

# 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  
36th Legislative Day  
Thursday, April 27, 1995

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

Prayer by the Reverend John William Zehring, South Parish Congregational Church, Augusta.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

**Ought to Pass as Amended**

Report of the Committee on Inland Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-67) on Bill "An Act Concerning Juveniles Hunting without Adult Supervision" (S.P. 163) (L.D. 424)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-67).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-67) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 2, 1995.

**Ought to Pass as Amended**

Report of the Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-68) on Bill "An Act to Prohibit State Legislative Employees from Using State Time or Property for Campaigning" (S.P. 169) (L.D. 430)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-68) as amended by Senate Amendment "A" (S-86) thereto.

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-68) was read by the Clerk. Senate Amendment "A" (S-86) to Committee Amendment "A" (S-68) was read by the Clerk and adopted. Committee Amendment "A" (S-68) as amended by Senate Amendment "A" (S-86) thereto was adopted and the Bill assigned for second reading Tuesday, May 2, 1995.

**Ought to Pass as Amended**

Report of the Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-65) on Bill "An Act to Allow Plumbers to Install Electric Wiring on Electric Hot Water Heaters and Electric Water Pumps" (S.P. 30) (L.D. 60)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-65) as amended by Senate Amendment "A" (S-87) thereto.

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-65) was read by the Clerk. Senate Amendment "A" (S-87) to Committee Amendment "A" (S-65) was read by the Clerk and adopted. Committee Amendment "A" (S-65) as amended by Senate Amendment "A" (S-87) thereto was adopted and the Bill assigned for second reading Tuesday, May 2, 1995.

**Divided Report**

Majority Report of the Committee on Agriculture, Conservation and Forestry reporting "Ought to Pass" as amended by Committee Amendment "A" (S-76) on Bill "An Act Regarding Fees Assessed by the Maine Land Use Regulation Commission for Changes within a Development District" (S.P. 194) (L.D. 503)

Signed:

Senators:

CASSIDY of Washington  
LORD of York  
PARADIS of Aroostook  
KILKELLY of Wiscasset  
KNEELAND of Easton  
AHEARNE of Madawaska  
SPEAR of Nobleboro  
HICHBORN of Lagrange  
TYLER of Windham  
STROUT of Corinth  
CROSS of Dover-Foxcroft  
DEXTER of Kingfield

Representatives:

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

Signed:

Representative:

HEESCHEN of Wilton

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-76).

Was read.

On motion of Representative HEESCHEN of Wilton, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-76) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 2nd, 1995.

**Divided Report**

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-74) on Bill "An Act Regarding Insurance Rates for Volunteer Drivers" (S.P. 309) (L.D. 847)

Signed:

Senators:

ABROMSON of Cumberland  
McCORMICK of Kennebec  
SMALL of Sagadahoc  
GATES of Rockport  
SAXL of Portland  
MAYO of Bath  
CHASE of China  
MITCHELL of Vassalboro  
CAMPBELL of Holden

Representatives:

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

Signed:

Representatives:

JONES of Pittsfield  
GUERRETTE of Pittston  
LUMBRA of Bangor

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-74).

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 **Natural Resources** reporting **"Ought Not to Pass"** on Bill "An Act to Require the Department of Environmental Protection to Pay Attorney's Fees in Court Cases where the Department Does Not Prevail" (S.P. 68) (L.D. 156)

Signed:

Senators: LORD of York  
RUHLIN of Penobscot  
Representatives: 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 "A" (S-80) on same Bill.

Signed:

Senator: HATHAWAY of York  
Representative: GREENLAW of Standish  
Came from the Senate with the Majority **"Ought Not to Pass"** Report read and accepted.

Was read.

On motion of Representative GOULD of Greenville, the Majority **"Ought Not to Pass"** Report was accepted in concurrence.

#### Non-Concurrent Matter

An Act Concerning Municipal Shellfish Conservation Program Penalties (H.P. 194) (L.D. 253) which was passed to be enacted in the House on April 12, 1995.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-77) in non-concurrence.

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

#### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

#### Agriculture, Conservation and Forestry

Bill "An Act to Strengthen the Laws Concerning Damage by Dogs" (H.P. 1019) (L.D. 1434) (Presented by Representative OTT of York)

Resolve, to Preserve the Dairy Industry in the State (EMERGENCY) (H.P. 1021) (L.D. 1436) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: AIKMAN of Poland, CROSS of Dover-Foxcroft, HEESCHEN of Wilton, HICHBORN of Lagrange, JONES of Pittsfield, MARSHALL of Eliot, NICKERSON of Turner, STEDMAN of Hartland, STROUT of Corinth, Senators: CASSIDY of Washington, LONGLEY of Waldo, LORD of York)

#### Banking and Insurance

Bill "An Act to Create a New Deductible for Workers' Compensation and to Clarify Reporting Requirements" (H.P. 1015) (L.D. 1430) (Presented by Representative WINN of Glenburn) (Cosponsored by Representative: GWADOSKY of Fairfield)

Bill "An Act to Amend the Laws Regarding Workers' Compensation Pilot Projects" (H.P. 1017) (L.D. 1432) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: AHEARNE of Madawaska, GWADOSKY of Fairfield, MAYO of Bath, VIGUE of Winslow, Senators: BUTLAND of Cumberland, ESTY of Cumberland, MILLS of Somerset)

#### Business and Economic Development

Bill "An Act Pertaining to the Purchase Deposit on Automobiles" (H.P. 1014) (L.D. 1429) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representatives: DAGGETT of Augusta, DAVIDSON of Brunswick, DEXTER of Kingfield, GOULD of Greenville, JONES of Bar Harbor, JOSEPH of Waterville, MORRISON of Bangor, O'GARA of Westbrook, ROWE of Portland, Senators: BUSTIN of Kennebec, CAREY of Kennebec)

#### Criminal Justice

Bill "An Act to Enhance the Penalties for Repeat Offenders of the Laws Governing Drinking and Driving" (H.P. 1020) (L.D. 1435) (Presented by Representative OTT of York) (Cosponsored by Senator: LAWRENCE of York)

#### Education and Cultural Affairs

Bill "An Act to Provide for the Dissolution of the Town of York School District" (H.P. 1009) (L.D. 1424) (Presented by Representative OTT of York)

Bill "An Act Concerning the Confidential Employees of the Maine Technical College System" (H.P. 1022) (L.D. 1437) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representatives: CLOUTIER of South Portland, FISHER of Brewer, GOULD of Greenville, JOSEPH of Waterville, MARTIN of Eagle Lake, MORRISON of Bangor, SAXL of Bangor, Senators: BUSTIN of Kennebec, CAREY of Kennebec, FAIRCLOTH of Penobscot, MICHAUD of Penobscot, PARADIS of Aroostook)

Bill "An Act to Require That Public Schools Permit Participation in School Activities and Classes by Students Who Are Receiving Home Instruction" (H.P. 1027) (L.D. 1442) (Presented by Representative WINN of Glenburn)

Resolve, Directing the University of Maine System to Offer Evening and Interactive Television Courses for Students Pursuing a Masters Degree in Communication Disorders (H.P. 1010) (L.D. 1425) (Presented by Representative WINN of Glenburn)

#### Human Resources

Bill "An Act to Promote Family Self-sufficiency by Changing the Welfare Rules Governing the Disregard Period" (H.P. 1012) (L.D. 1427) (Presented by Representative BRENNAN of Portland)

Bill "An Act to Establish a Catastrophic Health Care Expense Program" (H.P. 1025) (L.D. 1440) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Representatives: BERRY of Livermore, CHIZMAR of Lisbon, CLARK of Millinocket, DORE of Auburn, GREEN of Monmouth, JACQUES of Waterville, KEANE of Old Town, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, RICHARDSON of Portland, TRIPP of Topsham, TYLER of Windham, Senator: CAREY of Kennebec)

Reference to the Committee on Human Resources suggested.

On motion of Representative FITZPATRICK of Durham, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

#### Judiciary

Bill "An Act to Prevent Scalping of Entertainment Tickets" (H.P. 1018) (L.D. 1433) (Presented by Representative GERRY of Auburn) (Cosponsored by Senator RAND of Cumberland and Representatives: ADAMS of Portland, GWADOSKY of Fairfield, McALEVEY of Waterboro, ROSEBUSH of East Millinocket)

Bill "An Act to Amend the Laws on Marital Property, to Provide for Alternative Dispute Resolution in Domestic Relation Matters and to Provide for the Recodification and Revision of the Maine Revised Statutes, Title 19" (EMERGENCY) (H.P. 1024) (L.D. 1439) (Presented by Representative THOMPSON of Naples) (Cosponsored by Senator: MILLS of Somerset)

Resolve, Directing the Attorney General to Review Standards for Reporting Suspected Sexual and Physical Abuse of Minors (H.P. 1013) (L.D. 1428) (Presented by Representative OTT of York) (Cosponsored by Representative: PLOWMAN of Hampden, Senators: LAWRENCE of York, PENDEXTER of Cumberland)

#### Legal and Veterans Affairs

Bill "An Act to Strengthen the Governmental Ethics and Campaign Reports and Finances Laws" (H.P. 1029) (L.D. 1444) (Presented by Representative WHITCOMB of Waldo)

#### Natural Resources

Bill "An Act to Create Wet-weather Water Quality Standards" (H.P. 1023) (L.D. 1438) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: DAGGETT of Augusta, DEXTER of Kingfield, GOULD of Greenville, MITCHELL of Vassalboro, MORRISON of Bangor, Senators: CAREY of Kennebec, LAWRENCE of York) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

#### State and Local Government

Bill "An Act to Dismiss Certain Federal Mandates" (H.P. 1028) (L.D. 1443) (Presented by Representative GERRY of Auburn)

#### Transportation

Bill "An Act Concerning Abandoned Cars" (H.P. 1026) (L.D. 1441) (Presented by Representative PEAVEY of Woolwich) (Cosponsored by Representatives: BARTH of Bethel, GOOLEY of Farmington, MARSHALL of

Eliot, SAVAGE of Union, TAYLOR of Cumberland, TRUE of Fryeburg, WHEELER of Bridgewater)

Resolve, Transferring Jurisdiction of County Bridges to the Department of Transportation (H.P. 1011) (L.D. 1426) (Presented by Representative WHITCOMB of Waldo)

Bill "An Act to Require the State to Provide Its Share in Implementing the Salt and Sand Schedules" (H.P. 1016) (L.D. 1431) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representative: BAILEY of Township 27)

Reference to the Committee on Transportation suggested.

On motion of Representative O'GARA of Westbrook, tabled pending reference and later today assigned.

#### ORDERS

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 22)

ORDERED, that Representative Brenda Birney of Paris be excused April 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph D. Driscoll of Calais be excused April 5 and 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused April 24 to 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Theone F. Look of Jonesboro be excused April 24 and 26 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused April 12 to 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael V. Saxl of Portland be excused April 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter P. Truman of Biddeford be excused April 25 for the duration of his illness.

Was read and passed.

#### REPORTS OF COMMITTEES

##### Ought to Pass as Amended

Representative CLARK from the Committee on Criminal Justice on Bill "An Act to Amend the Sexual Abuse Laws by Including 18-year-olds Who are Still in School in the Provisions for the Sexual Abuse of Minors" (H.P. 616) (L.D. 826) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-157)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-157) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 2, 1995.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Return 1% of Sales Tax Revenue to the Communities in Which the Tax Was Collected" (H.P. 301) (L.D. 405)

Signed:

Senators:

Representatives:

HATHAWAY of York  
CAREY of Kennebec  
KEANE of Old Town  
MURPHY of Berwick  
GREEN of Monmouth

DORE of Auburn  
SPEAR of Nobleboro  
DUNN of Gray  
REED of Falmouth

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-145) on same Bill.

Signed:

Representatives: TRIPP of Topsham  
TUTTLE of Sanford  
RICHARDSON of Portland

Was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of either 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-151) on Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (EMERGENCY) (H.P. 324) (L.D. 445)

Signed:

Senators: LORD of York  
RUHLIN of Penobscot  
Representatives: GOULD of Greenville  
POULIN of Oakland  
MERES of Norridgewock  
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 "B" (H-152) on same Bill.

Signed:

Senator: HATHAWAY of York  
Representatives: SAXL of Bangor  
BERRY of Livermore  
SHIAH of Bowdoinham

Was read.

Representative POULIN of Oakland 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 to Abolish the Legislative Retirement System" (H.P. 363) (L.D. 483)

Signed:

Senator: BEGLEY of Lincoln  
Representatives: HATCH of Skowhegan  
CHASE of China  
LEMAIRE of Lewiston  
PENDLETON of Scarborough  
SAMSON of Jay  
TUTTLE of Sanford

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-149) on same Bill.

Signed:

Senators: MILLS of Somerset  
RAND of Cumberland

Representatives: JOY of Crystal  
JOYCE of Biddeford  
STEDMAN of Hartland  
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 Tuesday, May 2, 1995.

#### Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Exclude Certain Parks from the Definition of Mobile Home Parks" (H.P. 372) (L.D. 507)

Signed:

Senators: STEVENS of Androscoggin  
MICHAUD of Penobscot  
Representatives: TRUMAN of Biddeford  
CHIZMAR of Lisbon  
GAMACHE of Lewiston  
FISHER of Brewer  
NADEAU of Saco

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-142) on same Bill.

Signed:

Senator: FERGUSON of Oxford  
Representatives: BUCK of Yarmouth  
LABRECQUE of Gorham  
TRUE of Fryeburg  
MURPHY of Berwick  
LEMONT of Kittery

Was read.

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

#### Divided Report

Majority Report of the Committee on **Labor** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-140) on Bill "An Act Concerning Sick Leave and Vacation Benefits" (H.P. 388) (L.D. 523)

Signed:

Senators: BEGLEY of Lincoln  
MILLS of Somerset  
RAND of Cumberland  
Representatives: HATCH of Skowhegan  
CHASE of China  
JOY of Crystal  
LEMAIRE of Lewiston  
PENDLETON of Scarborough  
SAMSON of Jay  
STEDMAN of Hartland  
TUTTLE of Sanford

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

Signed:

Representatives: JOYCE of Biddeford  
WINSOR of Norway

Was read.

Representative CHASE of China 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 specially assigned for Tuesday, May 2, 1995.

**Divided Report**

Majority Report of the Committee on **Legal and Veterans Affairs** reporting **"Ought to Pass"** on Bill "An Act Pertaining to the Signing of Petitions" (H.P. 471) (L.D. 652)

Signed:

Senators: FERGUSON of Oxford  
MICHAUD of Penobscot

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

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

Signed:

Senator: STEVENS of Androscoggin  
Representative: MURPHY of Berwick

Was read.

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 286) (L.D. 774) Bill "An Act to Make Revisions to the Uniform Interstate Family Support Act" (EMERGENCY) Committee on **Judiciary** reporting **"Ought to Pass"**

(S.P. 292) (L.D. 790) Bill "An Act to Allow the Workers' Compensation Board to Submit Legislative Proposals Annually" Committee on **Labor** reporting **"Ought to Pass"**

(S.P. 320) (L.D. 901) Bill "An Act to Clarify the Use of the Power of Sale Foreclosures Regarding Limited Liability Corporations" Committee on **Judiciary** reporting **"Ought to Pass"**

(S.P. 18) (L.D. 49) Bill "An Act to Create Additional Employment Opportunities in the Financial Services Industry by Allowing Financial Organizations to Charge Additional Finance Charges" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-70)

(S.P. 213) (L.D. 555) Bill "An Act to Increase the Time Period for Veterans Serving in Desert Storm Recognized in the Veterans Preference Program" Committee on **Legal and Veterans Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-69)

(S.P. 220) (L.D. 562) Bill "An Act to Increase Compensation of Trustees of the Gray Water District" Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-75)

(S.P. 233) (L.D. 598) Bill "An Act to Establish Landowner Recognition Day" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-66)

(S.P. 235) (L.D. 600) Bill "An Act to Clarify Credit Union Common Bond Requirements" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-71)

(S.P. 261) (L.D. 697) Bill "An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-78)

(S.P. 300) (L.D. 839) Bill "An Act to Allow the Workers' Compensation Board to Regulate Nonfinancial Aspects of Workers' Compensation Arbitration" Committee on **Labor** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-73)

(H.P. 536) (L.D. 732) Bill "An Act to Increase the Compensation of Members of the State Claims Commission" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-159)

(H.P. 565) (L.D. 766) Bill "An Act to Allow the Submetering of Electric Rates in Campgrounds" Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-160)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 2, 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. 289) (L.D. 787) Bill "An Act to Expand the Membership of the State Employee Health Commission" (C. "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 (C. "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" (C. "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) (C. "A" H-147)

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

**BILLS IN THE SECOND READING**

**As Amended**

Bill "An Act to Create a Purple Heart License Plate" (H.P. 102) (L.D. 137) (C. "A" H-154)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Popular Election of the Attorney General (H.P. 153) (L.D. 201) (C. "A" H-70)

Bill "An Act to Permit Greenhouses To Have Temporary Road Signs" (H.P. 193) (L.D. 252) (C. "A" H-153)

Bill "An Act to Stabilize Health Insurance Rates for Small Businesses" (S.P. 164) (L.D. 425) (C. "A" S-62)

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

Bill "An Act to Amend the Law Governing Real Estate Transfer Taxes Applicable to the Maine Turnpike Authority" (H.P. 479) (L.D. 660) (C. "A" H-146)

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) (C. "A" H-141)

Bill "An Act to Amend the Workers' Compensation Board's Annual Assessment" (EMERGENCY) (H.P. 695) (L.D. 953) (C. "A" H-148)

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.

Bill "An Act to Permit Law Enforcement Officers to Transport Truants Back to School" (H.P. 204) (L.D. 263) (C. "A" H-114)

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

On motion of Representative JACQUES of Waterville was set aside.

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

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

An Act Concerning Municipal Shellfish Conservation Program Penalties (H.P. 194) (L.D. 253) which was tabled by Representative JACQUES of Waterville pending further consideration.

-Passed to be enacted in the House on April 12, 1995.

-Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-77).

Subsequently, the House voted to Recede and Concur.

By unanimous consent, all reference 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 Wednesday, April 26, 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 (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-68) - Committee on Labor on Bill "An Act to Provide a Cost-of-Living Adjustment to Minimum Wage Earners" (H.P. 206) (L.D. 265)

TABLED - April 13, 1995 by Representative HATCH of Skowhegan.

PENDING - Motion of Representative JOY of Crystal to indefinitely postpone Bill and all accompanying papers.

On motion of Representative CHASE of China, tabled pending the motion of Representative JOY of Crystal to indefinitely postpone Bill and all accompanying papers and specially assigned for Tuesday, May 2, 1995.

SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (S-64) - Committee on Criminal Justice on Bill "An Act to Establish a Shock Incarceration Program" (S.P. 46) (L.D. 76) - In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED - April 25, 1995 by Representative CLARK of Millinocket.

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

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Thank you Mr. Speaker, Members of the House: I rise to ask you to vote against the prevailing motion and to support the Minority Report which is the Committee Report. The Committee Report says in the statement of fact that this amendment replaces the original bill. The amendment has a resolve directing the Commissioner of Corrections with the help of all interested parties to develop a shock incarceration program for nonviolent offenders between the ages of eighteen and twenty-five.

Using the New Hampshire Shock Incarceration Program as a model and using information from other states and countries may be used. The Commissioner of Corrections will present the plan in a report and any necessary implementing legislation to the Joint Standing Committee on Criminal Justice by December 1, 1995.

Ladies and gentlemen, I strongly support the concept of boot camp style programs as a sentencing alternative. I believe it warrants further study. Some thirty states now have some form of boot camp style programs. One of the concerns in the committee was the conflicting reports on the level of success. I chose to look at a program that was working next door in the state of New Hampshire. I called the Commissioner of Corrections in the state of New Hampshire and had a talk with him. They have had their program in place for five years now.

The first two years study their recidivism rate on their program was seventeen percent as compared to forty-seven percent for the men's prison. I have them a little early because the five year study isn't quite out yet, but the results are looking better maybe around fifteen percent recidivism rate.

Looking at the results on boot camps around the country and reading a research analysis from Research America says, "Despite differences among programs the results were surprisingly consistent. Boot camp inmates became more positive about their experience in the program and they became less antisocial. There was no evidence of shock incarceration having a negative impact on inmates attitudes."

I think we are looking at sentencing alternatives for people. The majority of people, I feel, are convinced that we really need to help people before they become career criminals. It is nice to get these first time nonviolent offenders instead of when they have a crime that is serious enough that



they are going to be sent to jail and they are not going to get community service or whatever, rather than sending them to jail which to me is a way for them to get educated by rubbing elbows with career criminals. I see this as a potential to bypass that and get a lot of these first time offenders, especially when they are younger, lacking discipline and direction, boot camp style incarceration can give them that.

These programs have shown the goals to develop self-esteem and instill individual accountability and develop a solid work ethic and a sense of civic responsibility. A lot of these programs have adult basic education and substance abuse avoidance and so on. I have a book from the New Hampshire Shock Incarceration Program and they have a four phase program. It is quite complicated and I will just summarize it for you.

Phase one is crime related-victim awareness issues. What got you here? How is the victim affected? Phase two is chemical dependence-substance abuse education. Phase three is personal issues, impulse control and decision making. How to develop positive health, spiritual and work habits? Phase four is to release responsibilities. Getting out, parole issues, job placement and civic responsibilities.

The whole program was actually worked on by this corrections officer from the York County Sheriff's Department. He has been interested in this for many years. I will just read a brief part of his report. "After several years of research and talking with countless corrections professionals at various levels, police officers, politicians, government administrators, clergy, education professionals and average citizens, I am absolutely convinced that a system of boot camp incarceration is very much in need in the state of Maine. Not all of the aforementioned people are in agreement with me on this and that is the way it should be.

I am in full agreement that boot camps are not a cure all for overcrowded prisons and increasing crime rates or the multitude of problems we face in the world of corrections. However, all of us must recognize that what we are doing currently is not very effective. We send offenders to jail or prison. They serve their sentence or more likely some portion of it and we release them. They have no improvement in education, life skills or even self-discipline or self-control. As an end result the same old person gets out of jail and goes back to the same old neighborhood and meets up with the same old friends doing the same old things and sure enough they go back to the same old jail.

Most of these young people have no real desire to return to jail and, in fact, promise everyone including themselves that they won't be back. Breaking the cycle they are caught up in is difficult if not impossible. They do not possess the skills needed. We aren't helping them either or we would not see them on a reoccurring basis. We are locking them away so they can rub shoulders with other offenders. All and all it amounts to a college education and criminal techniques. One of my favorite quotes is, if you keep doing what you have been doing you will keep getting what you have been getting. If you want change, you have to make change.

It seems to me that is what we have been getting increased recidivism rates isn't all that great. If we keep using the same methods, we are going to

continue to get the same results over and over again. The time for change is now."

I agree with that. One of the concerns with the amendment was a fiscal note. We all know we are having trouble coming up with finances. You will notice the fiscal note says additional costs to develop a plan to establish a Shock Incarceration Program for certain offenders can be absorbed by the Department of Corrections utilizing existing budgeted resources. That is a negative fiscal impact.

Much to my pleasant surprise, I found by talking to Ralph Nichols, who is the Director of Correctional Inspections for the state of Maine that he was sent to Georgia under the offices of the Department of Justice and the crime bill to look at Georgia's Boot Camp Incarceration Program. He was quite impressed with it and he came back and they are looking at possibly developing a plan, modeled after New York or New Hampshire. He is putting together a grant request for the first year initiative and he is also working with the Muskie Institute on that grant.

During the testimony several people had concerns. They actually pointed in the direction of the need of this program. The Maine Council of Churches testified that we hope this committee will consider ways to broaden the range of sanctions available in Maine and the context of this broader review and it may be reasonable to reexamine Shock Incarceration Programs, boot camps. The Department of Corrections testified that the department would suggest that any proposal to establish Shock Incarceration Programs in Maine be thoroughly evaluated and discussed. The department would be pleased to participate in such a study and to assist in a review of such a program.

In light of those comments, I hope that you vote against the prevailing motion and support the Minority Report.

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

Representative CLARK: Thank you Mr. Speaker, Men and Women of the House: I hope when you vote this morning you vote with the "Ought Not to Pass". The committee itself has given this a thorough mind going over. We spent a lot of time going over it. If this was a bill that needed to be passed or this was something that needed to be done, I think the commission that we have in place would do it tomorrow.

We have probably the best commission you can find throughout the country. Everybody is looking for them and we have them. If it is such a big problem and we need to implement this boot camp, then he can do it. We have no money. We just have no money in corrections. We are looking to cut about \$11,000,000 dollars over the next two years and part of the cuts are closing four facilities. If you are going to cut and close four facilities, why go ahead and put in a new program. We just don't have the money. If I thought we had the money, we would be looking at it. We just haven't got it. Thank you.

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

Representative JOHNSON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: In the past two sessions we have looked at this Shock Incarceration Program in the, once named, Corrections Committee and now the Criminal Justice Committee.

In all the material we came across nationally, the programs effects were short-term. Shock incarceration works if you have an enormous program

around it, with counselling and community support. It does not work by itself. This has already been mentioned. Our new commissioner comes to us as one of the most highly recommended and knowledgeable persons in the field of corrections and rehabilitation. He does not support this. Only if you can put around it an enormous program of counselling, support and community work.

I ask you to support the Majority "Ought Not to Pass". Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Thank you Mr. Speaker, Members of the House: I have to repeat what I said earlier on the amendment. There is no fiscal note on this Minority Report. This is a study. It doesn't ask for any appropriations. The fact that the Department presently is reviewing the situation shows that they must consider this worthy of looking at. This is a resolve to put them in that direction. It is a policy.

I have great respect for expertise in fields. The commissioner certainly has all those qualities. Even people with great expertise have predilections and things that were argued in the past over and over through the years doesn't necessarily mean that they are bad ideas. Thank god that is not the standard we use or else Thomas Edison would have given up a long time ago. A long time before he found the right filament for the light bulb.

I ask when we take this vote it be by the yeas and nays please.

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

Representative CLARK: Thank you Mr. Speaker, Men and Women of the House: I hope when you listened to the debate this morning you had listened to the Majority "Ought Not to Pass" not the Minority. The Minority Report is not in front of you right now. We are dealing with the bill of "Ought Not to Pass". We have no money. I can say it one more time. There is no money in corrections to open up a new program. We are looking to cut \$11,000,000 dollars in that department. We are looking to close four facilities.

If we have a commissioner that might want to do this, which he doesn't, I think we ought to let him do it. Lets not put a mandate on him to do it. I hope you vote "Ought Not to Pass" on the original motion, on the bill, not on the Minority Report. Thank you.

Representative WATERHOUSE of Bridgton 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 Chair recognizes the Representative from Berwick, Representative Farnum.

Representative FARNUM: Thank you Mr. Speaker, Members of the House: I am not sure if I am speaking for or against the bill, but just a few weeks ago I was talking with a friend of mine. We lived in the time of depression. There was nothing except the CC

Camps and other programs for youths. Thank -god we had those type of things then. It saved us. Thank you.

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

Representative CAMERON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMERON: Thank you Mr. Speaker. This is for anyone who can answer. I am confused by this. I keep hearing about these millions of dollars this program is going to cost, but the fiscal note is zero. I don't understand and I would appreciate if someone could clarify this. It is very plain to me and the department says they can absorb the cost. I am curious as to where these comments about millions of dollars of costs are coming from.

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

The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: The Department can absorb the cost for doing the study of the program, but you better believe that when they come back with the implementing legislation, we are going to have a stiff fiscal note on it.

They have been asked to come back in December 1995 with their plan and the implementing legislation that comes before our committee. It is not going to cost them anything extra for doing the plan, you can bet when they come back with the implementing legislation there is going to be a fiscal note on it. Thank you.

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

Representative BUNKER: Thank you Mr. Speaker, Men and Women of the House: The Shock Incarceration Program is a very difficult subject for me to deal with. I think the basics and the intent of that is a very well meaning and very good idea. If we are in a state that is fiscally and appropriately staffed in the corrections, probation and parole areas to implement. We have a law on the books called the Intensive Supervision Program. This is designed to deal with the least offender type people and give them the counselling, support, probation and parole needed to keep them from becoming a reoffender.

Let me tell you today, ladies and gentlemen of this House, that we have that law on the book, but we decided not to fund it. We are not giving the money to probation and parole and the people need it to keep these initial offenders. The Shock Incarceration Program is not going to save anybody that is in the system now. They are going to be the people now currently out on probation and parole. They are going to be sucked into the Shock Incarceration Program. We can't afford it. We have a probation and parole system with one person supervising 150 probationers.

Until we start funding probation and parole and the end services and the after care as Representative Johnson has indicated in fully funding the services. We are not doing our jobs here. We cannot put a new program on line until we get the services in place needed to support the Shock Incarceration Program. As far as the resolution to force the Department of

Corrections to study this, I would submit, we have a new commissioner.

He has a lot of difficult programs within the system, the Youth Center and the antiquated DOC System. I would hope that we all support the commissioner and let him put all his time to studying the problems he has to fix today and to not spend a lot of his time studying a program that most likely when he comes back with the result is not going to be able to be implemented. Thank you.

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

Representative BAILEY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would give this new commissioner a new tool to put in his bag of tools to manage our prison system. A study here, there is no question, that the Shock Incarceration Program in Atlanta, Georgia is working great. I think with the federal funds that will be coming available for new prisons in the crime bill, now is the time to do the study so that we are ready to move when those funds are available. I would urge everyone to support this. This is just a study and I think it would give the commissioner a good tool to deal with. Thank you.

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

Representative CAMERON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: In view of the fact that this department has said they will incur no cost to due the study and I guess the jury is out on whether or not this works. I hear a lot of folks in here today say this kind of treatment doesn't work. I hear a lot of folks say that it does.

It makes sense to me to go ahead and do the study and maybe it will prove that we don't want to do this. If we don't want to do this, then money is not an issue. It doesn't make a lot of sense to me today that we arguing about money. Some folks stood up and said, you can bet when we do the study they are going to come back with money to institute the program and these are the same folks that are saying the program shouldn't be implemented because it doesn't work. This does not make sense to me.

If we do the study and do it correctly and it doesn't work, then the study is going to say, don't do it. There is no money involved. It makes sense to me that we go ahead and we do the study and let the chips fall where they may. Maybe we will put this issue to bed once and for all. Maybe it doesn't work. I don't have a clue whether or not it works. It makes sense to me that we do the study at no increased cost. We don't have any money to put into the Department to do it. They say they can accomplish the study without any additional appropriation and, again, maybe this will put the issue to bed.

I would urge you to vote to go ahead and do this study and hopefully we will have better information to make a decision on at that time as to whether or not this makes any sense in our state.

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

Representative JOHNSON: Thank you Mr. Speaker. Let me support Representative Bunker. We have a new commissioner. We have a person who is trying to reorganize our Department of Corrections. One of the biggest things on the plate is to reform our

classification system. This is an enormous amount of work. How are we going to disperse the kinds of persons to the variety of programs and sentencing. This is going to occupy our personal in the Department of Corrections.

I must say that after reading the material from across the nation, the Shock Incarceration Program in many places does not work. They have closed it up. It is ambiguous. It is not a clear cut program. Thank you.

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

Representative WATERHOUSE: Thank you Mr. Speaker, Members of the House. I see this study as a method of helping the new commissioner. I have great respect for expertise and I think we have a wonderful commissioner. We are policy makers and I don't see this as going into his purview. I see this as a tool to help him and something to give him support. They are leaning in that direction now, like I said earlier. I don't see a problem with this study and I urge you to support it. Thank you.

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

Representative CLARK: Thank you Mr. Speaker. Now we are on the subject of a study. I think we gave the commissioner a clear message. We don't have to give him any more tools to the legislative process. I think he knows what we are looking for. I think he knows what he needs to do. I think he is going to do to make corrections a better place for all of us here in the state of Maine. We don't need to pass anymore up here to give anymore messages to the commissioners in the other departments.

We have a very outstanding commissioner coming on board. Please don't tie his hands with something else he doesn't need. He knows what he needs to do. He just came from a state that has this. He just came from a state he really doesn't like it, but it was there when he was there. Don't pass something he doesn't need to work with. He can do it on his own. I hope when you vote you vote with the Majority "Ought Not to Pass". Thank you.

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

Representative ROWE: Thank you Mr. Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative ROWE: Thank you Mr. Speaker. I have a question for the Representative from Bridgton, Representative Waterhouse. If this motion does not pass then the "Ought to Pass" as amended with the amendment with the filing number (S-64) which talks about requiring the commissioner to develop a plan and to report back to the legislature with a plan. Is there a separate study that I am not aware of or are you talking about the plan in (S-64)? Thank you.

The SPEAKER: The Representative from Portland, Representative Rowe has posed a question through the Chair to the Representative from Bridgton, Representative Waterhouse. The Chair recognizes the

Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Thank you Mr. Speaker. There is no separate plan, that I know of. There is some rules on the part of the Department of Corrections to look into this issue. I found out about this after I had come out with the Minority Report and this amendment. There was no plan, but they were looking into it.

They sent the jail inspector, Ralph Nichols, down to Georgia to look at their program. Actually they are looking more at New York and New Hampshire as a model. They are trying to develop a plan. There is no plan yet. They are putting the feelers out to see which way they want to go with it. This amendment would help them in that effort. It would give them some support. I talked to Ralph Nichols, who is involved in this and whether the deadline on the reporting on December 1, 1995, if he had a problem with that. He said, "No, he didn't have a problem at all". Thank you.

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

Representative ROWE: Thank you Mr. Speaker. My thanks to the Representative from Bridgton. I am clear now. I just want to understand that what we are voting on. If this motion "Ought Not to Pass" then the other motion would be to pass the bill as amended by (S-64) which does require the commissioner of Corrections to develop a plan to establish a Shock Incarceration Program and to report back to the legislature with proposed legislation.

As I understand it, it is not saying do a study and come back to us. It is requiring that a plan be prepared and presented back to the legislature. I would think that a study could be conducted independent of whatever we do today. Thank you.

The SPEAKER: A roll call has been 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. 54

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Carleton, Chartrand, Chase, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gates, Gerry, Gooley, Gould, Green, Heesch, Jacques, Johnson, Jones, K.; Kerr, Kontos, LaFountain, Lemke, Lindahl, Luther, Marvin, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nickerson, O'Gara, O'Neal, Paul, Peavey, Pendleton, Perkins, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, Yackobitz.

NAY - Aikman, Bailey, Barth, Bigl, Birney, Buck, Cameron, Chick, Damren, Dexter, Donnelly, Dunn, Farnum, Gamache, Gieringer, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Keane, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lovett, Lumbra, Madore, Marshall, Mayo, McAlevey, Murphy, Nass, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Ault, Campbell, Hatch, Joseph, Kilkelly, Kneeland, Lemaire, Martin, Ott, Treat, Truman, The Speaker.

Yes, 79; No, 60; Absent, 12; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, with 12 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-115) - Committee on Education and Cultural Affairs on Bill "An Act to Repeal the Laws That Require the Screening for Scoliosis and Related Spinal Abnormalities" (H.P. 386) (L.D. 521)

TABLED - April 26, 1995 (Till Later Today) by Representative CLOUTIER of South Portland.

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

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative Joy: Thank you Mr. Speaker, Ladies and Gentlemen of the House: As most of you probably know, I am a retired educator and I spent my life looking out for the welfare of children. It probably seems a little bit strange that I would have put in a bill to repeal the testing for scoliosis in public schools.

Unfortunately our schools have changed tremendously over the years and we have been faced with having mandate after mandate which is supposed to cure all the ills of society and leaves us very little time for truly educating our children. About a year ago, my personal physician, who is a general practitioner and a pediatrician, said if you would like to start peeling back some of the mandates on schools, here is a good place to start. He presented me with a study from the United States Preventative Task Force who did a survey on the effectiveness of screening of scoliosis in public schools.

The general consensus was that there was no benefit to be had from this. It stresses the evidence found was insufficient, although there was no strong evidence in favor of screening. There is no strong evidence against it either. In the absence of evidence, the best clinical practice is not to screen using a form of protocol.

One of the problems we are faced with when it comes to screening for scoliosis is many of the schools do not have school nurses or professional people there to do the screening. If they do the screening to meet the mandate requirement that is necessary for a school physician to go in and take another day at the school, this means extra dollars against that school budget. The savings for this type of bill, which if it could be repealed, would be small. I think we all remember the adage that if you take care of the pennies, the dollars will take care of themselves.

This bill was presented to the Education Committee and I was fortunate enough to be there at the tale end of work session on a previous bill which had a lot of school nurses there. In fact, one of the school nurses happened to be the Nurse of the Year. As they finished up the proceeding bill she made the comment she thought she would be able to talk on the scoliosis bill. She was allowed to present her views and her views were to do away with the testing for scoliosis. Primarily there was not time and most

schools did not have the personnel necessary to do this.

I think that if we are really interested in trying to peel back the mandates, this was not a funded mandate it was an unfunded mandate. I think if we are truly interested in doing this, we need to start with some of the small ones and work our way up and gradually get the bigger mandates that have the big dollar price tags attached to them.

I talked to my physician twice in the meantime on this bill. He said that his professional training would not allow him to present this bill if it was any way going to harm children. Having worked in education for all those years, I would not be supporting a bill that was going to harm them either. I have talked to a lot of people who have had scoliosis and I have not yet found one that had that scoliosis picked up in the school screening program. I think there is someone in this House of Representatives that can back me up on that.

Yesterday, we heard a lot of talk about local control. I think this is a great opportunity to give that local control back to the local school boards. If they have a school nurse and would like to continue scoliosis testing on their own, then fine. Let's peel away that mandate from our educational laws and let our schools get back to the business of educating children. Thank you.

Representative CLOUTIER of South Portland requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

The same Representative requested the Clerk to read the Committee Report.

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 recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Thank you Mr. Speaker, Men and Women of the House: This is the first time I have seen this bill. I would just like to say one thing. I was diagnosed with scoliosis when I was eleven years old by a coach. I can assure you that I would not be the powerful inside force on Coach True's basketball team, at this point in time, had it not been for the action of that coach. I think this bill is a bad idea and I suggest you support the Majority "Ought Not to Pass". Thank you.

The SPEAKER: A roll call has been 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. 55

YEA - Adams, Ahearne, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Fisher, Fitzpatrick, Gates, Gerry, Gooley, Gould, Green, Hartnett, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Keane, Kerr, Kontos, LaFountain, Lemke, Lindahl, Luther, Madore, McElroy, Meres, Mitchell EH;

Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Perkins, Poulin, Pouliot, Povich, Richardson, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Winglass, Winn, The Speaker.

NAY - Aikman, Bailey, Barth, Benedikt, Bigl, Birney, Buck, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, Farnum, Gamache, Gieringer, Greenlaw, Guerrette, Heino, Jones, S.; Joy, Joyce, Joyner, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lovett, Lumbra, Marshall, Marvin, Mayo, McAlevey, Nass, Nickerson, Paul, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor, Yackobitz.

ABSENT - Ault, Hatch, Joseph, Kilkelly, Kneeland, Lemaire, Martin, Ott, Treat, Truman.

Yes, 75; No, 66; Absent, 10; Excused, 0.

75 having voted in the affirmative and 66 voted in the negative, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-121) - Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (H-122) - Committee on Natural Resources on Bill "An Act to Restrict the Use of Eminent Domain Power" (H.P. 397) (L.D. 532)

TABLED - April 26, 1995 (Till Later Today) by Representative GOULD of Greenville.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-121) Report.

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

The Bill was read once. Committee Amendment "A" (H-121) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 2, 1995.

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

Bill "An Act to Require the State to Provide Its Share in Implementing the Salt and Sand Schedules" (H.P. 1016) (L.D. 1431) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representative: BAILEY of Township 27) which was tabled by Representative O'GARA of Westbrook pending reference.

Subsequently, the Bill was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Wednesday, April 26, 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 (10) "Ought to Pass" as amended by Committee Amendment "A" (H-128) - Minority (3) "Ought Not to Pass" - Committee on Agriculture, Conservation and Forestry on Bill "An

Act to Allow the Sale of Irradiated Food in the State" (H.P. 437) (L.D. 603)  
 TABLED - April 26, 1995 (Till Later Today) by Representative HEESCHEN of Wilton.  
 PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

On motion of Representative HEESCHEN of Wilton, tabled pending his motion to accept the Minority "Ought Not to Pass" Report and specially assigned for Tuesday, May 2, 1995.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-119) - Committee on Inland Fisheries and Wildlife on Bill "An Act to Deregulate the All-terrain Vehicle Market" (H.P. 531) (L.D. 727)  
 TABLED - April 26, 1995 (Till Later Today) by Representative JACQUES of Waterville.  
 PENDING - Motion of same Representative to accept the Majority "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: L.D. 727 is an all-terrain vehicle bill that points out that we are one of only two states in the entire nation that has a brake light requirement for all-terrain vehicles.

I would like to discuss this issue for just a minute. There are a lot of implications both ways. The ATVs at issue in this bill are off road vehicles that are not intended to be ridden in the line of traffic and are not intended to be ridden at night. Manufacturers have been encouraged at the federal level not to equip these vehicles with brake lights so as not to promote the use of the ATVs at night. Therefore, manufacturers do not equip these ATVs with brake lights as standard equipment.

In Maine, however, they are forced to supply dealers with kits that are installed and cost the consumer approximately \$250 dollars. Why should Maine consumers who are acting responsibly be forced to pay an extra \$250 dollars because of a few people who may not be acting responsibly and may be driving ATVs at night, for example.

Finally, consider the dealers. This is a small business bill. The small business owners who are losing sales to Canada, Massachusetts and other states that don't require the lights. There is also a question about the enforceability of this law. For instance, for some smaller ATVs there are no laws against buying an all-terrain vehicle in another state and bringing it to Maine and driving it without a brake light. There is no law against that as long as it is daytime. L.D. 727 would eliminate unnecessary and virtually unprecedented regulations.

Here is one more instance where Maine has singled itself out by enacting burdensome regulations. L.D. 727, I believe, would rectify this and place Maine back in the main stream with the rest of the country and along with federal regulations.

I would like to read some information that the committee did not have. On April 15, the New Hampshire House, New Hampshire being the only state that does have this requirement besides Maine, passed a bill to repeal the brake light requirement and then

on April 20, the New Hampshire Senate also passed a bill to repeal the brake light requirement. The thing is headed for the Governor's Office.

I think we will be the only state that has this requirement. I don't think it is a necessary requirement. There are some safety issues. If you vote that way, I totally understand. We are about to be the only state that does this. I truly believe that. We came here to improve the business climate here in Maine. We came to eliminate unnecessary regulations. I think the voters spoke on that.

If you read the article in the Portland Press Herald by Jim Brunelle, you saw that Maine has a trade deficit with Canada of \$358,000,000 dollars, but New Hampshire has a trade surplus of \$68,000,000 dollars. Why is that? Lets think about why that is. This is one small component, I think, of the many reasons why Maine has that trade deficit. I think we have to do something about that. It is an accumulation of little things. This is a little bill, but in the scheme of things the dealers and the manufacturers are really going to appreciate it if we pass a bill like this. Thank you.

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

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: I voted the Minority on this one. You are going to hear some arguments today that this is a safety issue. Perhaps it is a safety issue, but it is not a public safety issue. It is a personal safety issue and people have the choice when they buy this machine. They can order it with the brake lights and pay the additional \$250 dollars.

It is a pro-business bill and best of all, this is the chance to satisfy all the people when you were campaigning that said, "when you get over there for every bill you pass you scratch one off the books." This is an excellent one to scratch off the books. Thank you.

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

Representative JACQUES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Lets get to what this bill is really all about. You can call it whatever you want, but it is a common sense bill. I would like to have a nickel for every campaign brochure that said bring common sense back to the Maine Legislature.

The fact of the matter is, this was supported by every manufacturer of these vehicles, not only in the state of Maine, but out of state. Years ago they were all involved in litigation. The reason they were all involved in litigation is because people were dying, men and women of the House, they were getting killed. There were a lot of children ages thirteen, fourteen and fifteen that were getting either killed or maimed.

Since 1991, in the state of Maine, there have been seven accidents involving these vehicles without brake lights. In that same period of time there were no accidents involving these vehicles with brake lights. Could you imagine, men and women of the House, if you went back and told your people that you had supported a bill that removed brake lights from automobiles. Those of you that know a little bit about snowmobiling, would you remove brake lights from snowmobiles?

I talked to our dealers and the cost of putting a kit on for brake lights is around \$100 dollars. If

you are getting charged \$250 dollars, change dealerships because that is an inflated price. We do have a problem here and the problem is, as Representative Donnelly and I talked about it yesterday, that you can buy a vehicle in other states and provinces that don't have brake lights, bring them into the state and operate.

I will be having an amendment drafted for one of our omnibus bills in the Fish and Wildlife Department to include the fact that it is illegal to sell these vehicles in Maine without brake lights and include or operate them in the state of Maine. That will solve the problem of things going along from Canada to here.

It is indeed unfortunate that New Hampshire repealed their provision, but New Hampshire does a lot of things that are directed to circumvent other state's laws to make an extra buck. Whether it be fire cracker, they tell you you can buy them, but you have to get them out of the state within twelve hours. Testimony given at the time did say New Hampshire had this law. New Brunswick has had a law requiring brake lights for almost five years. If the engine is running, they require headlights on, much like we do with motorcycles in the state of Maine. They also stated that this is a law in Nova Scotia, Prince Edward Island, Quebec, Ontario and Manitoba. Clearly if we deal with not being able to operate in this state that will solve the problem of what people are doing driving these ATVs.

The thing that is really curious to me is that when all these law suits were going and they ended up ultimately stopping the production of three wheelers because they were injuring fifteen or twenty people a year on them and killing a few more. The manufacturers are all for this. Now I think the threat of litigation and lawsuit is vanished, but as the dealers in my area said, "anybody who sells these vehicles without brake lights is not only irresponsible, but certainly should be held liable. The simple fact of the matter is when you have three or four people driving together and the one in the front slams on the brakes and you don't know about it, just change ATV for automobile and you will find out what happens."

This is not a pro-business bill, this is a common sense bill. The very idea that we would comprehend or consider removing this provision when we allow ten to fourteen year olds to drive these vehicles and they do so on a fairly regular basis without the simple safety requirement of a brake light, it just dumbfounds me. Clearly, if we should go in that direction, I urge any parent who's child gets involved in this accident, holds the accountability right where it belongs. The people who are manufacturing these things and selling them for thousands of dollars across this nation.

I don't think the state of Maine should be at a disadvantage because we care about our children and we care about our young people and we care about our citizens and we provide safety for them. I think the state of Maine should be applauded for that. To say this is a pro-business bill under this guise stretches the truth and the imagination a little to far. Mr. Speaker I request the yeas and nays.

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

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: I would first like to complement Representative Jacques and his upcoming

amendment. I think that is an important amendment and I totally agree with it. I also would say that his discussion of the issue is representative of what went on in the hearing and in the work session.

I think he is correct in many of the safety issues, but I want to correct him on one thing. There is no stretch here. My constituent is one of the largest dealers in the state of Maine and one of the largest in New England and that dealer is saying there is no need for the brake lights.

We have talked to individuals. We understand the issue a lot better than they do up there in Augusta. We would like to see this difference between the way we sell vehicles in the state of Maine and the way they are sold every where else in the country. We would like to see that difference eliminated. We need to be competitive. It is a trade issue. There is a safety issue. I don't deny it, but this is a trade issue. There is a balance. You have to make the decision. I would appreciate your support by voting no on the pending motion. Thank you.

Representative JACQUES of Waterville 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 Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Thank you Mr. Speaker, Ladies and Gentlemen of the House: This is not a safety situation for an individual. This is a safety situation for people in the state of Maine. I am going to speak only about what I have observed myself, not only in Lebanon, but where I might have traveled North of Bangor.

People operate these twenty-four hours a day. They operate around lakes, on very difficult highways and paths. They operate in snowstorms and I believe we need to consider the safety of the people in the state of Maine, whether they be children or adults. If this is deregulated, I would question those folks out there that would travel in a concealed manner without any illumination at all. I would ask that you support the report from the Inland Fisheries and Wildlife Committee, the Majority Report. Thank you.

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

Representative CLARK: Thank you Mr. Speaker, Men and Women of the House: I wasn't going to speak on this because I thought it was a common sense bill. The House ought to go with the "Ought Not to Pass". I can't believe a statement was made earlier from the good Representative saying he has one of the largest dealers in the state and it is going to effect his business. How about the people who ride it? Take into consideration the people who ride it. Think about the people who ride snowmobiles, how close they are on each others back.

You need brake lights on these devices. I have one at home. I wish I had a brake light on it. I used to have a three-wheeler and it didn't take me long to get rid of it. When a person who was very



close to me came off it. Lets think of safety. Lets think of the people who ride these things. Lets think of what is going to happen if we don't keep them on it. I hope when you vote today, you will vote with the Majority "Ought Not to Pass". Thank you.

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

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: I don't want to belabor this, but I do have to say something about common sense because that reminded me of the second most common thing I heard while I was campaigning.

The second one was don't try to legislate common sense. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Thank you Mr. Speaker, Men and Women of the House: I also stand in opposition of the "Ought Not to Pass" Report. I would like to make one statement from a comment made from my colleague on Inland Fisheries and Wildlife about how ATVs are not illuminated.

Without the brake lights they still do have tail lights on these vehicles. That vehicle will be illuminated at all times. I ask you to vote the Minority "Ought to Pass" Report. Thank you.

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

Representative HARTNETT: Thank you Mr. Speaker. May I pose a question?

The SPEAKER: The Representative may pose his question.

Representative HARTNETT: Thank you Mr. Speaker. I don't own an ATV or a snowmobile. I understand snowmobiles have tail lights. My question is are those tail lights brake lights?

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

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

Representative DONNELLY: Thank you Mr. Speaker, Men and Women of the House: I used to sell snowmobiles and I used to ride them occasionally. They are equip with tail lights that are brake lights.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would talk only to those situations that I have personally seen or known about. I would answer the statement by my good colleague from Oxford. I would invite him to my home and possibly over the period of several days he would be sitting with me and in the hours of darkness we would hear several of these machines pass, but there would be no illumination.

The reason why they try to conceal their activities after dark. This is a great problem for the people who are traveling on the highways, especially out in the country. This does happen now. I would still ask your support that we will approve the Majority Report. Thank you.

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 ask you to listen very closely to what the good Representative from Waterville stated. Any of you who are riding in the road would be very concerned if

the people in front of you applied their brakes and their lights didn't come on. We would have a huge number of accidents and injuries that we presently don't have.

I think this is a safety issue. I don't think I am viewed as an anti-business policy maker. I think it would make more sense if we took the approach if we are concerned about competition from other states because of the increased cost of brake lights, quite frankly if all states were doing it there wouldn't be any increased cost. This would not be an issue. If we are concerned about competition from other states, then I think we should be taking a different avenue and taking a look at some means of showing that your ATV did have brake lights at the time you license it. Then regardless of where you bought it you would still have to have brake lights on it.

I think we are looking at this from the wrong direction. I think it is a public safety issue. I think it is extremely important and it was pointed out before and I apologize for repeating it, but I think it is important enough to repeat. These vehicles do follow one another extremely close. They are in the woods and if a moose steps out in front of them, or whatever, which has happened to me on my snow machine and you hit the brakes. I would like the person behind me to know it was my intention to stop and they apply their brakes as well. I would urge you to support the Majority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been 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. 56

YEA - Adams, Ahearne, Aikman, Bailey, Barth, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Joy, Keane, Kerr, Kontos, Labrecque, LaFountain, Lane, Lemke, Lemont, Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nickerson, O'Gara, O'Neal, Paul, Peavey, Perkins, Plowman, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Tripp, Tufts, Tuttle, Tyler, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

NAY - Birney, Buck, Carleton, Cross, Dexter, Greenlaw, Jones, S.; Joyce, Joyner, Layton, Libby JD; Nass, Pendleton, Pinkham, Poirier, Robichaud, Stedman, True, Underwood, Winsor, Yackobitz.

ABSENT - Ault, Gerry, Hatch, Kilkelly, Kneeland, Lemaire, Martin, Nadeau, Ott, Treat, Truman.

Yes, 119; No, 21; Absent, 11; Excused, 0.

119 having voted in the affirmative and 21 voted in the negative, with 11 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.



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

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.

HOUSE DIVIDED REPORT - Majority (6) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-126) - Committee on State and Local Government on Bill "An Act to Require the Reconfirmation of Gubernatorial Appointments at the Beginning of Each Gubernatorial Term" (H.P. 534) (L.D. 730)

TABLED - April 26, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

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

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative DAGGETT of Augusta, to accept the Majority "Ought Not to Pass" Report and later today assigned.

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

TABLED - April 26, 1995 by (Till Later Today) Representative THOMPSON of Naples.

PENDING - Adoption of House Amendment "A" (H-139) to Committee Amendment "A" (S-28).

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

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

HOUSE DIVIDED REPORT - Majority (6) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-126) - Committee on State and Local Government on Bill "An Act to Require the Reconfirmation of Gubernatorial Appointments at the Beginning of Each Gubernatorial Term" (H.P. 534) (L.D. 730) which was tabled by Representative JACQUES of Waterville, pending the motion of Representative DAGGETT of Augusta, to accept the Majority "Ought Not to Pass" Report and later today assigned.

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

#### TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-118) - Committee on Labor on Bill "An Act Regarding the Testing of Public Employees for Drugs" (H.P. 223) (L.D. 301)

TABLED - April 26, 1995 by Representative CHASE of China.

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

On motion of Representative CHASE of China, tabled pending her motion to accept the Minority "Ought to Pass" as amended Report and specially assigned for Tuesday, May 2, 1995.

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-112) - Committee on Labor 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)

TABLED - April 26, 1995 by Representative CHASE of China.

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

On motion of Representative CHASE of China, tabled pending her motion to accept the Minority "Ought to Pass" as amended Report and specially assigned for Tuesday, May 2, 1995.

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-130) - Committee on Labor on Bill "An Act to Require the State to Pay for Mediation Sessions" (H.P. 439) (L.D. 605)

TABLED - April 26, 1995 by Representative CHASE of China.

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

On motion of Representative CHASE of China, tabled pending her motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 2, 1995.

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-132) - Committee on Banking and Insurance 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)

TABLED - April 26, 1995 by Representative VIGUE of Winslow.

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

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

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" - Committee on Labor 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)

TABLED - April 26, 1995 by Representative CHASE of China.

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

On motion of Representative CHASE of China, tabled pending her motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 2, 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 26, 1995 by Representative DORE of Auburn.

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

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

Representative LOOK: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Today we are looking at this piece of legislation which comes from the Minority **"Ought Not to Pass"** Report from the Taxation Committee.

I believe this report was influenced by the sincerity of testimonies heard at the public hearing and the fact that this proposal is very reasonable. I view this vote as a recognition of the historic American principal that churches should not be forced to pay taxes. This goes back a great deal in history. At the present time, the parsonages understand all that we are talking about, is an exemption from taxation on the parsonages of the various churches.

At the present time this exemption is \$20,000 dollars. Stop and think. In today's world, how much would \$20,000 dollars build, very little. What I am proposing is that this be doubled and be a \$40,000 dollar exemption for just the parsonages. It does not include any properties that any church groups would own or receive rent on. We are only talking about the parsonage.

During the hearing, what we heard was that many of these parsonages had been buildings that had been given to church organizations that perhaps were older homes and some of them are very fine homes, particularly along the coast where they were perhaps the homes of sea faring captains. They are beautiful homes. They are historic homes. In today's world their value is much more than what it would have been when they were built, because they are considered to be in the historic value or perhaps antique value. However, the parishes we have in our church world are small in most of these small towns. It is becoming very difficult for them to raise the money to pay the local taxes for this particular purpose.

Therefore, I ask you to give some more consideration to where Maine fits in the history of these parsonages. At the present time, by doing a comparison with other New England states, here is where we are. Connecticut grants a total exemption on parsonages. Massachusetts has an exemption of \$90,000 dollars. Rhode Island has an exemption of \$75,000 dollars. Vermont has a total exemption and so does New Hampshire. Where is Maine? We have an exemption of \$20,000 dollars. I think we should consider the value of what we are talking about.

The value of the need in our communities. The value of what we need as people. Lets recognize this. During the work session, we had several people come in and support this. There were none that were opposed. Some of them felt it was really to little to ask. They wanted it to be higher. I have not changed it and I do not intend to change it. I am only asking for the amount of \$40,000 dollars exemption on these buildings. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would reiterate everything that the good Representative from Jonesboro just said. In fact, she has stolen most of my thunder.

I would just like to emphasize that when this exemption was put into place many years ago for \$20,000 dollars the intention was to exempt the whole parsonage. We know what has happened in recent years. Valuations have gone up and towns have been revalued and prices of homes have escalated in a fast fashion. Therefore, it has not kept up with the times and by increasing this exemption from \$20,000 to \$40,000 dollars is not outrageous at all. In fact, it will not keep up with the \$80,000, \$100,000 to \$150,000 dollar places that might be there now.

I would encourage everyone to vote against the **"Ought Not to Pass"** Report, so that we can accept the Majority **"Ought to Pass"** Report. Thank you.

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

Representative DUNN: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I rise also in opposition to the Minority **"Ought Not to Pass"** Report.

We have heard that the exemption for the parsonages has not kept pace with inflation. I think even more important than that is the fact that many of the churches especially some of the smaller churches in the rural areas are having a very difficult time of paying these taxes.

We should keep in mind the fact that local churches provide a lot of support for the community and the people within the communities. There are many services such as soup kitchens, food pantries, clothing and many, many services where the churches in many communities are primary providers of these services. I think in these times when services are being cut on state and federal levels, we need to encourage the local churches and volunteers that work there to continue to provide these services.

I would urge you to join me in voting against the Minority **"Ought Not to Pass"** bill. Thank you.

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

Representative TUTTLE: Thank you Mr. Speaker. I would rise and also encourage you to support the Majority Report and to defeat the Minority **"Ought Not to Pass"** Report. It has been stated by previous speakers the current property tax exemption on religious parsonages for qualifying would be increased by \$40,000 dollars. The Maine Constitution requires a state reimbursement of fifty percent. We did talk about that in committee, but this is something that has been coming back from year to year.

Speaking as one member of the Majority Report I would encourage you to support this. There was numerous testimony at the hearing. They were all people speaking in favor of it. No one spoke in opposition. I would encourage you to defeat the pending motion and support the Majority **"Ought to Pass"** Report.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to accept the Minority **"Ought Not to Pass"** Report.

The same Representative requested the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

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

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: It was a number of years ago when the exemption was given to church parsonages. It was giving, I believe, in the early years of this century providing the exemption of \$5,000 dollars. Then it was doubled to \$10,000 dollars. I believe it would be safe to say that not a rectory, parsonage or mansion estate costs that amount.

This is another case where the exemption given back in the early days has not kept up with modern inflation. This bill has been in here many times and we have lost it. I would hope that tonight we can go home and tell our churches, yes, we do believe what you are doing in our communities by providing places for us to meet at no cost to us. We want to repay you. You do not have to pay full taxation on your rectories and parsonages.

I would hope that we would support the Majority "Ought to Pass" Report. Thank you.

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

Representative JACQUES: Thank you Mr. Speaker. May I pose a question through the Chair, please, to anyone who might answer?

The SPEAKER: The Representative may pose his question.

Representative JACQUES: Thank you Mr. Speaker. Does anyone know what the fiscal impact of this is?

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

The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Thank you Mr. Speaker. The fiscal impact, ladies and gentlemen, is \$231,493 dollars.

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 recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Thank you Mr. Speaker, Men and Women of the House: I stand up with great reluctance. My reluctance is profound. This issue deals with the residences where there are churches. It deals not with the tax exempt status of churches in which people engage in spiritual and religious practices protected by our constitution and by our state laws. It pertains to the residences of people who are employed in those churches that have those residences. I think there is a profound church state problem.

If a church does not have a residence, this is in effect support for those that do have residences and not for those who do not. If a church employs a minister and that minister lives away from the church, then, of course they pay the appropriate taxes on those residences. It pains me because there is a lot of glorious homes in Maine and I have seen them in Representative Look's district. Glorious homes that are attached to old churches and we would love to protect those homes, but the reality is we

have a separation of church and state. We are talking about the residences of people who are employed in churches and increasing the exemption for that.

The fiscal note is the reimbursement that the state would have to pay to cover fifty percent of the lost revenue to local government. With regret I say I think it is a serious constitutional problem. I guess whenever we get into the business, in this case supporting the living of the pastor or minister of a church, we tread away from the appropriate separation for religious purposes. If, in fact, that home was being used for religious purposes, it would qualify for as a church and therefore be tax exempt and there would be no question about it.

That is why I was on the report that I was on. It was not a pleasant decision to make especially in light of my respect for Representative Look and those who care very deeply on the other side of this issue. I think there is a problem there. We will all have to make our choices. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative REED.

Representative REED: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I must respectfully disagree with my colleague, the Representative from Portland with regard to his issue of constitutional separation on three points.

First I would remind this House that there already exists in Maine law the exemption for the domiciles of which we are now speaking.

Secondly, the constitutional separation of church and state as you will find in Article 1, Section 3 deals with several items. I believe you will find that it does not deal with the item we are speaking of. It states that all sex shall be equal. Religious tests are prohibited. Religious schools may have their own teachers and that no religious tests may be imposed for any office or trust in the state. I think it clearly does not rise to a constitutional issue as to whether or not this exemption is raised.

Thirdly, in our own House Rules, ladies and gentlemen, House Rule 4 it says that every morning when this House assembles, it shall join the Chaplin in a religious service. I think there is clearly not a constitutional separation issue. I think you should vote on the merits of whether or not you think this exemption ought to be increased not on the constitutional argument which I respectfully think is specious. Thank you.

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

Representative CAMERON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: In due respect to my colleague from Portland, I think the fact that the minister or priest lives in these facilities is completely irrelevant. The fact of the matter is, these folks are not the people who pay the taxes. The minister or priest are not the people who pay the taxes. The people who pay the taxes are the members of the church. This is an intricate part of their religious experience, if you will.

It is an expense that is directly related to them having the ability to have a facility where they can go practice their religious beliefs. I think the fact that the individual lives there and is an employee is completely relevant. If the person paid the taxes, that might be relevant. The fact of the

matter is the priest or the minister does not pay the taxes. The tax dollars still come out of the offering plate, if you will. They still come out of the operating budget of the religious institution. I would urge you to support this measure of Representative Looks.

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

Representative KEANE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I never thought I would stand up and support a bill which would take money away from the churches. However I just thought it would be appropriate to give you my ideas of why I voted "Ought Not to Pass". I wasn't so much concerned with the constitutional issue that the good Representative from Portland was concerned about. I was mainly concerned with the precedence we are going to be setting here.

We have a lot of people who are exempt from property taxes. Veterans over 62 years old have exemptions. We might be setting a dangerous precedence here by allowing other people to come in on this basis to get a cost of living type of exemption on their property taxes. I am not to sure we can sustain the fiscal impact on it. That is the main reason why I voted "Ought Not to Pass" on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I want to point out to you as a member of the Education Committee that many people throughout the state have been working very, very hard to send money to the local schools. If you let this bill pass, we will have less money coming into the revenue fund and we will have less money to send home to the local schools. I think you need to make a choice about what is most important, whether to subsidize churches further or to send the money back home to the children. Therefore I urge you to support this motion, "Ought Not to Pass". Thank you.

The SPEAKER: A roll call has been 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. 57

YEA - Benedikt, Chase, Green, Heeschen, Jones, K.; Keane, Kontos, Nass, Poulin, Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Volenik, Watson, Winn.

NAY - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Berry, Bigl, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Ricker, Robichaud, Rosebush, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Taylor, Thompson, Townsend, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue,

Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Birney, Brennan, Chartrand, Dore, Hatch, Kilkelly, Kneeland, Lemaire, Lemke, Nadeau, Rice, Rotondi, Strout, Treat, Truman, The Speaker.

Yes, 19; No, 116; Absent, 16; Excused, 0.

19 having voted in the affirmative and 116 voted in the negative, with 16 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 read once. Committee Amendment "A" (H-71) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 2, 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 26, 1995 by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

On motion of Representative CHASE of China, tabled pending the motion of Representative JACQUES of Waterville to accept either Report and specially assigned for Tuesday, May 2, 1995.

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 26, 1995 by Representative FITZPATRICK of Durham.

PENDING - Further Consideration.

On motion of Representative FITZPATRICK of Durham, the House voted to Adhere. Ordered sent forthwith.

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-120) - Committee on Natural Resources on Bill "An Act to Ensure the Protection of Tribal Fish Stocks and Other Natural Resources" (H.P. 63) (L.D. 99)

TABLED - April 26, 1995 by Representative MARTIN of Eagle Lake.

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

On motion of Representative GOULD of Greenville, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for May 2, 1995.

Bill "An Act to Include Short-term Health Insurance Policies in the Continuity Laws" (H.P. 321) (L.D. 442)

TABLED - April 26, 1995 by Representative MARTIN of Eagle Lake.  
 PENDING - Adoption of House Amendment "A" (H-161) to Committee Amendment "A" (H-124).

On motion of Representative MARTIN of Eagle Lake, tabled pending adoption of House Amendment "A" (H-161) to Committee Amendment "A" (H-124) and later today assigned.

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

#### SENATE PAPERS

The following Joint Order: (S.P. 527)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, May 2, 1995, at 9:30 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Preserve Deteriorating and Irreplaceable Historic Battle Flags and Banners" (S.P. 523) (L.D. 1421)

Bill "An Act to Establish the Maine State Honors Marching Band" (S.P. 524) (L.D. 1422)

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

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

Bill "An Act to Amend the Laws Pertaining to the Regulation of Borrow Pits" (EMERGENCY) (S.P. 525) (L.D. 1423)

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

Was referred to the Committee on Natural Resources in concurrence.

The following Joint Resolution: (S.P. 526)

#### JOINT RESOLUTION RECOGNIZING DONALD L. ALLEN UPON HIS RETIREMENT AS COMMISSIONER OF CORRECTIONS

WHEREAS, Donald L. Allen has, during his 34 years of state service in the Department of Corrections, served as Training School Counselor, Recreation Supervisor, Director of Cottage Life, Assistant Superintendent and Superintendent at the Maine Youth Center, Director of the Bureau of Corrections, Warden of the Maine State Prison and, for the last 14 years, Commissioner of Corrections; and

WHEREAS, Donald L. Allen has served the Department of Corrections and the State of Maine with extraordinary dedication, skill and integrity; and

WHEREAS, Donald L. Allen's unwavering commitment to serving the public good by managing the Department of Corrections in such a way as to provide opportunity to those clients committed to its care and custody, while protecting the department's employees and the general public, has made him an invaluable asset to the State and has earned him the respect of his employees, Legislators, local, regional and state criminal justice agencies, other state agencies, colleagues, volunteers and other citizens involved in the criminal justice system and many others who have worked with him throughout his many years of service; and

WHEREAS, with extraordinary leadership and strong management, Donald L. Allen has guided the Department

of Corrections through extremely difficult times for which the State is deeply indebted; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, pause in our deliberations to express our appreciation to Donald L. Allen and to recognize his dedication and long-term commitment to the State of Maine and its citizens; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Donald L. Allen.

Came from the Senate read and adopted.

Was read and adopted in concurrence.

#### ENACTOR

##### Emergency Measure

An Act to Amend the Workers' Compensation Board's Annual Assessment (H.P. 695) (L.D. 953) (C. "A" H-148)

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. 130 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.

The Chair laid before the House the following item 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-74) - (3) Members "Ought Not to Pass" on Bill "An Act Regarding Insurance Rates for Volunteer Drivers" (S.P. 309) (L.D. 847) which was tabled by Representative VIGUE of Winslow 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 read once. Committee Amendment "A" (S-74) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 2, 1995.

House Divided Report - Committee on Legal and Veterans Affairs - (11) Members "Ought to Pass" - 2) Members "Ought Not to Pass" on Bill "An Act Pertaining to the Signing of Petitions" (H.P. 471) (L.D. 652) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

On motion of Representative FISHER of Brewer the Majority "Ought to Pass" Report.

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

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I signed out "Ought Not to Pass" on this report. I feel, personally, quite strongly in signing nomination papers. I feel as though when I sign a persons nomination paper, it means that I support that person. That is probably the way I will continue the rest of my life.

What this legislation does is it lets you sign as many nomination papers as you want. There was quite a discussion up there and as you can see eleven of them didn't agree with me. I still feel very strongly that if there is two openings and there is four people running you sign two nomination papers. Especially in a town where I come from, we are nonpartisan. What it shows if you sign a persons nomination papers it means nothing if you can sign a half a dozen papers. It does not mean you support that person or anything.

I just believe very strongly that nomination papers do that and when I sign one it means that I am going to support that person and vote for that person. I just wanted to put it on the record that is the way I feel.

Subsequently, the Majority **"Ought to Pass"** Report was accepted. The Bill was read once. The Bill was assigned for second reading Tuesday, May 2, 1995.

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On motion of Representative PAUL of Sanford, the House adjourned at 6:44 p.m, pursuant to the Joint Order (S.P. 527).