get through an interim period where they didn't have any health insurance available to them. Some of the argument was that we shouldn't do it because it is not renewable. I submit to you if you don't have any insurance and you get hurt it still is not renewable. When it comes time to get on an insurance policy, if you have a preexisting condition, that will be an issue whether you have this interim policy or not. I ask you to defeat the pending motion so we can go ahead and pass the Majority Report out of committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Thank you Mr. Speaker. I would like to speak briefly on this point. In Maine we have made a commitment towards continuity of

coverage in health care issues, mandatory renewal of health care policies.

On the national level, the new renewed debate on health care reform is focusing on that issue, it is focusing on something that we in Maine did some years ago. What mandatory renewal means is that insurance companies can't cream the market by taking and choosing to insure the young and the healthy and then should they get sick not renewing their policies. This is a step in 180 degrees away from the direction we have been moving in Maine for the past few years.

Health insurance is not like other insurance. It is there to be used and if you get sick and then you have a pre-existing condition it ought to be able to be renewed.

Lastly, not one insurer showed up at our hearing and we have insurance lobbyists everyday before our committee and said this is actually something they would offer. So I would urge you to validate the direction we have been going in Maine, toward mandatory renewal of health care coverage and vote yes. I ask for a division. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Majority Report on this bill, I would like to give you a slightly different perspective than that of Representative Gates.

First and foremost this is not a continuity issue. This insurance is an insurance that will cover people that are currently going uninsured. These are not people that are going to come off another form of insurance. This is not a policy you can keep long term. It is not as good a policy as a regular renewable health insurance. What it is is a product that was available up to the last couple of years in Maine. It is a product that allows young people getting out of school in transition, whatever, with no insurance to buy something short term to cover them for that limited period of time.

Many of you probably remember when we were young that we simply went without insurance for that period of time and took a risk. This policy was available in Maine, to Maine citizens for a long time. When we passed our continuity laws it made this product unavailable and because of the nature of the product it is not something that can be renewed. It made a bunch of people then not have the option to go and purchase this short term insurance.

We had testimony from insurance agents that said this is one of the most asked for things by customers, not by insurance companies, but by customers that they are not able to provide because state law does not allow for it. Customers want this. Citizens that are going without insurance want this. This is an opportunity for them to get a low cost coverage instead of none for a short period of their life until they find long term better coverage under a group or individual policy.

This is not going away from the continuity law. It is picking up a group who is simply going on coverage today and I strongly urge you to defeat this Minority "Ought Not to Pass" motion. Thank you.

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

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: This fills a need. When you lose your coverage you have to find

someone who will cover you. This serves that purpose. I urge you to reject the Minority "Ought Not to Pass" Report. Thank you.

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

Representative HEESCHEN: Thank you Mr. Speaker, Members of the House: I have been a little bit confused around the debate on this bill. I dug out the amendment and perhaps it explains the confusion. The original title which is what we have before us on the board and in our calendar says it is "An Act to Include Short-term Health Insurance Policies in the Continuity Laws". The amendment essentially takes that title out and substitutes "An Act to Exclude Short-term Health Insurance Policies in the Continuity Laws" and I think that issue of confusion there makes it very difficult to tell what is going on in this.

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

Representative CAMERON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I apologize for the confusion over this and I have to admit I don't know what has happened. I hate to stand up here and tell you that, but maybe it is a typographical error, but there is no intention for this amendment to say exclude, because it is fully our intention for this policy to be available. It is not available now and I apologize for the confusion. I don't know how this happened and I apologize for not having picked it up before. I thank the good Representative from Wilton for having pointed it out.

I will also say that some of the information you have heard here surprises me. It amazes me that people can say that you are better off with no insurance than you are with a short-term policy. The issue about nonrenewable to me is a non issue. If you don't have insurance at all, you have no coverage. This is a short-term policy that gets you through to a full-time, full coverage kind of insurance policy. The renewing issue is simply not an issue.

As far as no insurance people showing up at the hearing, I guess I was at the wrong hearing because I brought folks with me that day. They testified in front of the Banking and Insurance Committee so I don't know where the information is coming that no insurance people came there. I was there and I testified and the folks I brought with me also testified.

Again, I apologize for the confusion over the amendment. I don't know if it is typographical error. If so, maybe the Committee on Bills in Second Reading can correct that problem. I have to admit I don't know what to do at this point. I am sorry to say that, but I don't know what to do.

Representative GATES of Rockport requested a division on the motion to accept the Minority "Ought Not to Pass" Report.

Representative CAMPBELL of Holden requested a roll call on the motion to accept the Minority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of 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 pending question before the House is acceptance of the Minority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 53

YEA - Adams, Ahearne, Benedikt, Berry, Brennan, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Fitzpatrick, Gamache, Gates, Green, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Kontos, LaFountain, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Perkins, Povich, Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Wheeler, Winn.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, DiPietro, Donnelly, Dunn, Farnum, Fisher, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Paul, Peavey, Pendleton, Pinkham, Plowman, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Dexter, Hatch, Kilkelly, Rotondi, Truman, The Speaker.

Yes, 58; No, 87; Absent, 6; Excused, 0.

58 having voted in the affirmative and 87 voted in the negative, with 6 being absent, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted. The Bill was read once. Committee Amendment "A" (H-124) was read by the Clerk.

Representative LUMBRA of Bangor presented House Amendment "A" (H-161) to Committee Amendment "A" (H-124) which was read by the Clerk.

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

Representative LUMBRA: Thank you Mr. Speaker, Members of the House: Let me just explain this amendment a little bit. This committee did a lot of work on this short-term health insurance. You have heard the arguments here and they are very valid.

I will give you a few more. If somebody graduates from college, for example, and they are not longer eligible on their parents insurance, they have an option of no insurance or an individual plan. An individual plan has a \$250 dollar deductible in Maine and would cost approximately \$150 dollars to that individual.

That individual is usually unemployed and looking for a job after graduation of college. A short-term health insurance policy would cost that individual \$45 dollars a month for a \$250 dollar deductible. It would cost \$38 dollars a month for a \$500 dollar deductible and \$29 dollars a month for a \$1000 dollar deductible.

This is a necessity in Maine to get the uninsured insured. This amendment will allow short-term health

insurance policies in Maine. Without this amendment to exclude it from community rating, we will not have any companies offer short-term health insurance in Maine. This is a necessity. This is not and should not be compared to an individual insurance policy. This is to provide for a specific need up to twelve months.

This amendment only says that if we do not pass this amendment and we have community rating involved in the short-term policies that would raise the price with a \$250 dollar deductible from \$45 dollars a month to approximately \$100 to \$116 dollars a month. The whole meaning of this short-term policy is to provide very inexpensive coverage for a short period of time to get somebody from the hump of non-insured to a group or individual policy once they have employment. Thank you.

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

Representative CHASE: Thank you Mr. Speaker, Men and Women of the House: I have to take issue with my good co-member of the Banking and Insurance Committee, Representative Lumbra.

I agree that we, in fact, did spend a lot of time working this bill. Unfortunately, we did not work this amendment. The amendment has come before you today. I do appreciate the arguments being made that in order to attempt to protect the young and healthy we should do an awful lot. The young and healthy are often the poor and healthy. They are students. They are newly off their parents insurance policy and they, in fact, may make the decision not to buy health insurance. I absolutely agree that is true.

However, what we are doing as far as I can tell with this amendment that has just been presented to you is eliminating community rating for this entire product. Representative Lumbra has given you figures to illustrate her point. Those figures are presumably the best information available as this product does not currently exist in the state of Maine. I don't know what it would cost. I don't know what it would cost with community rating and I don't know what it would cost without community rating.

This body has a recent history, granted, of trying to protect not only the young and healthy, but the older and sicker and that is the whole point of community rating. It is also a very good thing for employers. To attempt to remove one sort of product and say, oh by the way, we will eliminate all consideration of community rating and the pricing that goes with community rating, the guaranteed insurance that goes with community rating, the protection for citizens that go with it. This is at best less than extremely responsible.

I am sorry that this was not brought to the committee's attention and that you have to vote for it on the floor. I, for one, do not intend to support this amendment and I wish you would join me in not supporting this amendment.

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

Representative MARTIN: Mr. Speaker, Members of the House: I am not sure where we are going. I guess I have some fear. It appears the potential here is that the legislature is about ready to undo what it has done in the last two to four years, which has made us one of the leading states in the country in terms of community rating and some of the other issues.

I have a feeling that we are potentially with this amendment and the bill itself may well be increasing the rates for some people in Maine. I was involved against, and I suspect this particular amendment is being sponsored by Preti, Flaherty, Beliveau and Pachios because this was the organization for the lobbying effort last time which tried to protect the market for a very narrow group of people in this country.

What they wanted to do was, basically milk the industry and by being able to milk, decrease the rates with this product. When we forced community rating we put these particular companies, national companies, out of business in Maine. I don't know if that is what is going on, but I smell a rat.

I would have to pose the question to anyone who may answer, who has the answer as to where this amendment comes from, as to whether or not it comes from that particular organization who is doing the lobbying and for what insurance companies in this country are supporting this particular amendment?

The SPEAKER: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Thank you. I would be happy to answer that question. Although I would like to be nationally known, I am not. This amendment is sponsored by me, period. It is not sponsored by any insurance industry or company. I am a member of the committee. I heard on this committee that, well if we don't exclude this from community rating it won't be offered in Maine, so we really don't have a problem here having short-term insurance policies offered to Maine citizens.

I am the one that initiated this amendment. This amendment is nothing more than to allow short-term insurance policies to be available in Maine. It is a choice for the Maine consumer. It is not a big profit making item for insurance companies or insurance agents. That is perhaps why we didn't have huge insurance companies or rows of insurance agents there supporting this bill. It is not big profit for them.

I will educate you a little bit. This is not to be compared with individual insurance. This is not to be compared with group insurance. This is not an about face or turn around on the work that has been done in the last two years. This is supposed to be another step in the right direction to get uninsured people insured. To give them an option, which I thought was the goal all along in the reforms that have been made and frankly I am quite amazed that here we are having this debate that these people in Maine should not have this option of being insured by a short-term policy that is more than reasonable in its price.

If I am a college graduate, am I going to pay a \$120 dollars or am I going to pay \$45 dollars. I dare say that I would not be able to pay the \$120 dollars on up. This is not cherry picking. This is a niche market. This can never be utilized for more than twelve months. Another thing is we have had short-term health insurance policies and in forty-eight other states they, too, have short-term health insurance policies.

This is not something we have dreamed up to cherry pick or skim off the top or undo what has been done in the last two years. This is simply something to

offer people that have no other option some insurance. This is not only for college graduates, I will give you another example, somebody who is involved in a workers' compensation case, they had the option of having cobra benefits or pay cobra insurance. The premium was extremely high. They could not afford it. They were not employed and they needed something to get them through the hump. This was an option for them.

It is much less expensive all the way up, not just for the young. It is much less expensive than an individual policy. The other thing I have heard is, where did I get the figures? I got the figures from Time Insurance at my request. These figures, I think, are very accurate, since Time Insurance has been the one to have short-term insurance policies in Maine. They will put them back in Maine if they are exempt from community rating and from the continuity law, because they don't apply to the continuity law. They only last up to twelve months.

I think that this is a cry from the people in Maine. Representative Cameron has said this. I have said this. We heard it in the committee. There is a lot of people in Maine that want this option. Parents have asked for this so that they can provide insurance for their college graduates. It goes on up. We use college graduates, for examples because that seems to be the group that most likely to be uninsured after they graduate from college. There are other examples, many examples.

It does not undo anything that has been done in the last two years. Again I will mention that this is my amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I apologize for standing twice on this issue. I will be very brief.

I want to first say that I respect the words of the Representative from Eagle Lake this was not a plan hatched by anyone other than Representative Lumbra and myself as I sat beside her. She said, "I want to add an amendment to this to be sure this gets offered to people." I said, "Great Lisa, that is a great idea." I know she has done the work herself so I know from wince it came.

Secondly, almost all states have these insurance policies available. Maine is one of the very few that doesn't and it is only because our continuity laws did not allow it for people. Had we not changed our laws it would still be available and these young people who are going without insurance because they can't afford the quality coverage would in fact still be covered.

Thirdly, Representative Lumbra made a point that is very important that these policies are not as good for insurance agents or their customers. They would rather sell the expensive high priced policy with all the thrills because they make a lot more profit. They simply do this as a service to their clients who come in, who are between jobs or in a transition in life and something is better than nothing. We need to help low income Maine people. We need to help people in transition. This will not harm the insurance pool. It will not cause rates to rise and I again urge you to support it. I apologize for standing twice. Thank you.

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

Representative HICHBORN: Thank you Mr. Speaker. This is a serious matter and we have had some very serious questions asked. I would ask that this matter be tabled one legislative day.

The SPEAKER: The Chair would inform the good Representative that the motion to table is not debatable and since you proceeded your motion to table by previous comments, the Chair cannot entertain the motion to table at this time.

On motion of Representative MARTIN of Eagle Lake, tabled pending adoption of House Amendment "A" (H-161) to Committee Amendment "A" (H-124) and specially assigned for Thursday, April 27, 1995.

Pursuant to House Rule 22, Representative JACQUES of Waterville, moved that the House extend the session until 9:30 p.m. A vote of the House was taken. 121 voted in favor of the same and 6 against, the session was extended until 9:30 p.m.

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

BILLS IN THE SECOND READING

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995" (EMERGENCY) (H.P. 1001) (L.D. 1412) (Governor's Bill)

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

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

On motion of Representative TRUE of Fryeburg the House adjourned at 9:25 p.m., until 9:30 a.m., Thursday, April 27, 1995 in memory of the victims of the bombing in Oklahoma City.