

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
43rd Legislative Day
Tuesday, May 16, 1995

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

Prayer by Rabbi Joseph Schonberger, Beth Israel Synagogue, Bangor.

National Anthem by the Warsaw Middle School Concert Band, Pittsfield.

The Journal of Thursday, May 11, 1995 was read and approved.

SENATE PAPERS

The following Communication: (H.C. 139)

Maine State Senate

State House Station 3

Augusta, Maine 04333

May 11, 1995

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 Insisted and Joined in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Increase the Tax Exemption on Church Properties" (S.P. 284) (L.D. 388).

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Reference is made to Bill "An Act to Increase the Tax Exemption on Church Properties" (H.P. 284) (L.D. 388)

In reference to the action of the House on Wednesday, May 10, 1995, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative TUTTLE of Sanford

Representative TRIPP of Topsham

Representative MURPHY of Berwick

Ought to Pass as Amended

Report of the Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (S-125) on Bill "An Act to Clarify the Definition of Escape" (S.P. 430) (L.D. 1198)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-125).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-125) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1995.

Ought to Pass as Amended

Report of the Committee on Agriculture, Conservation and Forestry reporting "Ought to Pass" as amended by Committee Amendment "A" (S-124) on Bill "An Act Authorizing the Director of the Maine Forest Service to Dispose of Facilities and Properties of

the Bureau of Forestry in Order to Streamline Operations" (S.P. 325) (L.D. 906)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-124).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-124) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1995.

Ought to Pass as Amended

Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-112) on Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (EMERGENCY) (S.P. 245) (L.D. 642)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-112).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-112) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1995.

Divided Report

Majority Report of the Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-127) on Bill "An Act to Delete the Definition of Tanning Devices from the Laws Regulating the Board of Barbering and Cosmetology" (S.P. 394) (L.D. 1082)

Signed:

Senators:

HARRIMAN of Cumberland

CIANCHETTE of Somerset

GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland

BIRNEY of Paris

BRENNAN of Portland

DAVIDSON of Brunswick

KONTOS of Windham

LIBBY of Kennebunk

POVICH of Ellsworth

REED of Dexter

SIROIS of Caribou

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

Signed:

Representative:

CAMERON of Rumford

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-127)

Was read.

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

The Bill read once. Committee Amendment "A" (S-127) was read by the Clerk and adopted. The Bill was assigned second reading Wednesday, May 17, 1995.

Divided Report

Majority Report of the Committee on Business and Economic Development reporting "Ought Not to Pass" on Bill "An Act to Coordinate Low-income Energy Assistance Programs" (S.P. 270) (L.D. 721)

Signed:

Representatives:

ROWE of Portland

CAMERON of Rumford
DAVIDSON of Brunswick
KONTOS of Windham
LIBBY of Kennebunk
POVICH of Ellsworth
REED of Dexter
SIROIS of Caribou

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

Signed:
Senators:

HARRIMAN of Cumberland
CIANCHETTE of Somerset
GOLDTHWAIT of Hancock

Representative:
Came from the Senate with the Minority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-126)

Was read.

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

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

Divided Report

Majority Report of the Committee on **Business and Economic Development** reporting **"Ought to Pass"** on Bill "An Act to Include the Emergency Medical Services' Board in the List of Boards Reviewing Criminal Convictions Before Licensing" (S.P. 346) (L.D. 951)

Signed:
Senators:

HARRIMAN of Cumberland
CIANCHETTE of Somerset
GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland
BIRNEY of Paris
BRENNAN of Portland
DAVIDSON of Brunswick
KONTOS of Windham
LIBBY of Kennebunk
POVICH of Ellsworth
REED of Dexter
SIROIS of Caribou

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

Signed:

Representative: CAMERON of Rumford

Came from the Senate with the Majority **"Ought to Pass"** Report read and accepted and the Bill passed to be engrossed.

Was read.

On motion of Representative ROWE of Portland the Majority **"Ought to Pass"** Report was accepted.

The Bill was read once. The Bill was assigned for second reading Wednesday, May 17, 1995.

Divided Report

Majority Report of the Committee on **Taxation** reporting **"Ought Not to Pass"** on Bill "An Act to Clarify the Property Tax Laws Related to Property Tax Exemptions Benefitting Nonresidents" (S.P. 54) (L.D. 83)

Signed:

Senators:

HATHAWAY of York
FERGUSON of Oxford

Representatives:

CAREY of Kennebec
TRIPP of Topsham
TUTTLE of Sanford
KEANE of Old Town
MURPHY of Berwick
GREEN of Monmouth
DORE of Auburn
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

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

Signed:

Representative: RICHARDSON of Portland

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

Was read.

On motion of Representative DORE of Auburn, the Majority **"Ought Not to Pass"** was read.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I want to place a couple of remarks about this bill on the record. This bill relates to the Town of Poland and its longstanding dispute with Poland Springs Health Institute. The Poland Springs Health Institute is a large institution in Poland that primarily serves fee based patients who come there for its particular health treatments and certainly this is an admirable purpose.

It is a successful institution. It also serves a few local residents in a day outpatient clinic setting, that it occasionally holds in the Town of Poland. For years as it acquired more and more property in the Town of Poland, the Town of Poland requested from the Poland Springs Health Institute user fees or some contributions for the properties that were going on the tax exempt rolls in the Town of Poland. The health institute now owns 200 to 300 acres. It owns a lot of buildings that it has acquired over the years. It is a prosperous institution.

There was a protracted law dispute between the Poland Springs Health Institute and Town of Poland over the issue of whether or not Maine residents were served by this 501-C3 IRS tax exempt organization. The health institute argued that since it had an outpatient clinic in the Town of Poland on occasion and counted those people, it could argue that it substantially served local residents, but the reality is that most of its resources, fees and funds came from relatively well to do patients who came to the health institute from out of state.

The real question was whether it was a real exempt institution. The court decision had to look at our law. Our law is fairly imprecise in this area as defining the primary thrust of an organization and ruled that it could continue its exempt status and therefore, be exempt from pressure to contribute to the local user fees and tax rolls. If it required additional property which the patients like to walk upon, then it remained exempt. That dispute was resolved in the court. Senator Cleveland who represents the Town of Poland put in a bill to reverse that decision. Trying to look at the issue of whether or not that institution was substantially consistent with Maine laws.

This bill would reverse that position. In the discussion with the Poland Springs Health Institute,

I on two occasions and in two work sessions requested their form 990. The IRS form 990 gives good indications of the salaries, for instance, in institutions. It provides indication of their sources of revenue and that combined with their annual report would provide adequate information of whether, in fact, this was an institution that really was a successful financial institution with good salaries that really ought to contribute to the local tax base. The institution refused to provide those documents. I called afterward and they refused to provide the documents which were public records.

For that reason and because the issue of exempt property needed examination, I decided to go solely on this report and bring it out. I am not going to ask for a division on it, but it is important to note that the issue of tax exempt property of whether, in fact, they really are fee based operations that are prosperous enough to contribute to the local revenue with property that is not directly related. Their mission is something we should examine. Later on in this session you will have an opportunity to initiate some thought on that discussion. Frankly, I think the Poland Springs Health Institute is a successful operation paying its doctors and staff good salaries and generating its income from fee based out of state people who come here for good purposes, to enjoy and participate in Maine in a healthy environment and the health institute. They receive the kind of health care that that institute specializes in and they prefer.

I strongly emphasize with the citizens of Poland and the citizens throughout Maine who think it is reasonable to look at whether the predominate income is from a fee based operation or whether it is truly charitable struggling operation that owes no obligation to the local community. I think the Poland Springs Health Institute owes some user fee compensation which they have resisted to the Town of Poland. They do use their fire trucks. They do use other facilities and depend on them as all citizens must. They contribute nothing to the town and they have resisted the towns attempts to look at this issue in the court. They spent lots and lots of money on lawyers in defending that position.

They did not provide records to the committee. We could not examine what was really going on with the institution. Frankly, I think it is an issue we ought to look at, but it is for the reasons of examination of the issues and to lay that before you today, that I went solely on this report. Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative just pointed out several issues that need to be discussed and as he stated, we will be able to do so later with legislation that will be coming before us.

It seems that there have been two or three bills that have been introduced this year that have tried to address this issue of user fees for tax exempt properties on a piece meal basis. Poland Springs, and on an issue that Representative Daggett brought up for tax exempt property in Augusta and the parsonage issue that we discussed a couple weeks ago. It obviously needs to be discussed and I want you to be aware that there will be an opportunity to do that with legislation that will be coming forth some time next week and just give you the opportunity to think

about it ahead of time so we can discuss it more fully then. Thank you.

On motion of Representative DORE of Auburn, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165) on which the Bill and accompanying papers were indefinitely postponed in the House on May 10, 1995.

Came from the Senate with Report "A" "Ought to Pass" as amended of the Committee on Transportation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-91) as amended by Senate Amendment "A" (S-135) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds" (H.P. 262) (L.D. 364) on which the Minority "Ought to Pass" as amended Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-112) in the House on May 10, 1995.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Labor read and accepted in non-concurrence.

On motion of Representative HATCH of Skowhegan, the House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Modify the Presidential Primary Laws" (H.P. 442) (L.D. 608) which was passed to be engrossed as amended by Committee Amendment "A" (H-164) in the House on May 9, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-164) and Senate Amendment "A" (S-137) in non-concurrence.

The House voted to Recede and Concur.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Business and Economic Development

Bill "An Act Requiring Doctors of Naturopathic Medicine to Be Licensed by the Naturopathic Board of Examiners and Regulating Naturopathic Health Care Practice" (H.P. 1087) (L.D. 1532) (Presented by Representative MITCHELL of Portland) (Cosponsored by Representatives: BRENNAN of Portland, CHASE of China, DAVIDSON of Brunswick, ETNIER of Harpswell, FARNUM of South Berwick, FITZPATRICK of Durham, GATES of Rockport, JOHNSON of South Portland, JONES of Bar Harbor, KILKELLY of Wiscasset, LEMONT of Kittery, MARVIN of Cape Elizabeth, MITCHELL of Vassalboro, PLOWMAN of Hampden, SHIAH of Bowdoinham, SPEAR of Nobleboro, STEVENS of Orono, TREAT of Gardiner,

WATSON of Farmingdale, Senators: AMERO of Cumberland, BEGLEY of Lincoln, LAWRENCE of York, McCORMICK of Kennebec, PINGREE of Knox, RAND of Cumberland)

Bill "An Act to Prohibit the Stocking of Alewives in Hogan Pond and Whitney Pond in the Town of Oxford" (EMERGENCY) (H.P. 1086) (L.D. 1529) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: AHEARNE of Madawaska, AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BIGL of Bucksport, BIRNEY of Paris, BUCK of Yarmouth, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CHICK of Lebanon, CLARK of Millinocket, CLOUTIER of South Portland, FARNUM of South Berwick, GWADOSKY of Fairfield, HATCH of Skowhegan, HICHBORN of Lagrange, JACQUES of Waterville, JONES of Bar Harbor, JOY of Crystal, JOYNER of Hollis, KEANE of Old Town, LANE of Enfield, LEMONT of Kittery, LIBBY of Buxton, LUMBRA of Bangor, MARSHALL of Eliot, McALEVEY of Waterboro, PENDLETON of Scarborough, PERKINS of Penobscot, PLOWMAN of Hampden, REED of Falmouth, RICE of South Bristol, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, ROTONDI of Madison, SPEAR of Nobleboro, TUFTS of Stockton Springs, VIGUE of Winslow, WATERHOUSE of Bridgton, WINGLASS of Auburn, WINSOR of Norway, YACKOBITZ of Hermon, Senators: AMERO of Cumberland, BUTLAND of Cumberland, CARPENTER of York, HALL of Piscataquis, HANLEY of Oxford, KIEFFER of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Inland, Fisheries and Wildlife was suggested.

Under suspension of the rules and without reference to a Committee, the Bill was read twice, passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

Judiciary

Bill "An Act to Amend the Laws Regarding Child Placing Agency Disclosure of a Child's Background for the Purpose of Adoption" (H.P. 1080) (L.D. 1522) (Presented by Representative ROWE of Portland)

Bill "An Act Requiring that Certain Nonprofit Corporations Provide for the Disposal of Assets" (H.P. 1081) (L.D. 1523) (Presented by Representative BENEDIKT of Brunswick) (Cosponsored by Representatives: ADAMS of Portland, CHIZMAR of Lisbon, HEESCHEN of Wilton, JACQUES of Waterville, Senators: ESTY of Cumberland, LAWRENCE of York, RAND of Cumberland)

Bill "An Act to Increase Access to Public Information" (H.P. 1083) (L.D. 1525) (Presented by Representative SHIAH of Bowdoinham) (Cosponsored by Representatives: ADAMS of Portland, BERRY of Livermore, BUCK of Yarmouth, BUNKER of Kossuth Township, CHARTRAND of Rockland, JONES of Bar Harbor, LIBBY of Buxton, MURPHY of Berwick, SAMSON of Jay, VOLENIK of Sedgwick)

Bill "An Act to Allow Involuntary Commitments at Hospitals under Contract with the Department of Mental Health and Mental Retardation" (H.P. 1084) (L.D. 1526) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: DONNELLY of Presque Isle, FITZPATRICK of Durham, Senators: McCORMICK of Kennebec, PENDEXTER of Cumberland) (Governor's Bill)

Legal and Veterans Affairs

Bill "An Act to Strengthen Oversight of Maine Elections and Campaign Finance Laws" (EMERGENCY) (H.P. 1085) (L.D. 1527) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: ADAMS of Portland, BERRY of Livermore, BUNKER of Kossuth Township, CARLETON of Wells, CHASE of China, DAVIDSON of Brunswick, GERRY of Auburn, GOULD of Greenville, GREEN of Monmouth, JOHNSON of South Portland, LEMKE of Westbrook, LIBBY of Buxton, MORRISON of Bangor, PAUL of Sanford, SAMSON of Jay, SHIAH of Bowdoinham, WATSON of Farmingdale, Senators: McCORMICK of Kennebec, PARADIS of Aroostook)

Resolve, to Create an Advisory Commission to Review Long-term Liquor Policies and Pricing (H.P. 1082) (L.D. 1524) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: CHIZMAR of Lisbon, FISHER of Brewer, NADEAU of Saco, Senator: STEVENS of Androscoggin)

ORDERS

On motion of Representative KERR of Old Orchard Beach, the following Joint Order (H.P. 1088)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill related to "community corrections," as defined in the Maine Revised Statutes, Title 34-A, section 1210, to the House.

Was read and passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative RICKER from the Committee on Transportation on Bill "An Act to Increase Safety in Highway Construction and Work Maintenance Areas" (H.P. 134) (L.D. 182) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-239)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-239) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1995.

Ought to Pass as Amended

Representative DORE from the Committee on Taxation on Bill "An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who are Confined to Wheelchairs" (H.P. 540) (L.D. 736) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-241)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-241) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1995.

Ought to Pass as Amended

Representative TREAT from the Committee on Judiciary on Bill "An Act to Amend the Trust Fund Provisions of Cemeteries and Crematories" (H.P. 561) (L.D. 762) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-248)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-248) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1995.

Ought to Pass as Amended

Representative ROTONDI from the Committee on **Inland Fisheries and Wildlife** on Bill "An Act to Authorize a Multi-day Bass Tournament Permit" (H.P. 795) (L.D. 1112) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-253)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-253) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1995.

Ought to Pass as Amended

Representative GOULD from the Committee on **Natural Resources** on Bill "An Act to Continue the State's Dioxin Monitoring Program" (H.P. 823) (L.D. 1154) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-250)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-250) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 17, 1995.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act to Make Any Recorded Tapes of Legislative Sessions or Legislative Hearings Public Information" (H.P. 967) (L.D. 1376)

Signed:

Senators: AMERO of Cumberland
CARPENTER of York
LONGLEY of Waldo

Representatives: DAGGETT of Augusta
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
SAVAGE of Union
YACKOBITZ of Hermon
AHEARNE of Madawaska
SAXL of Bangor
LANE of Enfield

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-230) on same Bill.

Signed:

Representative: GERRY of Auburn

Was read.

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

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

Representative GERRY: Mr. Speaker, Men and Women of the House: I ask you to vote against this motion of "Ought Not to Pass" and I would like to address this. Originally I put this bill in to protect and reinforce the Freedom of Information Act so that any future recording of this legislative session, both in the House and Senate, would always be there and remain in tact. That there would be no alterations. I have been told that in past legislatures that the Legislative Record has been changed.

It is true that this report is a 12 to 1 report, but technically they did not vote on this Committee Amendment "A". This Committee Amendment "A" was written up by those who objected to the amendment and made it less of a problem. It is true that the Legislative Record is now kept and it is archived. One of the things that came out of our committee

hearing was that when the other body translated their verbal record into written record, their transcriber sometimes edited it and added things that the Senators had not spoke. That is the reason why I ask you now to please vote against this motion, so that I can make the motion to accept this report. Thank you.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I hope that you will vote to accept the "Ought Not to Pass" Report. After taking a look at the bill and discussing the current practice with the Clerk of the House and the Secretary of the Senate, it became quite obvious that the bill was not necessary and for that reason the Majority of the State and Local Committee voted "Ought Not to Pass". I would just like to read the Statement of Fact on the amendment so that you will understand what it does. The amendment specifies that any electronic recordings of the Senate and the House of Representatives may not be altered and must be available for public inspection.

In fact, the only alterations that take place are the editing out of certain verbal ums and ahs and things of that type which kind of clutter up the speeches. The substantive information is not changed at all. They are available for public inspection. There really is no need for this bill. I hope you will support the motion. Thank you.

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

Representative GERRY: Mr. Speaker, Men and Women of the House: I conceded to Representative Daggett that fact, but I still think our legislative tapes should remain exactly in tact with nothing erased from the verbal transcript. It is true on a written record to make it more readable when they bind it that the ums and ahs are corrected. I am not the best speaker in the House. I might stutter and stammer and ramble on and I would probably be one of those that would say yes, take this part out of the verbal record.

My reasoning steps in and maybe the public should know what type of speaker I am or even future legislators that it is all right to be nervous and ramble some, but it shows what type of person you are and it shows the exact intent of the legislation or whatever we are fighting on the floor. I feel that if we are in the heat of debate and someone swears it should be left in there. That way whoever hears the tape will know the full impact, context and exactly what happened. This bleeping out of stuff, which I have been told in the past, is not called for.

I have talked with the archives and there will be no fiscal impact if we say, "Yes, we don't want the tapes amended." As of last year, we will put these on permanent record. Thank you.

The Chair ordered a Division.

Representative GERRY of Auburn 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 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. 93

YEA - Ahearne, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Carleton, Chase, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Gould, Green, Guerrette, Hatch, Heeschen, Heino, Jacques, Johnson, Joseph, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Lindahl, Look, Lovett, Madore, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Morrison, Murphy, Nickerson, O'Gara, O'Neal, Paul, Peavey, Pendleton, Plowman, Poirier, Pouliot, Povich, Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, Tufts, Tuttle, Tyler, Watson, Wheeler, Winglass, Winsor, Yackobitz.

NAY - Aikman, Ault, Bailey, Barth, Benedikt, Birney, Chartrand, Chick, Davidson, Farnum, Gerry, Greenlaw, Hartnett, Hichborn, Jones, K.; Jones, S.; Joy, Lane, Layton, Libby JD; Libby JL; Lumbra, Luther, Marshall, Meres, Nass, Perkins, Pinkham, Poulin, Reed, G.; Stedman, Underwood, Volenik, Waterhouse, Whitcomb, Winn.

ABSENT - Adams, Buck, Dexter, Martin, Mitchell JE; Nadeau, Ott, Simoneau, Stevens, True, Truman, Vigue, The Speaker.

Yes, 102; No, 36; Absent, 13; Excused, 0.

102 having voted in the affirmative and 36 voted in the negative, with 13 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 421) (L.D. 1144) Bill "An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982" Committee on **Business and Economic Development** reporting "Ought to Pass"

(S.P. 504) (L.D. 1363) Bill "An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1995" (EMERGENCY) Committee on **Transportation** reporting "Ought to Pass"

(S.P. 411) (L.D. 1099) Bill "An Act to Combine the Sabattus Water District and the Sabattus Sanitary District" Committee on **Utilities and Energy** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-131)

(S.P. 460) (L.D. 1256) Bill "An Act to Permit Wire-tapped Conversations of or with Prisoners to be Used in Court" Committee on **Criminal Justice** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-130)

(H.P. 554) (L.D. 755) Bill "An Act to Add the Prohibition of False Official Statements to the Maine Code of Military Justice" Committee on **Legal and Veterans Affairs** reporting "Ought to Pass"

(H.P. 739) (L.D. 1013) Bill "An Act to Facilitate the Regulation of Alcohol in Auditoriums" Committee

on **Legal and Veterans Affairs** reporting "Ought to Pass"

(H.P. 833) (L.D. 1164) Bill "An Act to Clarify Recent Amendments to the Laws on Guardianship and Conservatorship" Committee on **Judiciary** reporting "Ought to Pass"

(H.P. 840) (L.D. 1171) Bill "An Act to Correct a Fishing Zone Definition Error" Committee on **Marine Resources** reporting "Ought to Pass"

(H.P. 906) (L.D. 1282) Bill "An Act to Correct Obsolete References to Justices of the Peace" Committee on **State and Local Government** reporting "Ought to Pass"

(H.P. 938) (L.D. 1327) Bill "An Act to Expand Eligibility for the Maine Veterans' Homes" Committee on **Legal and Veterans Affairs** reporting "Ought to Pass"

(H.P. 961) (L.D. 1350) Bill "An Act to Repeal Boards That Have Not Filed Annual Reports with the Secretary of State" Committee on **State and Local Government** reporting "Ought to Pass"

(H.P. 788) (L.D. 1105) Bill "An Act to Clarify the Responsibility of an Insurance Agent in the Disclosure of Information" Committee on **Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-252)

(H.P. 905) (L.D. 1281) Bill "An Act to Clarify Notice Requirements and a Party's Opportunity to be Heard" Committee on **Utilities and Energy** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-249)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 17, 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. 317) (L.D. 898) Bill "An Act to Amend the Procedures for Conducting a School District Referendum"

(S.P. 349) (L.D. 977) Bill "An Act to Remove Outdated and Duplicative Provisions from the Statute Governing the Office of Substance Abuse"

(S.P. 419) (L.D. 1142) Bill "An Act Regarding Abandoned Prescription Drugs at State Facilities"

(S.P. 140) (L.D. 326) Bill "An Act to Clarify the Tax Records Laws" (C. "A" S-111)

(S.P. 265) (L.D. 705) Bill "An Act to Discourage Prescription Drug Fraud" (C. "A" S-120)

(S.P. 283) (L.D. 771) Bill "An Act to Expand Access to Financing for Health and Social Service Agencies" (C. "A" S-122)

(S.P. 307) (L.D. 846) Bill "An Act to Provide Funds for Family Crisis Shelters" (C. "A" S-110)

(S.P. 365) (L.D. 991) Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (EMERGENCY) (C. "A" S-116)

(H.P. 710) (L.D. 967) Bill "An Act to Amend the Adult Protective Services Act to Allow Referrals of Cases of Abuse, Neglect and Exploitation to Law Enforcement Agencies"

(H.P. 790) (L.D. 1107) Bill "An Act to Establish Minimum Qualifications for the Office of Sheriff"

(H.P. 311) (L.D. 415) Bill "An Act to Require Uniform Public Access and Tax Status for Water Districts" (C. "A" H-228)

(H.P. 602) (L.D. 812) Bill "An Act to Amend the Laws Specifying the Place of Imprisonment" (C. "A" H-233)

(H.P. 614) (L.D. 824) Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control" (EMERGENCY) (C. "A" H-227)

(H.P. 859) (L.D. 1190) Bill "An Act to Ensure Disclosures under the Used Car Information Laws" (C. "A" H-236)

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

BILLS IN THE SECOND READING As Amended

Bill "An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees" (S.P. 43) (L.D. 73) (C. "A" S-100)

Bill "An Act to Clarify the Liquor Licensing Laws for Certain Eating Establishments" (S.P. 94) (L.D. 234) (C. "A" S-121)

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Fewer Than 6 Months" (H.P. 263) (L.D. 365) (C. "A" H-189)

Bill "An Act to Clarify the Sales Tax Law Applicable to Packaging" (S.P. 207) (L.D. 550) (C. "A" S-113)

Bill "An Act to Permit the Buyback of Retirement Time" (H.P. 567) (L.D. 768) (C. "A" H-196)

Bill "An Act to Clarify Juvenile Detention" (S.P. 354) (L.D. 982) (C. "A" S-114 and S. "A" S-129)

Bill "An Act to Require Prior Notice of Cancellation of Group Health Insurance Policies" (EMERGENCY) (H.P. 765) (L.D. 1039) (C. "A" H-231)

Bill "An Act to Amend the Toxics in Packaging Law" (H.P. 766) (L.D. 1040) (C. "A" H-234)

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

ENACTORS

Emergency Measure

An Act to Create a Purple Heart License Plate (H.P. 102) (L.D. 137) (S. "A" S-123 to C. "A" H-154)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Laws Regarding the Procedures for Emergency Admissions to a Mental Hospital (H.P. 611) (L.D. 821) (C. "A" H-191)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards (S.P. 345) (L.D. 950) (C. "A" S-103)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase Capitalization of the Seal Harbor Water Company (S.P. 424) (L.D. 1147)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide for Certain Amendments to Laws Affecting the Finance Authority of Maine (H.P. 835) (L.D. 1166) (C. "A" H-235)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Further Encourage Electric Rate Stabilization (H.P. 1037) (L.D. 1456) (Governor's Bill) (C. "A" H-229)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 17 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act to Grant Certain Federal Officers Limited Authority to Enforce Maine Law (H.P. 67) (L.D. 103) (C. "A" H-205)

An Act to Allow the Imposition of Any Term of Years or Life for Certain Attempted Murders (H.P. 152) (L.D. 200) (C. "A" H-184)

An Act to Amend the Laws Regarding Consent Agreements of the Department of Environmental Protection (H.P. 167) (L.D. 215) (C. "A" H-220)

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

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

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

An Act to Include Individuals with Property in a Living Trust in the Maine Residents Property Tax Program (S.P. 192) (L.D. 501) (H. "A" H-195 to C. "A" S-52)

An Act to Clarify Protection of Surface Waters in the Licensing of Solid Waste Facilities (H.P. 409) (L.D. 566) (C. "A" H-180)

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

An Act to Amend the General Sentencing Provisions (H.P. 592) (L.D. 802) (C. "A" H-204)

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 (H.P. 640) (L.D. 863) (C. "A" H-190)

An Act to Ban the Tripping of Equines (S.P. 316) (L.D. 897) (C. "A" S-107)

An Act to Protect Maine's Maritime Heritage (H.P. 708) (L.D. 965)

An Act to Preserve the Confidentiality of Records Relating to Forest Fire Arson Investigations (H.P. 724) (L.D. 998) (C. "A" H-219)

An Act to Provide a 3-day Nonresident Small Game Hunting License (H.P. 734) (L.D. 1008) (C. "A" H-217)

An Act to Amend the Displaced Homemakers Act (S.P. 369) (L.D. 1046)

An Act to Provide Road Maintenance to Baxter State Park (H.P. 783) (L.D. 1100) (C. "A" H-207)

An Act to Require Unanimous Approval by the Hancock County Commissioners to Change the Recommendations of the Budget Committee (S.P. 422) (L.D. 1145) (H. "A" H-206)

An Act to Abolish the Local Government Records Board and to Assign Its Functions to the Archives Advisory Board (H.P. 988) (L.D. 1396) (H. "A" H-197)

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

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

Resolve, to Name a Mountain in the Town of Oxford (H.P. 848) (L.D. 1179)

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

An Act to Fully Fund the Maine Human Rights Commission and the Civil Rights Unit in the Attorney General's Office (S.P. 333) (L.D. 914) (C. "A" S-98)

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

Representative ROBICHAUD of Caribou requested a roll call on passage to be enacted.

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

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

The pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 94

YEA - Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFontaine, Lemaire, Lemke, Lemont, Luther, Madore, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, O'Neal, Paul, Perkins, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Campbell, Carleton, Chick, Clukey, Cross, Darnen, Dunn, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Gara, Peavey, Pendleton, Pinkham, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Spear, Stedman, Stone, Strout, Taylor, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winn, Winsor, Yackobitz.

ABSENT - Adams, Dexter, Nadeau, Ott, Plowman, Simoneau, True, Truman, Vigue.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

On motion of Representative JACQUES of Waterville was set aside.

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

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

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

On motion of Representative MARTIN of Eagle Lake was set aside.

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

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:

Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165) which was tabled by Representative JACQUES of Waterville pending further consideration.

-In House, Bill and accompanying papers were indefinitely postponed on May 10, 1995.

-In Senate, Bill passed to be engrossed as amended by Committee Amendment "A" (S-91) as amended by Senate Amendment "A" (S-135) thereto in non-concurrence.

Representative O'GARA of Westbrook moved that the House Recede and Concur.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I will be very brief. I urge you to vote against the motion to Recede and Concur so that we would be able to move to Recede.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House: I would ask you to go along with the good Representative from Westbrook, Representative O'Gara and go along with the motion to Recede and Concur.

Currently 35 percent of our people are using seat belts. That is by statistics supplied by the Maine Highway Safety Commission. I believe as many as 35 to 30 percent more are not against the seat belts and probably would buckle up if they were given that extra push. I think it would cause them to buckle up. It takes some getting used to, to wear your seat belt. If you drive an awful lot, it would probably take you a couple of weeks. If you drive a little, it might take you a month or more to get used to it. It is uncomfortable at first, but once you become accustomed to it, you will feel undressed without them.

This is not about dollars. I think it is about reducing injuries and suffering that are caused by accidents where people are not buckled up. I don't believe the money we are now spending on education works. I feel people keep getting the same message over and over to buckle up and they stop listening. It is kind of like that ad we see on TV with two eggs frying in a frying pan. This is your brain on drugs. People just don't pay attention to it any longer. I think we need a law causing people to buckle up. There is going to be a certain percentage that will not go along with this. I believe the vast majority of the people, an additional 25 to 30 percent of the people, would go along.

That would give us a compliance rate somewhere in the 60 to 65 percent range. I also feel that after a period of time through the actuarial figures that the Bureau of Insurance has, that it will effect our insurance rates. I urge you to please go along with the good Representative's motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I am rising to support the good Representative from Westbrook also. I know he has debated this issue long and well. I am not going to spend much time on it. I want to make you all aware that this bill that we are now having the opportunity to vote on is not in the same form it was when it left the House last. It now has Senate Amendment "A" on it. It does make the matter a matter of secondary enforcement to law enforcement officers, which was a concern to some of you. In other words, police officers would not be able to stop an operator of a motor vehicle solely on the suspicion that he or she is not wearing a seat belt, only if they were stopped for another offense would they then be able to be cited for an infraction of the safety belt law.

It is an important difference. As I said before the fines are limited by amendment that we made in committee to a maximum of \$50 dollars. So really we are not talking about a major imposition on anyone's life, should they choose because of personal beliefs not to wear a seat belt. It is a minor infraction and it shall be treated as such. On the other hand, it has a major impact on all of our lives, all of us who have family members involved in an accident, all of us who pay medical insurance bills and those of us who pay our own medical cost. However we deal with medical costs. The continued use of automobiles without safety belts is impacting all of our lives in Maine and I hope you choose to Recede and Concur with the Senate bill as it stands now.

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

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

The SPEAKER: The Representative may pose her question.

Representative GERRY: If we vote for this current bill as it is, that means we can't amend it. We can't throw the amendment I have on it?

The SPEAKER: The Chair would answer in the affirmative.

Representative GERRY: May I proceed?

The SPEAKER: The Representative may proceed.

Representative GERRY: Mr. Speaker, Men and Women of the House: Would you please vote against this measure so that I may put my amendment on it. When we vote again, I would like to request a roll call.

Representative GERRY of Auburn requested a roll call on the motion to Recede and Concur.

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

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

The SPEAKER: The Representative may proceed.

Representative FARNUM: Thank you Mr. Speaker. In the last few weeks there have been a number of accidents on Maine highways. Does anyone know how many of those accidents, in which all of these people were killed, were not wearing seat belts?

The SPEAKER: 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 Farmington, Representative Goolley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House: One accident in Wilton this past weekend, one person was killed and one was put in the hospital, because of this accident. They were both not wearing seat belts.

While I have the floor, I would just like to say that there is a sadness in Farmington today, because a daughter in her early 20's slipped on ice rounding a corner. The car went off the road into the woods. Her only injury was a head injury. She was not wearing a seat belt and has been in a coma ever since. Her parents are sorry she wasn't wearing her seat belt and support a seat belt law for all Maine citizens. Thank you.

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

Representative LINDAHL: Thank you Mr. Speaker. In answer to Representative Farnum's question, I had an opportunity to speak to the officer who is on the State Police Dive Team in reference to the two young ladies who went into the Royal River. I said, "Were they wearing their seat belts?" He said, "No." Thank you.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: We have had a number of speakers get up this morning and remind you of all of the atrocities of not wearing a seat belt. I would ask you to remember two things. One, we don't have a lot of facts and figures, because they serve no ones purpose on the studies or what happens when you do wear a seat belt and the injuries is caused there of. The other thing I would ask you to remember is, remember the reasons why you voted no the last time. Thank you.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: Very briefly, I just want to make sure that we all understand that some of the young people that unfortunately died in some of those incidents recently that we keep talking about were breaking the law, because they didn't have their seat belts on and they were under the age of 19. The fact is, they should have had their seat belt on, as should all of us when we drive our automobile.

I think none of us have any doubt about that, but if we look at some of these accidents in recent weeks, we will notice one thing in the majority of the cases. That one common element is drinking and driving. We have to do something about the real problem and that is getting the drunks off the road. We haven't done enough in this body to get the drunks off the road. I think we can do more to get the drunks off the road. I don't think that mandatory seat belts are the answer to that problem. I would like you to vote no on the pending motion. Thank you.

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

Representative DORE: Thank you Mr. Speaker. I would just like to give you two reasons why you ought to vote to recede and concur. The first reason is if you believe our Senator from Maine, Senator Snowe is going to be successful in separating helmets from seat belts. It is going to put a lot more money into our roads. When you go home you are going to hear about the bad condition of our roads and how it effects business in Maine. The truth is the money

has to be spent on safety until we can have a seat belt law in Maine.

Senator Snowe has agreed to separate seat belts from motorcycle helmets. Seat belts will still be required, so we will be spending the money on safety messages, rather than pot holes. Safety messages don't do anything for the commercial traffic we need in Maine. We are the last stop and we need good roads to have good businesses in Maine. That money freed up will mean a lot to us.

I am going to give you the second reason. I was talking to a friend years ago about how to talk to your kids about seat belts when they wouldn't wear them. He said, "You want to know what I do with my kids." I said, "What do you do?" He said, "I take them for a tour of the vegetable ward." Go to your local hospital and there is a ward filled with people who didn't wear their seat belts. Whether they were drinking or sober, they didn't wear their seat belts and they are brain damaged. Never mind that they are on yours and mine dime for the rest of their lives and many will live to be 70 and 80 years old.

Who goes to visit them after a while, when they don't recognize anybody? Who bathes them and cares for them and holds them? The victims of those who don't wear seat belts aren't just the persons who rot in hospitals in what is known as the vegetable ward. It is the families that endure the heart break of having someone in the vegetable ward. I would encourage you to Recede and Concur.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: I agree that people should go look at people on that ward that the good Representative was talking about and see the people who are injured. That is really not the point here at all. I have stated a couple times from my point of view, I wear my seat belt most of the time and I encourage people to wear it. If we force people to wear seat belts, we are sending a message that we don't believe in education. That is very serious.

We are very quick to jump to making mandates. Where is the energy put into educating people? It seems to be the only time we educate people or try to get the word out is every couple of years when this bill comes up. Posters come up around the hearing rooms. We hear all this debate. It is in the papers and then that's it. There are very few announcements on the radio to the importance of this. It makes me wonder if it is really a safety issue or if it is a control issue. Sometimes I wish people would go back and see the movie "Easy Rider".

I am not saying that people's motives aren't right, but I really would like to remind you again of that yellow sheet that was handed out. All those lists of different outfits and agencies that said that we should force people to wear seat belts. I still haven't heard anyone tell me if those different organizations require their people to wear seat belts to be part of that organization. I almost guarantee you that they don't, but I would be willing to hear the other side of that. Instead of mandating, why don't we educate, if it is so important.

To the good Representative, Representative Gooley's remarks about the poor person that was injured. It was a sad situation and he said the parents wished that person had been in a seat belt. Should the government be the parents? To me this is

the essence of this question. I hope you will vote against it. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Ladies and Gentlemen of the House: We have debated this long and arduous and I still maintain that there are 48 states who have this law. All 48 states do claim that it has saved lives in their states and it has cut costs. Why should we in Maine be different? Let us save lives and save money. Thank you.

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

Representative FARNUM: Thank you Mr. Speaker: We mandate people to stop at stop signs. We mandate people to go 25 miles an hour past schools and through towns. We mandate people on the super highway to go 65 miles an hour. What is the difference?

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 Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Men and Women of the House: Just one comment in response to something that was mentioned about education. The Representative from Auburn already pointed out about money that was lost to the state. Last year \$600,000 dollars that would have gone to maintaining and repairing roads was not lost to the state, in fact, it went into public safety for education programs that were, in fact, all over this state and throughout the schools, everywhere. This year we stand to lose.

The highway repairs and maintenance will lose \$1,600,000 dollars and the public safety division has the right to submit grants. It doesn't guarantee that they will get any of that money or all of it. They may get some of it. They then submit grants for that money to be used in public safety education programs. In truth and, in fact, the money is definitely lost to the state, but it is definitely lost to repairing and maintaining the roads that you hear from your constituents about all the time.

I sincerely ask you to vote for the motion to Recede and Concur. Thank you.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I wasn't going to rise again today, but just for clarification, if you vote to Recede and Concur we have no other choice. I am asking you today to vote against the Recede and Concur so that we can offer a motion to Recede where, I will make it very clear. I will support this, so that we would have an option to send it out to the people for referendum.

The debate that I have heard for the last two weeks is there are people on both sides of the issue that feel we should have and there are people who feel we shouldn't. A couple of things happened to me over the weekend that I just want to bring to your

attention. First, it was put in the Bangor Daily News that I led the charge last week to oppose the mandatory seat belts. I don't know if I led the charge or not, but over the years that I have been here, I felt strong about that issue and I have always voted no.

I received a letter in the mail on Saturday that the gentlemen wrote, not from my district, but he said, "I read with dismay in the Thursday paper of the Bangor Daily News that you lead the charge and I am not surprised." That did not bother me. The second paragraph bothered me more, I think, than the number of years I served here when he basically said you should take the lead in your district, because your people don't know what they want.

Let me tell you people as I stand here today, my 23rd year of serving in this Legislature. I made a commitment 23 years ago when I went around and campaigned. I asked my people when various issues come up, how do you want me to vote? To this day on all issues when people say to me overwhelmingly we want you to vote against seat belts or we want you to vote against another issue or we want you to vote for that issue. Whether I believed in my heart it was right to vote the other way, I always voted the way my people wanted. I did it then and I am doing it today.

Another issue I want to bring up that I read a couple of weeks ago in the paper that the PAC in the state of Maine and various organizations, as I understand it, will be doing a survey as you enter these facilities to see how many people are actually using seat belts. That is why I think we need to put this off and get some more statistics on the number of people who are using seat belts and maybe it will give us a better idea. That is mine. I would urge you today to vote against the motion and give us a chance.

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

Representative GERRY: Mr. Speaker, Ladies and Gentlemen of the House: I did plan to rise a second time. Last week when we had the Sheriff's Department here, I asked just about everyone I could catch to read the bill. I said to them, "What do you think of seat belts?" They told me they all liked the idea of seat belts, but I asked them if we, the Legislature, should impose it on the citizens or let them do it. They said, "Let the citizens impose their own restrictions on them." "It would make our jobs a lot easier to enforce if they themselves choose what sort of restrictions and whether or not to place that on them." I agree.

I don't want to force people into having to wear seat belts. I want it to be freedom of choice and if it we have to limit their choices. Let it be them. If we enact the seat belt law without giving them the courtesy of choosing for themselves, no sooner will this law get passed then they will start a referendum. At least it will cut to the chase and it will stop the process of having to have a referendum to let the people decide and to stop them from wanting to repeal this. If they themselves have a chance to decide this question for themselves. Please vote against this measure so that I can put on my amendment and throw it out to referendum. Thank you.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: It was mentioned by a previous speaker on the floor this morning that 48 states have adopted this regulation and that it was the Representative's opinion that it proved well. If you check some material that was on your desk this morning, you will find that in Hawaii they passed the mandatory seat belt in 1985 and since that time accidents and fatalities have increased. Thank you.

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

Representative GIERINGER: Mr. Speaker, Ladies and Gentlemen of the House: Our children and loved ones lives depend on what we do here today. Save their lives. Don't wait until it is too late. I believe that the other 48 states in this great nation did the right thing. Let us not be the last state in this union to pass such a law. I am convinced that an automobile can be and often is a lethal weapon and should be treated as such under the law. We must employ seat belts as a defense against the terrible injuries which can be incurred in automobile accidents. I strongly urge you to vote in favor of L.D. 165. Thank you.

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

ROLL CALL NO. 95

YEA - Barth, Benedikt, Berry, Bouffard, Brennan, Cameron, Carleton, Chartrand, Chase, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Green, Heesch, Johnson, Jones, K.; Kontos, Lemaire, Lindahl, Marvin, Mayo, McElroy, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Paul, Plowman, Povich, Reed, G.; Reed, W.; Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Winglass, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Bigl, Birney, Buck, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Cross, Damren, DiPietro, Donnelly, Dunn, Gerry, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Look, Lovett, Lumbra, Luther, Madore, Marshall, McAlevey, Meres, Murphy, Nass, Nickerson, O'Neal, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Pouliot, Rice, Ricker, Robichaud, Rosebush, Rotondi, Savage, Spear, Stedman, Strout, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor, Yackobitz.

ABSENT - Adams, Dexter, Martin, Ott, Simoneau, True, Truman, Vigue.

Yes, 64; No, 79; Absent, 8; Excused, 0.

64 having voted in the affirmative and 79 voted in the negative, with 8 being absent, the motion to Recede and Concur did not prevail.

Representative LIBBY of Buxton moved that the House Adhere.

Representative GERRY of Auburn moved that the House Recede.

Representative DONNELLY of Presque Isle requested a division on the motion to Recede.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I would urge you today to vote to Recede. The commitment I made last week and a month ago and I made that commitment again this morning. If we move to Recede the good Representative from Auburn is going to offer an amendment that will resolve this once and for all.

The Chair ordered a division. A vote of the House was taken. 120 voted in favor of the same and 16 against, subsequently, the House voted to Recede.

Representative GERRY of Auburn presented House Amendment "A" (H-181) which was read by the Clerk and adopted.

Senate Amendment "A" (S-135) to Committee Amendment "A" (S-91) was read by the Clerk.

On motion of Representative STROUT of Corinth Senate Amendment "A" (S-135) was indefinitely postponed.

Committee Amendment "A" (S-91) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-91) and House Amendment "A" (H-181) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

SENATE PAPERS

Bill "An Act Concerning Reports of Material Transactions and Other Provisions of the Maine Insurance Code" (S.P. 561) (L.D. 1528) (Governor's Bill)

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

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

Bill "An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife" (EMERGENCY) (S.P. 562) (L.D. 1530)

Came from the Senate, referred to the Committee on Inland Fisheries and Wildlife and Ordered Printed.

Was referred to the Committee on Inland Fisheries and Wildlife in concurrence.

Bill "An Act to Clarify Early Retirement Incentives" (S.P. 563) (L.D. 1531)

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

Was referred to the Committee on Labor in concurrence.

ENACTORS

Emergency Measure

An Act to Prohibit the Stocking of Alewives in Hogan Pond and Whitney Pond in the Town of Oxford (H.P. 1086) (L.D. 1529)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 11, 1995, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

An Act to Change the Commissions Payable to the State from Off-track Betting (EMERGENCY) (S.P. 240) (L.D. 637) (C. "A" S-95)

TABLED -May 9, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 18 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Repeal the Sunset Provision Regarding Drug Recognition Technicians and Amend the Definition of Drugs in the Operating-under-the-influence Statutes (EMERGENCY) (S.P. 332) (L.D. 913) (C. "A" S-84)

TABLED -May 9, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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

Representative Brennan: Mr. Speaker, Men and Women of the House: Last week on roll call #89 in regards to L.D. 73 I voted yea and I wish to go on the record as saying I intended to vote nay.

On motion of Representative NADEAU of Saco, the House recessed until 4:30 p.m.

(After Recess)

The House was called to Order by the Speaker.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 11, 1995, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

TABLED -May 9, 1995 (Till Later Today) 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.

An Act to Establish Landowner Recognition Day (S.P. 233) (L.D. 598) (C. "A" S-66)

TABLED - May 9, 1995 (Till Later Today) by Representative CARLETON of Wells.

PENDING - Motion of Representative MARTIN of Eagle Lake to indefinitely postpone Bill and all accompanying papers.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I made a call that I indefinitely postpone this bill and I didn't get an answer. I have reviewed the background for the reason of establishment of Landowner Recognition Day. I would tell you that it was first done by Executive Order by Governor McKernan last year for the first time. I decided what I would look at was the number of other days that we recognize as to whether or not this should be an appropriate one. What I find among those that we now, in statute, how are "Poetry Day", "American History Month", "Chester Greenwood Day", "Maine Cultural Heritage Week", "The R.B. Hall Day", "The St. John Bastille Day", "The Maine Clean Water Week", "The Seaman's Memory", "The Maine Business Womens' Network", "Alcohol Awareness Day", "Maine Merchant Marine Day", "Garden Week" etc.

I guess when you put it all in perspective it doesn't matter. Another one won't make any difference. The only thankful thing I can say is that there is no requirements for the teachers of Maine to teach it. Mr. Speaker I would withdraw my motion to indefinitely postpone this bill and all its accompanying papers.

Representative MARTIN of Eagle Lake withdrew his motion to indefinitely postpone Bill and all accompanying papers.

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

An Act to Allow Certain Employees of the Maine State Liquor and Lottery Commission and Their Families to Purchase Lottery Tickets (H.P. 530) (L.D. 726) (C. "A" H-141)

TABLED -May 9, 1995 (Till Later Today) 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.

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

TABLED - May 9, 1995 by (Till Later Today) Representative CARLETON of Wells.

PENDING - Motion of same Representative to reconsider failing of passage to be enacted.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion to Representative CARLETON of Wells to reconsider

failing of passage to be enacted and later today assigned.

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 9, 1995 by Representative MITCHELL of Vassalboro.

PENDING - Motion of Representative HATCH of Skowhegan to accept 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 Not to Pass"** - Minority (4) **"Ought to Pass"** as amended by Committee Amendment "A" (S-119) - Committee on Utilities and Energy on Bill "An Act to Clarify the Intent of the Electric Rate Reform Act" (S.P. 253) (L.D. 691)

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

TABLED - May 10, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative JACQUES of Waterville to accept either Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (11) **"Ought to Pass"** as amended by Committee Amendment "A" (H-208) - Minority (2) **"Ought Not to Pass"** - Committee on Taxation on Bill "An Act to Repeal the Snack Tax" (H.P. 144) (L.D. 192)

TABLED - May 10, 1995 (Till Later Today) by Representative DORE of Auburn.

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

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative DORE of Auburn to accept the Minority **"Ought Not to Pass"** Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (10) **"Ought to Pass"** as amended by Committee Amendment "A" (H-209) - Minority (3) **"Ought Not to Pass"** - Committee on Judiciary on Bill "An Act to Amend the Provisions Relating to Access to Information for Candidates for Government Job Openings" (H.P. 264) (L.D. 366)

TABLED - May 10, 1995 (Till Later Today) by Representative TREAT of Gardiner.

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

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I would ask that you support the Majority Report coming out of the Judiciary Committee. This is a 10 to 3 report in favor of the majority position which is that this bill as amended **"Ought to Pass"**. The amended version of the bill is significantly different from the original version and from what people's memories may be of what happened several years ago when the Maine Supreme Judicial Court ruled that the Freedom of Access Law which provides access to public information did cover job applicants for public positions.

This bill is very different from what the court decision allowed, which was a very extensive opening up of every position and basically any piece of information about anyone applying for those positions. I would like to go through what the Majority Report would do.

First, what information is available? Two things, a person's resume and a person's application. Both items that are produced and written by the applicant, not by anyone else. They do not include references unless they choose to put that in and they would know that this is public information.

Secondly, who does it apply to? A very limited list which is actually listed in the bill or the amendment. You can look at it if you like, it is House Amendment 209. We went the route of specifically listing who it would apply to, both within state government, county government and local government. State government is basically classified positions and policy positions. They are specifically listed and, for example, would be the Superintendent of the Bureau of Banking or the Superintendent of the Bureau of Consumer Credit Protection. High positions of authority which are policy making positions. Similarly at the local level, City or Town Manager, Tax Assessor, Code Enforcement Officer, Road Commissioner and the equivalent.

Positions that we show within the realm of important positions at the local county and state level. They are specifically limited. We had a lot of discussion about simply leaving it up to important policy making positions, but we have been very careful in this bill to limit anything that could possibly lead to debate that could lead to some kind of litigation to define what these things are. For that reason we took the route of very narrowly limiting what it applied to.

Thirdly, when does this apply? When is this information available to the public? Only after a person has gone to a formal face to face interview. We were very careful to make sure that it only applied to people that were being very seriously considered for a position and only after they a very seriously considered in a formal interview, would information be available to the public. That would be their name, resume and application. We have information about what other states do on this and I think it is of some interest. This is not a way out law that we are proposing here.

It is something that at least 21 other states do it in some form or another. Many of those states limit to major policy making positions as we have here. Other states limit it to the last five that are chosen in an interview process. We similarly limit to after the formal interview process. There are

states where this has happened. We asked if there was information from anyone who opposed the bill and I am sure you have heard from the Maine Municipal Association, which does have concerns about the bill. We asked them to please give us any information from those states that have this law and any problems that have cropped up there. We didn't get the information from them.

I think there is strong policy reasons for enacting this law. There is a particular need when state and local money is being involved in these positions that people have a right to know who is actually being considered for them. We had a lot of testimony from people all over the state where very important decisions were made in complete secrecy and it was indeed the experience of many members of our committee that that had gone on in their own towns, whether it was the Police Chief or the City Manager. People had no idea who was being selected until after the selection was made. Clearly it is a balancing test between the privacy of the individual who is applying for a job and the right of the public to know.

We feel this bill very carefully makes that balancing test in an appropriate way. I just want to briefly address what I believe will be the big argument in opposition to this bill. I think you are going to hear from opponents to this bill that it causes a "chilling effect". I guess I would just counteract and say that the effect will be the "palombo effect". Let me just explain what those two effects are.

The "chilling effect" is the minute somebody finds out that someone is applying for a job out of their town, they are looking elsewhere, they immediately lose all credibility, lose their job and terrible things happen to that individual. The "palombo effect" says that when someone is very seriously being considered, the people whom they worked for, the University of Maine in the case of Joanne Palombo, may look twice at that person and say that we have a real jewel here and we ought to be treating better and recognizing the value of. I think you can argue either side of that.

The point is that right now information does leak out about who is applying for a job, but it is done in a very selective way. We have reporters that follow people around. They see someone with an out of state license plate and they follow them around to see where they are coming from. It is done on a very ad hoc basis. The proposal for the Judiciary Committee would regularize that and basically establish what the ground rules are, but do it in a very fair way.

In summary I would just like to say the committee worked really long and hard on this bill. We worked all sides of it. We had several work sessions and we thought about it very carefully. We limited the bill in lots of ways in terms of, the number of people it would apply to, the amount of information you can get about people and when you can get that information. We also limited it in we put in a sunset period. So we can hear back if there are any problems and the law will self-destruct within three years time if this Legislature does not affirmatively act to keep it on the books. That was an additional safeguard.

I believe a vote for the Majority Report is for better government, for open government, for accountability and essentially for your own

constituents access to information. I urge you to support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Mr. Speaker, Men and Women of the House: I rise to ask you to oppose the Majority "Ought to Pass" Report and support the "Ought Not to Pass" Report.

I have been involved in the hiring of town officials on the municipal level for many years from janitor to Town Manager. Never once have I had a member of the community, those people who are paying the bills, ask for access to that information. With all due respect to the journalists who think it is important to publish this information, I sincerely believe this bill will have a negative effect on the hiring process. I think there is a good possibility those effected by this legislation could lose some very good candidates if they, the candidates, knew this information would be public at the interview stage.

Put yourself in the position of being interviewed for a position. You are looking for an advancement in career, but you are content in your own job. You have a good job and now your name is being published in the newspaper. What is the effect going to be on your relationship with your current employer once he knows you are looking for a job and you don't get that job. I don't see a good reason to make these applications public and I think the people of this state will be the losers. I know there is a sunset provision on this bill, but there can be a lot of harm done before that sunset period. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Mr. Speaker, Men and Women of the House: I rise today to ask for your support of L.D. 366. I would like to take this opportunity to let you know of the four major benefits I see with this piece of legislation.

First, I think it would eliminate secrecy. Passage of L.D. 366 would allow the public to participate in the hiring process for government jobs. Public sector jobs are different than private sector jobs in that the tax paying public is paying for the hiring process and more importantly pays for the salary of the person chosen. The government employee is hired to perform services for the public on its behalf.

Secondly, it also strikes a balance between privacy interests of the applicants against the strong public interest in access to the information. By limiting the information available to those documents over which the applicant has total control. By restricting the time when the information would be released to after the interview. By narrowing the scope of the law to apply only to the finalist for certain jobs and when the information would be released.

Third, it would involve the public during the evaluation process and may reveal information about a potential candidate that would not have otherwise been available to the decision makers.

Lastly, the public's ability to independently judge the credentials of the applicant hired against the credentials of the other finalists is the basis for the public trust in the selection process. The choice of the person hired and ultimately in the ability of the person hired.

Thank you for your time and consideration and I hope you support the "Ought to Pass" recommendation of the committee. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: I am normally in favor of sunshine laws that open the governmental process to the public, but I take exception to it when it occurs in personnel matters, because I think there is an overriding consideration protecting individual privacy in those instances. I do believe and share the belief that this would reduce the qualified pool, because there is a stigma attached in not getting the job and I think there are people who would not want that information out.

In addition, I believe that you really harm that individual into depriving an unsuccessful candidate of that livelihood. Prior to coming to the Legislature, I served as the City Councillor in Bangor. I know of an instance when we were hiring for City Manager when there were six applicants who would have been forced to have had their applications be known to the general public, because of an overzealous reporter in this instance. He called the home town newspaper and later followed up with a call to City Hall about a candidate that was an unsuccessful applicant. That man lost his job.

I think that story would be repeated over and over. Not only will it harm that individual, but it will harm the towns in this state who are unable to attract qualified applicants because they fear that kind of situation. I would urge you to vote against this.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Mr. Speaker, Men and Women of the House: I rise in opposition to the Majority Report and urge you to vote against the pending motion. Any of you that participate as an elected municipal official and try to hire School Superintendents or Town Managers you know how difficult the process is. I have done that in more cases than I care to remember. They are almost always frustrating and never as successful as you would want them to be.

I would just bring up several points on this. The people that appeared in favor of this at the hearing was the press association, the newspapers. What you have seen is repeated editorials throughout the state over the past month or so, despite what the good chairman from Gardiner has said. There were no other people at the hearing. The only people that appeared in favor of this was the newspapers. No one else.

I would suggest also the difficulty of this process is one that is supported by our local town government in the sense that we elect town officials and we ask them to do certain things. There are several things that the bigger group cannot do. One of those is hire an executive to do something for the assembled group and the other is negotiate labor contracts. We don't do those as a large group. We elect other people do it for us. This proposal would intercept or interrupt that process. Municipal hiring practices are open to citizens of the municipality as they want them to be. No hiring process is perfect.

There are several remedies that do not cause the applicant to pull the shrink as L.D. 366 will do.

Towns and cities in Maine can get professional assistance in the job search process from the Maine Municipal Association and the Maine School Management Association and other professional employment specialists. People who are appointed to fill municipal positions are generally placed on probation for at least six months, so their performance in the job can be evaluated before the person is placed on permanent status.

Municipal employees can be removed from their job for just cause by municipal officers. Municipal officers are elected by the citizens to carry out the work of appointed people to fill municipal positions. If the citizens believe that municipal officers are doing a poor job in their appointments, they can vote for new municipal officers. That I would suggest is the ultimate solution to any problem created in the municipal level. Many municipalities include members of the public on search committees. This is a rising trend.

Using municipalities home rule authority, citizens can choose to enact local ordinances to require disclosure of the applicants name, resumes of applications based on the experience of their municipality. L.D. 366 is an unwarranted intrusion by the state on the municipalities ability to govern themselves. Local citizens are now well equipped to change the municipal hiring practice, if they believe it would better serve the municipalities needs. Why should the state make this decision for them. To me this is an issue of local control. There is no outstanding or overriding state interest here. If we were talking today just about the state's employees, I would probably favor this. We are essentially talking about the states interest in mandating on the municipalities that they have requirements to provide this material to the newspapers. The state, in my opinion, has no overriding interest here.

Finally, the existing law strikes the right balance and provides relevant information about the so called "chilling effect" on potential applications. I would ask that you vote against the pending motion "Ought to Pass". Mr. Speaker, I further request a roll call vote on this.

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

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I also ask that you oppose the pending motion. I respect the information that was provided by the Representative from Gardiner, Representative Treat on this bill. I understand this is a Majority Report, however, I have given this issue a great deal of thought, as I know many people have. I have also talked with several people from my city who have been and currently are involved in a hiring process. I believe that this bill will actually be detrimental to that process. I would like to tell you why.

I do believe there will be a "chilling effect". I don't have statistics to show you. I know that you have heard that statistics haven't been forthcoming, but I would suggest that common sense would say that. The public deserves the very best in terms of people hired to serve them. I think the bill would deter some people or could deter some people from applying.

City Managers and School Superintendents and other are professionals with very specific education

skills. Most of these professionals apply for positions in larger school districts or larger cities while they are still employed. Many do not want their employers or co-workers to know that they are seeking a new job. I'm like the Representative from Bangor, who usually votes for the sunshine bills. Usually I am in favor of public access. However, it is a balancing test. In this case I believe that common sense would suggest that keeping the law as it is and maintaining the confidentiality is in the best interest of the people of the state.

I understand there has been a concern about the secrecy. I, again, would reemphasize that most of the people making the decisions, if not all, are people that are elected officials, whether they be school committee members, city councilors or town councilors. These people have been elected to do a job and part of their job is to hire and fire those individuals and I would suggest that they are just doing that job.

For all these reasons, I plan to vote against the pending motion and I would encourage you to do the same. Thank you.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I, too, rise to ask that you vote against the pending motion and later support the motion "Ought Not to Pass". Some of what I have to say will be repetitious, I beg your indulgence here.

During our public hearing on this document, it is true, the only people there speaking in favor of it were the press association. I can tell you that I have never heard any citizen in my community tell me they think they need access to this information that is coming in of people being granted interviews for jobs. The major argument of the press association was that somehow with their scrutiny bad hiring will be avoided. Anecdotal we were told of situations where individuals were hired and perhaps background information had been gathered and they might have not been hired.

I would just submit to you that the press probably should not be a partner in municipal or county or state hiring practices. In some ways I see them as more of advisory. Certainly we should not be relying on the press to find out the backgrounds of candidates. I think elected officials, that is their job, to find out if the candidates we are interviewing are the most qualified. As far as opening the process, I would submit to you, this is a very open process. I have served on local government and often we will appoint a citizen's panels in a hiring process. If we are not appointing citizens panel, then it is us as the elected officials.

I think it is a very public process which respects the right to privacy of all those individuals who do not get the job. You have heard that the only documents open is the resume and the letter application, but what is really open in this case is the privacy of the individuals applying for the job. Lets face it, in the end, one person is going to get it and lets say six interviews were granted, that means five people didn't get the job. The whole world will know they applied for it. That whole world includes their current employer and I do say would put them in some serious jeopardy.

I think that the issue is most simply discussed this way. By passing this bill, we can inject the media into the hiring process and create the sort of

circus that we often see, such as the current confirmations going on for the surgeon general or you can vote against the pending motion and respect the rights of privacy of those individuals who simply wish to further their career or better their lives and the lives of their families and know if you do vote against this the person getting the job will come under that hot light of scrutiny, as they deservedly should be, but only the individual who gets the job. You won't have all this collateral damage in the private lives of other individuals.

Again, I urge you to vote against the pending motion. Thank you.

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 Bar Harbor, Representative Jones.

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House: I was thinking about going out and getting my hair cut today and shaving my mustache back and wearing a nice suit so I could look like all the people who have been opposing this legislation. It is amazing what one piece of legislation will generate in money that is dumped into lobbyists. It is really very impressive. I was quite stunned.

In 1988 the Law Court in Maine decided that we had absolute access to all information concerning public candidates for positions. What we did in 1989 was we came in and told the locals, municipal, state and county governments that you can make this a secret process. We are legislating secrecy. Over the weekend I was trying to think of what other place have we legislated secrecy. We said you can make this a secret process. Lets make it a back door thing. You can go in the back door and get hired. You can be the cousin or the uncle. We don't find out about it until the final person stands up.

The unwanted intrusion by the Legislature was done in 1989 when we made this a secret process. What we are trying to do is to not make it as wide open as it was in 1988, but open the door a crack. Our major policy making hires should be known to the public. What we are doing is very patronizing to the people of the state of Maine, to say you have no input into this hiring process, except to elect the officials. We are elected. When we bring commissioners on board, their closets are wide open. It should be no different at any other level of government. When it is the closest to us, the Police Chief and the Town Manager, then it is secret. As it gets farther away from us in the political chain, it is more open. It seems like the reverse should be true.

It is true that the MMA has lobbied against it. It is true the press association has lobbied for it. There was no instance of a "chilling effect" showed to our committee, in fact, it was just the opposite. What was shown was during that 1988-1989 swath, a Fire Chief was hired in the greater Portland area and when the phone calls were made to those individuals five or six years later they said we were very glad that they are out in the open. We are public officials and we should have our closets open to the public.

In fact, these people were congratulated that they were finalists in this major area.

The illusion that the Chair of our committee pointed out the "palombo effect" is true in my home town. I know if the Town Manager wanted to leave and I found out about it, I would be down there doing anything I could to keep him in my town. I think he is the best Town Manager in the state. I just don't think that we should be legislating secrecy. That is what we did in 1989 and what I want to do is open the door a little bit. It is not as wide open as the Law Court allowed, in fact, the Law Court allowed us to go in and restrict it, Bangor Daily vs. Bangor. What we did is we slammed the door shut. We went from a wide open process to an absolutely shut down tight process. This just opens the door a crack to a major policy making people.

This is important to the people of Maine. It is being told as a press story. The press are behind this, but really we are looking out for the people of our state. We are really looking out for them. I urge you to accept this 10 to 3 bipartisan Majority "Ought to Pass" Report. Thank you.

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

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to this afternoon to support this "Ought to Pass" motion. I want to address the issue from the perspective of my own experiences. I also wanted to point out that there is a sunset provision, I understand, on this bill and if it is true there is a problem, we can not continue the law. I don't think there would be a "chilling effect". I think people would get used to it and understand it and it would just be a regular, routine part of the process.

I personally have been involved in two situations lately, where people have been promoted to the positions of commissioners of extremely important departments in government. I think if people had access to the information early on, when they were nobodys and unknowns, that people would have had a lot of information and could have made better choices back then. The people that eventually became commissioners of these various departments would never have risen to that level.

I think we are all familiar with the expression about Murphy's Law and rising to the level of their incompetence. I can testify that has happened and we have some commissioners of departments that have risen beyond their level of competence. If people had been able to access this information early on in their careers, they would not have been promoted. In particular I want to point out that my local community of Glenburn is searching for an Assistant Superintendent and one of the primary reasons we are currently looking for an Assistant Superintendent is because we are extremely unhappy with our current Superintendent. We have decided to hire another bureaucrat.

The current Superintendent decided not to go on a wide search for this new position. He decided only to run an ad twice in two different newspapers. He also decided not to put it under the education column. It is under the general column. Therefore, we have only had five applicants for this position. All five applicants happen to be very good friends with the current Superintendent. Guess who gets to pick who is going to be selected as our Assistant Superintendent.

This position of Superintendent is extremely important to our 700 children in our public school. For one thing that Assistant Superintendent is likely to be our permanent full-time Superintendent when our current one retires in two years. In addition that Assistant Superintendent is going to be responsible for about \$3,000,000 budget which is close to 75 percent of the entire town budget. The Town Councilors and other people in the community would like to have access to the information about which people are being considered to be choices to be selected for our Assistant Superintendent.

I want you to bear in mind that this is freedom of information that the positions these people hold are extremely important and that they are promoted from one position to another position and eventually to commissioner of various departments. I think if we have the information early on we could make informed decisions for all the people in our communities and our state. Thank you very much.

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

Representative CAMERON: Thank you Mr. Speaker. I find this debate rather interesting. We hear about better informed decision making. There is nothing now as the law presently exists to prevent the people from actually doing the hiring to get all the information they need from the people who are applying for the job. I don't see where this bill makes any difference and any improvement. All I see this bill doing is an opportunity for a public blood bath for somebody's opinion.

We have an opportunity to try and convict somebody in the media and I still believe in the due process. If there is something wrong with the candidate, they have the same rights as I do and I think our society has an obligation to those people to maintain and secure their privacy. Just because they apply for a job in the public sector rather than the private sector, it escapes me why we should abandon all the laws that we all say that we all believe in, in protecting their privacy. I don't see where this law does anything to help the public hire better people, because the only way the public will have input is through the media.

Again, that is just a public blood bath as far as I am concerned with the individual having no right to defend themselves. The people that are doing the hiring are elected officials and that is why we elect them. We put our public trust in those people. Let them do their jobs as they are presently doing and all the debate this evening that I have heard no one say how terrible a person has been hired because of the system. The people that are doing the hiring now have all the access to all the information that they need. That doesn't provide anymore information, it just provides the opportunity for the media to air somebody's dirty laundry.

I don't think this serves the public well. I would really appreciate it if you would vote against the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative LINDAHL: Thank you. Can towns now release that information of perspective applicants if they wish? Thank you.

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

Representative HARTNETT: Thank you Mr. Speaker. In answer to the question, currently the way the law is written the communities can have as open a process as they want. If they want to run advertisements in newspapers, these are the twenty people who sent applications in answer to our jobs or want ads, they certainly are able to do that. This bill would tell communities that you have to do it. We might all get a big thrill out of that, but for local government it would be kind of a disastrous mandate over time.

There is one other issue I wanted to mention. The subject came up about freedom of information. This is clearly not a freedom of information you are making. If it were, this bill would include all the employees that work at any level in any department of government. Interestingly as the bill was proposed no one in the educational establishment was included in this scrutiny. The reason why, I suspect, that it was because we would have just been overwhelmed by our teacher's union and superintendent's groups saying that you can't possibly pass this bill.

We are kind of limited to municipal, county and state employees. I will tell you an amendment superintendents were included in this. I am a bit disturbed by that, because they would have been at this public hearing, if they had known they would come under this scrutiny. I think we certainly would have seen their presence in the room and we didn't. Again, remember this is not the freedom of information. If it were, everything would be open.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I would just like to clarify a few things. In response to the concerns raised by the Representative from Rumford, Representative Cameron saying that there would be no information that would be presented that would any way change the decision and these are all elected officials making the hiring decisions. That is not actually the case. This bill applies to the local level which we are having a great deal of debate about, but it also applies to the state and county level.

With respect to the state level it would affect positions that are being hired by people who are not elected officials. I would like to give you an example. Just so that we can understand the ramifications of how this bill would work and why, I believe, and the majority of the committee voted for this bill.

This is not to pick on a particular commissioner or not, because this may have been an excellent decision, but when Commissioner Peet came into this state two weeks after she was hired for her position, she got rid of the top five management team in her department. A legitimate decision on the part of Commissioner Peet. I think and this bill agrees with it as the Majority Report has that there is a public right to know whether she is bringing five people from Connecticut that no one knows about or whether there is some competition to replace those positions and who those people may be. At least at the point when they come in for a formal interview.

It may be that the commissioner is only looking at someone that she has already thought about and is

only going to be one person that gets a final interview. That is up to her and that certainly could be up to a town too, if they had already decided who it was. That is legitimate public information to have some sense of where that commissioner is going in terms of policy, judgment and the kind of people that she is going to be interested in putting into that position and the strengths and weaknesses of those candidates.

It is not just a question of dirty laundry although I would say that if anyone has really dirty laundry, maybe the public ought to know about it. It is much more than that. It is a question of whether that person is the best person for the job and if there is more than one person seriously considered then their should be some public access to that information. If someone is that worried about their potential to hang onto their current job they could certainly withdraw before the point of the final interview.

The reason we came up with what we did was to come to the point where it was extremely serious consideration and I think it was the judgment of the majority of the committee that that persons reputation would be enhanced at that point, not in any jeopardy. They would be basically a finalist for the position. It wouldn't just be someone who has been rejected early on and everyone would find out about it.

These decisions right now are made in secrecy and they certainly are in my community. We know absolutely nothing about anyone who is going to be hired or being considered as City Manager until after the fact. I personally think that is the wrong way to go. This is public money and these are public positions and they are positions that are very important. I would comment that MSEA did not oppose it. They did not have any opposition to the state employee part of the bill. My sense is the opposition seems to be at the local level. I know people are very nervous about it, but, again, we tried to make decisions based on hard information that was presented to the committee. I urge that you support the Majority Report.

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

ROLL CALL NO. 96

YEA - Berry, Brennan, Bunker, Chartrand, Chase, Clark, Cloutier, Daggett, Desmond, Dore, Gates, Hatch, Heeschen, Johnson, Jones, K.; Joseph, LaFountain, Lemaire, Madore, Martin, Mitchell EH; Morrison, Perkins, Plowman, Pouliot, Povich, Richardson, Rosebush, Samson, Shiah, Simoneau, Stevens, Townsend, Treat, Volenik, Watson, Winn.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Chizmar, Clukey, Cross, Damren, Davidson, DiPietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Gamache, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Marshall, Marvin, Mayo, Mitchell JE; Murphy, Nadeau, Nass, Nickerson, O'Neal, Paul, Peavey, Pinkham, Poirier, Poulin, Reed, G.; Reed, W.; Rice, Robichaud, Rowe, Savage, Saxl, J.; Saxl, M.; Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson,

Tripp, Tufts, Tuttle, Tyler, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Adams, Bouffard, Dexter, Fisher, Fitzpatrick, Jacques, Lemke, Look, McAlevey, McElroy, Meres, O'Gara, Ott, Pendleton, Ricker, Rotondi, True, Truman, Vigue, The Speaker.

Yes, 37; No, 94; Absent, 20; Excused, 0.

37 having voted in the affirmative and 94 voted in the negative, with 20 being absent, the Majority **"Ought to Pass"** as amended Report was not accepted.

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

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

On motion of Representative REED of Falmouth, the House adjourned at 5:55 p.m., until 9:30 a.m., Tuesday, May 17, 1995.