

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
39th Legislative Day
Thursday, May 4, 1995

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

Prayer by the Reverend Victor Stanley, First Baptist Church, Gardiner.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act to Create a Revolving Fund to Finance the Maine Quality Centers" (S.P. 543) (L.D. 1491)

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

On motion of Representative DORE of Auburn, the Bill was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

Refer to the Committee on Banking and Insurance

Report of the Committee on State and Local Government on Bill "An Act to Consolidate the Functions of the Bureau of Consumer Credit Protection within the Bureau of Banking in Order to Streamline the Regulation of Creditors and Financial Institutions" (S.P. 294) (L.D. 792) reporting that it be referred to the Committee on Banking and Insurance.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Banking and Insurance.

Report was read and accepted and the Bill referred to the Committee on Banking and Insurance in concurrence.

Refer to the Committee on Judiciary

Report of the Committee on State and Local Government on Resolve, to Provide Clear Title for the Maine Judicial Center (EMERGENCY) (S.P. 507) (L.D. 1366) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Judiciary.

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

Divided Report

Eight Members of the Committee on Inland Fisheries and Wildlife on Bill "An Act to Amend the Muzzle-loading Firearm Season on Deer by Allowing the Season To Begin One Week before the Open Firearm Season on Deer" (S.P. 51) (L.D. 80) reporting in Report "A" that the same "Ought Not to Pass"

Signed:

Senator: MICHAUD of Penobscot

Representatives: ROTONDI of Madison

JACQUES of Waterville

CLARK of Millinocket

ROSEBUSH of East Millinocket

TUFTS of Stockton Springs

CHICK of Lebanon

PERKINS of Penobscot

Two Members of the same Committee on same Bill reporting in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-104)

Signed:

Senators: HALL of Piscataquis
KIEFFER of Aroostook

One Member of the same Committee on same Bill reporting in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-105)

Signed:

Representative: UNDERWOOD of Oxford

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

Was read.

On motion of Representative JACQUES of Waterville, Report "A" "Ought Not to Pass" was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify the Statutory Prohibition of the Collection of More Than 2 Months of Rent in Advance" (H.P. 196) (L.D. 255) on which the Minority "Ought Not to Pass" Report of the Committee on Legal and Veterans Affairs was read and accepted in the House on April 26, 1995.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Legal and Veterans Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-129) in non-concurrence.

Representative NADEAU of Saco moved that the House Recede and Concur.

On further motion of the same Representative, tabled pending his motion to Recede and Concur and later today assigned.

COMMUNICATIONS

The following Communication: (H.C. 120)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

May 1, 1995

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

State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 900

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with Line-item Veto Power Relating to Budget Legislation

L.D. 1005

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Line-item Veto Power on Budget Legislation to the Governor

L.D. 1071

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto

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

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

The following Communication: (H.C. 121)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 995

An Act Requiring Disclosure of Insurance Rating on All New Motor Vehicles Sold in the State

L.D. 1000

An Act to Prevent Returned Check Charges to Merchants

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

Sincerely,

S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 122)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 416

An Act to Expand the Shelter Operating Subsidy Program and the Temporary Housing Assistance Program

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

Sincerely,

S/Sen. Philip Harriman S/Rep. G. Steven Rowe
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 123)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

May 1, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 675

An Act to Require Disclosure of the Criminal History of a Juvenile That Moves into a Public Housing Project

L.D. 682

An Act to Require Employers to Pay the Cost of Recertification Training for Law Enforcement and Corrections Officers

L.D. 837

An Act to Protect Landlords from Certain Types of Fraud

L.D. 1054

An Act to Revise the Requirements of the Policy Review Council for the Arthur R. Gould School at the Maine Youth Center

L.D. 1072

An Act to Provide a Specific Formula to Determine Restitution of Economic Loss

L.D. 1113

An Act to Make Possession of Armor-piercing Bullets a Class C Crime

L.D. 1188

An Act to Strengthen the Truancy Laws

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

Sincerely,

S/Sen. John W. Benoit S/Rep. Herbert E. Clark
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 124)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 55

An Act to Amend the School Administrative District Alternative Voting Procedures

L.D. 67

An Act to Extend the Deadline for a Town Wishing to Withdraw from a School Administrative District

L.D. 87

An Act to Amend the Laws Regarding Alternative Voting Procedures for the Approval of a School Administrative District Budget

L.D. 194

An Act to Extend the Probationary Period of New

L.D. 300 Teachers from 2 Years to 3 Years
An Act to Clarify the Approval Procedures for Semiprofessional Personnel in Schools

L.D. 393 An Act to Provide for an Appeals Process for Teacher Certification

L.D. 795 An Act to Require the State Agency Placing a Child in Foster Care to Pay for Special Education for the Child

L.D. 905 An Act to Require Reimbursement to School Units for the Purchase of School Buses at the Time of Purchase

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

Sincerely,

S/Sen. Mary E. Small S/Rep. John L. Martin
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 125)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 128 An Act to Enhance Access to Ombudsman Program Services for Consumers of Residential Care and Nursing Home Residents

L.D. 144 An Act to Amend Medicaid Eligibility for Admission to Nursing Home Facilities

L.D. 204 An Act to Legalize Cannabis for Medical Treatment of Patients With HIV/AIDS

L.D. 218 An Act to Establish Standards for Medical Eligibility Determination for Applicants to Nursing Homes BY REQUEST

L.D. 251 An Act Requiring Medicaid Recipients to Have Primary Care Physicians

L.D. 575 An Act to Require the Department of Human Services to Pay for Testing Public School Water Supplies in Accordance with the Safe Drinking Water Act

L.D. 604 An Act to Encourage Savings in the Medicaid Program through the Medicaid Waiver

L.D. 628 Resolve, Establishing a Public Participation Process

L.D. 784 to Make Recommendations Concerning the Delivery of Health and Social Services

L.D. 813 An Act to Legalize Marijuana for Medicinal Purposes

L.D. 844 An Act to Replace Existing Child Support Guidelines

L.D. 1342 An Act to Improve Efficiency in Contracting and Program Evaluation for Social Services

An Act to Eliminate Some Food Stamp Eligible Items and Allow Those Food Stores Authorized to Accept Food Stamps to be Women, Infants and Children Special Supplemental Food Program Vendors

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication: (H.C. 126)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 804 An Act to Control the Overpopulation of Coyotes

L.D. 865 An Act to Amend the Deer Limits and Licensing Fees for Bow Hunting

L.D. 884 An Act to Ensure Equitable Participation in Special Deer Hunting Seasons

L.D. 925 An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Establish the Number of Moose Hunting Permits Issued

L.D. 1010 An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Award

L.D. 1025 An Act to Allow Vanity Registration Plates for Snowmobiles

L.D. 1036 An Act to Allow Bow Hunters to Take Antlerless Deer during the Open Firearms Season

L.D. 1038 An Act Ensuring Fairness in the Distribution of Hunting Licenses by Allowing Out-of-state Landowners in Maine to Pay Reduced Hunting License Fees

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

Sincerely,

S/Sen. Stephen E. Hall S/Rep. Dorothy A. Rotondi
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 127)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 276 An Act to Adopt the English Rule with Exceptions and Limitations

L.D. 383 An Act to Exclude Out-of-court Statements by Juveniles in Child Protection Cases

L.D. 560 An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds

L.D. 679 An Act to Strengthen the Laws Currently Governing the Failure to Preserve the Life of a Live Born Person

L.D. 1158 An Act to Preserve the Life of Viable Fetuses

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

Sincerely,

S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 128)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LABOR**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 624 An Act Concerning Binding Arbitration

L.D. 728 An Act to Facilitate Employment for Maine High School Students Participating in a Co-op Program

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

Sincerely,

S/Sen. Charles M. Begley S/Rep. Pamela H. Hatch
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 129)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 18 An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee BY REQUEST

L.D. 106 An Act to Amend the Laws Governing Agency Liquor Stores by Repealing the Bidding Process

L.D. 359 An Act to Allow a Prevailing Tenant Reasonable Attorney's Fees in a Warranty of Habitability Case

L.D. 467 An Act to Require that Political Signs be Placed No Closer than 100 Feet to Any Roadway Intersection

L.D. 672 An Act to Ensure Appropriate and Equitable Penalties for Violation of Electoral Laws

L.D. 676 An Act to Change the Deadline for Submitting Nomination Petitions for Independent Presidential Candidates BY REQUEST

L.D. 743 An Act to Allow Voting for "None of the Above"

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr.
Senate Chair

S/Rep. Guy R. Nadeau
House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 130)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 472	Resolve, to Ensure Consistency in State Rules Pertaining to Municipal Assessment of Clam Flats
L.D. 1017	An Act to Prohibit the Taking of Soft-shell Clams on Sunday and at Night BY REQUEST
L.D. 1101	An Act to Impose Appropriate Fees and Restrictions to Prevent the Out-of-State Transport of Sea Cucumbers

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

Sincerely,

S/Sen. Jeffrey H. Butland	S/Rep. Peter A. Cloutier
Senate Chair	House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 131)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 776	Resolve, to Require the Department of Environmental Protection to Restore Daigle Pond
L.D. 817	An Act to Establish a System of Recycling Credits for Processed Wood Products

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

Sincerely,

S/Sen. Willis A. Lord	S/Rep. Richard A. Gould
Senate Chair	House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 132)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 1, 1995

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

State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 317	Resolve, Creating the Commission to Restructure State Government
L.D. 342	An Act to Create a Legislative Budget Office
L.D. 563	An Act to Require Local and Employee Participation in the Inspection of the Design of State-funded Buildings
L.D. 861	An Act to Establish the Interim Office on Volunteerism

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

Sincerely,

S/Sen. Jane A. Amero	S/Rep. Beverly C. Daggett
Senate Chair	House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 133)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TAXATION**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 180	An Act to Establish a Job Creation and Retention Tax Credit
L.D. 222	An Act to Provide a Rental Deduction from State Income Tax
L.D. 274	An Act to Allow for Regional Local Option Taxing Districts
L.D. 407	An Act to Promote Economic Growth and Job Promotion by Phasing Out the Personal Property Tax, Capping the Corporate Income Tax and Returning Revenue to Communities
L.D. 413	An Act to Enable Municipalities to Expand the Use of Tax Increment Financing
L.D. 462	An Act to Change the Eligibility Requirements for the Circuit Breaker Program
L.D. 494	An Act to Amend the Property Tax Laws Related to Service Charges for Exempt Organizations BY REQUEST

- L.D. 568 An Act to Eliminate the Sales Tax Exemption for Packaging Materials
- L.D. 580 An Act to Adjust the Taxation of Public Pensions and Social Security Benefits
- L.D. 634 An Act to Amend the Laws Pertaining to the Taxes Paid on Sales Involving Trade-in Equipment
- L.D. 738 An Act to Require the State Tax Assessor to Determine whether Tax Forms Are Needed by Certain Taxpayers
- L.D. 741 An Act to Provide a Deduction from State Income Taxes for Federal Civil Service Pensions
- L.D. 852 An Act to Create the Position of Problems Resolution Officer in the Bureau of Taxation
- L.D. 963 An Act to Exempt Nursing Homes from the Rooms and Meals Tax
- L.D. 1078 An Act Eliminating Use of the Property Tax and Increasing the Sales and Cigarette Taxes to Fund Schools
- L.D. 1134 Resolve, to Establish Standards by Which to Review Property Tax Exemptions

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

Sincerely,

S/Sen. W. John Hathaway S/Rep. Susan E. Dore
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 134)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 1, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- L.D. 833 An Act to Require One License Plate for a Motor Vehicle BY REQUEST
- L.D. 893 An Act to Extend the Period of Time an Operator May Operate a Motor Vehicle with a Temporary Registration Plate
- L.D. 1012 An Act to Discontinue the Issuance of the Lobster License Plate
- L.D. 1088 An Act to Require Consumer Information on Motorcycle Helmets

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication: (H.C. 135)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

May 1, 1995

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

State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

- L.D. 619 An Act Regarding Consumer-owned Electric Utilities

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

Sincerely,

S/Sen. David L. Carpenter S/Rep. Carol A. Kontos
Senate Chair House Chair
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills 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:

Banking and Insurance

Bill "An Act to Protect Consumers in High-cost Mortgages and Reverse Mortgages" (H.P. 1068) (L.D. 1503) (Presented by Representative REED of Falmouth) (Cosponsored by Representatives: MITCHELL of Vassalboro, VIGUE of Winslow, Senator: SMALL of Sagadahoc) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Business and Economic Development

Bill "An Act to Increase Access to Primary Care Physician Services in Maine" (H.P. 1063) (L.D. 1498) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Representatives: BAILEY of Township 27, BRENNAN of Portland, CAMERON of Rumford, DEXTER of Kingfield, FITZPATRICK of Durham, LIBBY of Buxton, LUMBRA of Bangor, MORRISON of Bangor, SAXL of Bangor, WINN of Glenburn, YACKOBITZ of Hermon, Senators: CAREY of Kennebec, FAIRCLOTH of Penobscot, PENDEXTER of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc)

Human Resources

Bill "An Act to Clarify Terms and Increase Effectiveness of the Lead Poisoning Control Act" (H.P. 1069) (L.D. 1504) (Presented by Representative MITCHELL of Vassalboro)

Judiciary

Bill "An Act to Clarify the Operations of the Maine Board of Bar Examiners" (H.P. 1062) (L.D. 1497) (Presented by Representative PLOWMAN of Hampden) (Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act to Reduce Theft in the Forest Products Industry" (H.P. 1065) (L.D. 1500) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representatives: GOULD of Greenville, KNEELAND of Easton)

Labor

Bill "An Act to Extend the Deadline for a Maine State Police Officer to Choose a Certain Retirement Option" (H.P. 1064) (L.D. 1499) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BIGL of Bucksport, BIRNEY of Paris, BOUFFARD of Lewiston, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CHARTRAND of Rockland, CHICK of Lebanon, CLARK of Millinocket, CLUKEY of Houlton, DIPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, DRISCOLL of Calais, FARNUM of South Berwick, FISHER of Brewer, GOOLEY of Farmington, GOULD of Greenville, GUERRETTE of Pittston, GWADOSKY of Fairfield, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of Lagrange, JACQUES of Waterville, JONES of Pittsfield, JOSEPH of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, KNEELAND of Easton, LANE of Enfield, LAYTON of Cherryfield, LEMAIRE of Lewiston, LIBBY of Kennebunk, LINDAHL of Northport, LOOK of Jonesboro, LUMBRA of Bangor, LUTHER of Mexico, MADORE of Augusta, MARSHALL of Eliot, MAYO of Bath, McALEVEY of Waterboro, MERES of Norridgewock, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, NICKERSON of Turner, O'GARA of Westbrook, OTT of York, PEAVEY of Woolwich, PENDLETON of Scarborough, PERKINS of Penobscot, PINKHAM of Lamoine, POULIOT of Lewiston, REED of Falmouth, REED of Dexter, RICKER of Lewiston, ROBICHAUD of Caribou, SAMSON of Jay, SPEAR of Nobleboro, STONE of Bangor, TAYLOR of Cumberland, TUFTS of Stockton Springs, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater, WHITCOMB of Waldo, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BENOIT of Franklin, CIANCHETTE of Somerset, CLEVELAND of Androscoggin, ESTY of Cumberland, HANLEY of Oxford, HARRIMAN of Cumberland, LAWRENCE of York, O'DEA of Penobscot, PARADIS of Aroostook, PENDEXTER of Cumberland, PINGREE of Knox, RUHLIN of Penobscot, STEVENS of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Taxation

Bill "An Act to Include Child Care Centers in the Property Tax Exemptions and to Amend the Review Schedule for Property Tax Exemptions" (H.P. 1066) (L.D. 1501) (Presented by Representative SAXL of Portland) (Cosponsored by Senator LONGLEY of Waldo and Representatives: BENEDIKT of Brunswick, DORE of

Auburn, GATES of Rockport, LEMAIRE of Lewiston, MADORE of Augusta, MAYO of Bath, MITCHELL of Portland, RICHARDSON of Portland, ROSEBUSH of East Millinocket, SAXL of Bangor, TUTTLE of Sanford, WATSON of Farmingdale, Senators: AMERO of Cumberland, FERGUSON of Oxford, MICHAUD of Penobscot, PARADIS of Aroostook, PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Utilities and Energy

Bill "An Act Concerning Municipal Electric Districts and the Development of a Competitive Energy Market" (H.P. 1067) (L.D. 1502) (Presented by Representative SAMSON of Jay) (Cosponsored by Representatives: BERRY of Livermore, CAMERON of Rumford, CHASE of China, CHICK of Lebanon, JACQUES of Waterville, JONES of Bar Harbor, KONTOS of Windham, LEMAIRE of Lewiston, MARTIN of Eagle Lake, PENDLETON of Scarborough, TYLER of Windham, VIGUE of Winslow, VOLENIK of Sedgwick, Senator: ESTY of Cumberland)

ORDERS

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 23)

ORDERED, that Representative Richard H. Campbell of Holden be excused April 12 and 13 for personal reasons.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

Coach Joanne Palombo-McCallie and the members of the University of Maine Black Bears Women's Basketball Team for compiling a record of 24-6 during their 1994-1995 college season and winning the North Atlantic Conference Championship for the first time in the history of the women's basketball program at the University of Maine, which resulted in their being selected for the NCAA tournament, another first for the program. We extend our congratulations and very best wishes; (HLS 233) by Representative STEVENS of Orono. (Cosponsors: Senator O'DEA of Penobscot, Senator CASSIDY of Washington, Speaker GWADOSKY of Fairfield, President BUTLAND of Cumberland, Representative CAMPBELL of Holden)

On objection of Representative JACQUES of Waterville, was removed from the Special Sentiment Calendar.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-184) on Bill "An Act to Allow the Issuance of Life Sentences for Violent Crimes" (H.P. 152) (L.D. 200)

Signed:

Senators:

BENOIT of Franklin
HALL of Piscataquis
O'DEA of Penobscot

Representatives:

CLARK of Millinocket

BUNKER of Kossuth Township
 CLUKEY of Houlton
 GOOLEY of Farmington
 McALEVEY of Waterboro
 PEAHEY of Woolwich
 WATERHOUSE of Bridgton
 WHEELER of Bridgewater

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

Signed:

Representatives: JOHNSON of South Portland
 THOMPSON of Naples

Was read.

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

On motion of Representative THOMPSON of Naples,
 tabled pending the motion of Representative CLARK of
 Millinocket 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 to Pass"** as amended by
 Committee Amendment "A" (H-180) on Bill "An Act to
 Reestablish the 300-foot Setback for Siting of Solid
 Waste Disposal Areas" (H.P. 409) (L.D. 566)

Signed:

Senators: LORD of York
 HATHAWAY 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 Not to Pass" on same Bill.

Signed:

Representative: GREENLAW of Standish

Was read.

On motion of Representative POULIN of Oakland, the
 Majority **"Ought to Pass"** as amended Report was
 accepted.

The Bill was read once. Committee Amendment "A"
 (H-180) was read by the Clerk and adopted. The Bill
 was assigned for second reading Tuesday, May 9, 1995.

CONSENT CALENDAR

First Day

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

(S.P. 388) (L.D. 1065) Bill "An Act to Clarify
 Detention Responsibilities" Committee on **Criminal
 Justice** reporting **"Ought to Pass"**

(S.P. 431) (L.D. 1199) Bill "An Act to Amend the
 Maine Criminal Code by Correcting References to
 Committee Structure" Committee on **Criminal Justice**
 reporting **"Ought to Pass"**

(S.P. 435) (L.D. 1203) Bill "An Act to Rename the
 Crime of Endangering the Welfare of an Incompetent
 Person" Committee on **Criminal Justice** reporting
"Ought to Pass"

(S.P. 281) (L.D. 753) Bill "An Act to Correct and
 Clarify Certain Provisions of the Liquor Laws"
 Committee on **Legal and Veterans Affairs** reporting
"Ought to Pass" as amended by Committee Amendment "A"
 (S-101)

(H.P. 207) (L.D. 266) Bill "An Act to Revise the
 Security Deposit and Reinsurance Requirements for
 Individual Self-insurers" Committee on **Banking and
 Insurance** reporting **"Ought to Pass"** as amended by
 Committee Amendment "A" (H-193)

(H.P. 611) (L.D. 821) Bill "An Act to Amend the
 Laws Regarding the Procedures for Emergency
 Admissions to a Mental Hospital" (EMERGENCY)
 Committee on **Human Resources** reporting **"Ought to
 Pass"** as amended by Committee Amendment "A" (H-191)

(H.P. 640) (L.D. 863) Bill "An Act to Improve the
 Well-being of Communities by Providing Adequate
 Services for Victims of Sexual Assault, Incest, Rape
 and Child Sexual Abuse and Enhance Community
 Education and Prevention Programs Statewide"
 Committee on **Human Resources** reporting **"Ought to
 Pass"** as amended by Committee Amendment "A" (H-190)

There being no objections, the above items were
 ordered to appear on the Consent Calendar of Tuesday,
 May 9, 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. 290) (L.D. 788) Bill "An Act to Amend the
 Purchasing Laws"

(H.P. 846) (L.D. 1177) Bill "An Act to Enable the
 Department of Corrections to Share Information with
 Canadian Criminal Justice Agencies"

(H.P. 405) (L.D. 540) Resolve, to Implement the
 Recommendations of the Healthy Start Task Force (C.
 "A" H-185)

(H.P. 662) (L.D. 885) Resolve, to Create a Task
 Force to Review the State's Involuntary Commitment
 Law (C. "A" H-187)

(H.P. 804) (L.D. 1121) Bill "An Act to Establish
 Standards for Preadmission Assessments for Long-term
 Care Services" (C. "A" H-186)

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

(H.P. 988) (L.D. 1396) Bill "An Act to Abolish the
 Local Government Records Board and to Assign Its
 Functions to the Archives Advisory Board"

On motion of Representative CAMERON of Rumford,
 the Bill was removed from the Second Day Consent
 Calendar.

The Report was read and accepted. The Bill read
 once.

Under suspension of the rules, the Bill was given
 its second reading.

Representative CAMERON of Rumford presented House
 Amendment "A" (H-197) which was read by the Clerk and
 adopted.

The Bill was passed to be engrossed as amended by
 House Amendment "A" (H-197) and sent up for
 concurrence.

BILLS IN THE SECOND READING **As Amended**

Bill "An Act to Authorize Community Service Work as a Sentencing Alternative" (H.P. 20) (L.D. 14) (C. "A" H-169)

Bill "An Act to Clarify Professional Liability" (H.P. 231) (L.D. 311) (C. "A" H-172)

Bill "An Act to Increase Police Authority in Certain Cases of Disorderly Conduct" (H.P. 357) (L.D. 477) (C. "A" H-173)

Bill "An Act to Provide Adequate Counseling for Minors Incarcerated for Sex Offenses" (H.P. 535) (L.D. 731) (C. "A" H-170)

Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (EMERGENCY) (H.P. 324) (L.D. 445) (C. "B" H-152)

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-142) - Committee on Legal and Veterans Affairs on Bill "An Act to Exclude Certain Parks from the Definition of Mobile Home Parks" (H.P. 372) (L.D. 507)

TABLED - April 27, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

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

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

Representative NADEAU: Thank you Mr. Speaker, Men and Women of the House: This is about the closest that I have seen in our committee, at least, to a discriminatory bill. This is basically saying, it is all right to treat migrant workers differently than everyone else. This is basically a health and safety issue. If certain standards are appropriate for everyone else, then those same standards should be applied to "migrant workers". That is exactly the way the majority of the committee looked upon this bill and that is why the majority of us voted the way we did.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Thank you Mr. Speaker, Men and Women of the House: I rise today to ask you to vote against the pending motion. These mobile home parks, so to speak, are used for farm labor camps in the broccoli production in Aroostook County. They are used only seasonal. They are only used three or four months out of the year. They do not pay rent and they are regulated by the local ordinance of fire, plumbing, electrical and all those things. They are also under the Maine Migratory Law,

the Federal Migratory Law and OSHA which has the water tests and all the things that go with OSHA. You know how strict they are. Also, EPA, these parks are used and these people pay no rent.

These people have a cluster of trailers that are used for bunk houses and dining facilities. They are well kept up. Last summer a lady that was living in one of them told me in all the years that she has moved around as a migratory worker, she was 52 years old, this was the best and cleanest place she has ever lived. We are asking that you exclude these parks from the Maine law of mobile home parks as migratory labor camps. Thank you.

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

Representative LEMONT: Thank you Mr. Speaker, Ladies and Gentlemen of the House: When we heard this bill in committee the only testimony we heard in opposition to this legislation was concern over drinking water. I might remind you that the drinking water still will be tested and will be maintained in the standards which we are associated with and we require in the state of Maine, as the good Representative from Easton told you. These parks are regulated by the migratory laws of the federal government, the state of Maine, OSHA, EPA and the Code Enforcement Officers in your community.

I remind any of you that ran on a platform of cutting red tape in Augusta this is your opportunity to cut a little bit of it. I urge you to defeat the pending motion so we may pass this piece of legislation. Thank you.

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

Representative ROBICHAUD: Thank you Mr. Speaker, Colleagues in the House: I would urge you to oppose the pending motion so we could go on to accept the "Ought to Pass". This is a critical issue in my area where we do have a seasonal workforce that comes in. Not to repeat what has been said before, but I would just like to read for you a section from the Migrant and Seasonal Agricultural Worker Protection Act as amended by the U.S. Department of Labor Employment Standards Administration.

It is section 203 dealing with safety and health of housing. This is a federal standard of which any agricultural employer who does provide housing for migrate workers would have to comply as well as what was stated with local and other state regulations. Section 203 states, "Except as provided in Subsection C, each person who owns or controls a facility or real property which is used as housing for migrant agricultural workers shall be responsible for insuring that the facility or real property complies with substantive federal and state safety and health standards applicable to that housing."

What this bill is seeking to do is not to exempt these housing complexes from any kind of safety consideration. What it is trying to do is to make it easier for agricultural employers to provide this housing in that type of safe manner. I am very concerned that the alternative if we are not able to pass this bill. Agricultural employers will just choose not to provide this housing, in which case, we will have a migrant population with no migrant housing. That will become burdensome upon the rest of our community.

I would please urge you to give this matter some serious consideration and vote against the pending motion. 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 anyone who would be willing to answer. I am not sure what requirements in the Maine Statutes, Title 10 or anywhere else, that we ought to exempt these types of mobile home parks which are operating on a seasonal basis from it. I understand that there are federal laws and regulations, but I guess I have yet to hear the specific owners provisions that would cause me to want to vote against a pending motion. I would invite anyone to enlighten me.

Representative CHIZMAR of Lisbon 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 Saco, Representative Nadeau.

Representative NADEAU: Thank you Mr. Speaker. The Representative from Portland asked a question a couple of minutes ago and I would like to take a stab at it. The answer is right now there are certain safety and health requirements that were negotiated over time and were approved for all trailer parks or mobile home units. This bill would, in fact, offer an exemption for that. The reason, quite frankly, was not convincing to many of us on the committee and thus you have the report you have.

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 just like to say that Rural Health Centers of Maine are working with these landlords and we now have a mobile medical unit that visits all of these housing complexes, so the safety, security, health and well being of all of these seasonal farm workers are being increased rather than decreased. I would urge you to defeat this motion and go on to accept the bill. Thank you.

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

Representative LOOK: Thank you Mr. Speaker, Ladies and Gentlemen of House: I hope that you will not approve the "Ought Not to Pass" Report. We also have to consider the migrant workers that come in on the blueberry fields. If these changes are made, it could result in the loss of jobs for many migrant workers, because the people may have to eliminate this way of harvesting and go to mechanical harvesting which will put many people out of work. Thank you.

The SPEAKER: Pending question before the House is acceptance of the "Ought Not to Pass" Report. The Chair will order a division. All those in favor will vote yes; those opposed will vote no.

Representative CHIZMAR of Lisbon 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 call it must have the expressed desire of more than one-fifth of members

present and voting. All those in favor will vote yes; those opposed will vote no.

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

the Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Thank you Mr. Speaker, Men and Women of the House: The Representative from Township 27 brought up a very interesting point a few minutes ago. That interesting point was, there are discussions happening as I speak, that is a great sign. That doesn't mean anything is in place right now. I think that is a clear distinction.

I hope to have a Rolls Royce some day. Do I have one now? No. I may wish to be Speaker at some point. Am I Speaker now? No. These folks are talking about consistency rules that everyone can live with. Does that mean we have them now? No. Should we vote for this bill? No. Should you accept the Majority Report? Yes. Should we treat people as human beings? I think so.

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

Representative BAILEY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: This migrant seasonal farm worker program is partially federally funded and has been in place going on three or four years now. This will be the second year that we have had the mobile unit that goes around and visits these sites. The program is increasing. We are in the process of looking to expand that into Massachusetts. We do the broccoli harvest. We do the blueberry harvest. We do the eggs in the Lewiston/Auburn area.

It is a program that is expanding and the safety and security of these migrant and seasonal farm workers has improved greatly over the past few years and I agree with the good Representative from Jonesboro. If we keep putting regulations on these employers, they are going to go mechanical and we are just not going to have the jobs available. I urge you to continue to vote against the Majority "Ought Not to Pass" and pass the bill.

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

Representative TUTTLE: Thank you Mr. Speaker, Men and Women of the House: I received some information that I think will be helpful in the discussion of this issue from my seat mate who serves on the Legal Affairs Committee.

There was major testimony against this legislation which I assume is the reason why this bill is a Majority "Ought Not to Pass" Report. From the testimony it says that this is not a housekeeping bill or issue by any means. If this proposed legislation becomes law, this legislative body will, in effect, leave a portion of the population in mobile homes to face hazardous living conditions without state intervention.

There are several areas currently regulated by the Manufactured Housing Board that would be unregulated. The board requires compliance with electrical, plumbing, environmental and sewerage standards. I believe that was a question of the Representative from Portland, Representative Rowe. The most important function is monitoring the parks water supply to ensure that there is safe and

adequate drinking water for the individuals involved. The Federal Migrant Seasonal Agricultural Worker Protection Act requires growers to comply with state and local laws.

The regulation of migrant labor camps encompass federal and state laws acting in tandem to ensure safe and healthy housing conditions. Having been a member of the Labor Committee and a member of this body over the years, as one member, I have extreme concern about the abolishing of this legislation. I would encourage you to support the Majority "Ought Not to Pass" Report. Thank you.

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

Representative TREAT: Thank you Mr. Speaker, Men and Women of the House: I also encourage you to vote for the Majority "Ought Not to Pass" Report. I do not think we should be setting different standards for living conditions depending upon whether someone is a seasonal, part-time or a full-time worker who lives full-time in the state of Maine. It just isn't right to make that distinction.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative KNEELAND: Thank you Mr. Speaker, Men and Women of the House: I would like to say that these people are well looked after under the Migratory Program. They have stringent rules that they go by. The water is tested every spring before they move in to find if it is safe for drinking. They have more regulations than anyone else that lives in these mobile home parks. They really are looked after real well. The children can go to a school and medical facilities are provided for them. This is a very important bill for the people in our part of the country and for other parts of the state, like Aroostook County. To comply with the Mobile Home Park law you have to have a meter for each trailer and these are in clusters with one hook up for each for the whole thing. They are very clean. They are kept up everyday and cleaned up by the employer. They really look good and if you could drive by them, you would be proud to see them. They really do a fine job. I ask you to vote against the pending motion. Thank you.

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

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House. As the legal and Veterans Affairs Committee knows, I probably have more experience in this area of law than anyone in the state. In fact, my parents live in a mobile home.

I want to let you know that Pine Tree Legal actually has to have a special unit, the Farm Worker Unit, to look out for the farm workers in this state, the migrant farm workers. In one instance, I am not going to name the name of the company that has the mobile home park, but they were threatened and the person actually was sentenced to jail by Judge Carter in Federal Court.

These places aren't as beautiful state wide as in Easton. I wish they were. I think that would be beautiful. One I have witnessed is one room with 15 people. Do you know what their food was? Frozen microwave burritos. No microwave. No electricity. No running water. We can't exempt certain individuals in this country just because they are poor and they have to travel around the country to work. We can't exempt them from the laws that protect the rest of us.

I urge you to vote for the Majority "Ought Not to Pass" Report. This is very, very important. I want you to travel around your area this summer and look at the migrant workers. Look at where they have to live. Look at where they go to the bathroom, if there is a place to go to the bathroom. Please do that. Thank you.

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

Representative TRUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak just a moment on two particular things.

First, there was a statement that said there was much testimony, but the testimony came from two or three people. They were primarily the people represented, I believe, dealing with the federal government. One of the things that seemed to bother me was the fact that their major contention was that there was a test given on the water. It said it nearly didn't pass. If we are going to subject people and change laws for testing that nearly didn't pass, then I think that is a mistake.

Secondly, I believe that where these particular sites are for such short periods of time that there certainly has to be a deviation, as far as the laws are concerned. I have gone by many of these and I have not stopped, I must be truthful in that manner. It certainly looked as though they were in good condition.

I think the other thing that was pointed out was that they are not a great distance apart. I don't know if that makes that much difference for a short period of time that the people are living in these particular modes. I would urge you to defeat the motion as stated.

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

Representative LEMKE: Thank you Mr. Speaker, Men and Women of the House: I urge you to accept the Majority "Ought Not to Pass" on this issue. I can't claim to have the kind of knowledge that the good Representative from Bar Harbor has on this, but I did live on one of these things that is euphemistically referred to as a mobile home park. When I did, it was called a trailer park, but we don't call them that anymore. Having experience with that and probably at that time in my life I might have qualified as a migrant worker, I am not sure. I feel quite strongly about this. This is a basic equity issue. I urge you to vote for the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative BAILEY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: These folks live in these facilities for a very short period of time, four or five weeks at the longest. Right now they are starting the process of working with Pine Tree Legal and they are recruiting doctors to man this health cap mobile van. They are working for the safety of all of those migrant workers right now by setting up those programs.

Just to give you an example, last year Cherryfield Foods who used to hire hundreds of blueberry rakers brought in 85 mechanical harvesters and hired a very few people to do any raking at all. If we continue

to put excessive burdens on these employers, they are all going to go to mechanical harvesting. We are not going to have to worry about seasonal farm workers because we are not going to have any jobs.

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

Representative MITCHELL: Thank you Mr. Speaker, Men and Women of the House: I have listened with great interest to this debate. I am quite puzzled about what the excessive burdens are that are being placed on employers. Is it clean water? Does clean water not matter even if it is only for four to five weeks? I really have not heard a good answer to Representative Rowe's question. What is it that you are trying to delete from the requirement for housing for migrant workers that the supporters of this bill are seeking? Could you please explain to this body, if you are supporting this bill, what standards you want to take away, so that we will have a better understanding of what you are trying to do. It is my belief that these are not "those" people, these are men and women who are working very hard, whether it is raking blueberries or picking potatoes, I would like to know for those of you who are supporting this bill, what kind of standards do you think are appropriate for migrant workers?

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

Representative ROBICHAUD: Thank you Mr. Speaker, Colleagues in the House: I will attempt to answer that question. We are talking about mobile homes and consequently these parks do fall under certain categories. The regulation that we are discussing is state licensure of these particular parks. I feel compelled to, again, go through a list of some of these other standards placed upon these parks by the federal government, OSHA and Seasonal Migratory Act through the Department of Labor. We also have to keep in mind that these parks do have a certain number of regulations required in terms of safety and habitability through the migrant labor statutes.

What this bill seeks to do is to exempt them from state licensure of mobile home parks, which tend to be year round housing units that are run for profit as rental units. This is not the case in these parks that we are discussing today. What we are talking about today is employers providing a service. I am very saddened to hear about the experiences that the good Representative from Bar Harbor may have witnessed. I sincerely hope that is not the norm. However, instances such as described currently do not meet the federal standards which are in place and do deal with issues such as safety and fair habitability. These people should not be treated as second class citizens. The extent of federal regulations ensure that does not happen and ensure that they are in a safe and equitable living situation.

What we are doing with this bill is trying to make a distinction that these mobile home parks are not done for profit and so should be treated somewhat differently and to remove that level of additional licensure which is piled on top of all these other elements. I would, again, urge you to please oppose the pending motion.

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

Representative LEMAIRE: Thank you Mr. Speaker, Men and Women of the House: Representative Lemaire doesn't have a lot of knowledge about this. I felt that I wasn't getting the response from Representative Mitchell's question that Representative Robichaud was answering. I guess I have one thing I would like to comment on. Are both profitable mobile parks that people pay money to stay in year round? Should they have higher standards than migrant workers, because migrant workers come in here for only three to four weeks a year? I have a real problem with the comment about "those" people too. Perhaps Representative Robichaud could answer that for me.

The SPEAKER: The Representative from Lewiston, Representative Lemaire has posed a question through the Chair to the Representative from Caribou, Representative Robichaud. The Chair recognizes that Representative.

Representative ROBICHAUD: Thank you Mr. Speaker. I am very please to attempt to answer your question Representative Lemaire. It is not an issue so much as different standards. It is layers of regulations to achieve the same goal. Again, the issue we are debating here is not to set a different level of habitability or safety for this certain segment of the population which happens to be a seasonal migrant population.

The goal is not to treat them as a any different level of citizen, but the point is under these parks currently they have additional regulations on top of other mobile home parks in the state that they have to comply with based on the fact that they are serving a migrant and seasonal agricultural population. What this bill does is attempt to not reduce any of the health and safety requirements, but to recognize that these particular mobile home parks have additional regulations and so it is an attempt to reduce a level of regulations elsewhere which is in the licensing by the state of Maine as a profitable mobile home park. I hope that did answer the Representative's question.

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

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Lets not forget our constitutional mandate for equal protection of all citizens under the law. These parks are run for profit. The wages are often taken to pay for these willfully inadequate housing accommodations and to address the good Representative from Caribou, Representative Robichaud, if you get any federal benefits in a housing unit in Maine you are subject to federal housing law and state housing law and they both have to dove tail in order for you to run your show.

If you want to evict someone, you have to follow several statutes. The idea that we are going to make less regulations may be specious because it is very possible that these people are getting some federal benefits, which would then incur the burden of dealing with HUD, FMHA and the myriad of federal laws that apply. I want to stress that we have to look at the equal protection of all citizens in this country. Not just Maine and not the mobile home park owners who are running migrant farms. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Thank you Mr. Speaker. Representative Robichaud's issue was layers of regulation. Representative Chizmar's issues are health and safety. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative WINSOR: Thank you. This question is to Representative Jones from Bar Harbor. I am a little confused. I guess I want to know, if we don't license these as mobile home parks in Maine then how does it effect the federal mandate and the basic rules of habitability in the state of Maine?

The SPEAKER: The Representative from Norway, Representative Winsor has posed a question through the Chair to the Representative from Bar Harbor, Representative Jones. The Chair recognizes that Representative.

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I am not sure I quite understood the question. It is my understanding of Landlord Tenant Law that if it is not deemed a mobile home park then it would be deemed a dwelling. If it is deemed a dwelling then it has its own layer of regulation under Maine law, which would be the Tenancy at Will Statute, Title 14, section 6002.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Layton.

Representative LAYTON: Thank you Mr. Speaker. Serving as Town Manager in Cherryfield where for a good ten years where we have a tremendous increase in the migrant population every year in August. I also had a subrole as Health Officer. It had never been brought to my attention, at any time, about the standards of living provided for by the blueberry companies.

I can also tell you that I don't believe this is a landlord tenant type situation under Maine statute. I just want to tell you that of all the regulatory process that impacts on these type of places, none faces more scrutiny than these by OSHA. You can talk about HUD. You can talk about all the other types, but let me tell you the OSHA scrutiny that these places get is great. I concur with what Representative Bailey has stated.

Any more of this type of regulation on these types of industries, especially in my area, the blueberry Capitol of the world, the influx of migrants is into the thousands annually, it is going to be detrimental, because these companies will forgo using these facilities and providing these facilities for these people and will go to mechanical harvesters which will have a direct economic impact on my district. Thank you.

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

Representative THOMPSON: Thank you Mr. Speaker, Men and Women of the House: I would like to make a couple of comments on what I have heard here today.

First, it was said that this is not a for profit venture. It sure is. It is part of their business venture. Second, I just heard the good Representative Layton indicate that the housing conditions that he has seen are good. Maybe that is because the state law is working. We are not adding

anything with this bill. We are stopping people from taking away what is there and what is protecting those workers now. Thank you.

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

Representative VOLENIK: Thank you Mr. Speaker, Men and Women of the House: I have many blueberry growers in my district. They are voters. I have many migrant workers in my district. Some of them are voters, but many of them are not. I am going to be voting "Ought Not to Pass" on this bill.

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. 64

YEA - Adams, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Davidson, Desmond, Dore, Etnier, Fisher, Gamache, Gates, Gerry, Gould, Green, Hatch, Heesch, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, LaFountain, Lemaire, Lemke, Luther, Meres, Mitchell EH; Mitchell JE; Nadeau, O'Gara, Paul, Poulin, Povich, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Volenik, Watson, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, DiPietro, Donnelly, Driscoll, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Kilkelly, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevy, McElroy, Murphy, Nass, Nickerson, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham, Poirier, Pouliot, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Strout, Taylor, True, Tufts, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Birney, Daggett, Fitzpatrick, Martin, Morrison, Plowman, Rotondi, Stone, Truman.

Yes, 61; No, 81; Absent, 9; Excused, 0.

61 having voted in the affirmative and 81 voted in the negative, with 9 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted. The Bill was read once. Committee Amendment "A" (H-142) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 9, 1995.

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

TABLED - April 27, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended and sent up for concurrence.

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

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 27, 1995 (Till Later Today) by Representative JACQUES of Waterville.

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

Representative NADEAU of Saco withdrew House Amendment "A" (H-139) to Committee Amendment "A" (S-28)

The same Representative presented House Amendment "B" (H-183) to Committee Amendment "A" (S-28).

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

Representative NADEAU: Thank you Mr. Speaker, Men and Women of the House: Just last week, which almost seems like last month to me, we attempted to place House Amendment "A" to Committee Amendment "A" which would basically be the English language that you and I understood, as opposed to legalese. That was not quite acceptable. The parties who did think that there were minor problems brought it to my attention and the staffs attention and the result is House Amendment "B". I would urge your support.

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

Representative CARLETON: Thank you Mr. Speaker. As I understand House Amendment "B" the effect is to delay the eviction of a person for nonpayment of rent up to the time that a rid of possession is issued. Under present law that time period or that window is somewhat shorter than that. The concern that I have about this particular bill is that it will encourage people to delay court proceedings.

If someone has the additional time up to and through the court proceeding in which to pay up back rent, my experience is that given the sometimes slow pace of the courts that pace may become slower, because there is an incentive to delay so that people have additional time to pay up. I am awfully concerned that this will gum up the process which many landlords feel is very long already for people who do not pay their rent and lead to abuse of the system. Mr. Speaker I request a division.

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

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: It just seems like this is landlord tenant issue day. This isn't my bill. Just to explain this to you, it is the time period in which you can issue the notice of termination from nonpayment of rent has been moved back seven days, from fourteen days to seven days. I guess the compromise was that it should also move the time frame back seven days, actually five days for rid of possession. There may be a net gain of two days for the landlord. They can actually start the action seven days prior to when they could before. It speeds up the court process, rather than slows it down. That is my understanding of the language.

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

Representative CARLETON: Thank you Mr. Speaker. I respect my brother's interpretation, but my experience is that even though you gained seven days on the front end, given the fact that you have to serve papers for eviction that you have, in addition to that, five days or seven days notice before a court hearing that the net effect of all this is going to be to slow down evictions of people who

don't pay rent. My experience is that if people after having received a notice don't pay up in five or seven days, they are never going to pay up. I have hardly ever seen a case where the reverse has been true. The end result is going to be further delay.

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

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: In this language it says that you can stop the eviction process by paying all of the rent due and all court fees related. It has been my experience in non-payment of rent cases that they just don't pay the rent. In this matter they would be able to pay the rent and all the clerk fees, which I don't believe is in the statute at the moment.

There would be a net gain of time for the landlord of maybe two days depending on when court is, because they don't count weekends when it is less than seven days. They get their court fees and their rent so the process isn't actually slowed down. The process is set ahead just a bit in favor of the landlord from my perspective. It seems to me that this is a compromise that the landlords have agreed to. The committee has agreed to and one that probably makes sense. If you haven't paid within the first seven days, you should get that notice. You should be afforded the chance to pay and if you do pay, you are going to pay the court fees. Thank you.

Representative CARLETON of Wells requested a division on adoption of House Amendment "B" (H-183) to Committee Amendment "A" (S-28).

The same Representative requested a roll call on adoption of House Amendment "B" (H-183) to Committee Amendment "A" (S-28).

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

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

Pending question before the House is adoption of House Amendment "B" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 65

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Davidson, Desmond, Driscoll, Etnier, Fisher, Gamache, Gates, Gerry, Gould, Green, Hatch, Heesch, Jacques, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Luther, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, O'Neal, Paul, Pendleton, Povich, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, True, Tuttle, Tyler, Vigue, Volenik, Watson, Whitcomb, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Buck, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, DiPietro, Donnelly, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Kneeland, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Nass, Nickerson, Ott, Peavey, Perkins, Pinkham, Plowman, Poirier, Poulin,

Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Strout, Tufts, Underwood, Waterhouse, Wheeler, Winglass, Winsor, Yackobitz.

ABSENT - Birney, Daggett, Dore, Fitzpatrick, Johnson, Martin, Pouliot, Rotondi, Stone, Truman.

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

71 having voted in the affirmative and 70 voted in the negative, with 10 being absent, House Amendment "B" (H-183) to Committee Amendment "A" (S-28) was adopted.

Committee Amendment "A" (S-28) as amended by House Amendment "B" (H-183) thereto was adopted. The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-28) as amended by House Amendment "B" (H-183) thereto in non-concurrence and sent up for concurrence.

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

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

Expression of Legislative Sentiment recognizing Coach Joanne Palombo-McCallie and the members of the University of Maine Black Bears Women's Basketball Team (HLS 233) which was tabled by Representative JACQUES of Waterville pending passage.

Subsequently, was read and passed and sent up for concurrence.

The SPEAKER: On behalf of all the members of the Maine House, at this time, I would like to offer, first of all, our heart felt congratulations to Coach Joanne Palombo-McCallie and the members of the University of Maine Black Bear Team.

The co-captains who are here today for their extraordinary season as indicated in the sentiment. Their record of 24 wins and 6 losses capturing the Northeast Atlantic Conference Championship and their eventual selection to the NCAA Tournament for the first time in their history is clearly evident as to why they are breaking attendance records at the University of Maine and why only the good news is to come. We think the best is yet to come for this team.

Clearly the success of your team is an example to all of us as the excellence and team work you displayed is matched only by the determination and talent that each of you has brought to your collective endeavor. Your spirit and success is symbolic to the soaring aspirations to, not only young women all over the state, but I would suggest to young people across this great state and we all wish you the very best in the years ahead. At this time, I would like to introduce the Coach of the University of Maine team, Coach Joanne Palombo-McCallie.

Joanne, as you know, recently had a very difficult decision to make and fortunately for the University of Maine and for the state made the right decision. She is a tremendous role model for her players and a tremendous advocate for the issue of women's athletics in the University of Maine and across this great state.

It is a great pleasure for me to introduce to you the coach of the University of Maine Black Bears Women's Basketball Team, Coach Joanne Palombo-McCallie.

Coach PALOMBO-MCCALLIE: Thank you. Thank you very much I appreciate that. Thank you very, very much. I really shouldn't stand here and correct the Speaker, but I will say the decision was not difficult. I guess that is what I want to put on the record. I had a tremendous personal and professional experience, whatever you want to call that, those things happen and you really don't know why. I just want to stand before you and say that I am so proud. First of all to be from the state of Maine and even more proud to be representing the University of Maine.

I have the best job in the world. I am going to tell you right now. I coach some tremendous young women and we are not complete here. We have a few captains with us. I would be remiss if I didn't mention Seana Dionne who is also a tri-captain with Rita Sullivan from Bangor and Erin Grealy who is from Massachusetts, she likes to say Boston. Seana had class and as you may know at this time of year it is very difficult there are many, many things happening up at the University.

One of which is finals. They are heading into that. We couldn't bring the entire team here today. Many of the young ladies are taking final exams. They will be coming down a bit later. I just want to thank you. It is quite a pleasure to be here. I can't speak enough about the University of Maine and the people that I come in contact with there from the top down. Ok, you can call me bias. Go ahead, I am. I think that the things that I have seen, especially of late with the leadership from President Hutchinson all the way down through have been really remarkable to me as a young person concerned about many different issues.

There is no question the young ladies at the University of Maine and the young men and the people there that compete in athletics and represent this great state are student athletes. We have it in the right order. I just want to make sure that you understand from my point of view that is what we believe in. Our young ladies have a 3.1 grade point average when they won that championship and when they competed in that NCAA Tournament.

I guess I just want to express to you thanks for support and also to let you know that we feel we have a responsibility. We have a responsibility as young women to reach to other people in the state. A lot of people say, "Well gee coach, you only coach 12 or 13 girls, what kind of a job is that." "What do you do in the summer?" I guess that is a very fair question. What I will say to you is, we don't look at it that way.

We have a responsibility and the young ladies that I do coach, when you see the game on TV and you see the final product. That is what that is, a final product. We hope to reach all the way down to the high school levels to the junior high level and to much younger than that. Little girls, my daughter, all the little girls out there can look up and say, "Hey, these people are pursuing excellence." When you pursue excellence you may get it. It is not a promise that you will, but we feel like we are going to pursue excellence at the highest level, that is academically as well as athletically.

In coming here today and thanking you for this opportunity and recognition, I just want to give my heart felt thanks to you. It is difficult, I think, when we are up there and you are in Augusta for you to know what is happening at the University of Maine

and for you to know what kind of philosophy is held there. I just want to speak from my point of view. It is a great place and there is tremendous leadership from the top down.

I have been completely moved by the leadership that has been expressed to me by Dr. Hutchinson and all the people I have to deal with as of late. I really don't know why that Athletic Director from Long Beach decided to pick up the phone and call me. The things that came out of that were all positive and I am very excited to be here. I see great vision for the state and the University of Maine and so many things. I just think I would remiss if I didn't tell you a little bit about us.

We will continue to pursue excellence in every way we can. We will take responsibility for trying to reach out to the young people of the state. We speak all over the state and you just have to imagine the phone calls that we have received for speaking engagements. These captains have been everywhere. You know, yes, Cindy Blodgett, Sandy Carver and the rest are requested as well. We feel an obligation and we will do the best we can to help the young people in this state. I just want to say that to you as we are here today. We are thrilled. I want to give my captains an opportunity to say hello. They have some gifts to present. They are a great group. I will tell you this, out of our seniors Seana Dionne is heading to work in a CPA Firm in Cincinnati. She is a great student and do you know what they said to her after they gave her the job. They said, "Gee, I hope you are going to play on our basketball team." They were recruiting Seana.

Then we have Rita Sullivan from Bangor, Maine. Rita is going to be with us a little while longer, which I love. We need Rita to kind of rub off on some of the younger people. She is going to graduate in December in journalism and she is looking at some options in the Boston areas.

Erin Grealy is a pre-med student. She is a young lady who is a pre-med student at Maine. People say, "Gee coach how do you do that?" We do that through communication. Erin would come to me every semester and say, "Coach, look I have this lab, this lab and this lab, but I am not missing any practice." How can we work together?" Erin will be graduating in May and hopefully, working in a hospital and pursuing medical school down the road.

I am so proud of these young ladies, I guess you can tell, I guess I am a little too enthusiastic this morning with all that traffic out there. I just want to let you know that I love them a lot and they are very special people. They touch many more lives than you can ever imagine, as well as the other athletes and all the people associated with such a great University System. Without further ado I will be quiet and sit down. Thank you very much for the opportunity and I would like to bring Rita Sullivan and Erin Grealy forward just to say hello. Thank you very much.

RITA SULLIVAN: I am Rita Sullivan and I am from Bangor, Maine. I think when I was in girl scouts I got a change to sit up there. This is the first time I have been in the front of the room. It is much more exciting. I would like to say thank you for the recognition and for bringing us down here today. I am having a great time so far and it is a lot of fun to be here. Thank you.

ERIN GREALY: I really am from Boston. I just want to reiterate what Coach and Rita has said. This

is pretty amazing. I don't think I could even get near the Capitol Building in Boston. I just want to say what a great year it has been. There has been support all the way through the state.

It is really a different feeling than what you get in Massachusetts. People really aren't involved in the community as much as it is up here. It is something that I am really going to treasure now that my four years are up and I am moving back to Massachusetts. This will always be a special moment in my life these four years. All the support that we have had from Orono or Portland has been great. Thank you.

We also have some gifts to present to Speaker Gwadnosky. We have a University of Maine hat and a picture of the team.

The SPEAKER: I would also like to recognize a former member of this body. A former Majority Leader who is now associated with the University of Maine, former Representative from Bangor, John Diamond.

Once again, on behalf of all the members, I would like to present the framed certificate, expression of legislative sentiment, that we have just passed. We don't typically frame these until the other body has taken action, but this is one of the few times that we think they will probably agree with the action of the House.

We were able to secure some private funding, actually I think it was de-appropriated perhaps from the men's basketball program and it seems to be as good use as any of the funds at this point. I will not read this entire certificate. It is sponsored by Representative Stevens from Orono, Senator O'Dea from Penobscot, Senator Cassidy from Washington, Representative Campbell from Holden, Senator Butland and myself. Although if there were room every member of the House would be on this as well. We do want to present this to you, as well as to the team, with our very best wishes and once again our heart felt congratulations.

UNFINISHED BUSINESS

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

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

TABLED - April 27, 1995 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - Adoption of House Amendment "A" (H-161) to Committee Amendment "A" (H-124).

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-149) - Committee on Labor on Bill "An Act to Abolish the Legislative Retirement System" (H.P. 363) (L.D. 483)

TABLED - April 27, 1995 by Representative CHASE of China.

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

On motion of Representative HATCH of Skowhegan, the Bill was recommitted to the Committee on Labor and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **"Ought to Pass"** as amended by Committee Amendment "A" (H-140) - Minority (2) **"Ought Not to Pass"** - Committee on Labor on Bill "An Act Concerning Sick Leave and Vacation Benefits" (H.P. 388) (L.D. 523)

TABLED - April 27, 1995 by Representative CHASE of China.

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

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

Representative JOYCE: Thank you Mr. Speaker. During the work session on this bill one of my theories were proved true. That theory is when it comes to good business practice and good ideas the private sector is years, perhaps decades ahead of government. We all agree that it is good business practice to have written policies regarding vacations and sick day benefits.

It was admitted during work sessions that a vast majority, some say 95% of the companies, already have these written policies. Why are we wasting our time passing a law to require something that a majority of the companies already do? If the argument comes up that this is aimed at the 5% minority, well I don't think it is our responsibility to tell a company what is or what is not good business practice. There are many more important issues we should be spending our time on.

Taken alone this bill may not be a big deal to those few companies, but coupled with every other regulation that Maine's intrusive government has imposed, I think this will be a big deal to Maine's small business.

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

Representative CHASE: Thank you Mr. Speaker, Brothers and Sisters of the House: Welcome to labor day. The good Representative who has spoken has pointed out that good businesses in the state of Maine already work in a habit of good business practice. This bill is not really about business practice. This bill is simply about protection of employees, as are most of our bills.

This bill does not require a business to provide sick and vacation benefits. The bill does not require a business to change its sick and vacation benefits. This bill simply requires that they be in writing for protection of the employees, that is it. Thank you.

The Chair ordered a division on the motion to accept the Majority **"Ought to Pass"** as amended Report.

The SPEAKER: Pending question before the House is acceptance of the **"Ought to Pass"** as amended Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 63 voted in favor of the same and 50 against, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill read once. Committee Amendment "A" (H-140) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 9, 1995.

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 27, 1995 by Representative CHASE of China.

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

On motion of Representative HATCH of Skowhegan, tabled pending the motion of Representative JOY of Crystal to indefinitely postpone the Bill and all accompanying papers and specially assigned for Tuesday, May 9, 1995.

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 27, 1995 by Representative HEESCHEN of Wilton.

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

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

Representative KILKELLY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative KILKELLY: Thank you Mr. Speaker. Is it germane? The title of this bill is "An Act to Allow the Sale of Irradiated Food in the State". Actually a significant part, a separate and significant part of the bill is to allow the creation of radiation plants in the state, as well as, allowing the sale of food. I would request a ruling by the Speaker on whether or not this bill is properly before the body.

Representative KILKELLY of Wiscasset asked ruling from the Chair if this Bill is properly before the body.

Subsequently, the Bill was tabled pending ruling from the Chair and later 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 27, 1995 by Representative CHASE of China.

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

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

Representative JOY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: What this essentially does is add another category of mandatory bargaining to the Collective Bargaining Laws. There is an amendment to it which would try to side step that issue just a little bit and would allow it to be something possibly mutually agreed upon to

negotiate. I don't think with the length and depth of the Collective Bargaining Laws that we have, that we really need to be adding anymore things to this. I would ask you to defeat the "Ought to Pass" motion and support the "Ought Not to Pass" motion. We had quite a discussion on this in our committee and 8 to 5 is a sizable margin. Mr. Speaker, I would request a division.

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

Representative CHASE: Thank you Mr. Speaker, Brothers and Sisters of the House: My good friend from the committee, Representative Joy stated that this bill would mandate another issue to collective bargaining, then the ones currently mandated by law and referred to a Committee Amendment. The Committee Amendment does not, in fact, mandate anything into Collective Bargaining Law.

What is behind the bill is simply this, I will try to say this briefly, but it is a bit complicated, Chapter 7 of Title 26, section 681 addresses the purpose of drug testing. The purpose of that chapter is fourfold. One is to protect the privacy rights of individual employees from invasion from by their employers through the use of substance abuse tests while allowing the use of tests when the employer has a compelling reason. It is perfectly reasonable. Two is to make sure that proper test procedures are employed. Third is to ensure an employee with a substance abuse problem has an opportunity for rehabilitation and treatment and to return to work as quickly as possible. Fourth is to eliminate drug use in the work place.

The reason why this bill came up at all is that there is an exception to this chapter. That exception has to do with nuclear power plants and federal law. That exception basically says that none of state law applies to any employee that is substance abuse testing under federal law or regulation, which is fine. The problem is as federal law and regulations cover more and more employees, particularly employees that are involved in transporting items, employers are rightfully concerned about how and when federal law applies and how and when to test their employees.

The committee had the Committee Amendment that replaces the original bill basically adds one line. It is in the exceptions section after we talk about nuclear power plants and federal law. It says, "This exception doesn't prevent negotiation of collective bargaining agreements that provide greater protection to employees as long as those agreements are consistent with federal law."

What we are saying is that many folks in Maine, particularly those with bargaining agreements are covered under them for drug testing. Some employees are not because they are covered by federal law. There is a confusion as to who is where and how does an employer treat these employees differently. We are simply saying that, if we take the standard of federal law, we can certainly allow the issue of drug testing to be in contracts.

I hope I was clear. There was a lot of conversation on this subject. It is not very simple. I think the attempt is very simple. The attempt is to treat employees equally and to cease confusing employers and employees. Try to everyone covered by a rational plan of drug testing as is possible. Thank you for your attention.

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

Representative WINSOR: Thank you Mr. Speaker, Men and Women of the House: I think this is a lawyer's bill or maybe a lawyer's enrichment bill. I would like to read just a little bit about what our technical assistant to the committee wrote. She said, "Drafting language that says that state law controls unless preempted by federal law is not difficult." "Determining where that line falls is much more complex." "The federal law preempts if compliance if both state and federal is not possible or compliance of state law is an obstacle to accomplishment of the federal law."

The sponsors objective is to amend the state testing law to make it clear that state law applies where the federal law does not preempt. If that confuses you and me, then since there is a lot of confusing, I suggest to you all that it ought not to be there. I urge you to vote against the pending motion and lets kill this thing dead. Thank you.

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

Representative CHASE: Thank you Mr. Speaker, Men and Women of the House: I am sorry to rise again. The document that Representative Winsor was reading from does not, in fact, apply to the document before you. This applied to the initial drafting of the bill that was changed and then was amended. What I am asking for your acceptance of is the "Ought to Pass" as amended Report. Thank you.

Representative JOY of Crystal requested a division of the motion to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: The Chair will order a division. Pending motion before the House is acceptance of the Minority "Ought to Pass" as amended Report. All those in favor will vote yes; those opposed will vote no.

Representative CHASE of China requested a roll call on the motion to accept the Minority "Ought to Pass" as amended Report.

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

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

ROLL CALL NO. 66

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, Lemaire, Lemke, Luther, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Povich, Richardson, Ricker, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tyler, Volenik, Watson, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Fisher, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kerr, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore,

Marshall, Marvin, Mayo, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Robichaud, Rosebush, Savage, Simoneau, Stedman, Strout, Taylor, True, Tufts, Tuttle, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Birney, Daggett, Hichborn, Martin, McAlevey, Rotondi, Spear, Stone, Truman.

Yes, 63; No, 79; Absent, 9; Excused, 0.

63 having voted in the affirmative and 79 voted in the negative, with 9 being absent, the Minority "Ought to Pass" as amended Report was not accepted.

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

On motion of Representative JACQUES of Waterville, the House recessed until 4:30 p.m.

(After Recess)

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

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 27, 1995 by Representative CHASE of China.

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

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

Representative JOY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: There was a great deal of testimony given in opposition to this bill particularly by the health care agencies. It seems there is a very big problem with them distinguishing between what is state funds and what is federal funds when it comes to trying to put these in and line them up for their expenditures.

Apparently there were some violations in the past, but now there are controls in place that tend to limit those violations. There was an amendment proposed to this which would limit it and exclude certain municipal agencies, school districts, etc., but the brunt of this action is going to fall upon the hospitals. I think with the situations the hospitals are under as far as tax and match, if they get hit with anything else, it is going to present some really big problems.

I would request that you oppose the "Ought to Pass" motion and go with the "Ought Not to Pass" which was the Majority Report in this case. Thank you.

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

Representative CHASE: Thank you Mr. Speaker. Per the request of the previous speaker, I would be requesting a roll call. I would ask that we table this

until later in today's session. Is that the appropriate approach?

The SPEAKER PRO TEM: It would be proper to do that, but having debated your own motion . . . The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: I move to table until later in today's session.

The SPEAKER PRO TEM: The Representative from Rockport, Representative Gates moves that this item be tabled until later in today's session. Is that the pleasure of the House? It is a vote.

On motion of Representative GATES of Rockport, tabled pending the motion of Representative CHASE of China to accept the Minority "Ought to Pass" as amended Report and later today assigned.

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 27, 1995 by Representative CHASE of China.

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

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

Representative LEMAIRE: Thank you Mr. Speaker. Mr. Speaker, if I may, just briefly, I hate to say that after the other day.

Mediation sessions prior to 1991 were paid for the state in the public sector for the first three. The reason for doing so was the high cost of the small bargaining units, high costs of local school units paid for with property tax. School units were obviously strapped for money. It promoted improvement in relationships between public employees and employers and it demonstrated commitment to public policy by the state.

The reason it was changed in 1991 obviously was the short falling revenues. I guess I wanted to say, because I was obviously on the other side of this issue that the reason that the report came out this way was not because they didn't think it was a good idea, but because at this time we can't afford the fiscal note. Thank you.

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 27, 1995 by Representative CHASE of China.

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 (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 27, 1995 by Representative CHASE of China.

PENDING - Acceptance of either Report.

Representative HATCH of Skowhegan 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 9, 1995.

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 27, 1995 by Representative GOULD of Greenville.

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

On motion of Representative MITCHELL of Vassalboro, the Bill was recommitted to the Committee on Natural Resources and sent up for concurrence.

SENATE DIVIDED REPORT -Majority (7) **"Ought to Pass"** as amended by Committee Amendment "A" (S-72) - Minority (6) **"Ought Not to Pass"** - Committee on Labor on Bill "An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees" (S.P. 188) (L.D. 496)

- In Senate, Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-72) and Senate Amendment "A" (S-96).

TABLED - May 2, 1995 (Till Later Today) by Representative HATCH of Skowhegan.

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

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

SENATE DIVIDED REPORT - Report "A" (8) **"Ought to Pass"** as amended by Committee Amendment "A" (S-88) - Report "B" (4) **"Ought Not to Pass"** - Report "C" (1) **"Ought to Pass"** as amended by Committee Amendment "B" (S-89) - Committee on Labor on Bill "An Act to Reimburse Former Temporary Hearing Officers of the Workers' Compensation Board for Lapsed Vacation Time" (S.P. 234) (L.D. 599)

- In Senate, Report "A" **"Ought to Pass"** as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-88).

TABLED - May 2, 1995 (Till Later Today) by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to accept the Report "A" **"Ought to Pass"** as amended by Committee Amendment "A" (S-88).

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative HATCH of Skowhegan to accept Report "A" **"Ought to Pass"** as amended by Committee Amendment "A" (S-88) and later today assigned.

SENATE DIVIDED REPORT -Majority (9) **"Ought to Pass"** as amended by Committee Amendment "A" (S-82) - Minority (4) **"Ought Not to Pass"** - Committee on Labor on Bill "An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs" (S.P. 260) (L.D. 696)

- In Senate, Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-82).

TABLED - May 2, 1995 (Till Later Today) by Representative HATCH of Skowhegan.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Thank you Mr. Speaker. There are three serious problems with this bill.

One, it allows employees to pay for just the value of the member contributions plus interest. It doesn't require them to pay the actuarial costs. All this will do is increase the unfunded liability of the Maine State Retirement System.

Two, these people made a conscience and sober decision to leave the employment of the state to join the Peace Corps. They knew at the time they would lose these two years of retirement benefits. I think it is very infantile for them to come back to us and ask us to change the law just so they don't have to pay the consequences of their own actions.

Three, a benefit is something that is derived either during employment or because of employment. It seems absurd to me to require any business or government to give a monetary benefit to an employee who wasn't even employed at the time. Thank you.

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

The Bill was read once. Committee Amendment "A" (S-82) was read by the Clerk and adopted. The Bill was assigned for second reading on Tuesday, May 9, 1995.

SENATE DIVIDED REPORT -Majority (11) **"Ought to Pass"** as amended by Committee Amendment "A" (S-90) - Minority (2) **"Ought Not to Pass"** - Committee on Banking and Insurance on Resolve, Directing the Bureau of Insurance to Develop a Comparable List of Mandatory Insurance Benefits for Health Maintenance Organizations (S.P. 329) (L.D. 910)

- In Senate, Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-90).

TABLED - May 2, 1995 (Till Later Today) by Representative VIGUE of Winslow.

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

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

The Bill was read once. Committee Amendment "A" (S-90) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 9, 1995.

Bill "An Act to Create an Adopt-A-River Program" (H.P. 1047) (L.D. 1466)

(Committee on Agriculture, Conservation and Forestry suggested)
 TABLED - May 2, 1995 (Till Later Today) by Representative KILKELLY of Wiscasset.
 PENDING - Reference.

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

Resolve, Authorizing the Town of Dennysville to Transfer a Certain Parcel of Property (H.P. 1030) (L.D. 1449)
 (Committee on Agriculture, Conservation and Forestry suggested)

TABLED - May 2, 1995 (Till Later Today) by Representative KILKELLY of Wiscasset.
 PENDING - Reference.

On motion of Representative STROUT of Corinth, tabled pending reference and later today assigned.

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-158) - Committee on Transportation on Bill "An Act to Permit Illuminated Advertisements on Motor Vehicles When Used for Commercial Purposes" (H.P. 43) (L.D. 37)
 TABLED - May 2, 1995 (Till Later Today) by Representative O'GARA of Westbrook.
 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.

Bill "An Act to Increase the Tax Exemption on Church Properties" (H.P. 284) (L.D. 388)
 TABLED - May 2, 1995 (Till Later Today) by Representative NADEAU of Saco.

PENDING - Adoption of House Amendment "A" (H-188) to Committee Amendment "A" (H-71). (Roll Call Requested)

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

Representative LOOK: Thank you Mr. Speaker, Ladies and Gentlemen of the House: The motion, I understand, is adoption of House Amendment "A" (H-188). May I speak to the issue?

The SPEAKER PRO TEM: The young lady may continue.

Representative LOOK: Thank you Mr. Speaker. What this amendment does is it would require the state to pay back 100% of the amount of money. That is not what this bill asks for. This actually is overkill folks. There is a motive behind it as I'm sure you well know. This would be to discourage the financing of this particular action. My request was to allow an increase from \$20,000 dollars to \$40,000 dollars as the amount of exemptions for the parsonages for the churches.

I would ask you to defeat this amendment so that we may go on to address the issue itself. Thank you.

On motion of Representative MITCHELL of Vassalboro, tabled pending adoption of House Amendment "A" (H-188) to Committee Amendment "A" (H-71) and later today assigned. (Roll Call Requested)

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

Resolve, Authorizing the Town of Dennysville to Transfer a Certain Parcel of Property (H.P. 1030) (L.D. 1449) which was tabled by Representative STROUT OF Corinth pending reference.

On motion of Representative KILKELLY of Wiscasset, the Bill was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

On motion of Representative KILKELLY of Wiscasset, the House reconsidered its action whereby Bill "An Act to Create an Adopt-A-River Program" (H.P. 1047) (L.D. 1466) was referred to the Committee on Agriculture, Conservation and Forestry.

On further motion of the same Representative, the Bill was referred to the Committee on Natural Resources 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 yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

An Act to Create a Separate License Plate for Sheriffs (H.P. 139) (L.D. 187) (C. "A" H-99)
 TABLED - May 2, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Passage to be Enacted. (Roll Call Requested)

On motion of Representative JOSEPH of Waterville, tabled pending passage to be enacted and later today assigned. (Roll Call Requested)

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-164) - Minority (3) "Ought Not to Pass" - Committee on Legal and Veteran Affairs on Bill "An Act to Modify the Presidential Primary Laws" (H.P. 442) (L.D. 608)
 TABLED - May 2, 1995 by Representative NADEAU of Saco.
 PENDING - Motion of same Representative 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" (H-164) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 9, 1995.

An Act to Protect the Integrity of Seawalls and Retaining Walls (EMERGENCY) (S.P. 72) (L.D. 160) (C. "A" S-36)

TABLED - May 2, 1995 by Representative CARLETON of Wells.

PENDING - Passage to be Enacted. (Roll Call Requested)

On motion of Representative MITCHELL of Vassalboro, tabled pending passage to be enacted and later today assigned. (Roll Call Requested)

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

TABLED - May 2, 1995 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative KONTOS of Windham, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 694 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-192) and moved its adoption.

Representative KONTOS: I wish to speak briefly to my motion.

The SPEAKER PRO TEM: The Representative from Windham, Representative Kontos presents House Amendment "A" (H-192) and moves for its adoption. The young lady may continue.

Representative KONTOS: Thank you Mr. Speaker, Men and Women of the House: This amended language will be added to the Franklin Utility District. This is a new district so it was a brand new charter and when this was drafted this particular information about how vacancies on the board would be filled and what the length of terms for board members would be were unexpectedly eliminated from the original drafting. This is our effort to make sure this is a complete charter. It does not prove to be a problem for anybody. Thank you.

The same Representative presented House Amendment "A" (H-192) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-58) and House Amendment "A" (H-192) in non-concurrence and sent up for concurrence.

An Act to Include Individuals with Property in a Living Trust in the Maine Residents Property Tax Program (S.P. 192) (L.D. 501) (C. "A" S-52)

TABLED - May 2, 1995 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature to 99 Members in the House and 33 Members in the Senate (H.P. 46) (L.D. 40)

-In House, Majority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted on April 26, 1995.

-In Senate, Minority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-117) in non-concurrence.

TABLED - May 3, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative MITCHELL of Vassalboro, tabled pending further consideration and later today assigned.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 113) (L.D. 148)

- In House, Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted on April 26, 1995.

-In Senate, Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-69) in non-concurrence.

TABLED - May 3, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative MITCHELL of Vassalboro, tabled pending further consideration and later today assigned.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-176) - Minority (3) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Ensure Courteous Treatment of the Public by State Employees" (H.P. 294) (L.D. 398)

TABLED - May 3, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending acceptance of either Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (6) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-167) - Committee on State and Local Government on Resolve, That State Agencies Develop a Refund-for-Compliance Policy (H.P. 300) (L.D. 404)

TABLED - May 3, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending acceptance of either Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-178) - Committee on Legal and Veterans Affairs on Bill "An Act to Create an Open Primary in the State" (H.P. 444) (L.D. 610)

TABLED - May 3, 1995 (Till Later Today) by Representative NADEAU of Saco.

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

On motion of Representative WHITCOMB of Waldo, tabled pending the motion of Representative NADEAU of Saco to accept the Majority "Ought Not to Pass" Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-175) - Minority (3) "Ought Not to Pass" - Committee on Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto (H.P. 729) (L.D. 1003)

TABLED - May 3, 1995 (Till Later Today) by Representative JOSEPH of Waterville.

PENDING - Motion of Representative KERR of Old Orchard Beach to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative KERR of Old Orchard Beach, to accept the Majority **"Ought to Pass"** as amended Report and later today assigned.

SENATE DIVIDED REPORT - Report "A" (8) **"Ought to Pass"** as amended by Committee Amendment "A" (S-91) - Report "B" (2) **"Ought to Pass"** as amended by Committee Amendment "B" (S-92) - Report "C" (3) **"Ought Not to Pass"** - Committee on **Transportation** on Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165) - In Senate, Report "A" **"Ought to Pass"** as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-91). **TABLED** - May 3, 1995 (Till Later Today) by Representative O'GARA of Westbrook. **PENDING** - Motion of same Representative to accept Report "A" **"Ought to Pass"** as amended by Committee Amendment "A" (S-91).

On motion of Representative O'GARA of Westbrook, tabled pending his motion to accept Report "A" **"Ought to Pass"** as amended and later today assigned.

On motion of Representative WHITCOMB of Waldo, the House reconsidered its action whereby the Minority **"Ought Not to Pass"** Report was accepted on Bill "An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees" (S.P. 188) (L.D. 496).

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

TABLED AND TODAY ASSIGNED

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

An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy (H.P. 591) (L.D. 801)

TABLED - May 3, 1995 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

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

BILL HELD

Bill "An Act Investing the Joint Standing Committee of the Legislature Having Jurisdiction over Taxation Matters with Exclusive Authority to Review Legislation Relating to Tax Policy" (S.P. 195) (L.D. 504) (C. "A" S-79)

- In House, Passed to be Engrossed.

HELD at the Request of Representative MITCHELL of Vassalboro.

On motion of Representative MITCHELL of Vassalboro, the House reconsidered its action whereby Bill was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Tuesday, May 9, 1995.

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

SENATE PAPERS

The following Joint Order: (S.P. 549)

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

Came from the Senate read and passed.

Was read and passed in concurrence.

SENATE PAPERS

The following Communication: (H.C. 136)

Maine State Senate

State House Station 3

Augusta, Maine 04333

May 3, 1995

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it Accepted the Minority Ought Not To Pass Report on Bill "An Act to Stabilize Health Insurance Rates for Small Businesses." (S.P. 164) (L.D. 425)

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report of the Committee on **Judiciary** reporting **"Ought Not to Pass"** on Bill "An Act to Amend the Law Governing Mechanic's Liens" (S.P. 267) (L.D. 718)

Signed:

Senators:

MILLS of Somerset

FAIRCLOTH of Penobscot

PENDEXTER of Cumberland

Representatives:

TREAT of Gardiner

RICHARDSON of Portland

JONES of Bar Harbor

LaFOUNTAIN of Biddeford

WATSON of Farmingdale

HARTNETT of Freeport

MADORE of Augusta

NASS of Acton

LEMKE of Westbrook

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-97) on same Bill.

Signed:

Representative: PLOWMAN of Hampden

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

Was read.

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

On motion of Representative WHITCOMB of Waldo, tabled pending the motion of Representative TREAT of Gardiner that the House, accept the Majority **"Ought Not to Pass"** Report and later today assigned.

Non-Concurrent Matter

An Act to Allow Liens on Claims Not Sounding in Tort (S.P. 144) (L.D. 330)

- In House, passed to be enacted on April 4, 1995.
 - In Senate, passed to be enacted on April 5, 1995 in concurrence.
 - Recalled from the Governor's Desk pursuant to Joint Order (S.P. 481)
- Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.
- On motion of Representative TREAT of Gardiner, the House voted to Recede and Concur.

SENATE PAPERS

Bill "An Act to Establish the Comprehensive School Choice Program in the State" (S.P. 547) (L.D. 1495)

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

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

Bill "An Act to Modernize Vital Statistics Reporting" (S.P. 545) (L.D. 1493)

Bill "An Act to Improve the AFDC Program" (S.P. 548) (L.D. 1496) (Governor's Bill)

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

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act to Strengthen Prohibitions against Youth Access to Tobacco Products" (S.P. 546) (L.D. 1494)

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

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

Bill "An Act to Authorize Inspection of Truck Weight Records by Maine State Police" (S.P. 544) (L.D. 1492)

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

Was referred to the Committee on Transportation in concurrence.

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

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

The SPEAKER: At this time it is a pleasure to introduce them, at the back of the hall at this time and momentarily I will ask the Sergeant-at-Arms to bring them forward, Coach Shawn Walsh and the University of Maine Men's Hockey Team. The Chair would ask the Sergeant-at-Arms to escort Coach Walsh and all the members of the team forward at this time.

This seems to have become University of Maine Day and we couldn't be more delighted given the variety

of items that we have had on our agenda today. We have some 32 divided reports and this has been a nice respite to deal some pleasant items from time to time. As you know the Black Bear Hockey Team exceeded, I think, everyone's expectations and going to the Final Four and getting into the National Championships.

You may or may not know that Shawn Walsh was chosen as NCAA Coach of the Year this year. He has been a tremendous role model for his players and takes tremendous pride in the University and we are all very proud of the program up there, but beyond the Sports Program the lessons they have taught and their involvement in the greater community within the campus and certainly throughout the state of Maine. Please join with me now and I would like to ask Coach Walsh to offer some comments. Please join with me now and give a very warm welcome to Coach Shawn Walsh.

Coach SHAWN WALSH: Thank you. Thank you very much. It is truly an honor for me and especially for our players here to be saluted by a group such as yourselves. In a lot of ways I think this years team actually accomplished more. When you talk about young people you are really looking at, can they hit their potential in different areas, can they be the best that they can possibly be?

I think these guys in front of you, I can honestly say maxed out this year. Sure we would like to have the Championship Game back and come back here again as National Champions, but I think what we accomplished this year meant so much. I heard so many stories of the Michigan game on that Thursday, March 30, when so many class rooms let their kids out to watch the game. The game kept going and going and going. It was as if the state of Maine came to a stop during a 3 or 4 hour time period. We hope that we brought some positive feeling to people throughout the state. I would like to introduce three of our players. They can stand up so you can see them above and beyond hearing their names or seeing them in different situations.

One guy who has grown a little facial hair since the season ended, but he is certainly a gentlemen that people will remember. That is our First Team All-American and the guy that put a scintillating show on against Michigan, that is Blair Allison. Would you just say hello?

Our Second Team All-American is with us, who will be one of our captains next year, from British Columbia, Jeff Tory.

Finally the guy that depicts what this team accomplished more than anything. A gentlemen that had 9 goals in his first two years at Maine and this season led the east in goal scoring and quadrupled his production from two years in this year alone with 29 goals. One of next year's captains, Brad Purdie.

We are very, very proud of what we accomplished. You have a very busy slate, these guys have exams starting tomorrow so I am going to cut this brief. Thank you very, very much for recognizing us and it means an awful lot to all of us. We are very proud of what we accomplished. Thank you.

At this point, the Speaker appointed Representative JACQUES of Waterville to act as Speaker Pro Tem.

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

Senate Divided Report - Committee on Judiciary - (12) Members "Ought Not to Pass" - (1) Member "Ought to Pass" as amended by Committee Amendment "A" (S-97) on Bill "An Act to Amend the Law Governing Mechanic's Liens" (S.P. 267) (L.D. 718) which was tabled by Representative WHITCOMB of Waldo pending the motion of Representative TREAT of Gardiner to accept the Majority "Ought Not to Pass" Report.

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

Representative PLOWMAN: Thank You Mr. Speaker, Men and Women of the House: The committee as we worked this bill felt there were other protections that would keep these kind of mechanic liens from being put on. However, the hearing was held in response to a complaint that a Realtor had placed a lien on a piece of property without just cause. In response to the hearing an advisory has gone out to the realtors regarding this practice and advises that this is not an appropriate practice. I am going to let this go. We will be watching in the next couple of years to make sure the practice is stopped. Thank you for listening.

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

Bill "An Act to Include Short-term Health Insurance Policies in the Continuity Laws" (H.P. 321) (L.D. 442) which was tabled by Representative JACQUES of Waterville pending adoption of House Amendment "A" (H-161) to Committee Amendment "A" (H-124).

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

Representative MARTIN: Thank you Mr. Speaker. First a point of information. Are we still under the no roll call rule at this point?

The SPEAKER PRO TEM: The Chair would answer in the negative since the Taxation Committee is now on its way up.

Representative MARTIN: Thank you. Mr. Speaker and Members of the House: I would just like to refresh your memory perhaps a little bit about what it was we were talking about a week ago now. That is the question of an amendment to deal with short-term policies. Let me just say it is an appealing idea, because what it does is allow people on an interim basis to buy a policy. Here is the problem. If you get sick in the end of a renewal period, you are out of luck.

Let me explain to you how it works. You buy the policy and it is primarily sold by a company called Time Insurance Company. You would be interested to know that when I got home Friday, I received in the mail a solicitation to be an agent from the company. I was most interested by the suddenness of that approach. I know other people who are agents also received that information. They are in this body as well.

Let me tell you how the policy works. You basically sell the product and then at the end of one year it is renewable for one year. At that point you are off the policy. It is a temporary policy. It sounds good and it makes sense. Here is the problem, if you get sick or you are in an accident at the end of that period, you are out of luck getting insurance. There now will be a two year delay for whatever it is you have, an accident or whatever

resulted from that sickness or accident. There will be an exclusion written into your policy. If you can get a policy at all.

It sounds great, but my problem is very simple. Let me explain it to you as an agent, I don't know how many of you have bought insurance policies lately or for that matter gotten a loan from the bank. The number of pages that are given to you to read and you are supposed to sign saying you have read all this. I haven't met anyone yet that has and that is my problem, because as an agent you give this form and say, "I can't take your money until you read this form, sign and acknowledge that you have read this." People very quickly say, "I trust you, so let me sign."

That men and women of the House, is the problem. It is a great idea. I will support it provided someone is willing to put an amendment on here which say, if, in fact, you have an accident or you are sick in that two year period that the insurance company must continue to carry you until you find another policy. My problems will be solved. The guarantee is there. The public will not be taken for a ride and the rest of it will work out well. That is the only problem and so as much as I understand the direction that people are coming from, I just cannot, unfortunately, I must agree for maybe the first time in a long time with an editorial in the Kennebec Journal. Someone explained it to that editorial writer correctly.

I would move indefinite postponement of House Amendment "A" and request when the roll be taken it be taken by the yeas and nays.

Representative MARTIN of Eagle Lake moved that House Amendment "A" (H-161) to Committee Amendment "A" (H-124) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "A" (H-161) to Committee Amendment "A" (H-124).

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

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

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

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: My primary reason for speaking on this issue is the direction it took when Representative Lumbra introduced her amendment. Regardless of how we feel concerning individual items, I am not a very partisan person. I think we all have a right to do things, because it is something we firmly believe in.

I don't think we should doubt the integrity of any one of our members. I think this happened with Representative Lumbra. She was a very, very good fighter. I was quite impressed with her. She was taking on some of the best debaters in the House. It did her justice. I think she has the right to do this. As far as the temporary issuance of the policy, any item that we might do to help give coverage to our people is going to be part of a total package. No individual policy is going to solve all the problems. What we have to do is say what are we

doing collectively, we are trying to find a solution to have coverage for all of our people.

In there we are trying to cover temporary situations, which this particular amendment did. It doesn't mean we have to include all the different issues, namely community rating in all parts of it. I think overall we have got the makings of a universal system of coverage, but we have to use everything we have in our means and sometimes we may have policies that are not acceptable to everyone. I hope that you support Representative Lumbra in her amendment. Thank you.

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

Representative GUERRETTE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would like to address some of the issues that were brought up by the good Representative from Eagle Lake. The first point he discussed with you today was that people who had this policy and got sick would be out of luck and could not renew it.

He is absolutely right. What I would submit to you, ladies and gentlemen in this House, is that people that have no insurance and get sick are every bit as much out of luck. This is an option that is given to someone for a short interim period as an option to no insurance at all. If you have no insurance at all and you get sick, not only are you out of luck after the fact, but you have no coverage during the time. With this policy you will at least have something while it happens to you which is a heck of a lot better than nothing at all, period.

The second issue that the good member brought up was that you would have a two year rider put on if you got sick that you would not be able to be insured for two years. That is simply not true. He is mistaken. That is one year. That is in the law for any preexisting condition.

Thirdly, he gave the impression that an insurance agent might sell this product to deceive someone that didn't know what they were buying or to maybe give the wrong impression. I would just like to point out that they must clearly state that this is a non-renewal policy and it is not in the agents best interest to sell this policy. The agent because of a much larger premium on a full blown policy makes a lot more commission on a good all inclusive policy. There is no financial incentive for an agent to sell this policy in lieu of a full policy. He will only sell this one if the person can have this or afford nothing. The financial incentive for the agent just simply isn't there. It is the other way around.

Remember, ladies and gentlemen of the House, 48 states have these policies. They have been in existence in the state of Maine for decades. They simply were made illegal by the recent Community Rating Laws we have. They are a way to cover more people. If our goal is truly universal access to health insurance and I believe that should be all of our goal, this is it. What we want to do is get all of our people covered.

This is just simply a way to take one more small segment of the uninsured and give them some form of health care a low cost short-term interim health care as opposed to nothing. I think something is a lot better than nothing. If we do not pass this bill today, they will be left with nothing and then what will happen to them if they have an accident. I urge

you to vote against this motion for indefinite postponement. Thank you.

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

Representative MARTIN: Thank you Mr. Speaker, Members of the House: Let me read from the materials given by the company. If you have a husband and wife just out of college and the wife is pregnant, let me read what it says. "Persons who are pregnant, if one family member is pregnant, coverage may not be offered to any family member until the pregnancy terminates." A great policy!

Let me read what happens at the end of the term of the policy. "If a covered person becomes totally disabled and is being treated for that condition during the benefit period the plan would extend benefits for the earliest of 12 months following the termination date or the end of disability or payment of the maximum benefit or the date to which the treatment is no longer required. The deductible need not be met to qualify for total disability."

Now that they have dropped you they will give you \$1000 dollars. "You get a benefit of up to \$1000 dollars for follow-up care for an injury sustained or sickness that commenced during the plan period may be provided. To qualify the insured must have met his or her deductible during the benefit period. Qualified expenses must be incurred within 60 days of the expiration of the plan. The insured does not have to be totally disabled to qualify for this benefit."

It is the kind of thing some of you in this room might remember pre-1965, when insurance companies in this state sold insurance policies for liability to hospitals. There was a Maine law that said you couldn't be sued if you were a hospital and yet policies were being sold and money was being made. I put in a little bill to change all that. If you had a liability, it seems to me that is why you bought insurance. You would have thought that the roof was coming down. It took a little while to pass this, but finally it did. It is the kind of thing I don't believe we ought to be encouraging in this state.

If we are the only state left that doesn't have it, then so be it. Let us thank the people of Maine who have elected legislators who are not going to let their constituents get taken for a ride. That is all. If you choose to do otherwise, that is fine. I was totally shocked and knew nothing about the bill or the amendment, it caught me completely by surprise. I just feel it is a mistake and that is all I can say.

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

Representative LUMBRA: Thank you Mr. Speaker. First of all let me comment on the editorial in the Kennebec Journal which was short on facts and long on misinformation. Including the statement that the amendment was filed at the request of Time Insurance Company. Let me just put some facts into that, this is indeed my amendment and was filed at the request of myself.

Second, as an agent, myself, let me make some corrections in Representative Martin's statements. Lets go back to what he just said from the information I gave him on what happens if a person is at the end of their benefit period and they have a sickness. Well there are two provisions. One is if the covered person become totally disabled and is being treated for that condition during the benefit

period the plan will extend its benefits to the earliest of 12 months following the termination date or the end of the total disability.

The second benefit which is separate from this is a benefit of up to \$1000 dollars for follow-up care for an injury sustained or a sickness which commenced during the plan period may be provided after the benefit period has expired. What that means is that this is simply a 12 month policy. We want it to be simply a 12 month policy. We don't want it to be any longer because then we would be accused of cherry picking which is not our intention.

Our intention here is to cover the uninsured people who have no other option and can't afford individual health insurance. There was a statement that it was renewable for two years. That is not true. It is renewable only for up to a maximum period of 12 months. There was a statement about preexisting conditions. If someone is on this policy and they get sick, they will have to wait for two years after that, they will have a rider for two years is what I assume is to be meant here on an individual health insurance policy. That again, is not true.

Here is what is in code. "An individual or group contract issued by an insurer may not impose a preexisting condition exclusion waiting period for more than 12 months. What we have here is we have someone who is uninsured who gets sick and has no benefits whatsoever. They have to pay the full cost and if they should somehow come up with enough money to pay a premium for an individual insurance policy then they would still have a 12 month preexisting condition. All we are talking here is some insurance for a specific period of time or no insurance and they would assume all of the cost.

The other thing in the Kennebec Journal article was that this is for the young healthy male. I would beg to differ. This is for anyone who is in a crisis that do not have the ability to provide health insurance for themselves or they don't have the ability to be on a group plan. Let me give you an example. A divorce takes place. The husband drops his wife from the policy, because it is an unfriendly divorce. It takes several months for her to go in and get put back on the policy in the court. This is an avenue where this woman could protect herself regardless of age, for a much lower cost and for maybe that two or three months that she needs to get into the courts and get put back on the individual policy.

We were told, "Don't worry about it." "Cobra will take care of everyone if they are unemployed or lose their job they can go on the Cobra benefits." Well again, that is wrong and I have the statutes here. Cobra is only for groups 20 or over, which I would suggest the vast majority of businesses in Maine are under 20. Cobra then would not apply. Cobra does not apply for federal employees or state employees. Cobra is not the answer to everything. This is a necessary product to insure the people of the state of Maine and allow them some choices. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Pouliot.

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

The SPEAKER PRO TEM: The gentleman may pose his question.

Representative POULIOT: Thank you. The question would be in two phases. At one time, if my memory

serves me right, we were selling short-term insurance in the state of Maine. If we were selling short-term, what has since happened to that product? Was it discontinued? If it was, why?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Pouliot has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker. Representative Pouliot has hit the nail exactly on the head. What happened is we had sold these policies for literally decades in Maine and there came a time when we passed the Community Rating Laws that made these policies illegal in our state. We are only one of two that all of a sudden became illegal. It was just sometimes you do something that is the right thing to do and in the process of doing the right thing has an unintended bad consequence. This was one and we are trying to right it and bring it back on the market like they always were. They were, in fact, on sale previously.

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

Representative HARTNETT: Thank you Mr. Speaker, Men and Women of the House: I serve on the Judiciary Committee not Banking and Insurance and frankly a lot of their issues are mysteries to me. The little I have been able to gather about these types of insurance policies is they are sort of stop gap measures. They bridge a person through those periods of life when they are leaving their parents policy, but before they have engaged in employment that would give them a health care plan.

I don't think there is anything wrong with bridging these little gaps. Whether it is graduating from college or moving from one job or another, perhaps divorce or any other situation we can think of. It seems like a good idea to me. It is a diversification of products to meet a diversified number of needs.

Earlier the good Representative from Eagle Lake, Representative Martin read from one of these policies as if to criticize it. I would just like to bring to your attention what happens if someone doesn't have one of these policies or doesn't have insurance. I want to read the coverage, before I set down, of what coverage you have with no insurance.

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

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: About a month and a half ago I spent some time in Columbus, Ohio where I met Claire Faragut my counterpart from New Jersey and along with Claire was Alphonse D'amato my counterpart in New York. These people are presently advising Washington D.C. and working with them on trying to come up with some kind of a plan. These people all felt that whatever we did in the states right now is being watched and could be part of a plan that they might use. I think this is what we have to look at. Not all of these things are in and of themselves necessary or good, but they serve a purpose. I think this serves a very needed purpose.

My son got out of college a little sooner than he should have and decided that he was going to enjoy life for a while. My concern was that he was still my responsibility. There was no way in the world I could buy this kind of coverage. He was old enough

that I had to try to find this kind of plan. I couldn't do it. He was off my plan. I couldn't do it. This would have served a purpose. Would it give me all the goodies, all the necessary things, community rating, special rating, guaranteed renewal? No, but it would have given me piece of mind that I could have slept nights.

I think we could have had that kind of a benefit. It would have helped me. Please vote against the pending motion. Thank you.

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

Representative Joseph: Thank you Mr. Speaker, Men and Women of the House: I served on the Banking and Insurance Committee for a number of terms and have not talked about Insurance Law for a while. However, the discussion the other night peaked my interest, because in 1992 when we studied Community Rating issues the evidence was very clear that Community Rating was necessary to protect small businesses and consumers from being denied coverage or being dropped from insurance policies because of preexisting conditions or so called high risk factors.

With that background, men and women, this amendment does not give you access. This amendment limits access. We have heard about two types of people that may be covered by this. Perhaps young people who have outgrown their parents policies and they want a short-term policy. I guess the question for me would be, what would happen if this young person became ill and this person had a preexisting condition and when that person goes to get insurance after this short-term policy would be terminated then, in fact, that condition would not be covered for at least one or two years. This amendment is seriously flawed. I urge you to support the indefinite postponement of House Amendment "A".

I say that because as I read it and scribbled all over it in section 7, Applicability, it talks about, with the exception of short-term contracts, as defined in section 2349. Section 2349 has no reference whatsoever to short-term contracts. It is in the Continuity of Coverage section and, in fact, it says contracts subject to this section. So I believe this amendment does not do what the author of this amendment wants it to do.

We could talk more about Community Rating, but I have heard it suggested here tonight that if we go in the direction that is being offered to you tonight, we would be on the cutting edge of developing universal health care. The opposite is true. Community Rating is what both the Republican National Plan and the Democratic National Plan were based on. In fact, we have been admired by all states, because we had reached Community Rating levels and, in fact, Community Ratings does, and we could discuss that later perhaps when we discuss the bill, but Community Ratings makes this whole process equitable. So everyone is getting affordable health coverage.

I would urge you to Indefinitely Postpone this amendment and I think the author of this amendment might want to consult House Rule 19, because I think it might be of interest to her.

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

Representative CAMERON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I am not really sure where to start. I am no pretense of being an expert on insurance. Let me tell you that I am the one that sponsored the bill. This is probably the

closest I have come in the three years I have been here to being offended. I have been accused of a lot of things, I feel that I am being accused of selling out the insurance companies. I assure you no insurance company has ever contacted me about this issue. No one! That is not my motivation.

My motivation is strictly to help people that don't have insurance. I keep hearing if we have the amendment and people get hurt they will have a preexisting condition. They won't get insurance. Something escapes me here how not having insurance and getting hurt and not having any coverage is better and having a preexisting condition than having this temporary policy and having some coverage while you are in this particular situation.

I keep hearing everyone say how wonderful Community Rating is. I would like to give you a couple of phone numbers of small businesses who I keep hearing that this benefits in my community. I can tell you one specific example. A young couple runs a snow blower and chain saw shop. A husband, wife and one child with a \$2000 dollar deductible and paying \$360 dollars a month. Community Rating comes in to help the small businessman and his rate goes to \$480 dollars a month. I believe he would ask you not to help him anymore. Please don't tell me how wonderful Community Rating is. I am not impressed by the fact that both the Republican and Democratic National Committee say it is the way to go.

I think you need to go ask the people that are being hurt by this. You folks vote your conscience. I can't sit here any longer and being accused of smelling a rat and being accused, in so many words, of being a puppet to the insurance companies. I will not sit here and be told that. This has nothing to do with insurance companies. My intent is strictly to help those people out there who cannot afford the exorbitant rates that we ask for an individual policy.

Again, it escapes me how we can possibly tell those people that they are better off not having this policy, because they might have to use it and then they will have a preexisting condition then they should have no policy and get hurt and have a preexisting condition. I may be a little slow, but I really don't understand that.

As far as the articles in the Kennebec Journal, I hope not many of us base our decisions on what we read in the newspaper. In this article they obviously talked to some different people, but they never talked to the sponsor of the bill nor did they talk to the sponsor of the amendment, which doesn't surprise me with all of our experiences with the media. I ask you, please don't make your decision based on what it says in the Kennebec Journal and please don't make your opinion based on the assumption that some insurance company is behind this. I have nothing to do with any insurance company.

I couldn't read a policy if my life depended on it and no one has ever called me. This was initiated by a friend of mine who is an insurance agent who said, "Rob, please do something about this." "I have young people coming to me and I have nothing to sell them." Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative SAXL: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Today I rise in opposition of L.D. 442 and the Lumbra amendment. If every great journey begins with a single step, then

the legislation before us today and the amendment before us today are a giant step backward.

Maine has been a leader in this country in private health care reform. Over the past few years Maine lead the country by protecting consumers with preexisting conditions from being precluded from health care coverage through guaranteeing continuity of coverage and guaranteed renewal. That is when transferring from one insurance plan to another, consumers would maintain coverage for all their ailments. This portability of coverage protected consumers who were between or changing jobs from being denied coverage for a preexisting condition.

Furthermore, Maine has led the country in guaranteeing renewable coverage. Renewability is important because if an individual discovers an ailment while under coverage, say he or she is diagnosed with diabetes. Current Maine law guarantees that that individual would be able to renew their current health plan. These reforms lead the country. Many states and many national leaders, as we have already discussed, from both parties have followed Maine's excellent example.

Today Maine is being led backward by L.D. 442 and the Lumbra amendment. The good Representative from Bangor, Representative Lumbra's amendment makes a bad bill even worse. Community Rating has been an unqualified success in Maine by combining both high and low risk consumers health insurance rates have both stabilized and have become more affordable and available to all of Maine's citizens.

In opposition to this amendment the Bureau of Insurance wrote. "This would drive up the cost of guaranteed renewable policies, possibly to the point where carriers would be forced out of this market. The Community Rated Health Insurance Market is vital and competitive. Instead of driving insurers away, the market has attracted numerous new providers."

Please, I ask you good men and women of the House to join me in opposition of both this amendment and this bill. Lets continue going forward with health care reform and lets work as our good colleagues on the isle have said toward universal coverage so that all Maine citizens can afford health care coverage which will follow them and protect them throughout their lives. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: My good friend Representative Cameron thinks he is offended. Ladies and gentlemen, for 27 years I sold insurance, a great deal of term insurance, short-term insurance. Never once did I feel that I was taking anyone for a ride. Never once could I not explain my position in the policy that I wrote. Never once did I have to use my Errors and Omission Policy, which I carry.

I rise today in support of the Lumbra amendment, without it this policy and all the thought and concern of these folks that want to buy an inexpensive policy. I can tell you folks this is term insurance, short-term. Whether it be hospital insurance or life insurance, there is a definite place for it.

Compare it to life insurance if you will, you go out and buy a house or a business and for short-term you want some insurance. You can buy this for the least amount of dollars if you go term insurance. It is inexpensive. If you want to pay a little bit more, you can get a guaranteed renewable provision.

If you want to pay still a little bit more, you can get some cash value with it and get some of your money back.

If you want pure protection and it sounds like this is the big concern in this issue, I urge you to support the amendment, because without it you might as well forget the whole deal. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I sold insurance for a company for 28 years and one of the contracts that I did sell was the short-term medical contracts. I oppose the amendment of Representative Lumbra, because it doesn't extend long enough.

A 12 month period is not long enough. I am going to give you this scenario, because you have heard stories about the youngster coming out of college so I won't repeat it. I am going to give you the scenario of the person who works all their lives in a company and decides for one reason or another they are going to retire at age 62. Under the Cobra Laws, they are allowed to maintain their group coverage from work for a period of 18 months. That takes him to age 63 1/2.

This short-term medical insurance that is proposed here and the Lumbra amendment which limits it to just 12 months, if it were available to the person then he could have coverage until he is age 64 1/2. Low and behold, that leaves him with a six month period before he is eligible for Medicaid coverage. That six month period at age 64 1/2 is an awful time to be scrambling around trying to get some kind of insurance coverage.

I have heard some of the debate about universal coverage and national coverage, I don't think this is going to come within the next two, three or four years. In the meantime all of those elderly people in the age bracket between 62 and 65 that are looking to get some coverage for their health are going to be written off the books, because Cobra only covers you for an 18 month period, then you have no insurance.

I would suggest that you Indefinitely Postpone and think about those people. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Vigue. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: My reason for speaking is to try to respond to the Community Rating statements made by my good friend from Waterville. We now have according to the Intergovernmental Health Policy Project, we have a total of five states utilizing Community Rating in some form or other. The one that has pure Community Rating is New York state. The only one that has pure Community Rating. They now have a reduction in their total number of people insured. This is not the issue, but they have had a reduction in their insured. The report card is still out on Community Rating. It is not necessarily the answer to the problems that we are facing. I, again, would urge you to please vote against Indefinite Postponement. Thank you.

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

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

The SPEAKER PRO TEM: The young lady may pose her question.

Representative PLOWMAN: Thank you. If someone from the Banking and Insurance Committee could answer this question. If during that year period the person obtains a job where benefits are offered, such as in a bank or hospital, including a health insurance program. Are they not accepted without preexisting conditions into that group plan?

The SPEAKER PRO TEM: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Thank you Mr. Speaker. I would be happy to answer that question. As long as the group is a large size, many times the insurance company will offer coverage with no preexisting condition. You are right.

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

Representative GATES: Thank you Mr. Speaker, Men and Women of the House: I will be very brief. I just want to point out really one point regarding this amendment and Community Rating. We have talked a lot about who is going to be helped by this amendment, which is the young folks who are looking for cheap coverage, because they are young and healthy. Who is hurt by this amendment is the older folks. The people who are part of that Community Rating Pool are harmed, because the young healthy people are siphoned off the Community Rating Pool.

The reason I am voting against this amendment is because it takes away the strength of the Community Rating and it hurts the senior citizens who are benefited by Community Rating. When I ran for this office, I thought helping senior citizens was a good thing and I still do. Thank you.

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

Representative ROSEBUSH: Thank you Mr. Speaker, Men and Women of the House: I have been through a little experience with short-term health insurance being laid off from the mill, a few times. I have gone out and searched. You have to look around for insurance when you are laid off and you need it for your wife and your family.

I ended up finding one and I paid approximately \$135 dollars a month with major medical with a \$2000 dollar deductible, but I had insurance. Thank God I never had to come up with the \$2000 dollars. I guess I am wondering what this one here is all about with the amendment. What are we looking at deductible wise? I would like to pose that question. I realize that for me being unemployed and having the responsibilities of the major bread winner in my home with all the bills included with it that we had to get the cheapest insurance possible with that high deductible. If I may pose a question, what would be the maximum or minimum deductible on this?

The SPEAKER PRO TEM: The Representative from East Millinocket, Representative Rosebush has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker. I appreciate Representative Rosebush's question. The

type of policy that this is envisions a \$250 dollar deductible. A low deductible with a low premium, because it is short-term it can have those provisions to help families so they don't have such high deductibles.

Secondly, this will not cause the rates of senior citizens to rise in addressing what Representative Gates had said earlier in that if people are not covered they are not in the pool. For them to get coverage does not take anyone else out of the pool and would not cause anyone else, especially senior citizens, rates to rise. Thank you.

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

Representative FARNUM: Mr. Speaker, may I ask a question.

The SPEAKER PRO TEM: The Representative may pose his question.

Representative FARNUM: My question is how long is temporary?

The SPEAKER PRO TEM: The Representative from South Berwick, Representative Farnum has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Twelve months.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative MARTIN: Thank you Mr. Speaker, Members of the House: There seems to be a little confusion about term policies or perhaps whether they be medical or otherwise. Let me just first say that the issue of whether or not we are going to be rated at 20% or whether it is going to go all the way to New York. This is something we haven't even gotten close to. It seems to me that we have got to sort of walk before we run. That is what we chose to do in the past legislatures. In part what we are doing here is undoing that and I have some concerns about that.

People say that rates are going up. Rates are obviously going to go up, but remember what happens when what you do is sell policies to young people who don't get sick, at lower rates. Those at the upper end of the age scale the rates are going to go up, because all insurance companies do is take all their losses and divide it. It just depends on how they spread it and whom they spread it upon. That is the way it works. There is nothing wrong with that. That is the way they operate.

Second, keep in mind that it is a 12 month period. It can, of course, what will happen over that period of time if you fall sick you know what is going to happen, it is very short term. The deductible was discussed, but not completely. As a matter of fact, this particular company offers a deductible of up to \$2,500 dollars. You can either have a \$250 dollar deductible, \$500 dollar deductible, \$1,000 dollar deductible or \$2,500 dollar deductible.

If you take the \$2,500 dollar deductible, then your rates will be approximately \$25 dollars a month. That is what you are going to pay. That is with the \$2,500 dollar deductible. There is no one that I know of that is just out of college who is

ever going to meet that deductible. If you are looking for a cheap policy to cover you, this is not the place to go. The deductible will simply take care of it. It doesn't solve the problem.

I guess I am not making my point. The problem is you buy it cheap, real cheap, the deductible is so high that it doesn't make any difference any way. By the way, we didn't outlaw this policy. The law did not prevent them from selling this. They stopped selling it, because they could not pick and choose. I repeat, they couldn't pick and choose. That is the difference. As a matter of fact, I believe the lawyer that represents this company said that even if this bill would pass, they doubted whether or not they would ever sell in Maine, because we even have Community Rating at all.

What will happen, I don't know. You also ought to be told that the Bureau of Insurance opposes this. I just found this out. The Bureau of Insurance opposed this legislation before the committee at the time. If they have any credence, I think we ought to listen to them. Finally I must admit that I don't know where people are assuming that we are attacking agents. I am an agent. The last person I am going to attack is myself. I don't come from that direction. I don't question the motives of anyone, but you can question mine, but the bottom line is not me and not you. What is it going to do with the people we represent and is it going to provide coverage.

I would argue that if you want a cheap policy and you have a \$2,500 dollar deductible you are not going to have coverage and all you will have done will be paid a policy that reminds me a little bit of another company that I am familiar with. It is one of those companies that you have to be sick and hit by a train before you can collect. I think you all know what I am talking about. It is that kind of thing that I am concerned me.

Finally in regard to the question by the Representative from Hampden, Representative Plowman that, in fact, that is absolutely accurate. If you go to a job, they can't go back and look at your previous history, provided you take the insurance at the time you take the job. For whatever reason you don't take it, because one spouse might be working and you say I am covered somewhere else then you want to go back and say I want to take it, then you are in trouble.

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

Representative LUMBRA: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I feel compelled that I have to stand up once again make some corrections. There was a statement made that we are not even close in Community Rating to 20%. That is not true, because in July of this year we will go to 20%. We are very close. There was a statement made that said that if this bill passes, referring to Time Insurance, perhaps they won't even bring the policy in Maine. That is true, because if we pass the bill without my amendment then it would not exempt the policy from Community Rating so they would not bring the policy back into Maine, I suspect, because it would not be a viable option.

Another thing, in effect we did outlaw this policy in the state of Maine and that is why it was pulled. Directly we didn't outlaw it, but what we did is we passed a Continuity Law saying that you could not be cancelled at any time if you were paying your health

insurance premiums. If you have a policy that lasts only 12 months that certainly doesn't fit the Continuity Law, because it will an ending to this coverage. We heard a lot about a \$2,500 dollar deductible. Don't get hung up on a \$2,500 dollar deductible. That is an option that you have if you can't afford the \$250 dollar deductible which you can.

Briefly I will give you a quote on this \$500 dollar deductible, because I want to compare it to Blue Cross and Blue Shield which does not offer a \$250 dollar deductible. Let us compare it. A male age 40, \$500 deductible, why did I choose a male age 40, because I am sick and tired of hearing about cherry picking for the young healthy people. Male, age 40, \$500 dollar deductible, short-term policy would cost \$115.20. Blue Cross and Blue Shield would cost \$233.16.

Now I ask you if you are unemployed, lets assume maybe in construction and lets assume that the usual event would be in the winter you may get laid off and you may not have the privilege of being under Cobra, which I suspect is quite common. Could you afford \$233.16 or could you afford \$115.20? I suspect that the \$115.20 would be a better option for you.

I have to correct you about my amendment again. The reference in my amendment is referring to the code about Community Rating, not short-term coverage. That is why it talks about Community Rating. We then talked about Continuity of Coverage and Community Rating protects people between jobs. Again, that is only if they have the privilege of being under Cobra. As Representative Cameron has said this is requested from people in Maine, not insurance companies and not agents. We are trying to provide something for people in Maine and what we are talking about is, lets provide a bare bones package. Blue Cross and Blue Shield is trying to get through the Insurance Bureau a \$5,000 dollar deductible bare bones package, which would cost approximately \$50 dollars a month, because they realize there is a big demand out there for something when people are uninsured.

Lets look at this bare boned package. Number one it has a \$5,000 dollar deductible. Number two, it won't include the mandates. What are the mandates it won't include, mental illness, substance abuse, chiropractic, and mammograms. Short-term policies include the mandates. I ask you. Is this a viable option? Yes, I think so. I would ask you to vote no against this motion.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question is the motion to Indefinitely Postpone House Amendment "A" (H-161) to Committee Amendment "A" (H-124). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 67

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

NAY - Aikman, Ault, Bailey, Barth, Bigl, Bouffard, Buck, Cameron, Chick, Clukey, Cross, Damren, DiPietro, Donnelly, Dunn, Farnum, Gerry, Gieringer,

Gooley, Gould, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Keane, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winsor, Yackobitz.

ABSENT - Birney, Campbell, Carleton, Daggett, Dexter, Dore, Rotondi, Stone, Truman, Winglass, The Speaker.

Yes, 61; No, 78; Absent, 11; Excused, 0.

Representative MARTIN of Eagle Lake was excused from voting pursuant to House Rule 19.

61 having voted in the affirmative and 78 voted in the negative, with 11 being absent, the motion to indefinitely postpone House Amendment "A" (H-161) to Committee Amendment "A" (H-124) did not prevail.

Subsequently, House Amendment "A" (H-161) to Committee Amendment "A" (H-124) was adopted.

Committee Amendment "A" (H-124) as amended by House Amendment "A" (H-161) thereto was adopted.

The Bill was assigned for second reading Tuesday, May 9, 1995.

An Act to Create a Separate License Plate for Sheriffs (H.P. 139) (L.D. 187) (C. "A" H-99) which was tabled by Representative JOSEPH of Waterville pending passage to be enacted. (Roll Call Requested)

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

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

The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Thank you Mr. Speaker, Ladies and Gentlemen of the House: This was a unanimous committee report. What it does is limit the number of plates. The average cost per county would be about \$150 dollars. It is not a mandate. The plate would clearly identify the Sheriff's Department. I am a little bit surprised that we are at this point asking for a roll call. I urge members of the House to support L.D. 187, the Majority Report of the committee.

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

Representative JOSEPH: Thank you Mr. Speaker, Men and Women of the House: Regardless of what the amount is, it is an expenditure and I consider it a frivolous expenditure. I consider that because every municipal home owner is paying the county budgets. I believe that most counties will adopt this measure. I think it is frivolous because to have a brown license plate to coordinate with brown cruisers does not seem to have a great deal of logic to me as an individual who has been concerned with county budgets for a number of years. I believe it is important that we question these issues.

You may or may not agree with me, but I have strong feelings about every county budget and every expenditure made by every county to ask these questions. I believe in the Sheriff's Departments in the counties currently they have a white license plate with black numbers and it says, "Sheriff". This is a small issue, but I felt compelled to explain my feelings about this, because every county expenditure is important. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative WHEELER: Thank you Mr. Speaker, Men and Women of the House: I am standing here to let you know that the Maine Sheriff's Association wants a special plate in order to continue in a path of upgrading the professionalism of their office.

Over the past few years the Maine Sheriff's Department has continued to provide for a real professional police unit and by upgrading the training of the officers and qualifications of potential police officers. Appearance is a very important part of any police department and the Sheriff's Department is no different than any other police department. The special plate is another part of that appearance, such as all Sheriff's Department vehicles in the state are going to be white over a period of time. Uniforms are going to be the same across the state.

I feel this will help provide a more professional appearing organization. The plate will identify a county owned sheriff's vehicle by a county ID number. The plate will easily ID vehicles that have complaints lodged against them by county and assigned officers. The plate will also provide other police departments the place of origin of the Sheriff's Department and their community. The bill is not a mandate with a cost being minimal to the counties. I believe the special plate is proper. The Sheriff's Department want it and the counties are willing to pay for it. I would urge your support of this unanimous committee vote. Thank you.

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

Representative FARNUM: Thank you Mr. Speaker, Members of the House: The State Police have blue plates. They are well respected. The Sheriff's Department wants brown plates. They are well respected people too. I think they should have them.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 68

YEA - Adams, Ahearne, Bailey, Barth, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Desmond, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joy, Kerr, Kilkelly, Kneeland, Kontos, Lane, Layton, Lemaire, Libby JD; Lindahl, Look, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Perkins, Pinkham, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Richardson, Ricker, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois,

Spear, Stedman, Stevens, Strout, Taylor, Thompson, Treat, True, Tufts, Tuttle, Tyler, Underwood, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winsor.

NAY - Aikman, Ault, Benedikt, Buck, Cameron, Chase, Damren, Davidson, DiPietro, Gates, Hartnett, Hatch, Heeschen, Joseph, Joyce, Joyner, Keane, Labrecque, LaFountain, Lemke, Libby JL; Lovett, Murphy, Pendleton, Poulin, Rice, Robichaud, Townsend, Tripp, Vigue, Winn, Yackobitz.

ABSENT - Birney, Campbell, Carleton, Daggett, Dexter, Dore, Heino, Lemont, Rotondi, Stone, Truman, Winglass, The Speaker.

Yes, 106; No, 32; Absent, 13; Excused, 0.

106 having voted in the affirmative and 32 voted in the negative, with 13 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Bill "An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees" (S.P. 188) (L.D. 496) which was tabled by Representative WHITCOMB of Waldo pending his motion to reconsider action whereby the Minority "Ought Not to Pass" Report was accepted.

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would rise to urge the House not to accept the "Ought Not to Pass" Report and to accept the "Ought to Pass" Report of the committee.

This bill originates in Bath where we have a subcontractor at Bath Iron Works that would like to do what the Navy has been doing at the Bath Iron Works for a number of years and that is offering compressed time workweek options to its employees. An employer may offer to a consenting employee who wishes to participate, a work schedule that permits the employee to work 44 hours in a single work week without overtime compensation and to work 36 hours in the succeeding workweek resulting in a two week work period equal to 80 hours.

If an employee is working under such a compressed time arrangement, any hours worked during the two week period exceeding 80 hours must be compensated at time and a half. I would also state that an employee consent to a compressed workweek is only valid if the consent is given in writing on a form that specifies the first day of the two week work cycle. An employee may withdraw consent to the compressed workweek option at any time effective with the beginning of the next two week cycle. This would allow people to receive an additional 26 days off during the year, if they so desired.

It is not as some people have construed it to be. It is not an anti-labor bill. It is a good bill and I would hope that you would not vote on the "Ought Not to Pass", and that you would accept the "Ought to Pass" Report and Mr. Speaker, I would request a roll call on this issue.

Representative MAYO of Bath requested a roll call on the motion to reconsider.

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

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

The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Thank you Mr. Speaker, Men and Women of the House: This particular bill came before us and I would just like to do a little explaining. There was one employer who disinvolved as the Representative before me has stated. The questions that were asked in committee we many and varied. It seemed that when we asked how much the overtime cost would be, it was somewhere between \$1,000 and \$1,300 dollars a year per individual.

It is my knowledge that it is a very small employer. The fiscal note on this bill to the state of Maine would entail about \$11,000 dollars to print up some posters for one employer. There may be others out there. The amendment on the bill would state that this had to be done. Employer and Employee also would have to sign this agreement stating they would like the compressed time workweek. All over the state there are people working the compressed time schedule. Usually unionized and they have an agreement to do so. I would urge you to vote "Ought Not to Pass" on this. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to reconsider. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 69

YEA - Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Buck, Cameron, Chartrand, Chick, Clukey, Cross, Damren, Davidson, DiPietro, Donnelly, Dore, Dunn, Etnier, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Heino, Johnson, Jones, S.; Joy, Joyce, Joyner, Keane, Kilkelly, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, Mayo, McAleve, McElroy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poulin, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Savage, Simoneau, Spear, Stedman, Strout, Taylor, Thompson, True, Tufts, Underwood, Vigue, Waterhouse, Whitcomb, Winn, Winsor, Yackobitz.

NAY - Adams, Ahearne, Berry, Bouffard, Brennan, Bunker, Chase, Chizmar, Clark, Cloutier, Desmond, Driscoll, Farnum, Fisher, Gamache, Green, Hatch, Heeschen, Jacques, Jones, K.; Joseph, Kerr, Kontos, Lemaire, Lemke, Luther, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Paul, Pouliot, Povich, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Townsend, Treat, Tuttle, Tyler, Volenik, Watson, Wheeler.

ABSENT - Birney, Campbell, Carleton, Daggett, Dexter, Hichborn, Kneeland, Murphy, Poirier, Rotondi, Stone, Tripp, Truman, Winglass, The Speaker.

Yes, 84; No, 52; Absent, 15; Excused, 0.

84 having voted in the affirmative and 52 voted in the negative, with 15 being absent, the motion to reconsider did prevail.

The Chair ordered a division on the motion to accept the Minority "Ought Not to Pass" Report.

A vote of the House was taken. 59 voted in favor of the same and 69 against, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted. The Bill was read once. Committee Amendment "A" (S-72) was read by the Clerk and adopted. Senate Amendment "A" (S-96) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 9, 1995.

An Act to Include Individuals with Property in a Living Trust in the Maine Residents Property Tax Program (S.P. 192) (L.D. 501) (C. "A" S-52) which was tabled by Representative MITCHELL of Vassalboro pending passage to be enacted.

On motion of Representative TRIPP of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 501 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-52) was adopted.

The same Representative presented House Amendment "A" (H-195) to Committee Amendment "A" (S-52) which was read by the Clerk and adopted.

Committee Amendment "A" (S-52) as amended by House Amendment "A" (H-195) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-52) as amended by House Amendment "A" (H-195) thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Create an Open Primary in the State" (H.P. 444) (L.D. 610) which was tabled by Representative WHITCOMB of Waldo pending the motion of Representative NADEAU of Saco to accept the Majority "Ought Not to Pass" Report.

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

Representative LEMKE: Thank you Mr. Speaker, Men and Women of the House: I rise today to do something I don't think I have done before and that is to urge you to vote against an almost unanimous "Ought Not to Pass" Report. I do that today because I think the issue is sufficiently important and is important to be debated on this floor and to have a roll call vote which I request.

What this bill, L.D. 610, would do is what is already done in 25 states of the United States and that is to create a direct primary. That means that individuals that are unenrolled or so called independents may vote in the primary. This is not what is known as a cross over primary bill. A cross over primary is one in which members of one party might cross over and vote in the election of another party and in doing so they could knock out a potentially strong candidate of the other party. That is allowed in a number of states and would not be allowed in this bill.

What it does is allow unenrolled to participate in the key primary process where the actual candidates are selected. As it is now, they do not have an effective voice. Oh yes, they have an ability if they want to sign up and vote in a particular party primary and stay within that party for a number of

weeks or months, but by the very nature of being independent they are resistant to doing this. Large numbers of people do not do so. This is not a bill put in to hurt the party system. I am a product of the party system and I have been involved in active party politics for 25 years give or take a few years.

One of the things I have seen over those years is a trend. That trend has grown and there is no sign whatsoever that it is going to decrease. That is a trend where the largest single block of voters in the state of Maine are unenrolled. That is not a healthy thing for the democratic process, ladies and gentlemen, where 37% of the voters are unenrolled. What shall we do? Shall we wait until it is 47%, 57% or 67% before we deal with this?

The problem is, ladies and gentlemen, that the primary process when it was first initiated during the progressive era was put in to democratize the process and get more people involved in the nomination of candidates. That was the objective. That objective is not being met. What the political parties are acting as my party and the Republican party. We are acting as parties were in the very beginning and that is clubs, private clubs. There is no way, ladies and gentlemen, if you erect the club and you don't let people participate you then can wine and moan about the fact that people don't vote for you or are turned off.

The state of Maine has the distinction of being the state in the country where Ross Perot got his biggest vote. He came in second in the state of Maine. The state of Maine has an Independent Governor. To win you have to get in. I think to have people really care you have to give them a share. I think by instituting an open primary you will encourage people to stay in. You will do something to arrest the trend that we know have in the state of Maine as well as nationally.

I am very aware of the time schedule so I will not address this issue at great lengths. I think it is an issue of whether or not you think the process should be opened up and whether or not you think by opening up the process it is healthy for democracy. I think it is and therefore, I urge you to vote against the pending motion. Thank you.

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

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative LIBBY: Thank you. The question is how long do you have to be unenrolled in order to take part in this?

The SPEAKER: The Representative from Buxton, Representative Libby has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Thank you. To my knowledge there is no time limit. When you vote there is a check off and you are checked off like everyone else and you remain unenrolled. You don't, under the present system have to remain a member of the Democratic Party or the Republican Party for a period of time.

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

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: I am a little uncomfortable with this bill. The reason is I have seen a lot of people come to the polls and they will be in an opposing party, whether it be a Democrat or Republican, and they will try to change parties so they can vote against a certain person.

What concerns me about this bill is it seems to lead to the possibility that people in opposing parties who might not want to see the candidate in the other party succeed, may go in droves over to sabotage the election of that person. An open primary like this worries me somewhat. If anyone can address that within this bill, I would be happy to hear that and certainly want to listen. Thank you.

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

Representative LEMKE: Thank you Mr. Speaker. To respond to the good Representative from Buxton's question, this is crafted precisely to preclude the problem that he is talking about. This is not geared for a cross over vote. I would also say that the experience in the states which have an open primary and that experience extends over a period of 20 to 40 years, that experience shows that in reality the fear that has been raised has never taken place.

There is a historic track record. I understand the fear that is there, but I will say that this bill is so crafted and the historical record, which I am always more comfortable with in the abstract, even though I am a professor. I admit that. I probably lost a lot of votes right there. The historical track record shows that we have nothing to fear, but fear itself to use a very partisan quote.

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

Representative NADEAU: Thank you Mr. Speaker, Men and Women of the House: It seems to me that you have a very fundamental question on this and probably a lot of other bills you vote on. That fundamental question is, is there a compelling reason to do this? I don't think there is. Obviously most of my committee didn't think there was.

Men and women of the House, if you want us to run for this office, the odds were that you should probably play by the rules and get in the game. It didn't say anything about cross over votes or independents taking over or independents voting in my primary or voting against someone else's primary. I have often been really troubled with that whole notion of the independent voter. They are actually dependent voters on the rest of us that do the dirty work for them in June and they just pick up who we put up in the rubber.

Think about that for a second. They are not really independent voters. They are dependent, because if they are thinking of becoming a candidate they are probably saving a lot of money and a lot of time. You are looking at a guy who has gone through fairly contested primaries before and that cost me a little bit of time and a little bit of money which I would rather have done away with. However, that is the rules of the game. If you want to get in, that is how you do it.

Are we now saying, well 37% of the folks are independent so we are going to change the rules and try to make it easier for them. My seat mate a few minutes ago indicated that we have 37% now. Who is

to say we won't have 47% five years from now, which made me think immediately of the phrase my mother used and probably yours did as well when you were a kid. "Well if everyone else jumps in the river are you going too?" So there is 37%, so what. I don't happen to think it is even that high, but so what if it goes to 39%. Does that mean we are supposed to change our rules to appease them? To try to make it easier for them?

Right now in this chamber and in the other one as well there are very narrow majorities. Obviously the people have spoken last November. However, both parties, yours and mine, would end up being the minority parties. You think we have a few problems in here right now, God Bless You!

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

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: There is nothing in our law today to stop an unenrolled voter from voting in our primaries. The only thing they have to do is designate a party. They can vote in the Democrat Party or the Republican Party and 30 days after the election they can unenroll again. They are not independent voters. We don't have independent voters in Maine.

In Maine, we have by statute unenrolled. They can vote in the primary. There is nothing stopping them. I am against this, because I firmly believe in the two party system and if we make it so easy that anyone can go down there and jump back and forth anytime they want to, I am sorry. Make up your mind. You can also change your party as long as you do it 15 days before a primary. I can change my party 15 days before the June primary and vote in that primary. I have to do it 15 days before.

Really there is nothing stopping anyone in the state of Maine from voting either in a primary or a general election. Thank you.

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

Representative HARTNETT: Thank you Mr. Speaker. May I pose a question to the good Representative from Westbrook, Representative Lemke.

The SPEAKER: The Representative may pose his question.

Representative HARTNETT: Thank you Mr. Speaker. My understanding is that currently in order to switch from one party to another for purposes of voting in a primary you must do so three months in advance. There is no restriction from switching from a party to unenrolled. You may do that at any time. The fear I have about this proposed legislation is that an individual would simply bypass the party to party restriction by going party to unenrolled to the other party. Is that a possibility in this bill? I will clarify the question, if I need to.

The SPEAKER: The Representative from Freeport, Representative Hartnett has posed a question through the Chair to the Representative from Westbrook, Representative Lemke. The Chair recognizes that Representative.

Representative LEMKE: Thank you. I will attempt to answer it, but probably in answering it will indicate that I will need a clarification. What this allows is not a person to be jumping back and forth like a bug on a skillet or whatever between parties. What it means is the individual vote in one particular party's primary.

I think what you are articulating is the same fear as the Representative from Buxton articulated and the best answer to that is the historical track record. It does not occur and has not occurred. It is a risk. Of course it is a risk. Everything we do in life is a risk. Business is a risk. Democracy is a risk. If we want to improve the process and if we want to face what is a very big problem, I disagree a great deal with my seat mate.

I can think of a phrase my father used, but I don't know how to articulate it on the floor, so I won't share it. It has something to do with when a problem is there and you see a problem you probably have to deal with that problem at some point and we do have a problem. I think this is a major way of dealing with that problem.

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

Representative HARTNETT: Thank you Mr. Speaker, Men and Women of the House: I apologize for laughing so much, but my seat mate has shared with me what his father used to say and it had to do with monkeys climbing trees.

The concern I have is the current law has a reason for mandating that if you want to switch from one party to the other for the purpose of voting in a primary you must make that decision sometime outward from primary day. You can't do it on primary day. The law feels that there may be a threat of people moving from party to party to influence elections for the wrong purposes. I am afraid this bill basically negates all the rest of our voting bills which makes you make that commitment early on.

That is simply you walk into the polls on election day and say I am a member of party A and I want to become independent. They register you as an independent and you turn around and you go back to the table and you say I want to register as a Republican. Which independents are allowed to do on primary day. You are allowed to move into a party from independent. All the laws we have to protect people from switching party to party on election day are completely circumvented by this bill. Thank you.

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

Representative FARNUM: Thank you Mr. Speaker. I want to speak about history just a little bit. Take a look at France. Take a look at Italy. Take a look at Greece. They created more than a two party system and their government is weak. That is about it. Thank you.

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

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one thing clear. It does not take three months to change parties before a caucus or primary election. It only takes 15 days. It takes three months to change parties before you can become a candidate, but 15 days if you want to change parties to vote in a caucus. I just wanted to make that clear. It is three months to become a candidate.

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

Representative LEMKE: Thank you Mr. Speaker. This will be it, ladies and gentlemen. I want to respond to a couple of things that were mentioned.

First of all, the sticking point and it is like pulling teeth within independence. I know when I ran you wanted to sign up as many independents as possible to give you that edge in the primary. It is like pulling teeth. The whole problem is they don't want to do it to begin with and they hate the part about staying in for the months afterward. That is the effective problem. They might be right and they might be wrong, but that is the effective problem with that.

To respond to the other question, it strikes me as a bit odd that on the one hand we are encouraging everyone to register on election day, but at the same time we are putting prohibitions on their ability to vote. That strikes me as a little odd. As far as the history lesson that we had, let me just point out there is nothing sacred about the two party system as it is in this country. It evolves all the time. The present Republican Party, for example, evolved as a third party precisely because the Whig Party of the 1840s and 1850s couldn't get its act together on similar issues so we are always evolving.

I can predict very easily you don't have to be a rocket scientist or even a professor to know we are going the same way we are going to go. There will be a third party that will replace one, if not both, of the parties we have now. Believe it or not you may vote against this because you think you are preserving your position, but, in fact, you will put it in jeopardy.

Representative LEMKE of Westbrook 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 call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

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

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. 70

YEA - Adams, Bailey, Barth, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Gieringer, Gooley, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kilkelly, Kontos, Labrecque, LaFountain, Lane, Lemaire, Lemont, Libby JD; Libby JL; Look, Lumbr, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, Ott, Paul, Peavey, Plowman, Poulin, Pouliot, Povich, Reed, G.; Rice, Richardson, Ricker, Robichaud, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winsor, Yackobitz.

NAY - Ahearne, Aikman, Ault, Buck, Cameron, Clukey, Cross, Gates, Gould, Heesch, Johnson, Jones, K.; Kerr, Layton, Lemke, Lindahl, Lovett, McElroy, Nass, Nickerson, O'Neal, Pendleton, Perkins, Pinkham, Reed, W.; Rosebush, Tyler, Winn.

ABSENT - Birney, Campbell, Carleton, Daggett, Dexter, Hichborn, Joseph, Kneeland, Poirier, Rotondi, Stone, Truman, Winglass, The Speaker.

Yes, 109; No, 28; Absent, 14; Excused, 0.

109 having voted in the affirmative and 28 voted in the negative, with 14 being absent, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence.

House Divided Report - Committee on Criminal Justice - (11) Members **"Ought to Pass"** as amended by Committee Amendment "A" (H-184) - (2) Members **"Ought Not to Pass"** on Bill "An Act to Allow the Issuance of Life Sentences for Violent Crimes" (H.P. 152) (L.D. 200) which was tabled by Representative THOMPSON of Naples pending the motion of Representative CLARK of Millinocket that the House accept the Majority **"Ought to Pass"** Report.

Subsequently, the Majority **"Ought to Pass"** Report was accepted. Committee Amendment "A" (H-184) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, May 9, 1995.

Bill "An Act to Increase the Tax Exemption on Church Properties" (H.P. 284) (L.D. 388) which was tabled by Representative LOOK of Jonesboro pending adoption of House Amendment "A" (H-188) to Committee Amendment "A" (H-71). (Roll Call Requested)

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

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

The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Thank you Mr. Speaker, Ladies and Gentlemen of the House: The matter before you at this time is the adoption of House Amendment "A" (H-188). What this amendment does is increase to 100% of the amount that would be exempted from taxation. I urge you to defeat this amendment. The intent of that original bill is to increase from \$20,000 dollars to \$40,000 dollars it does not intend to go beyond that figure. I, therefore, ask you to defeat this motion so we can get on with the rest of the bill. Thank you.

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

Representative DORE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you intend to support this amendment to the bill. I want to reiterate. It is very clear by an overwhelming margin. The majority of the House supports doubling the parsonage exemption from \$20,000 dollars to \$40,000 dollars. I got that message and I heard it loud and clear. You want to double the parsonage exemption.

Lets pay for it. You want to double the parsonage exemption from \$20,000 dollars to \$40,000 dollars we shouldn't pay for half of it, the state of Maine, and let all of our local communities pay for the other half. We hear a lot around here about local control. We hear about not passing on mandates. Half this parsonage exemption is a mandate to your communities, unless you vote for this amendment. You can vote for this amendment and you will be voting to double the exemption, which many of you want to do, and you will be voting 100% to pay for it in the state of Maine and not passing on half of the cost to the community.

If you support this amendment you are going to give the churches their exemption doubling for their parsonages. The churches already are exempt. Those churches that have parsonages. We are going to pay for it 100%. We are going to do the fiscally responsible thing. If you do not vote for this amendment, you are saying I am going to pass on a 50% unfunded mandate. We fund 50% because state law requires us to and the other towns have to pick up 50% of it, because we don't really think we can afford to do 100% of it and we think they ought to take that responsibility.

Let me give you another scenario. No one is giving the towns the choice of doubling their exemption. No one is saying, "Old Town, you can go to \$40,000 dollars or you can stay at \$20,000 dollars." No one is saying to you, "Bangor you can go to \$40,000 dollars or you can stay at \$20,000 dollars." When we pass this bill we are saying you have to double your exemption to \$40,000 dollars. OK?! So lets pay for 100% of it. Lets not have an unfunded mandate by doubling this exemption and only paying for half of the bill.

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

Representative REED: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Realizing that I am in some risk being the only thing between you and dinner. I beg your brief indulgence.

A couple of days ago this House by unanimous consent extended a courtesy to a member for reconsideration, who by that member's own words was not present for the vote nor supported the overwhelming majority position. I think that was a nice courtesy. I hope, however, that it did not indicate unanimous support for the proposition. This amendment ought to be defeated, I think, because it elevates to a preferential and I think discriminatory position the churches as opposed to the several other property tax exemption type situations that exist, such as veterans of World War II, Korea, Vietnam, World War I, the unmarried widows of veterans or minor children of veterans, the legally blind, the farm and open space land and, in fact, tree growth.

Those are all not reimbursed at 100%. It is not fair to do it for this particular one. We have heard much about fairness and equity in tax policy in this chamber. It ought to be fair equity when you tax and it should be fair when you give exemptions. I urge defeat of this amendment. Thank you.

Representative MURPHY of Berwick moved that House Amendment "A" (H-188) to Committee Amendment "A" (H-71) be indefinitely postponed.

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

Representative DORE: I certainly hope you will vote against indefinite postponement. I would ask

for a division. I would hope that you would remember you can vote for your church parsonages and you can pay for it if you really believe it is a priority item and not stick that bill on your towns.

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

Representative DUNN: Thank you Mr. Speaker, Ladies and Gentlemen of the House: In my judgment the local communities benefit greatly by having the churches and the parsonages within their communities. I think it is only fair that these local communities pay the same share that they do for all other tax exempt properties. I would urge you to support the motion to Indefinitely Postpone. Thank you.

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

Representative DORE: Thank you Mr. Speaker. I apologize for rising. There seems to be a little bit of confusion about whether the town should pay for half of it because they pay for half of all the other exemptions, au contrarie, they frequently pay for 100% of all the other exemptions, because we only passed this law that requires us to pay for half of these mandates a couple of years ago. Up until a couple of years ago we could pass all the mandates we wanted onto the town and they would have to pay for all of them. Here pay for this and pay for that. Now we have a new philosophy that says before we pass a mandate onto the town we have to pick up half the bill. I think a better idea is let's pick up 100% of the bill.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Thank you Mr. Speaker. In my other life, I am a Town Manager. One of the many responsibilities I have is tax collecting. On my way home the other night after this long debate I calculated what the cost would be to the town of Warren. For the three parsonages that we have the loss to the town of Warren would be \$486 dollars total. That is \$486 dollars to be spread among 2500 property parcels. I realize this is a small town. Many of you have much larger municipalities with many more parsonages, but you also have many more parcels of property to spread out that lot. You can believe I feel very strongly about this or I never would have stood up today. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative LIBBY: Thank you Mr. Speaker. I have always had a little bit of confusion about this particular issue and my question is could we define a mandate. I know I have been here for three years, but sometimes I hear the term mandate and we are talking about revenues. In this case tax revenues. I don't quite understand, if that is a mandate. It seems to me that it is not.

The SPEAKER: The Representative from Buxton, Representative Libby has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Thank you Mr. Speaker. The good Representative raises a very important issue. A mandate is a requirement by the state that a town

does something. An unfunded mandate is a requirement that a town does something when we aren't paying for it, we are making that town raise property taxes to pay for it. The case of this exemption, a few years ago we passed a law saying any new mandates we pass, we have to pay for half of the bill, which means that this has a fiscal note of two hundred and some odd thousand dollars. If we want to pay the whole bill, the fiscal note will double and we won't pass on any of the tax burden to the town.

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

Representative LOOK: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Lets stop and think of what the 100% will mean. It means every cent of the assessed value of the amount of money equaled to 100% of the assessed value. All the bill is asking for is to deduct an additional \$20,000 dollars from the value of the individual parsonages. It is not asking for 100% of the value on those things.

I believe there is more behind this move than most of us have thought about. Stop and think. If we take the 100% value and go before the Appropriations Committee it is going to be far more than what we anticipated, by figuring this at \$40,000 dollars. Just stop and think about the reaction of the Appropriations Committee to that request. Thank you.

Representative DORE of Auburn requested a division on the motion to indefinitely postpone House Amendment "A" (H-188) to Committee Amendment "A" (H-71).

The SPEAKER: The pending motion before the House is the motion to Indefinitely Postpone House Amendment "A" (H-188) to Committee Amendment "A" (H-71). All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 94 voted in favor of the same and 35 against, House Amendment "A" (H-188) to Committee Amendment "A" (H-71) was indefinitely postponed.

Committee Amendment "A" (H-71) was adopted. The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-71) and sent up for concurrence.

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

On motion of Representative GERRY of Auburn, the House adjourned at 7:47 p.m., pursuant to the Joint Order (S.P. 549).