

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
50th Legislative Day
Wednesday, May 31, 1995

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

Prayer by the Reverend George Atkinson, Westport Baptist Church.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 175)
Maine State Senate
State House Station 3
Augusta, Maine 04333
May 30, 1995

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

Please be advised that the Senate today Adhered to its former action whereby it Indefinitely Postponed Bill and Accompanying Papers on Bill "An Act to Fund Drug Abuse Resistance Education (DARE) by Increasing the Tobacco Tax by 1.5 Mills" (H.P. 1007) (L.D. 1418).

Sincerely,
S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-178) on Bill "An Act to Clarify Immunity from Civil Suit for Volunteer Activities" (S.P. 128) (L.D. 320)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-178).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-178) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 1, 1995.

Divided Report

Six Members of the Committee on Human Resources on Resolve, Requiring the State to Fulfill Its Commitment to Provide Adequate Mental Health Services for Senior Citizens in the Eastern Maine Area (EMERGENCY) (S.P. 35) (L.D. 65) reporting in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-165)

Signed:

Senator:

Representatives:

PINGREE of Knox

FITZPATRICK of Durham

JOHNSON of South Portland

SHIAH of Bowdoinham

ETNIER of Harpswell

JONES of Bar Harbor

Six Members of the same Committee on same Resolve reporting in Report "B" that the same "Ought Not to Pass"

Signed:

Senators:

Representatives:

PENDEXTER of Cumberland

BENOIT of Franklin

JOYNER of Hollis

MARVIN of Cape Elizabeth
WINGLASS of Auburn
LOVETT of Scarborough

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

Was read.

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Improve Access to Corporate Tax Data" (S.P. 457) (L.D. 1253)

Signed:

Senators:

HATHAWAY of York

FERGUSON of Oxford

CAREY of Kennebec

Representatives:

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" as amended by Committee Amendment "A" (S-189) 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.

Representative DORE of Auburn moved that the House accept the Majority "Ought Not to Pass" Report.

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

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Strengthen Oversight of Medical Malpractice Insurance and Stabilize Premiums" (S.P. 458) (L.D. 1254)

Signed:

Senators:

ABROMSON of Cumberland

SMALL of Sagadahoc

Representatives:

CAMPBELL of Holden

GUERRETTE of Pittston

JONES of Pittsfield

LUMBRA of Bangor

VIGUE of Winslow

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-186) on same Bill.

Signed:

Senator:

Representatives:

McCORMICK of Kennebec

CHASE of China

GATES of Rockport

MAYO of Bath

SAXL of Portland

MITCHELL of Vassalboro

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

Was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of either Report and specially assigned for Thursday, June 1, 1995.

Non-Concurrent Matter

Bill "An Act to Require Firearm Hunters to Wear Blaze Orange" (H.P. 586) (L.D. 796) on which the Majority "Ought to Pass" as amended Report of the Committee on Inland Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-264) in the House on May 24, 1995.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Inland Fisheries and Wildlife read and accepted in non-concurrence.

The House voted to Adhere.

ORDERS

On motion of Representative HATCH of Skowhegan, the following Joint Resolution: (H.P. 1109) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BENEDIKT of Brunswick, BERRY of Livermore, BIGL of Bucksport, BIRNEY of Paris, BISULCA of the Penobscot Nation, BOUFFARD of Lewiston, BRENNAN of Portland, BUCK of Yarmouth, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CHARTRAND of Rockland, CHASE of China, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DAMREN of Belgrade, DAVIDSON of Brunswick, DESMOND of Mapleton, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, DRISCOLL of Calais, DUNN of Gray, ETNIER of Harpswell, FARNUM of South Berwick, FISHER of Brewer, FITZPATRICK of Durham, GAMACHE of Lewiston, GATES of Rockport, GERRY of Auburn, GIERINGER of Portland, GOOLEY of Farmington, GOULD of Greenville, GREEN of Monmouth, GREENLAW of Standish, GUERRETTE of Pittston, GWADOSKY of Fairfield, HARTNETT of Freeport, HEESCHEN of Wilton, HEINO of Boothbay, HICHBORN of Lagrange, JACQUES of Waterville, JOHNSON of South Portland, JONES of Bar Harbor, JONES of Pittsfield, JOSEPH of Waterville, JOY of Crystal, JOYCE of Biddeford, JOYNER of Hollis, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of Windham, LABRECQUE of Gorham, LaFOUNTAIN of Biddeford, LANE of Enfield, LAYTON of Cherryfield, LEMAIRE of Lewiston, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, LOVETT of Scarborough, LUMBRA of Bangor, LUTHER of Mexico, MADORE of Augusta, MARSHALL of Eliot, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, MERES of Norridgewock, MITCHELL of Vassalboro, MITCHELL of Portland, MOORE of the Passamaquoddy Tribe, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, NASS of Acton, NICKERSON of Turner, O'GARA of Westbrook, O'NEAL of Limestone, OTT of York, PAUL of Sanford, PEAVEY of Woolwich, PENDLETON of Scarborough, PERKINS of Penobscot, PINKHAM of Lamoine, PLOWMAN of Hampden, POIRIER of Saco, POULIN of Oakland, POULIOT of Lewiston, POVICH of Ellsworth, REED of Falmouth, REED of Dexter, RICE of South Bristol, RICHARDSON of

Portland, RICKER of Lewiston, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, ROTONDI of Madison, ROWE of Portland, SAMSON of Jay, SAVAGE of Union, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, SIMONEAU of Thomaston, SIROIS of Caribou, SPEAR of Nobleboro, STEDMAN of Hartland, STEVENS of Orono, STONE of Bangor, STROUT of Corinth, TAYLOR of Cumberland, THOMPSON of Naples, TOWNSEND of Portland, TREAT of Gardiner, TRIPP of Topsham, TRUE of Fryeburg, TRUMAN of Biddeford, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham, UNDERWOOD of Oxford, VIGUE of Winslow, VOLENIK of Sedgwick, WATERHOUSE of Bridgton, WATSON of Farmingdale, WHEELER of Bridgewater, WHITCOMB of Waldo, WINGLASS of Auburn, WINN of Glenburn, WINSOR of Norway, YACKOBITZ of Hermon, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BERUBE of Androscoggin, BUSTIN of Kennebec, BUTLAND of Cumberland, CAREY of Kennebec, CARPENTER of York, CASSIDY of Washington, CIANCETTE of Somerset, CLEVELAND of Androscoggin, ESTY of Cumberland, FAIRCLOTH of Penobscot, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, HATHAWAY of York, KIEFFER of Aroostook, LAWRENCE of York, LONGLEY of Waldo, LORD of York, McCORMICK of Kennebec, MICHAUD of Penobscot, MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, PENDEXTER of Cumberland, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc, STEVENS of Androscoggin)

JOINT RESOLUTION IN MEMORY OF MARGARET CHASE SMITH

WHEREAS, Margaret Chase Smith, who died at her home in Skowhegan, Maine on May 29, 1995, was a great and noble American from the State of Maine; and

WHEREAS, Margaret Chase Smith served in Congress for 32 years and was perhaps best known for her "Declaration of Conscience" speech before the Senate in 1950; and

WHEREAS, Margaret Chase Smith was the first woman ever to be elected to the United States Senate and nominated for the United States presidency; and

WHEREAS, Margaret Chase Smith was born in Skowhegan, Maine in 1897; was a teacher at the Pitts School; and worked at the Independent Reporter, a weekly newspaper in Skowhegan; and

WHEREAS, Margaret Chase Smith campaigned vigorously for her husband, Clyde H. Smith, in the 1936 and 1938 elections for Congress and ran for his seat after his death, winning the general election in 1940 and serving 5 terms in the United States House of Representatives, where she maintained a perfect attendance record; and

WHEREAS, Margaret Chase Smith was known in the Senate as "the Lady from Maine," recognized by the single red rose on her suit jacket every day; and

WHEREAS, Margaret Chase Smith's interest in world affairs and military preparedness was demonstrated by her service on the House Naval Affairs Committee during World War II; by her role as a leader on the Senate Armed Services Committee; and by her efforts to seek permanent status in the military for women; and

WHEREAS, Margaret Chase Smith, after retiring from political life, became a visiting professor and lecturer with the Woodrow Wilson National Fellowship Foundation; and

WHEREAS, Margaret Chase Smith has welcomed thousands of visitors to the library that bears her name, advancing the education of schoolchildren; and

WHEREAS, Margaret Chase Smith was awarded the Presidential Medal of Freedom, the highest honor given to a civilian; and

WHEREAS, it is the desire of the Members of the Senate and the Members of the House of Representatives and the citizens they represent to formally recognize the accomplishments of Margaret Chase Smith and to express the high esteem and affection we have for this outstanding native of Skowhegan, Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, take this opportunity to honor Margaret Chase Smith and to recognize her distinguished service to the people of the State of Maine over many years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to her relatives as a tangible token of our high esteem.

Was read.

The **SPEAKER:** The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH:** Mr. Speaker, Men and Women of the House: In life and in memory, Margaret Chase Smith is Maine. A place where fairness, compassion, and conscience are fundamental beliefs of it's citizens. Maine and the nation have been blessed to have such a unique spokes person for these values. Nothing could symbolize more eloquently the spirit of Maggie Smith than her declaration of conscience speech in the U.S. Senate that said, enough to the malicious demagogue, Senator Joseph McCarthy. Her words would echo the greatness and forcefulness of Lincoln.

The following are brief excerpts from that speech, "I would speak as briefly as possible because too much harm has already been done with irresponsible words of bitterness and selfish political opportunism. I speak as simply as possible, because the issue is too great to be obscured by eloquence. I speak simply and briefly, in the hope that my words will be taken to heart. Those of us who shout the loudest about Americanism, in making character assassinations, are all too frequently those who by our own words and acts ignore some of the basic principles of Americanism, the right to criticize, the right to hold unpopular beliefs, the right to protest, the right to independent thought. The exercise of these rights should not cause one single citizen his reputation, or his right to a livelihood merely because he happens to know someone who holds unpopular beliefs. Who of us doesn't."

Forty-five years after the speech her declaration of conscience remains an exceptional relevant American document. One needs only to read the daily headlines to know how relevant. It has been a great honor for me to know this great lady as a dear friend. What a wonderful role model. The United States, Maine and Skowhegan, our home we share have lost a great treasure. May the spirit of Margaret Chase Smith never die. Mr. Speaker, in closing, I respectfully request when we adjourn for this day that we do so in the memory of Margaret Chase Smith.

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

Representative **LUMBRA:** Mr. Speaker, Ladies and Gentlemen of the House: Perhaps, more than any other individual, Margaret Chase Smith exemplified the State Motto, I Lead. She was the first woman ever to be elected in the U.S. Congress. She was the first woman ever elected to the U.S. Senate. She was the first woman to be placed in nomination as a presidential candidate by a major party.

In her 30 years in Washington D.C., Senator Smith earned a perfect attendance record and until 1981 she held the all time consecutive roll call record in U.S. history with 2,941 consecutive votes, and this despite the fact that there was not a ladies room in the U.S. Senate. But not content to be merely present during proceeding, Senator Smith took a leadership role.

She stood up against the communist witch hunts of Senator Joseph McCarthy with the declaration of conscience speech that proves to be as true today in these days of political correctness and vicious attacks on personal reputations as it was 45 years ago, this Thursday, when she delivered it on the floor of the U.S. Senate. Bare in mind that when she delivered that speech, taking on one of the most powerful members of the U.S. Senate at the time, she had been in the Senate only 17 months.

By inciting the wrath of Senator McCarthy, the junior Senator from Maine soon found she had a primary back home in Maine where McCarthy came to personally campaign against her. Nevertheless she won that race, 5 to 1 and the era of McCarthyism was closed for good. Always a good Republican, Senator Smith insisted on spending very little on her political campaigns, a quality that endeared her to her constituents who knew that they could count on her to continue in Congress. Her constituency extended far beyond Maine's borders, Americans from every state looked up to her as a pioneer and one of the nations greatest stateswoman. She has received no fewer than 95 honorary doctoral degrees and in 1989 was awarded the highest civilian honor, the presidential medal of freedom. She has been a role model for countless women as well as men who by her example have found the courage to stand up against the popular trend and speak out for what is right, not what is politically correct.

She was never a feminist and, in fact, resented being called a feminist. Her causes were those that were important to all people, regardless of gender. One of her favorite sayings was, "give to the world the best you have and the best will come back to you." Thank you.

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

Representative **JOSEPH:** Mr. Speaker, Men and Women of the House: Margaret Chase Smith, almost on this anniversary date of June 1, 1950, spoke out and in her speech she said, "I speak as a Republican, I speak as a woman, I speak as United States Senator and I speak as an American." I speak to you today about Margaret Chase Smith as a friend, as a mentor and as a role model. For as long as I could remember as a young child I went to Skowhegan, Maine during the summer to spend my summers with my Aunt Lucy Farrington Chives, who was a close friend of Margaret Chase Smith, although Margaret was seldom there because she was attending to other business dealing with her constituents and her responsibilities in Washington. I learned to admire her, even than. All of us should remember Margaret's courage, her

honesty, and her forthrightness, and in the book that she had given me at one time, her creed is "My creed is that of public service, must be more than doing a job efficiently and honestly, it must be a complete dedication to the people and to the nation with full recognition that every human being is entitled to courtesy and consideration."

That constructive criticism is not only to be expected, but sought. That smears are not only to be expected, but fought. That honor is to be earned and not bought." All of us who wish to serve the public and do so honorably should always remember her words and never forget her courage. Also as I was looking through the book as I have since the time it was given to me. It is said, "If a man had made the declaration of conscience, he would be the next president of the United States," and that's a quote of Brenard Buruck, June 2nd, 1950. May we all remember this great lady from Maine. May we all learn from this great lady from Maine.

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

Representative LEMKE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to put on the record one anecdote about Margaret Chase Smith which I think sums up why she truly was a great person. In March, a couple months ago, my wife and I went up to Skowhegan and at that time the Senator was bedridden, which it's just impossible to think of her as bedridden, but in no way was her spirit, her fire or her wit diminished one iota and we talked for some time. She was very interested, she asked about the legislature, she asked about various personalities in the legislature. She had such a great interest in government and government service. When it was time to go, my wife leaned over and said, it was a very courageous thing that you did standing up to Joe McCarthy than. She looked up, there was that fire through her eyes, that sparkle, and set that chin, that famous chin, and she simply said, "it had to be done," and that was it.

Margaret Chase Smith did what she believed had to be done. There's nothing republican or democrat, conservative or liberal about that, do what has to be done and she represented that Maine independence and character which honors us and honors the country. I just wanted to share that with you.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I, too, want to rise and tell you a little bit about the Margaret Chase Smith that I saw one day in Washington. There were six of us ladies who were going to a conference in Washington D.C. back in 1967. We belonged to an organization and one of those members was a friend of mine, Betty Withee, from Skowhegan. Betty has been a reporter from the Waterville Sentinel for a long time and she just recently retired. At that time we were much younger and energetic and one of the highlights of this trip was to meet with Senator Smith.

Well we traveled all night on the bus from Portland and arrived in Washington D.C. about 11 o'clock in the morning, very tired and very hot. We went to our hotel and Betty immediately splashed her face in water to cool it off, well within a few hours her face became very swollen. I also had a reaction from the water because I brushed my teeth and the inside of my mouth became very sore. Betty called Senator Smith just to tell her we were in town and

wanted to see her and in the conversation, Betty told her about the reaction she had. Senator Smith immediately made arrangements for Betty to be taken to the hospital to be treated for this reaction. Later during that trip, we were in the Senate Gallery, waiting for her and for others to assemble and soon an aide came in and told us that Senator Smith would be coming right in.

Naturally we expected that she would be coming onto the floor of the Senate, and soon there was a stir behind us and there was Senator Smith sitting in the row in back of us and began to talk, like one neighbor to another. It was a very down to earth presentation that she gave us, explaining what was going on, what would be going on and this was the lady from Maine who never lost her touch with people. Even on the campaign trail, she always had time to talk with anyone who wanted to speak to her. I traveled with her when I first went into politics, downeast quite a bit and I always found her always ready to talk to the common people of Maine. This is the Margaret Smith I will remember and this is the Margaret Smith that has provided the role model for all of us, not only women, but also for all of us who aspire to be in the public scene and shall we always remember her as a very fine gracious lady from Maine. Thank you.

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

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Some of you last evening may have had an opportunity on Maine television to watch a rerun of an interview that was conducted by Senator Smith and now Governor King. Angus King was doing the interview at the Margaret Chase Smith Library. The interview was done in 1989, in which she described at some length her career in politics as well as her involvement after her defeat in 1972. I thought it was quite fitting for the interview to be rerun and it brought back memories of Margaret Chase Smith as a politician, but also as a person.

In her legislative career, she made it clear that she was not a partisan, that she was neither, from her point of view, she was a moderate republican and that's why she ran and won her senatorial campaign against two governors of her own party and that's one of the reasons why she was attacked, in fact, by Senator McCarthy, as others were, because she was not conservative enough. As a matter of fact, in her bid for reelection for U.S. Senate, Senator McCarthy ran a candidate against her and of course, he was swamped, as a result of Maine deciding they didn't want to become a part of what was going on at that time in Washington. I recall Senator Smith from a different perspective, I was campaign manager for Elmer Violette when he ran against her in 1968, some of you may be aware that both of my parents are republicans, were registered republicans. My mother was active in supporting Mrs. Smith through her election days, including the 1968 election, even though I was working in Portland for Elmer Violette. In that race, some of you may remember, if you've been in politics that long or are old enough to remember, that Elmer Violette got about 42 percent of the vote and had done the best any candidate had done against her.

The following year I ran into Mrs. Smith who proceeded to lecture me about two things, one I had worked against her, and second that I had abandoned my roots. That never stopped, because as recent as 3

months ago, Mrs. Smith sent me a note, actually it was about Christmas time, and said that she really was sorry that I had not followed my mother's footsteps. I think that speaks a little bit about Senator Smith as a person, because she never forgot, she may have forgiven, but she never forgot. She was an individual who remembered when people did things for her, as well as she expected you to remember. There isn't a serviceman anywhere in this state who ever had a problem that didn't get it dealt with, with her office. I was telling the press yesterday, that I went to work for Senator Muskie at the same time she was in Washington and one of the things that you always knew whenever you got a letter and it was cc'd to Senator Smith that the person who had sent the letter would get a response from Senator Smith within 24 hours. It was a one sentence response. I received your letter and I'll be in touch.

The philosophy we had in our office was deal with the problem and then respond. The irony of all that is that every person you dealt with still remembered that Senator Smith had responded even though the issue had not yet been dealt with. She dealt with the individual's way of life or personal reaction as the way things ought to be done. It is the one thing that I think could be said of her, that so many of us forget, and in all the dealings that I had with her since her reelection bid in 1968, having known that I had worked so hard against her. That was never an issue, I was there representing Maine people and that was what she was doing, she knew I was working for Ed Muskie and that didn't bother her at all. That I think was the amazing part of this lady, that represented Maine for so long.

I will tell you another little story about her because a lot of people often wonder about why subsequently, she lost to Bill Hathaway. I have to go back to something that she said, and I never questioned it, but it may, in fact, be true. The thing that bothered her the most was not losing that election, because I think she had made up her mind that she was not going to run again, but then there was this out-of-state person who came to Maine to run against her. Her comments to me at one point was, that young whipper snapper from Massachusetts is not going to beat me and of course, she won. If you think about it, for those of you who remember that election, she really didn't do any work at all. At that point, she was not a partisan person, and she knew that Bill Hathaway would represent Maine well. That's the message I think that I remember about her, being as gracious in victory as well as in defeat. It seems to me that it is a legacy she leaves to all of us as an amazing person and one I hope that Maine history will treat very well and I know it will.

I think something that everyone ought to understand and one thing perhaps more than any other that she leaves in terms of legacy is not only to Maine people, but it is to women all over the United States, that she was willing to take the challenge, she was willing to be the first, it didn't bother her and she was willing to take the ribbing of being the only woman in the United State Senate. She did it well and she represented Maine extremely well and it's the type of thing that all of us and none of us in Maine should never forget.

The Joint Resolution was adopted and sent up for concurrence.

On motion of Representative POULIN of Oakland, the following Joint Order (H.P. 1108)

ORDERED, the Senate concurring, that Bill, "An Act Concerning Grandparents' Rights of Visitation and Custody," H.P. 364, L.D. 484, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative TREAT from the Committee on Judiciary on Bill "An Act to Extend to Businesses the Laws Concerning Protection from Harassment" (H.P. 275) (L.D. 377) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-328)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-328) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 1, 1995.

Ought to Pass as Amended

Representative CHIZMAR from the Committee on Legal and Veterans Affairs on Bill "An Act Regarding the Granting of Hotel Liquor Licenses to Establishments Located on Offshore Islands" (EMERGENCY) (H.P. 830) (L.D. 1161) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-330)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-330) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 1, 1995.

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

The House was called to order by the Speaker Pro Tem.

Divided Report

Majority Report of the Committee on Taxation reporting "**Ought Not to Pass**" on Bill "An Act to Implement the Recommendations of the Unorganized Territory Education and Services Fund Study Commission" (H.P. 404) (L.D. 539)

Signed:

Senator:

Representatives:

HATHAWAY of York
TUTTLE of Sanford
KEANE of Old Town
RICHARDSON of Portland
GREEN of Monmouth
DORE of Auburn
SPEAR of Nobleboro
DUNN of Gray
REED of Falmouth

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-321) on same Bill.

Signed:

Senators:

Representatives:

FERGUSON of Oxford
CAREY of Kennebec
TRIPP of Topsham
MURPHY of Berwick

Was read.

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

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

Divided Report

Majority Report of the Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-318) on Bill "An Act to Allow Earlier Awarding of Funding of Intervenor in Cases before the Public Utilities Commission" (H.P. 647) (L.D. 870)

Signed:

Senators: CARPENTER of York
CLEVELAND of Androscoggin

Representatives: KONTOS of Windham
ADAMS of Portland
TAYLOR of Cumberland
GIERINGER of Portland
O'NEAL of Limestone
POULIN of Oakland
LUTHER of Mexico
STONE of Bangor
HEESCHEN of Wilton
POIRIER of Saco

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

Signed:

Senator: HARRIMAN of Cumberland
Was read.

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

The Bill was read once. Committee Amendment "A" (H-318) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, June 1, 1995.

Divided Report

Majority Report of the Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-322) on Bill "An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties" (H.P. 715) (L.D. 972)

Signed:

Senators: HATHAWAY of York
FERGUSON of Oxford
Representatives: TRIPP of Topsham
TUTTLE of Sanford
KEANE of Old Town
RICHARDSON of Portland
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 Not to Pass"** on same Bill.

Signed:

Senator: CAREY of Kennebec
Was read.

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

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

Representative SIMONEAU: Mr. Speaker, May I pose a question through the Chair? I'm trying to find the amendment and I haven't read the bill quite frankly. Does this bill piggy back on the federal credit?

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

Representative DORE: Thank you, Mr. Speaker, Representative Simoneau, to be perfectly frank I think not, but I need to check, it has been awhile and I'm not looking at the bill since there was only one in the other body "Ought Not to Pass." I think Representative Dunn is rising to answer your question but before he rises, just let me finish. What we have done is significantly alter the cost. The initial bill, it was a bill put in for community planners, just to give you a little background, from the State, Maine Municipal and Maine Planners Association were supportive of it. The purpose was to give a financial incentive to restoring historic properties. The primary consideration, of course, is that now you don't have retail existing in most downtowns it's how to save those downtown community properties and it was to give a tax incentive for the restoration of those old commercial buildings, maybe to be used for less retail, but still preserved and maintained so that we would have a stable community downtown. How we did it, I think, I'm going to leave to Representative Dunn because I know that the initial bill was overly generous and we simply knew we didn't have the funds. That's the background of the bill.

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

Representative DUNN: Mr. Speaker, Ladies and Gentlemen of the House: The answer to Representative Simoneau's question is yes, it does piggy back the federal credit. It's 30 percent of the federal credit.

Subsequently, the Majority **"Ought to Pass"** as amended Report was accepted. The Bill was read once. Committee Amendment "A" (H-322) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, June 1, 1995.

Divided Report

Majority Report of the Committee on **Judiciary** reporting **"Ought Not to Pass"** on Bill "An Act to Expand Access to Medical Care by Encouraging Involvement of Retired Physicians, Podiatrists and Dentists" (H.P. 839) (L.D. 1170)

Signed:

Senators: MILLS of Somerset
FAIRCLOTH of Penobscot
Representatives: TREAT of Gardiner
LEMKE of Westbrook
RICHARDSON of Portland
JONES of Bar Harbor
LAFOUNTAIN of Biddeford
WATSON of Farmingdale

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-319) on same Bill.

Signed:

Senator: PENDEXTER of Cumberland
Representatives: PLOWMAN of Hampden
HARTNETT of Freeport

NASS of Acton
MADORE of Augusta

Was read.

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

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

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Require That Public Schools Permit Participation in School Activities and Classes by Students Who Are Receiving Home Instruction" (H.P. 1027) (L.D. 1442)

Signed:

Senators:

SMALL of Sagadahoc
ESTY of Cumberland
ABROMSON of Cumberland

Representatives:

AULT of Wayne
BARTH of Bethel
DESMOND of Mapleton
STEVENS of Orono
CLOUTIER of South Portland
MARTIN of Eagle Lake
LIBBY of Buxton
McELROY of Unity
BRENNAN of Portland

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

Signed:

Representative: WINN of Glenburn

Was read.

On motion of Representative MARTIN of Eagle Lake, 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. 284) (L.D. 772) Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1996" Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-181)

(S.P. 361) (L.D. 987) Resolve, Renaming Coves in St. George, Cushing and Friendship Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-179)

(S.P. 370) (L.D. 1047) Bill "An Act to Allow Towns to Register Vehicles on Loan through the Federal Excess Property Program without Local Title" Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-180)

(S.P. 376) (L.D. 1053) Bill "An Act to Ensure Mills Their Annual Supply of Logs and Wood Chips" Committee on **Agriculture, Conservation and Forestry** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-184)

(S.P. 381) (L.D. 1058) Bill "An Act to Abolish the Richmond Utilities District" Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-183)

(S.P. 522) (L.D. 1420) Bill "An Act to Permit Consumer-owned Utilities to Seek Rate Reductions" Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-182)

(H.P. 911) (L.D. 1287) Bill "An Act to Amend the Probate Code Regarding Conservatorship Funds and to Require Bonds for Out-of-state Conservators" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-327)

(H.P. 1014) (L.D. 1429) Bill "An Act Pertaining to the Purchase Deposit on Automobiles" Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-326)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, June 1, 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. 466) (L.D. 1262) Bill "An Act to Make Certain Changes to the Maine Juvenile Code" (C. "A" S-173)

(H.P. 1030) (L.D. 1449) Resolve, Authorizing the Town of Dennysville to Transfer a Certain Parcel of Property

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

BILLS IN THE SECOND READING

Bill "An Act to Authorize Municipalities to Pay Employees Biweekly" (S.P. 259) (L.D. 695)

Bill "An Act to Require That a Vacancy in a County Office Be Filled by an Appointee from the Same Political Party" (S.P. 390) (L.D. 1067)

As Amended

Bill "An Act to Amend the Maine Tree Growth Tax Law" (EMERGENCY) (S.P. 64) (L.D. 93) (S. "B" S-185 to C. "A" S-153)

Bill "An Act to Amend Real Estate Appraisal Licensing and Certification Laws" (S.P. 168) (L.D. 429) (C. "A" S-158)

Resolve, to Create the Teacher Retirement Advisory Committee (H.P. 761) (L.D. 1035) (C. "A" H-311)

Bill "An Act to Simplify the Licensure Requirements of the Board of Counseling Professionals Licensure" (H.P. 844) (L.D. 1175) (C. "A" H-317)

Bill "An Act Concerning Inspection at Sea" (H.P. 929) (L.D. 1310) (C. "A" H-320)

Were reported by the Committee on **Bills in the Second Reading**, read the second time, 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 as Amended and sent up for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (H.P. 680) (L.D. 931) (C. "A" H-314)

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

On motion of Representative MITCHELL of Vassalboro was set aside.

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

ENACTORS

Emergency Measure

An Act to Change the Commissions Payable to the State from Off-track Betting (S.P. 240) (L.D. 637) (S. "A" S-156 to C. "A" S-95)

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

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

Representative RICHARDSON: Mr. Speaker, May I pose a question through the Chair? The question is rather or not this bill provides for any net revenue to the general fund of the State of Maine from gambling beyond that which it supports directly the industry, that is the Harness Racing Commission or the services that are provided to the industry. I understand it provides money to them. My question is does it provide any revenue from this gambling to the State of Maine? Thank you.

The SPEAKER PRO TEM: The Representative from Portland, Representative Richardson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Richardson.

Representative Richardson: Mr. Speaker, Ladies and Gentlemen of the House: I realize this is going to proceed to passage, although I'm not going to vote for it on the emergency basis. The simple reality means that all track betting is growing in the State of Maine and it provides no revenue, net revenue, and I believe that's still the case with this particular bill to the general fund of the State of Maine. When people buy lottery tickets they pay a 34 percent tax to the State of Maine. When they gamble at an all track betting parlor, there is a percent of two or three that goes to the State of Maine, but it supports the Harness Racing Commission, veterinaries and track, county fairs, all legitimate ends and ones that I support, but there is no revenue above that for the State of Maine that I am aware of. If that's not the case now, I certainly would like to stand corrected on that, but I do believe that gambling in the State of Maine, which in this case I believe is appropriate and supports a vital industry that keeps agricultural interests going, ought also to support the general fund of the State of Maine. Thank you.

Representative MARTIN of Eagle Lake 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.

On motion of Representative STROUT of Corinth, tabled pending passage to be enacted and later today assigned. (Roll Call Ordered)

Emergency Measure

An Act to Authorize the Use of Loon Plates on Baxter State Park Authority Vehicles (H.P. 819) (L.D. 1150) (S. "A" S-175 to C. "A" H-259)

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 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding the Schedule of the Distribution of Funds from the Maine Environmental Trust Fund (S.P. 468) (L.D. 1264) (C. "A" S-132; H. "A" H-271)

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. 118 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, Joint Resolution (H.P. 1109) having been acted upon, was ordered sent forthwith.

Emergency Measure

An Act to Authorize the Town of Topsham to Increase the Amount the Town May Contribute to the Construction Costs of Sewers That Belong or May Later Belong to the Topsham Sewer District (H.P. 943) (L.D. 1332) (H. "A" H-290 to C. "A" H-269)

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. 125 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

Resolve, Requiring a Study of the State's Export Financing Services (S.P. 378) (L.D. 1055) (C. "A" S-167)

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. 126 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Task Force to Study Environmental Regulation Relating to the Paper Industry (S.P. 409) (L.D. 1097) (C. "A" S-169)

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

On motion of Representative KERR of Old Orchard Beach, under suspension of the rules, the House reconsidered its action whereby L.D. 1097 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-169) was adopted.

The same Representative presented House Amendment "A" (H-331) to Committee Amendment "A" (S-169) which was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: We just added an amendment for an allocation section with a fiscal note to this bill, that's all.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I'd just like to know Mr. Speaker what this bill actually does. I think we've probably had three or four bills this morning for studies. I'd like to know exactly what this bill does. I'm sure they've studied the paper industry inside out.

The SPEAKER PRO TEM: The Representative from South Portland, Representative DiPietro has posed a question through the Chair to anyone who might care to respond.

On motion of Representative MITCHELL of Vassalboro, tabled pending adoption of House Amendment "A" (H-331) to Committee Amendment "A" (S-169) and later today assigned.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1995 (H.P. 1097) (L.D. 1541)

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

On motion of Representative MITCHELL of Vassalboro tabled pending passage to be enacted and specially assigned for Monday, June 5, 1995.

Mandate

An Act Limiting the Types of Municipal Investments (H.P. 892) (L.D. 1245) (C. "A" H-262)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 21 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Limit Nuisance Actions and Noise Ordinances Relating to Sport Shooting Ranges (H.P. 60) (L.D. 96) (H. "B" H-274 to C. "A" H-251)

An Act to Protect the Integrity of Seawalls and Retaining Walls (S.P. 72) (L.D. 160) (H. "A" H-97 to C. "A" S-36)

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

An Act to Increase the Number of Primary Care Practitioners in the State (S.P. 119) (L.D. 294)

An Act to Amend the Child Labor Laws to Prohibit 14-year-old Minors from Working in Any Restaurant or Eating Place (S.P. 146) (L.D. 332) (C. "A" S-164)

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) (C. "A" H-241)

An Act to Apply the Hospital Cooperation Act of 1992 to a Broader Range of Health Care and Social Service Agencies (H.P. 548) (L.D. 744) (C. "A" H-266)

An Act to Add the Prohibition of False Official Statements to the Maine Code of Military Justice (H.P. 554) (L.D. 755)

An Act to Amend the Trust Fund Provisions of Cemeteries and Crematories (H.P. 561) (L.D. 762) (C. "A" H-248)

An Act to Exclude Services Provided by Home Stitchers from the Definition of Employment for Purposes of Unemployment Compensation (H.P. 688) (L.D. 939)

An Act to Require Special Care Program Disclosure by Entities Providing Alzheimer Care (H.P. 714) (L.D. 971) (C. "A" H-255)

An Act Regarding Liquor Licenses for Golf Courses (S.P. 348) (L.D. 976) (C. "A" S-155)

An Act to Amend the Law Dealing with Agreements for Recovery of Personal Property (S.P. 359) (L.D. 985) (C. "A" S-154)

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

An Act to Allow Part-time Police Officers to Acquire Liquor Licenses (S.P. 393) (L.D. 1081)

An Act to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements (S.P. 408) (L.D. 1096) (C. "A" S-150)

An Act to Provide Immunity for Clinicians Contracted by the State Forensic Service (S.P. 413) (L.D. 1136) (C. "A" S-166)

An Act Concerning Employee Leasing Companies (S.P. 418) (L.D. 1141) (C. "A" S-162)

An Act to Continue the State's Dioxin Monitoring Program (H.P. 823) (L.D. 1154) (C. "A" H-250)

An Act to Clarify Recent Amendments to the Laws on Guardianship and Conservatorship (H.P. 833) (L.D. 1164)

An Act to Correct a Fishing Zone Definition Error (H.P. 840) (L.D. 1171)

An Act to Modify and Update Certain Laws Pertaining to the Importation and Possession of Wild Turkeys (H.P. 855) (L.D. 1186) (C. "A" H-257)

An Act to Conform State Unemployment Compensation Laws to Federal Requirements (S.P. 437) (L.D. 1205) (C. "A" S-163)

An Act to Correct Certain Errors and Inconsistencies in Employer's Contributions and Coverage in Unemployment Compensation (S.P. 439) (L.D. 1207)

An Act to Amend the Maine Criminal Code to Ensure Fairness in Classifying a Crime Based on the Value of Loss or Damage (H.P. 879) (L.D. 1234) (C. "A" H-260)

An Act to Require County and State Inmates to Pay a Health Care Fee (H.P. 891) (L.D. 1244) (C. "A" H-270)

An Act to Authorize Certain Employees of the Department of Corrections to Use Deadly Force (S.P. 454) (L.D. 1250) (S. "A" S-149 to C. "A" S-133)

An Act to Clarify Notice Requirements and a Party's Opportunity to be Heard (H.P. 905) (L.D. 1281) (C. "A" H-249)

An Act to Correct Obsolete References to Justices of the Peace (H.P. 906) (L.D. 1282)

An Act to Remove Outdated Provisions from the Public Utilities Law (H.P. 908) (L.D. 1284)

An Act to Improve Public Access to the Maine State Museum (S.P. 483) (L.D. 1317) (C. "A" S-168)

An Act to Repeal Boards That Have Not Filed Annual Reports with the Secretary of State (H.P. 961) (L.D. 1350)

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 Exclude Short-term Health Insurance Policies in the Continuity Laws (H.P. 321) (L.D. 442) (H. "A" H-161 to C. "A" H-124)

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.

An Act to Exclude Certain Parks from the Definition of Mobile Home Parks (H.P. 372) (L.D. 507) (C. "A" H-142)

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

On motion of Representative MITCHELL of Vassalboro was set aside.

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

An Act to Prohibit Any State or Independent Agency from Establishing Private Accounts (S.P. 277) (L.D. 749) (C. "A" S-151)

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

On motion of Representative MITCHELL of Vassalboro was set aside.

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

An Act to Amend the Loring Development Authority Law (S.P. 304) (L.D. 843) (C. "A" S-159)

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

On motion of Representative MITCHELL of Vassalboro was set aside.

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

An Act to Authorize a Multi-day Bass Tournament Permit (H.P. 795) (L.D. 1112) (C. "A" H-253)

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

On motion of Representative UNDERWOOD of Oxford was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Thursday, June 1, 1995.

An Act to Expand Eligibility for the Maine Veterans' Homes (H.P. 938) (L.D. 1327)

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

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

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

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

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

Representative MARTIN: First of all, for the record, I'd like to have exactly what the bill does clearly explained and the second question related with that, have the veteran groups in Maine approved of those changes?

The SPEAKER PRO TEM: The Representative from Eagle Lake, Representative Martin has posed a couple of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I was not here for the public hearing, I was in taxation, but if my memory serves me correct what this does is expand the eligibility to certain Viet Nam veterans and veterans of the Desert Storm and things like that. It just gives them eligibility for the Maine Veterans Homes. I don't see the Chair of the committee here, but I believe this is what this bill does do. Maybe it better to table until later so we can look it up.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question. That is correct. The American Legion State of Maine Department asked me to put this bill in and that's exactly what it does.

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

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: More specifically I guess I should have asked the question as to whether or not the trustees of the Veteran's Home requested that change, or whether or not it came from "a special interest group"? The reason I ask that is because I've been involved in the creation of all the veteran's homes in Maine, as a matter of fact, the sponsor of the legislation and I have some concerns that that be done in cooperation with the board of trustees and if no one has that answer I would suggest that this be tabled so that we can determine whether or not the trustees, in fact, requested that change.

The SPEAKER PRO TEM: The Chair understands that the Representative from Eagle Lake, Representative Martin poses a further question through the Chair to anyone who might answer.

On motion of Representative CAMERON of Rumford tabled pending passage to be enacted and later today assigned.

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (S.P. 365) (L.D. 991) (H. "A" H-298 to C. "A" S-116)

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

On motion of Representative MITCHELL of Vassalboro, tabled pending final passage and later today assigned.

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

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

Senate Divided Report - Committee on Taxation - (12) Members "Ought Not to Pass" - (1) Member "Ought to Pass" as amended by Committee Amendment "A" (S-189) on Bill "An Act to Improve Access to Corporate Tax Data" (S.P. 457) (L.D. 1253) which was tabled by Representative DORE of Auburn pending her motion to accept the Majority "Ought Not to Pass" Report.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I went on this Report with Senator Mills dealing with the issue of disclosure of corporate tax data. We have appearing before the Taxation Committee businesses in Maine, large businesses, who make cases for various kinds of tax expenditures benefits to them or other benefits for them. They're good cases, and they are certainly cases that are taken seriously in many cases adopted by this legislature and by our government. We don't know much about the information that lays behind the request except for the general statement.

The president of one of Maine's progressive firms, Madison Paper Company, came to us on one of these bills and told us of the importance of it, which the committee in general agreed with, informed us on the question that they made 12 million dollars last year, that they paid 4 million dollars in real estate taxes in the Town of Madison, but could not recall the amount of corporate income tax that he paid to the State of Maine. Revenues, in fact, from the pulp and paper industry in the State of Maine have gone from 38 million a year, that is tax revenues to the state of Maine, of this major, major industry, have gone from 38 million in 1988 to 8 million last year. Approximately 20 pulp and paper mills in the State of Maine, that's an average of about \$400,000 per mill, but we know nothing about that. We can't craft good tax policies in the State of Maine without some base and knowledge of what the reality is. Many, many times major corporations come to our communities and ask for abatements of various sorts, I'm sure you're all familiar with that. The reality is, we still don't know the actual economic consequences of that. Many corporations come and ask and have been granted provisions for investment tax credit, but we have not attached to those investment tax credits provisions to provide for the security of jobs.

In fact, we may get tax credits that allow the installation of equipment that may decrease jobs in the State of Maine, but we know very little about that. Some states, Wisconsin is a primary example,

provide for basic disclosure for large corporate tax environments, Maine does not. This bill suggests it, and there are problems with the bill which is why it has to go down in defeat now, but this bill would have provided access to information so that we the legislature and of, course, the public would understand the implications of the tax policies that we do, and would be able to evaluate them better and know in fact what we were doing, to know the reality, the fiscal reality in the tax picture of large corporations. Maine does not belong to something called the Multi-State Tax Commission. I don't want to get lengthy into this, but the Multi-State Tax Commission is an organization, we are an associate member of it, not a full member, it's the organization that supervises and audits when multi-state corporations do their taxes and sell back and forth to each other that allocates revenues and expenditures fairly among the states.

Maine doesn't sit at that audit table so when auditors from other states evaluate what the correct allocation of revenue to expenditures is for tax purposes, Maine is the odd state out. We're weak in that area as well. One other large corporation that I am aware of that has had a report that they buy back and forth between New Brunswick and Maine, Irving Oil, entities and commodities to achieve maximum tax advantage and, in fact, end up paying, we believe very little taxation, taxes, from a profitable corporation. I don't know the details of those things. We don't know the implications of a lot of these areas. We don't understand what it means for us to grant various kinds of incentives without being able to realistically appreciate what it means and the way to do that is to have some access to that corporate tax data. That was the purpose of this bill. I am going to not suggest that it go down under the hammer, because I urge the Secretary of State to try to clean up technical problems in the issue realizing it's ultimate fate. The issue wasn't mine to raise, but once it came before the Taxation Committee and sitting day in and day out and listening to good programs being presented without a clear understanding of the financial or tax implications of those programs, often times by large corporations, concern me a great deal.

How could we craft a good tax policy when we did not have a full understanding of the details of that? This bill didn't call for any entry into the mom and pop area of privacy in corporate tax information. It was looking to the larger corporations. It was not even achieving what was Wisconsin achieves as it has that information and with it has been able to set up an environment very similar to our own thoughtful tax policies, at least from what I read. So I suggest that the bill go down, but I wanted to place on the record the comment about how little we know and how little we are at the table Multi-State Tax Commission when vital auditing and knowledge decisions are available and being presented so that we can craft good tax policy. I think the time will come when Maine will have to be more knowledgeable about that and than be able to craft, for instance, investment tax credit policy that legitimately and forthrightly augment jobs in Maine.

Maine provides in excess of 300 million dollars of tax expenditures for businesses and they are increasing. The largest part of that is property use

and production which nobody seriously questions. Nevertheless there are large incentives for businesses, tax expenditures, not arguing the case for or against any of them. I'm simply saying we don't know enough and this bill, had it been properly crafted would have helped us like Wisconsin to understand that.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I truly believe that if this bill had passed, that we would be getting into information that would be harmful in the competition world of our businesses and that's what we heard when this bill came before the Taxation Committee. I certainly agree with the Representative from Portland that our tax policy is in a disarray and we do need to look at every single thing, but I think that if we put the message out there that we are going into the tax data or the data for some of these corporations that we'll certainly finish off what corporations we have left in Maine and none will be moving into the state. Thank you.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: The majority of the committee felt strongly that this wasn't the appropriate vehicle to deal with the issue of, do we have enough information and there is, in fact, a valid issue about whether or not we are getting enough information to make informed decisions about tax policy in areas where we do tax incentives. I would like to point out, however, that the paper industry in the United States has been making no money since 1988. It isn't Maine, it isn't New England, it's the paper industry in the United States.

I can't speak for the global market and that is absolutely the truth. We also since 1988, in Maine, and this is important because it's in Maine have offered a tax incentive that has written off a lot of their corporate income tax. That tax incentive is called the investment tax credit and it is worth multi-millions of dollars a year and we did it because during their losing years, we wanted to address the issue of what do we do about high personal property tax. This is how we addressed it and I didn't favor it in the beginning, I favored it ever since then because it's a five year write off every time someone makes an investment. I do believe the result has been a lot of investment by the paper industry in Maine. Representative Richardson is absolutely on point when he said some of that investment is resulted in a reduction not an increase in jobs. Every time you modernize you decrease the number of employees. We'd just rather have them modernize here than somewhere else, but make no mistake, that modernization has not led to more jobs, it's led to fewer jobs. It's just that we've now got those dollars in Maine screwed into our paper mills, into our walls, rather than somewhere else.

I'm going to encourage you to support the Majority Report but at the same time, I would like to tell you something I think Representative Richardson is fundamentally right about, and that is that we ought to be members of the Multi-State Tax Commission and that important decisions are being made there and if for no other reason, I'm glad he made this speech to draw the attention of the entire body to how important it is to know what your other competitive

states, that house the same corporations you do, are doing and how they are voting and you ought to have a voice in those formal alliances of those states that house the same corporations. Thank you very much.

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

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

On motion of Representative JACQUES of Waterville the House recessed until 6:00 p.m.

(After Recess)

Under suspension of the rules, members were allowed to remove their jackets.

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

SENATE PAPERS

Bill "An Act to Extend the Workers' Compensation Deficit Evaluation Proceeding" (EMERGENCY) (S.P. 579) (L.D. 1556) (Governor's Bill)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-203).

(The Committee on Reference of Bills had suggested reference to the Committee on **Banking and Insurance**.)

Under suspension of the rules and without reference to a Committee, the Bill was read once. Senate Amendment "A" (S-203) was read by the Clerk and adopted. Under further suspension of the rules, the Bill was given its second reading and passed to be engrossed as amended in concurrence. Ordered sent forthwith.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (11) **"Ought Not to Pass"** - Minority (2) **"Ought to Pass"** as amended by Committee Amendment "A" (S-170) - Committee on **Transportation** on Bill "An Act to Broaden the Scope of the Farm Registration Laws to Include Farm Woodland Trucks" (S.P. 243) (L.D. 640) - In Senate, Majority **"Ought Not to Pass"** Report read and accepted.

TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

Representative O'GARA of Westbrook moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I rise to present the Minority Report on this bill. I encourage you to think about this and vote against the Majority **"Ought Not to Pass"** Report.

My colleagues and I on the Transportation Committee usually issue undivided reports, but on this one we had a difference of opinion and two of us believed there were enough merits in the original bill to amend it and send it to the floor in order to help the small group of people in Maine who could profit from this bill. We're basically talking about people with small wood lots who currently have to register trucks that carry wood as full commercial vehicles, whereas, people who farm other crops in Maine, such as carrots or pumpkins or what have you, can benefit from the farm registration laws which give them a significantly reduced registration fee so that they can afford to have trucks to carry their crops to where ever they are going.

For a long time wood has not been acknowledged under those laws as one of those crops that somebody could register a farm registration truck. This bill doesn't put it under the farm registration laws, but makes a separate category called farm woodland truck, which would allow people to have the same reduced registration fees, but a little more stringent inspection and weight restrictions so it wouldn't be abused. Basically, trucks registered under this section could not be over 35,000 pounds gross weight and they would have to undergo complete commercial inspections. These aspects of the amendment dealt with most of the opposition we heard from the Department of Motor Vehicles during the hearings, but there still was a feeling that allowing this would open some small loophole that might be abused later. I really believe that the restrictions in the amendment will take care of that and also allowing only one of these vehicles per owner of the woodlot and requiring that those owners only harvest wood from their own lot using that truck, takes care of most of the arguments we'd have against this bill. I'd encourage you to vote against the Majority "Ought Not to Pass" Report and then move to accept the Majority as amended "Ought to Pass" Report.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: The previous Speaker is correct the Transportation Committee does usually send out unanimous Committee Reports. This one was 11 to 2 as the previous speaker has said and I would just give you three very short items as to why we feel even with the amendment there are still some problems.

Number one, it will be difficult to determine if a vehicle qualifies for registration at the time of registration. How will the town or city clerk registering a vehicle know if the owner meets the definition of farm woodland owner? Enforcement will also be a problem, it would be very difficult to determine if a load of wood being hauled on a vehicle with a farm registration license or permit is, in fact, wood that came from the land owned by the farm woodland owner. Also although they are very minor, there are two relatively small losses to the highway fund of approximately \$15,000 in fiscal year 95/96 and \$20,500 in fiscal year 96/97, which comes as a result of vehicles currently registered as commercial vehicles switching to farm registration with lower fees. The department was quite vocal in their opposition to the bill, they do see it as presenting a lot of problems that are very difficult to maintain. They're frankly, I must tell you, that we did not have an overwhelming number of people. I

think there was only one person there that spoke in support of it. I would urge you please to support the Majority "Ought Not to Pass" Report. Thank you.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will follow the light of the good Chairman of the Transportation Committee, Representative O'Gara. This is the second time that this bill has been before us, each time was brought to us by the same person from the same place in the State of Maine. At very best, it may save that person a couple of hundred dollars a years and probably will not make or break his wood operation. I hope that you will follow the good Chairman's light. Thank you.

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

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: Although those arguments you heard are true, the same arguments would apply currently to all trucks registered as farm trucks, in other words, it is difficult to tell when they are registered if they are indeed going to be used as farm trucks. If a truck is on the road with a load, it is also difficult to determine where that load came from and where it is going, but we do allow that same openness to all farm trucks currently registered. Those are not unique to this bill. Although only one person came before us on this bill we did have testimony from small woodlot owners of Maine also and I think for that one person in Waldoboro who brought this bill before us is probably a few hundred in the state who would benefit from it and the benefit to their operation would far outway the small fiscal note on the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Just so you'll know what a small woodlot owner looks like, you're looking at one. Since I don't have a truck, this bill is not going to effect me, but I know some other small woodlot owners might benefit from it. Thank you.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: I, too, am a small tree farmer. I do have a truck. I do know other tree farmers who have a difficult time making a living because the cost of the licensing their truck and running it is extremely high. I voted for this bill to pass. Thank you.

The SPEAKER: A division has been requested. The pending question before the House is the motion to accept the "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 63 voted in favor of the same and 54 against, subsequently, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Bill "An Act to Clarify the Responsibility of an Insurance Agent in the Disclosure of Information" (H.P. 788) (L.D. 1105)

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-252) on May 17, 1995.
 - In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-252) as amended by Senate Amendment "B" (S-177) thereto in non-concurrence.
 TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Further Consideration.

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

SENATE DIVIDED REPORT - Report "A" (8) "Ought Not to Pass" - Report "B" (4) "Ought to Pass" as amended by Committee Amendment "A" (S-117) - Report "C" (1) "Ought to Pass" as amended by Committee Amendment "B" (S-118) - Committee on Utilities and Energy on Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs" (S.P. 149) (L.D. 335)

- In Senate, Report "B" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-117).
 TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative KONTOS of Windham to accept Report "A" "Ought Not to Pass."

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative KONTOS of Windham to accept Report "A" "Ought Not to Pass" and later today assigned.

Bill "An Act to Allow the Sale of Irradiated Food in the State" (H.P. 437) (L.D. 603) (C. "A" H-128)
 TABLED - May 30, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.
 PENDING - Passage to be Engrossed.

Representative KILKELLY of Wiscasset presented House Amendment "A" (H-329) which was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: First of all I appreciate the patience of the House while I was out sick in holding this bill because it is very important to me. I am presenting this amendment which would require the issue of removing the ban on irradiated food and irradiating food to go to referendum. I was asked earlier today why I would want to do such a thing and there were two reasons.

The first reason is I feel compelled to do it because of the people in my district that have been very clear to me that they are very concerned about the sale of irradiated food. They are concerned about the process of irradiating food in the state and they would like to have a say on whether or not that happens. The second reason is that I believe that there are a number of people across the state that do have concerns about the food that they eat and the food that they provide for their children and again would like to have an opportunity to have something to say about this. This gives them that opportunity. If the people of this state determine that the sale and the production of irradiated food in this state is a positive thing, whether it's from job creation or economic issues or anything else,

than so be it. If they choose not to do that than it won't happen and I think that that's appropriate, that we ought to give them that opportunity because this is something that is very basic, something that effects all of us in terms of the food that we eat, the food that we give to our families and they should have an opportunity for say in that. Those are the two reasons I present this and I would appreciate your consideration and certainly appreciate your support. Thank you.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: I live on the border, you all know that by now. Irradiated food is sold in New Hampshire. I have heard of no one being sick, injured or anything else in New Hampshire and I've had no one in South Berwick, Maine say anything against it. Thank you.

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

Representative KNEELAND: Mr. Speaker, Men and Women of the House: I stand tonight to ask you to vote against the pending motion. The cost of this would be over \$100,000 and this is quite a bill for the State just to put this out to referendum, so I ask you please to vote no on the referendum.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the pending amendment to L.D. 603. The committee voted for this bill, 10 to 3, the House voted once before 85 to 35 to accept the bill. It is a safe, reliable way of extending the life of many products. It will be a help to the potato farmer, it'll be a help to the retailer. I believe this enhances the economic conditions to the states in retail sales. We are shirking our duties by sending this out to referendum. Let's show the people back home that we can make decisions. Let's send this amendment packing and not play politics. I ask you to vote against this amendment. Thank you very much.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I'm not an expert on irradiated food, but I just want to say that I had over 30 calls on this issue from my district. There is a great deal of interest, at least in Portland, about this and I think that people want to have a say in this. They are very concerned and I think we should give them that opportunity. Thank you.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I urge you to support this amendment to send this out to referendum. I think if you really listen to your constituents you would know that they would probably like a chance to vote on this and they probably would not support removing the ban. As I mentioned earlier, a couple of weeks ago, there are still a lot of questions out there as to how safe this really is. We won't know until the long run, when we've all been guinea pigs for a multi-generation of experiments. As to the economics of this, I think that we're really going in the wrong direction because what enabling the sale of

irradiated food in the state will, in fact, open Maine up to more food from outside when we should be promoting the freshest possible local produce, locally to keep this money in the state in promoting our agricultural industry that way. So I do urge you to send this out to referendum.

Representative AHEARNE of Madawaska requested a roll call on adoption of House Amendment "A" (H-329).

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 adoption of House Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 122

YEA - Ahearne, Benedikt, Berry, Brennan, Bunker, Chartrand, Chase, Chick, Chizmar, Daggett, Desmond, Etnier, Fitzpatrick, Gerry, Green, Hartnett, Heesch, Johnson, Jones, K.; Joseph, Kilkelly, Kontos, Lemaire, Lemke, Luther, Meres, Mitchell JE; Ott, Paul, Peavey, Perkins, Plowman, Richardson, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Treat, Tripp, Tuttle, Volenik, Watson.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Cameron, Campbell, Carleton, Clark, Cloutier, Clukey, Cross, Damren, Davidson, Donnelly, Dore, Driscoll, Dunn, Farnum, Fisher, Gamache, Gates, Gieringer, Gooley, Greenlaw, Guerrette, Heino, Hichborn, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lumbr, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Murphy, Nadeau, Nass, Nickerson, O'Gara, Pendleton, Pinkham, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Taylor, Thompson, Townsend, True, Tufts, Tyler, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Adams, Buck, Dexter, DiPietro, Gould, Hatch, Lovett, Morrison, O'Neal, Povich, Strout, Truman, Vigue, Yackobitz, The Speaker.

Yes, 46; No, 90; Absent, 15; Excused, 0.

46 having voted in the affirmative and 90 voted in the negative, with 15 being absent, House Amendment "A" (H-329) was not adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-128) and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-273) - Minority (3) "Ought Not to Pass" - Committee on Natural Resources on Bill "An Act Concerning Ring Holding Devices Used in Packaging" (H.P. 940) (L.D. 1329)

TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

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

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative GOULD of Greenville to accept the Majority "Ought to Pass" as amended Report and later today assigned.

An Act to Reimburse Former Temporary Hearing Officers of the Workers' Compensation Board for Lapsed Vacation Time (S.P. 234) (L.D. 599) (C. "A" S-88)

TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative JACQUES of Waterville, 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)

TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative MARTIN of Eagle Lake, under suspension of the rules, the House reconsidered its action whereby L.D. 1177 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-332) which was read by the Clerk.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: Let me try to fill you in on a border problem. This happens to be a department bill. It was put in on behalf of the department at the request of Canadian officials. At the present time, Canadian officials get information on crimes that Maine citizens commit from the newspaper. This basically would provide the Department of Corrections the ability to get all information from the Department of Corrections on all Maine persons. The reason I'm offering this amendment is because of the differences between the views of the American judicial system and the Canadian judicial system. Basically, any violation of any kind is treated by the Canadian government is a reason to deny entry into Canada. That goes all the way from a bounced check to O.U.I. to murder. I don't know how many of you have been contacted by people who have had the problem and it frankly doesn't matter how long it has been.

Recently, a young lady, no longer young, but at the time committed the offense was 19 years old from Madawaska bounced a check. The process was used from the court system through small claim court to get the money, subsequently, 10 years later she appeared at the border in Edmunston and was told that she could not enter Canada, because of a criminal violation that had occurred. The irony of all that is that I wouldn't be too upset if it were mutually the same way on the other side. For example, anyone convicted of O.U.I. law violation, whether it be the .02 law or the .08 law is denied entry into Canada unless you file a minister's permit request. By sending \$350 to the New York Consulate, Canadian Consulate, waiting three years, perhaps, and then finally getting the minister's permit approved. I wouldn't be upset about that if we were doing the same thing in reverse, but we have Canadians crossing the border who have four violations of O.U.I. and we don't deny

them entry. The reason is because of the way in which we define the law.

To compound things, let me bring you one step further, let's assume that this Maine citizen has gotten a Governor's pardon, that is not acceptable by the Canadian government, because the only pardon they accept is a Presidential pardon. There is no way to get a Presidential pardon for an O.U.I., because an O.U.I. is a Maine violation, a state violation. The President has no authority to grant pardons for state crimes. If I'm confusing you, feel what it's like for the poor citizens. I recently had an incident where the person could not enter Canada for his mother-in-law's funeral, because when he was 19 was convicted of O.U.I. The way I subsequently got around it, I just so happened I knew the minister in Ottawa of the previous government, the conservative government, and he gave a "one day permit" so that person could enter and go to the funeral. What I'm trying to do is create a level playing field and for those of you who maybe think that we've never done this kind of thing before, we have, with other states. So I'm simply carrying it one step further, that when the Canadian government is willing to say that they will deal with the problem that faces Maine citizens, they will get the information from us, for all Maine citizens. Some of you in southern Maine, not close to the border have been lucky, because they don't read your newspapers quite as effectively as they do ours. Once this law becomes law, and all of this is placed into the computer, the minute you enter Canada, they ask for your date of birth, your name and social security number you will be on that computer.

Your constituents will be there and I guarantee you the problems that you will get out of that will be real headaches because you can't solve it. That's all the amendment does. I know there is at least one law enforcement officer from Houlton who will oppose me on this but, and I understand his friendship with Canadian law enforcement officers, but I really don't care about that. I am concerned about the people along the border who are being mistreated while we are letting them in. I'll compound it one step further, where we actually had a minister of the Canadian government arrested for O.U.I. on this side of the border, if he had been an Canadian citizen and it happened over there, we wouldn't let him in. He crosses the border without any problems at all. I'm looking very simply for a level playing field. At least I'm not, I haven't been convicted of any crime, but my constituents are and I'd hope that you would approve adoption of House Amendment "A" on this bill.

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

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does and what brought it about was the fact that we have one of the longest unprotected borders in the United States. Crime doesn't stop at the border. People from Canada come across the border to commit crimes in Maine and vice versus. What actually brought this bill about was the fact was the fact that a Maine citizen who had been on probation in the State of Maine went over into Canada and committed a crime over there and was sent to prison. As he was about to get out, the Canadian officials were trying to make a determination as to whether or not to release him and the corrections officials in Maine had the information that would have prevented him from being

released, they were not allowed to give that information to Canada. This has nothing to do with people crossing the border. It simply facilitates the exchange of information between Maine and Canadian officials and this is absolutely necessary on a border where we work so closely together. We've had a international law enforcement association up in Aroostook County for about 50 years and it was formed for that reason to exchange information.

The Canadian officials exchange information with us very freely, but because of the ruling of the A.G., it limits Maine on what they can share. This has nothing to do as I said before, I don't argue the fact whether or not a person convicted of drunk driving should go back and forth across the border, we have no control over custom officials in the United States or Canada. If you want to find out if somebody has a drunk driving conviction, all you've got to do is read the local newspaper for court news and the Canadian officials do this. They are very good at it and I think they have a drunk driving problem and for some reason they are doing this. I don't argue whether it's right or wrong, I'm just saying that this information is available, whether we share it with them or not, all they have to do is read the court news. This amendment makes the effective date of the bill contingent upon the fact the United States Attorney for the District of Maine certifies that the Canadian Government allows citizens of the United States to enter Canada on the same basis as the United States Government allows citizens of Canada to enter the United States. Well we have no control or authority over these officials so this amendment would effectively make the bill null and void. What it would be doing, the Canadians have not asked for this, the Maine Corrections Officials have asked for this. What this is doing is penalizing the Maine officials who want to share information for their own reasons, penalizing them for what Canada is doing so I urge you to vote against this amendment.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE of Bridgton asked ruling from the Chair if House Amendment "A" (H-332) is properly before the body pursuant to House Rule 31.

The Chair tabled until later today pending ruling from the Chair.

SENATE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-115) - Minority (3) "Ought Not to Pass" - Committee on Taxation on Bill "An Act to Create an Income Tax Stabilization Program" (EMERGENCY) (S.P. 98) (L.D. 238)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-115).

TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

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

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

SENATE DIVIDED REPORT - Majority (7) **"Ought Not to Pass"** - Minority (6) **"Ought to Pass"** as amended by Committee Amendment "A" (S-152) - Committee on Taxation on Bill "An Act to Reduce the Maine Sales Tax and the Meals and Lodging Tax to 3%" (EMERGENCY) (S.P. 470) (L.D. 1266)

- In Senate, Minority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-152).

TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

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

Bill "An Act to Permit a One-time Transfer of Uncommitted Funds for Community Corrections Programs" (EMERGENCY) (H.P. 1095) (L.D. 1539)

TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be engrossed and later today assigned.

HOUSE DIVIDED REPORT - Majority (7) **"Ought to Pass"** as amended by Committee Amendment "A" (H-289) - Minority (5) **"Ought Not to Pass"** - Committee on Utilities and Energy on Bill "An Act Regarding Cable Television" (H.P. 831) (L.D. 1162)

TABLED - May 30, 1995 (Till Later Today) by Representative JACQUES of Waterville.

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

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative KONTOS of Waterville to accept the Majority **"Ought to Pass"** as amended Report and later today assigned.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (8) **"Ought Not to Pass"** - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "A" (H-295) - Committee on Labor on Bill "An Act to Encourage Job Creation by Exempting Small Businesses from the Current Workers' Compensation System" (H.P. 664) (L.D. 887)

TABLED - May 25, 1995 by Representative HATCH of Skowhegan.

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

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

Expression of Legislative Sentiment recognizing Ronald Otis (HLS 314)

TABLED - May 30, 1995 by Representative JACQUES of Waterville.

PENDING - Passage.

Subsequently, was read.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Mr. Speaker, Men and Women of the House: Yesterday I asked that a legislative sentiment be set aside until today because I felt that the recipient, Ronald Otis of Brunswick should be in attendance to receive the congratulations of this legislative body. Mr. Otis recently received a coveted Jefferson Award for recognition of outstanding service in Maine. He has been invited to represent Maine during the National Jacqueline Kennedy Awards, May 19-21 in Washington D. C.. Mr. Otis founded the Hunger Prevention Program in 1994 on behalf of the Brunswick Area Church Council. This oversees several vital programs including the food bank, food pantry, and soup kitchen. He coordinates 115 volunteers who serve the needs of thousands of people each year. Mr. Otis is an active member of the Brunswick United Methodist Church and other organizations. Please join me in recognizing Ronald Otis who is in the gallery with his wife Nancy.

The Sentiment was passed and sent up for concurrence.

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

The House was called to order by the Speaker Pro Tem.

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

Senate Divided Report - Committee on Human Resources - (6) Members Report "A" **"Ought to Pass"** as amended by Committee Amendment "A" (S-165) - (6) Members Report "B" **"Ought Not to Pass"** on Resolve, Requiring the State to Fulfill Its Commitment to Provide Adequate Mental Health Services for Senior Citizens in the Eastern Maine Area (EMERGENCY) (S.P. 35) (L.D. 65) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

On motion of Representative FITZPATRICK of Durham, Report "A" **"Ought to Pass"** as amended was accepted.

The Resolve was read once. Committee amendment "A" (S-165) was read by the Clerk and adopted. The Resolve was assigned for second reading Thursday, June 1, 1995.

House Divided Report - Committee on Taxation - (9) Members **"Ought Not to Pass"** - (4) Members **"Ought to Pass"** as amended by Committee Amendment "A" (H-321) on Bill "An Act to Implement the Recommendations of the Unorganized Territory Education and Services Fund Study Commission" (H.P. 404) (L.D. 539) which was tabled by Representative DORE of Auburn pending her motion to accept the Majority **"Ought Not to Pass"** Report.

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

House Divided Report - Committee on Judiciary - (8) Members "Ought Not to Pass" - (5) Members "Ought to Pass" as amended by Committee Amendment "A" (H-319) on Bill "An Act to Expand Access to Medical Care by Encouraging Involvement of Retired Physicians, Podiatrists and Dentists" (H.P. 839) (L.D. 1170) which was tabled by Representative TREAT of Gardiner pending her motion to accept the Majority "Ought Not to Pass" Report.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I hope that you will support the Majority "Ought Not to Pass" Report and I would like to tell you a little bit about what this bill does. The intent of this bill is to exempt from all liability except for a very narrow range, whatever retired doctors do in basically volunteer clinics, medical clinics. The majority of the committee felt that this was a very inappropriate and extremely harmful proposal. First of all, liability is already limited for these very same doctors. Under current law they can not be sued even for their negligent actions. You may have noticed, but you probably didn't because we have been buzzing through the calendar rather quickly today, but in another part of the calendar, we already enacted today another companion bill which expanded the scope of our existing immunity provisions for all health care practitioners and also for local clinics, in addition to the free clinics, state clinics and private clinics that currently exist.

Secondly, the main reason for this bill in suppose to be that retired doctors will have to spend an arm and a leg to get insurance, they aren't going to want to spend the money for that insurance just to volunteer in the clinic, therefore their services will be deprived so we should vote for this bill. However, in the legislative hearing upon questioning the lobbyist for doctors conceded that \$100 would pay for a rider on someone's existing insurance that would cover the liability for that doctor when they retired. So there really is no need for it.

Thirdly, clinics generally have their own insurance coverage. The consequences of this bill are really quite severe, if someone was intentionally maimed by a doctor in one of these clinics than that person could, in fact, sue, but short of that, there is very little that would not be covered. You can not sue for the gross negligence or reckless conduct of a doctor that led to someone's death, for example. Right now, all of these doctors cannot be sued for anything that they do that is negligent even if it leads to death. We believe that, in fact, the doctors are covered for what they should be covered for.

The purpose of this bill is to help people who have very little money get health care. Clearly, that is a very positive, good thing to be doing. But we shouldn't be harming those people more than we are helping them and that's what this bill does. In balancing these two interests, helping people here and making sure that they aren't harmed, but this bill just goes too far. Doctors could provide reckless and even dangerous "medicine" and they would be shared from any liability, even if the reckless

and grossly negligence actions or omissions caused death. Please support the Majority "Ought Not to Pass" Report.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I would like to address some of the points brought up by our good Chair, Representative Treat. First of all I'd like to tell you that this is a public policy decision, but it's not a new one and it's not something that is not out of order. Yes, we did send along L.D. 320 today which enabled volunteers in municipally connected free clinics to have immunity. We've also given similar immunity to people who work in BMHI and AMHI and for the Corrections Department, this isn't new. This is saying that if someone that is retired who maintains their license, which means that they must continue their education, so that they are not practicing obsolete medicine and that they must not have been censored by a board or be under any kind of consent decree, we're talking people with good clean records.

They can actually volunteer at a clinic without having to carry somewhere between \$5,000 and \$30,000 a year in medical malpractice insurance. I would submit that \$5,000 is a lot of money to have to pay so that you can do something good for your neighbor. Now yes, they can't be sued for negligence or gross negligence and those two things in Maine law and in case law in Maine have practically no difference.

They can be sued for wanton and reckless and willful behavior. Wanton, as in the definition in the law dictionary, is reckless, heedless, malicious, characterized by extreme recklessness and foolhardiness and recklessly disregarding the rights and safety of others. A wanton act is one done in malicious or reckless disregard of others. People who are retired and want to help and go down and perhaps diagnose ear infections for small children all morning, rather than have that person end up in the emergency room waiting for hours are not the kind of people that sit around and say, "I wonder what I can get away with today, because you know what, they can't sue me."

I guess I believe a little bit better in human nature that people who offer to volunteer to do something for free that they earned 75, 100, 200 thousand dollars a year doing six months ago. They could be playing golf, they could be playing with their grandchildren are down helping out. You've heard that there is a policy available for \$100 and there is a policy available, the doctor must have been insured with that company all along in order to have that policy extended to him. So yes, that would cover a limited number of people, but it doesn't cover everybody. We've heard testimony in the bill that passed earlier today about a psychiatrist in the Portland free clinic, he was the last working psychiatrist. He was going to stop practicing because he had to pay \$5,000 a year for the privilege of giving his services away. In a day where we are trying to provide access to as many people as possible, I think that this is the time a bill whose time has come. I hope that you will join me in defeating the Majority "Ought Not to Pass" and going on to accept the Minority "Ought to Pass". Thank you.

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

Representative NASS: Mr. Speaker, Men and Women of the House: I rise and urge that you oppose the Majority "Ought to Pass" proposal now before you. My recollection of the hearing, people who testified before the hearing, in front of our committee, including those people who represented the free clinics. There are now very active free clinics in Portland, Biddeford and Sanford is the process of setting up a clinic. My concern about this, if you're concerned about access to medical care than you ought to be concerned about activities and viability of these free clinics. This is a chance essentially to vote and support the free clinics and I urge you to oppose the motion now before us. Thank you.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I would like to mention a couple of things in response to the comments that have been made from other members of my committee supporting the Minority Report and also to comment on a handout that came to you from the Representative from Hampden, Representative Plowman. I think it's worth your reading because if anything it supports the majority on this. It's a handout which is titled, No Good Deed Goes Unpunished and it is basically an article supporting providing limited liability for retired doctors. What I find interesting about this article, and I'm assuming it was handed out by the good Representative because it will help convince you to vote for this bill. It's about the Massachusetts law which this is supposedly based on. The Massachusetts law according to the article limits liability for "ordinary negligence" and also a quote from it says "In general, however, the majority of states provide no protection to physicians who volunteer their services to care for the under served."

Again, the State of Maine already provides immunity for ordinary negligence to these very same doctors. What we're proposing to do here is to go beyond that and to disallow anyone's ability to sue, not only for ordinary negligence, but also for reckless conduct. This is somewhat different from what Representative Plowman said to you, but I want to repeat it and if you have any questions about it you need only to turn to House Amendment 319 and read from the Amendment. If you go to lines 45 and 46 of that amendment, you will see what current law is and current law says that you can sue if the actions are grossly negligent, reckless, willful or wanton. What this bill does, but in the case of these retired doctors, in their case, you can only sue for willful or wanton conduct, which means that it takes out reckless and gross negligence. This is a really rather broad expansion of what we have now. What we have now is working, there is no need to change it and the impact on the people who are going to be going to this clinic could be fairly drastic and I urge you to oppose the bill and vote for the Majority "Ought Not to Pass."

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

Representative PLOWMAN: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to clarify a few points. In Maine and in Maine case law, negligence and gross negligence are barely discernible, the difference is barely discernible, anyone who wants to bring a claim can walk in and

claim gross negligence as easily as negligence. The definition of wanton begins reckless, heedless, malicious, characterized by extreme recklessness or foolhardiness. Wanton and reckless behavior is covered. Thank you.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I also rise and urge you to vote against the pending motion and to accept the Majority "Ought to Pass" Report. A lot of this discussion may seem like it's intended for lawyers and I'm afraid that's the way Judiciary Committee arguments often get.

As a non-attorney on the committee, I often see as my job to try to see through the legal argument and to see what it is we are trying to accomplish for people. This is the kind of bill that you want to take that sort of focus. You have in the amendment, current Maine law, but apparently that doesn't work. In order for a retired physician to generously volunteer their time with no expectation for financial reward. They still have to carry these enormously expensive special liability policies. We all know we heard all the horror stories of medical liability and how it's driven up our medical costs. I guess what I learned through this process, is that current law probably isn't working and we need to kind of tweak it or fine tune it a little bit, more carefully craft in the law what it is that we in Maine want to happen. Now what I want to happen and I hope all the rest of you do is for these highly qualified physicians, remember these are physicians who still have their licenses active, they must take all the continuing education courses, all these are necessary things that your family physician whose at the time of his service must do. These retired ones still have to do that, keep their license enforce. They have a lifetime of experience, perhaps diagnosing an ear infection.

I know the physician that I grew up with as he got on, I was like a third generation of children, just the way he walked into his office, he probably would know what was wrong with you or maybe nothing was wrong with you. So what this bill will do is allow these very talented, highly experienced and generous people to use their past and their skills on people who may not otherwise have medical attention or maybe sitting in a hospital waiting room, taxing that service, very expensive for an ear infection. These physicians are not going to be performing brain surgery, they are going to be in clinics diagnosing the sort of things that come through all the time maybe a little strep throat, ear infection, measles or mumps so I would say to you again, obviously whatever we have in Maine law isn't quite enough right now because we are not availing ourselves of these talents available. I hope that with this law we will see some of these people coming in and offering their services and providing a very critical part of medical care. Again I would urge you to vote against the pending motion.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I, too, am not a lawyer, but as I listen to his debate, I'm rather shocked because it sounds to me that this bill with this very nice sounding title says that people who are poor and must

go to a clinic are not entitled to the same protection against reckless negligence on the part of the physician. I cannot believe that as physicians this house would condone and I urge you to join the Chair of the Judiciary Committee in fighting for this Report.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: I am a lawyer and I oppose this bill as well. The point raised by the good Representative from Vassalboro relating to poor people is a good one except for the fact that the way things are now, these people may not have a choice of anything. Sure they might be able to travel some distance and go into a hospital emergency room, but I think a lot of them would much rather come into a neighborhood clinic and be seen by people. All of this is a balancing act, we all know that. This society focuses on litigation. I think we ought to focus on what good people can do rather than expect that when someone walks in the door that somebody's going to contribute an act of negligence. I urge you to defeat the pending motion.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House: I'm also a lawyer, and I'm going to tell you there's a major difference between negligence and gross negligence, when you have to go into a court of law and prove that. The law already exempts these people from acts of negligence, they are already exempt from suit, if they commit ordinary negligence. In order to be sued now, they have to commit gross negligence. There is a substantially higher burden of proof to prove gross negligence. What we are saying if we pass this bill is physicians can commit gross negligence and be immune from liability. I think it's a terrible public policy.

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

Representative DONNELLY of Presque Isle requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

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

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

Representative TREAT: Mr. Speaker, Men and Women of the House: At the risk of boring everyone who sat through the debate that we just had. I would like to make a couple of points, for those of you who have just returned to your seat in time to vote on this important issue. Actually I probably should have waited until the bell started ringing cause there are a few more people out in the halls, I'm sure. Just a recap. This bill changes the standard of immunity that we have right now which already provides for total immunity for straight negligence for doctors that volunteer in clinics. It changes that standard to say that if there is gross negligence or recklessness those doctors will be completely exempt from suit even if their actions end up maiming or

killing people in those clinics. The majority of the committee felt that this was not a good bill, that it was not necessary. It is a fact that doctors who already have health insurance and then retire are able to get a rider on their policy for about \$100 which will cover their voluntary activities. So the whole premise of the bill which is that this change of policy is needed to encourage these doctors to go volunteer is not really supported by the evidence that was brought to the Committee. Please vote with the Majority "Ought Not to Pass" Report.

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: With regard to the difference between negligence and gross negligence, I'll bet not many people here would agree with any particular factual situation that's presented in a court case whether or not the activity that was involved which caused the suit is a matter of negligence or gross negligence. Reasonable people can disagree of course, that's why we have juries in our cases, but the point is this. If you're going to be exempted in a case regular negligence, from carrying malpractice insurance, but you're going to be liable in the case of gross negligence, and if you can't reasonably tell what the difference is or reasonably anticipate what a jury is going to decide as between the two, than you're not going to take a chance, that's what the Representative from Freeport was talking about when he said that the present bill is not working.

As to the argument, and again, I don't know the facts, but I would be very surprised if somebody who volunteers a substantial amount of time as a physician would have to pay only \$100 for a policy. These policies are very expensive and I certainly would treat that claim with skepticism. Thank you.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I realize it is quite tedious for members who were here to go through this debate again. I'm going to again perform my role in this one, and I do thank the good Representative from Wells for his enlightening discussion on the legal aspects of this. That is critically important, you understand that, but this is also a decision about whether or not we in this state are going to allow these talented, retired individuals that have made their millions, now they want to give something back, to treat young children.

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

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

The SPEAKER: The Representative may pose her question.

Representative CHASE: For the Representative from Gardiner, Representative Treat, or anyone else from the committee. It was stated that a physician could purchase a rider on their insurance policy for about \$100 and that fact was disputed on the floor so my question is, was that fact brought to the committee

by someone who sells such a policy or who did bring that fact to the Committee?

The SPEAKER: The Representative from China, Representative Chase has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Thank you Mr. Speaker, Men and Women of the House: That information was brought to the committee by a lobbyist for the doctors. It was kind of slipped out in testimony before the committee that that was his opinion. So that is the information that we have. I think the fact is that we don't have a real problem here that needs to be addressed and we shouldn't be solving what is not a big problem with a hammer to really deal with something that isn't needed in that manner. Again, I urge you to vote for the Majority "Ought Not to Pass" Report.

The Speaker: The Chair recognizes the Representative from Hampden, Representative PLOWMAN, having spoken twice, request consent to address the House a third time, there being no objection the Representative may proceed.

Representative PLOWMAN: Thank you, Mr. Speaker, Men and Women of the House: Briefly, a doctor may purchase, if his company covers it, and from what I understand there's one perhaps two companies who sell policies in the State of Maine who will let a physician buy for \$100, a rider on their policy. This must be attached to the policy that they continue for the statute of limitations. They retire in 1995, should there be any claims proceeding 1995 in the years that the statutes of limitations allows, so they are buying a malpractice policy for their actions proceeding 1995, during the time that they have a statute of limitations, they may also buy a \$100 rider in order to allow them to volunteer. They first must be insured with the right company, be buying the policy to cover themselves from previous acts, and then buy the \$100. That doesn't apply across the board. Thank you.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: Portland has several clinics, that would be effected by the passage of this bill. Clinics that we certainly care a lot about. We pass the bill today L.D. 320 that would expand immunity for those clinics and I supported that bill and I think it was a good expansion of protection for those clinics. The distinction of reckless negligence applying in this case and I guess the general logic of this legislation really convinced me that it should not pass as stands and I urge you to support the "Ought Not to Pass." Thank you.

The SPEAKER: A roll call has been requested and 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. 123

YEA - Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, LaFontaine, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Nadeau, O'Gara, Paul,

Poulin, Pouliot, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Wheeler, Winn, The Speaker.

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

ABSENT - Adams, Dexter, Lovett, Morrison, O'Neal, Povich, Strout, Truman, Vigue, Yackobitz.

Yes, 69; No, 72; Absent, 10; Excused, 0.

69 having voted in the affirmative and 72 voted in the negative, with 10 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted. The Bill read once. Committee Amendment "A" (H-319) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, June 1, 1995.

SENATE DIVIDED REPORT - Report "A" (8) "Ought Not to Pass" - Report "B" (4) "Ought to Pass" as amended by Committee Amendment "A" (S-117) - Report "C" (1) "Ought to Pass" as amended by Committee Amendment "B" (S-118) - Committee on Utilities and Energy on Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs" (S.P. 149) (L.D. 335) which was tabled by Representative JACQUES of Waterville, pending the motion of Representative KONTOS of Windham to accept Report "A" "Ought Not to Pass".

- In Senate, Report "B" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-117).

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I urge you to vote against the "Ought Not to Pass" on this bill. The original intent of the bill was to remove a welfare cost from your electric rates and put it where it belongs in the welfare budget. Presently the ratepayers of three major power companies in Maine shoulder welfare costs of over 7 million dollars a year. Please defeat the present motion so you can consider and vote on Committee Report "B", which continues the subsidy, but caps it at its present level and orders the PUC to evaluate low-income utility programs. As you could tell from the blizzard of colored paper that you received this bill does spark a lot of interest. I would refer you to the yellow sheet for a very clear explanation of what Report "B" does and doesn't do.

The commission will examine the effectiveness and accountability of low-income programs in comparison with other methods of meeting the needs of low-income utility customers. The comparison will develop means of phasing out utility low-income programs as warranted, transferring the responsibility to

appropriate government agencies. The high cost of power is a major problem in Maine. There will be several opportunities this session to halt or either roll back some of these costs. Together these subsidies add up to significant amounts of money to ratepayers. Vote no on the pending motion and cap this welfare subsidy by voting to accept Committee Report "B." I refer you to the handouts.

Representative TAYLOR of Cumberland requested a roll call on the motion to accept Report "A" "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: This was as you can imagine a legitimately difficult debate in the Utilities Committee for a reason that has a lot of merit. The question entailed in the bill is exactly what the Representative from Cumberland identified which is, should we fund social programs through electric rates. That's a legitimate public policy debate on which members of the committee probably have no disagreement.

The disagreement though is reflected in the two reports before you. The Majority Report says, we ought not to take any action on this particular initiative at this time. The initiative being study these low-income programs and look for another funding source. The other funding sources would be general fund or property taxes through general assistance. Right now if you have a \$50 electric bill, you're paying 25 cents a month to help subsidize low-income rate payers throughout the state. The three major electric utilities participate in these programs that are directed under the jurisdiction of the PUC at the request of the legislature. Those three utilities cover 95 percent of the population in Maine. These are not the typical folks that many of you might imagine who are welfare recipients, these in many cases are people in your town who are elderly, many of whom are on electric space heat which is where the really high cost are incurred in the winter in Maine. Absent another funding source, this is an appropriate program to take care of low-income ratepayers. If we don't do this those low-income ratepayers in many cases will simply not be able to pay their bill. Guess who pays those uncollectables? Ratepayers. It's an automatic pass-through for the utilities to collect on uncollectables through rates. So one way or the other you're looking at an issue of cross subsidization which was one of the other issues that came before the committee.

I offer you a second reason to vote with the Majority Report, the Committee on Utilities just this week received three dockets from the PUC, docket 95160, docket 95158, docket 95159, each of these reflects the PUC's routine and annual examination of these low-income programs offered by the three major electric utilities. So the study that's being suggested in the Minority Report is in fact being carried on at the PUC routinely. That was part of the charge that they had when we first initiated this legislation. So if you favor redundancy and inefficiency in government, I guess you could vote with the Minority. I suggest the very action that is being requested in the Minority Report is being handled by the PUC independent of any legislative action.

A third reason of why you should vote with the Majority is this, at least two of the members in this body who are on the Minority Report just spent the bulk of the afternoon with me and others on the fourth floor of the Utility Committee room looking at a major piece of legislation on utility restructuring. There is no disagreement that low-income programs, conservation programs, energy efficient programs and others need to be examined when we look at the competitive market place that the electric utilities in Maine are moving toward. Both of the folks who are on this Minority Report in this body serve on that subcommittee with me and they have made a very good case and had agreement from others on that subcommittee that this issue, these kinds of social programs need to be examined as we look at electric rate restructuring. So aside from all the positive reasons why I think it is appropriate for ratepayers to help subsidize these programs I give you two other legitimate reasons why you don't want to vote for redundancy at this time. I urge you to support the Majority Report. Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: If somebody looks at the Madison Paper which gets their power from the utility in Madison and if somebody looks at some of the other large consumers under utilities that are owned by the consumer owned utilities, these people do not pay as part of their income tax any money that goes to help offset the amount of money that the utilities pay for the LIHEAP Program. The program as it currently is, is fundamentally unfair and what we are trying to do is freeze the amount of money the utilities pay now as a percentage of their income. So that as sales go up in the future years as the economy picks up, the amount of money will stay constant, but the percentage of their revenue will go down so it will be a smaller burden for them in the future. What we're doing now is charging low-income people who do not quite meet the threshold to qualify for the program, the same percentage of their electric bill as we charge to high income people. We are also not charging a lot of large consumers who are on the grid for the consumer owned utilities any money at all for this and it's fundamentally unfair.

Nobody's debating whether or not we should continue the program, the issue is how should we fund the program and any additional monies in the future. Thank you.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I also urge you to accept the motion on the floor, "Ought Not to Pass." I want to remind you, those of you who have been around here for awhile and perhaps enlighten some of you who have come here more recently, where this program came from in the first place. Back in 1988-89 there was a tremendous outcry, particularly in the Central Maine Power service territory about Central Maine Power's winter disconnect policy, where a lot of people, particularly elderly people with electric heat, were finding that they were being disconnected during the winter. There ended up to be a study on this issue and the lifeline program here as a result of that.

I think you should think very carefully about what kind of position we will put our constituents in. Forty percent of the people who are receiving this

right now are elderly. As the Representative from Windham mentioned, there are a lot of people who are stuck on electric heat. I think also as to this discussion about subsidization of so called social programs, you should think very carefully how far you want to extend this because if you look at electric rates right now, you find that we are subsidizing people in rural areas where technically it is a lot more expensive to provide them power, but we've made a social decision that we want to protect certain people. We want to provide universal service. I think that we can make the same argument for these programs so I do urge you to wait for the study that's being done for the overall studies of the electric system that this committee is putting together as well as the reviews of the lifeline program of the various utilities that the Public Utility Commission is doing and I should note also that some of the smaller community owned utilities do have similar programs, they are not those mandated, but they do have programs that provide some sort of lifeline type of program.

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

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

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

Representative CLARK: Mr. Speaker, Men and Women of the House: You know I'm going to be voting with the Majority "Ought Not to Pass." The last two years I've had the opportunity to serve as Chairman of the Utilities Committee and we really struggled over the years to put this program in place. If I thought for one minute that we had money to deal with this in the general fund, I'd be right on board doing that, that's not the case. You're going to be dumping around 24,000 people that's involved in this program. You're dealing with the utilities right now, they won't even read your meter, you expect your bill to go down. You can't even get them out there to read a meter, let alone lower your rates. All the years I served on that committee we're always hearing from the utilities, we need assistance to help lower rates. When is the last time your bill went down? Ask yourself that. My bill at home is so bad, my wife works, my son's gone, my daughter's in school, I won't even let the cat and dog watch TV anymore cause they get a high bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: Just to correct a possible misconception, Committee Program "B" does not discontinue the program, Committee Program "B" puts a cap on the funds being invested in this program at the present level until a better means can be found for replacing this type of support to people. If you defeat Report "A" and select Report "B", you will not be taking anybody off this program. Thank you.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: There already is a cap on the

program, it's capped at .5 percent of revenues. That's not being raised.

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

ROLL CALL NO. 124

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

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

ABSENT - Adams, Dexter, Lovett, Morrison, O'Neal, Povich, Strout, Truman, Vigue, Yackobitz.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, Report "A" "Ought Not to Pass" Report was accepted and sent up for concurrence.

An Act to Expand Eligibility for the Maine Veterans' Homes (H.P. 938) (L.D. 1327) which was tabled by Representative CAMERON of Rumford tabled pending passage to be enacted

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: The trustees of the Maine Veteran's Home, in fact, did vote and it is with their request that the bill is in and I move enactment of the pending legislation.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I want to publicly thank the Representative from Eagle Lake for making those comments, I also did a little inquiring over the past few hours and the comments are 100 percent accurate. I urge you to adopt this.

Subsequently, 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.

An Act to Enable the Department of Corrections to Share Information with Canadian Criminal Justice Agencies (H.P. 846) (L.D. 1177) which was tabled pending ruling from the Chair.

The SPEAKER: House Amendment "A" adds an effective clause to the L.D., the effective clause does not change the text of the L.D., the clause specifies under what conditions the law takes effect. Under the three tests of germaneness that the Chair has routinely employed, the Chair would rule that House Amendment "A" is indeed germane to the bill. The pending question before the House at this time is the adoption of House Amendment "A" to the bill.

The Chair ordered a division on adoption of House Amendment "A" (H-332).

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

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to reiterate that is not about drunk drivers crossing the border. This is about an individual that might be a Maine resident being in prison in New Brunswick and having the Maine authorities hold a warrant for him for violation of probation and when it comes time for that person's release in New Brunswick, having them call the Department of Corrections in Maine to find out if there is any reason why they shouldn't release him and not being able to tell them, yes, we have the warrant for his arrest don't release him. This is not about drunk drivers. Whether or not you believe that something should be done about that situation, has nothing to do with this bill. This bill should not be used to try to correct that situation, if you feel that is a problem. I urge you to defeat this motion, so we can go on and pass this much needed legislation that would help the criminal justice agencies in this state. Thank you.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: In reference to the comments of the Representative from Houlton, there is nothing in the law right now that allows for a public citizen from making the request of the police or from the correction officials as to whether or not there is a pending warrant for anyone's arrest in Maine, or for that matter, whether or not they are in violation of parole here in Maine. That's public information now and is not a problem. I understand the specific nature that this particular case was involved in but simply to give away all the chips that we have to me is not a good tool and I urge you to vote for adoption of House Amendment "A".

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

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House: This amendment will require Canada to rewrite its laws in order to be able to share valuable information with our law enforcement agencies. This is an information tariff, Canada will not rewrite it's laws to share information with us. We wouldn't, neither will they. This is a department bill, it's a valuable source for them to share information and if we don't defeat this pending motion we'll be handstringing our own agencies for this valuable information. I urge you to vote against this pending motion. Thank you.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I find myself in a little peculiar situation because a lot of the questions are being asked by the good Chairman from Eagle Lake are questions that I asked particularly in the hearing and in the work sessions. I think we all have constituents at home at one time or another maybe who try to cross the border come to find out when they got there they couldn't go across. If they are driving there by themselves they had to come home. They had someone in the car with them luckily, they got across the border. I did ask those questions in the work session. I asked those questions in the hearing and I was told basically, this bill was not a vehicle to deal with that. This had to do with the federal government only. If I thought one minute I could get an amendment on that in the hearing or the work session to take care of my constituents going into Canada, and have them respond coming back, I don't want Canadians driving in the State of Maine and if I can't have my constituents drive in Canada, but I was led to believe I'm going to be voting to kill the amendment cause I didn't think we could do what the good gentleman wants to do with the amendment. If I thought one minute we could, I'd be right on board with them. Thank you.

The SPEAKER: The Chair will order a division. The pending question before the House is adoption of House Amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 42 voted in favor of the same and 72 against, House Amendment "A" (H-332) was not adopted.

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

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

ENACTORS

Emergency Measure

An Act to Extend the Workers' Compensation Deficit Evaluation Proceeding (S.P. 579) (L.D. 1556) (Governor's Bill) (S. "A" S-203)

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

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

Representative CHASE: Mr. Speaker, Men and Women of the House: The bill before you L.D. 1556 as amended by the Senate Amendment extends from June 1 until June 19, the original date of June 1 in statute to June 19. The date for a decision by the Superintendent of Insurance to establish the level of premium surcharges on employers and insurers for the Fresh Start Program and workers comp. I repeat, it only extends the date. If this bill was substantively about either the Fresh Start Program or Workers Compensation I would not rise to speak to you at 8:30 in the evening. The Committee on Banking and Insurance received today this report titled, The Report to the Governor by the Maine Workers Compensation Advisory Committee. Within this report is the recommendation we expect the Superintendent to make at that time we will have the recommendation, you can expect legislation. However, at this moment, all we're doing is asking that the Superintendent be

allowed to take a little more time to make that decision from the legislative date of June 1 until the new date of June 19. I would urge your support for L.D. 1556.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: I will try not to be redundant and brief, Representative Chase described the situation, we did have a briefing earlier in the day as mentioned by the Speaker and by the commissioner and we all felt quite comfortable that this would be important to resolve and to allow them come before us at a later date prior to our adjournment. So I also would urge you to support L.D. 1556. Thank you.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 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.

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

On motion of Representative HATCH of Skowhegan, the House adjourned at 8:50 p.m., until 8:30 a.m., Thursday, June 1, 1995 in honor and lasting tribute to the memory of Senator Margaret Chase Smith.

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1105)

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

- In House, Passed to be Enacted on May 16, 1995.

- In Senate, Passed to be Enacted on May 16, 1995.

On motion of Representative CLARK of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 477 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 477 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-173) was adopted.

The same Representative presented House Amendment "A" (H-315) to Committee Amendment "A" (H-173) which was read by the Clerk and adopted.

Committee Amendment "A" (H-173) as amended by House Amendment "A" (H-315) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-173) as amended by House Amendment "A" (H-315) thereto in non-concurrence and sent up for concurrence.

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

Resolve, to Establish the Task Force to Study Environmental Regulation Relating to the Paper Industry (S.P. 409) (L.D. 1097) (C. "A" S-169) which was tabled by Representative MITCHELL of Vassalboro pending adoption of House Amendment "A" (H-331) to Committee Amendment "A" (S-169).

Subsequently, House Amendment "A" (H-331) to Committee Amendment "A" (S-169) was adopted.

Committee Amendment "A" (S-169) as amended by House Amendment "A" (H-331) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (S-169) as amended by House Amendment "A" (H-331) thereto in non-concurrence and sent up for concurrence.