

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
58th Legislative Day
Wednesday, June 14, 1995

The House met according to adjournment and was called to order by the Speaker.
Prayer by Father John Skehan, St. Mary's Catholic Church, Houlton.
The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 210)
Maine State Senate
State House Station 3
Augusta, Maine 04333

June 13, 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 Insisted on its former action whereby it Accepted the Majority Ought Not To Pass Report on Resolve, Authorizing Verne Lee to Sue the Department of Human Services and the State of Maine (H.P. 89) (L.D. 124).

Sincerely,
S/May M. Ross
Secretary of the Senate
Was read and ordered placed on file.

The following Communication: (H.C. 211)
Maine State Senate
State House Station 3
Augusta, Maine 04333

June 13, 1995

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

Please be advised that the Senate today Adhered to its former action whereby it Accepted the Minority Ought Not To Pass Report from the Committee on Utilities and Energy on Bill "An Act to Establish Qualifications for Public Utilities Commissioners" (H.P. 713) (L.D. 970).

Sincerely,
S/May M. Ross
Secretary of the Senate
Was read and ordered placed on file.

The following Communication: (H.C. 212)
Maine State Senate
State House Station 3
Augusta, Maine 04333

June 13, 1995

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

Please be advised that the Senate today Adhered to its former action whereby it Accepted the Majority Ought Not To Pass Report from the Committee on Human Resources on Bill "An Act to Allow Smoking in

One-room Establishments with Lunch Counters That Post Smoking Signs" (H.P. 984) (L.D. 1392).

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 **Marine Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-253) on Bill "An Act to Enhance Export Markets for Maine Sardines and Other Canned Herring Products by Clarifying the Maine Sardine Law" (EMERGENCY) (S.P. 426) (L.D. 1149)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-253).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-253) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Ought to Pass as Amended

Report of the Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-251) on Resolve, to Require a Study of the Structure of the Electric Utility Industry by the Public Utilities Commission (S.P. 386) (L.D. 1063)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-251).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-251) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Ought to Pass as Amended

Report of the Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-244) on Bill "An Act to Modify the Electricians' Examining Board Law" (S.P. 495) (L.D. 1354)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-244).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-244) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Ought to Pass as Amended

Report of the Committee on **Marine Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-252) on Bill "An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture" (EMERGENCY) (S.P. 552) (L.D. 1511)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-252).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-252) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Ought to Pass Pursuant to Joint Order (S.P. 565)

Report of the Committee on State and Local Government reporting **"Ought to Pass"** Pursuant to Joint Order (S.P. 565) on Bill "An Act to Establish Legislative Guidelines for Secession" (S.P. 587) (L.D. 1571)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

Report was read and accepted, the Bill read once and assigned for its second reading later in today's session.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-229) on Bill "An Act to Clarify Insurance Coverage Regarding Breast Reconstruction after Mastectomy Surgery" (S.P. 80) (L.D. 168)

Signed:

Senators: ABROMSON of Cumberland

SMALL of Sagadahoc

McCORMICK of Kennebec

Representatives:

CHASE of China

GATES of Rockport

JONES of Pittsfield

MAYO of Bath

SAXL of Portland

MITCHELL of Vassalboro

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

Signed:

Representatives: CAMPBELL of Holden

GUERRETTE of Pittston

LUMBRA of Bangor

VIGUE of Winslow

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-229).

Was read.

On motion of Representative CHASE of China, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on State and Local Government reporting **"Ought Not to Pass"** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Constitutional Amendment Process (S.P. 440) (L.D. 1208)

Signed:

Senators: AMERO of Cumberland

CARPENTER of York

LONGLEY of Waldo

Representatives:

DAGGETT of Augusta

SAXL of Bangor

GERRY of Auburn

ROSEBUSH of E Millinocket

ROBICHAUD of Caribou

LANE of Enfield

SAVAGE of Union

YACKOBITZ of Hermon

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-242) on same RESOLUTION.

Signed:

Representatives: AHEARNE of Madawaska

LEMKE of Westbrook

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

Was read.

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

Divided Report

Majority Report of the Committee on Marine Resources reporting **"Ought Not to Pass"** on Bill "An Act to Provide Funds for the Bigelow Laboratory for Ocean Sciences in Boothbay Harbor" (S.P. 568) (L.D. 1537)

Signed:

Senators:

BUTLAND of Cumberland

PINGREE of Knox

GOLDTHWAIT of Hancock

Representatives:

LOOK of Jonesboro

RICE of South Bristol

LAYTON of Cherryfield

BIGL of Bucksport

BENEDIKT of Brunswick

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

Signed:

Representatives:

CLOUTIER of S Portland

ETNIER of Harpswell

PINKHAM of Lamoine

VOLENIK of Sedgwick

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

Was read.

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

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will look carefully at the "Ought Not to Pass" Report. This is \$100,000 that is asked for by the Bigelow Laboratory and, again, I don't think we have the money. It is going to be difficult. This is a private concern and, yes, it establishes and develops some scientific knowledge, which is important, but the question is, can Maine afford it? I think not. Thank you.

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

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't agree more with my good friend on the Marine Resources Committee, Representative Look. I would like to point out the fact that it is a \$100,000 investment. I have always been and will always will continue to be a major advocate of marine sciences in the State of Maine. Having been involved in the maritime industry for a number of years myself, I feel quite strongly that our third and largest resource in the State of Maine, being marine resources, compliments our second largest resource, which is tourism. Some day I hope to say that by putting a minimal amount of money into marine science that we will be able to be proud to say that the next Jacques Cousteau will be coming from Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: It is a good organization, there is no doubt about that. All the work they are doing now is work away from Maine. They are not doing any Maine projects. They will need money to do Maine projects. At the hearing, I asked them what they had in mind. They have nothing in mind. Basically they came to us asking for \$100,000 with nothing in mind for the State of Maine.

Secondly, in listening to our Department of Marine Resources, they would like to use their services, but they would like to have a look at how their services could coordinate with the existing services that we have in this state. They are one of the many that can help us out. I would like to have you consider the "Ought Not to Pass" Report. Thank you.

The Chair ordered a division on the motion to accept the Minority "Ought to Pass" Report.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House: We used to fund this program. In fact, we used to give the Bigelow Laboratory \$150,000 a year. We started this program in 1974 and we only stopped giving them money in 1991 when we had our budget crunch. I want to read to you a statement that was read to us at the committee hearing. This details a recent report of the Maine Alliance and the Maine Chamber of Commerce and Industry through the Maine Science, Technology and Industry Task Force recommended, in part, the following. Encourage the State of Maine to reestablish a general fund appropriation in the form of a cooperative agreement to the Bigelow Laboratory for ocean sciences. This is the Maine Alliance and Maine Chamber of Commerce, if they are recommending it and if we have done it before in the past, I think it is time to do this again. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday we went through quite a long hurrah on state spending and how we couldn't find things to cut. Here is one of those things that no matter what you think on it, whether it is good or bad, we don't have the money. Here is a litmus test for our spending. Please vote against the pending motion.

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

A vote of the House was taken. 32 voted in favor of the same and 66 against, the Minority "Ought to Pass" Report was not accepted.

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Increase Paid Health Insurance Benefits to Retired Teachers" (S.P. 232) (L.D. 597)

Signed:

Senators: BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland
Representatives: HATCH of Skowhegan

CHASE of China
LEMAIRE of Lewiston
JOY of Crystal
PENDLETON of Scarborough
SAMSON of Jay
STEDMAN of Hartland
TUTTLE of Sanford

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

Signed:

Representatives: JOYCE of Biddeford
WINSOR of Norway

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

Was read.

Representative HATCH of Skowhegan moved that the House accept the Majority "Ought to Pass" Report.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: This bill provides funds to increase the state's contribution to health insurance on behalf of eligible retired teachers. The state presently provides 100 percent payment to state workers. They do not do so for retired teachers. We currently spend about 25 percent toward retired teacher's insurance. This bill is a perennial, it comes up year after year. There is a large money amount on the bill. It is very near and dear to my heart, not because I am a retired teacher, as a matter a fact, if I came back in another life, I would probably like to be a teacher. It is very near and dear to my heart. The money amounts on this are big amounts. It is one of those issues that you should do the right thing. I will leave that up to your own judgment.

The money amounts for 95-96 would be \$411,834. For 96-97, it would be \$650,424 to fund this at 5 percent more. I realize these are big amounts and we may have people out there who will jump to their feet and say we can't afford this, but in all integrity folks, these people deserve to have some of their insurance paid. Thank you.

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

Representative JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This token gesture toward retired teachers is going to cost the state over 1 million dollars and like the last bill, I don't think we can afford this one either.

Representative JOYCE of Biddeford requested a division on the motion to accept the Majority "Ought to Pass" Report.

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

Representative HATCH of Skowhegan requested a roll call on the motion to accept the Majority "Ought to Pass" Report.

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative CARLETON: Thank you Mr. Speaker. We have just heard that the cost of this bill, if passed, would be 1 million dollars over the next biennium. Could anybody tell me how much the cost would be in the years succeeding the biennium on a year to year basis and on a total basis? Thank you.

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Thank you Mr. Speaker. As with a lot of the bills coming out of the Labor Committee, we don't really have any idea what they are going to cost in the future. They can't give us an accurate estimate.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, think this is a good bill and a fair bill. I stood here last night trying to give the people of the State of Maine a tax break and everyone is saying we have to get our fiscal house in order and yet the same people who stood up and were screaming at me to do that, I look up and see they are voting for over 1 million dollars in this biennium. Yet you are putting on the backs of our hospitals a tax increase. I am confused.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: In the 116th Legislature I sat on the Retirement Committee and we dealt with this. We dealt with it in the 114th, 115th and it became a pet project of the Chairman of the Appropriations Committee. Ladies and gentlemen, my question is what effect will this have on the unfunded liability that we are giving so much song and dance to. We are adding to it and this is so much per year. If you look for a 20 or 40 year period, you are looking at some pretty respectable amounts of money. I am asking you where are we going to find the money. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative LUTHER: Thank you Mr. Speaker. I would like to ask anyone on the Appropriations Committee is this just going to die when it goes downstairs on your committee. Are we making ourselves look good at your expense? Is there money to fund this, if we pass it? Thank you.

The SPEAKER: The Representative from Mexico, Representative Luther has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: It is awkward since we do not have the Chair of the Appropriations Committee here to answer your question. It is my instinct that this will go to the table and compete with all other bills for funding.

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

ROLL CALL NO. 155

YEA - Adams, Ahearne, Ault, Bailey, Berry, Brennan, Bunker, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Damren, Desmond, Dexter, Donnelly, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gerry, Gooley, Gould, Green, Guerrette, Hartnett, Hatch, Heesch, Heino, Hichborn, Johnson, Jones, K.; Joseph, Joy, Keane, Kneeland, Lemaire, Lemke, Lemont, Look, Lovett, Luther, Madore, Martin, Mayo, McAlevy, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Paul, Pendleton, Pinkham, Poulin, Povich, Reed, W.; Ricker, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stedman, Stevens, Strout, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Volenik, Watson, Wheeler, Winglass.

NAY - Barth, Benedikt, Bigl, Birney, Bouffard, Buck, Cameron, Campbell, Carleton, Clukey, Davidson, DiPietro, Dunn, Farnum, Gamache, Gates, Gieringer, Greenlaw, Jacques, Jones, S.; Joyce, Joyner, Kerr, Labrecque, LaFountain, Lane, Layton, Libby JD; Libby JL; Lindahl, Lumbra, Marshall, Marvin, Murphy, Ott, Peavey, Perkins, Plowman, Poirier, Pouliot, Reed, G.; Rice, Robichaud, Rosebush, Savage, Simoneau, Spear, Stone, Taylor, Thompson, Underwood, Vigue, Waterhouse, Whitcomb, Winsor.

ABSENT - Aikman, Kilkelly, Kontos, Richardson, Rotondi, Winn, Yackobitz, The Speaker.

Yes, 88; No, 55; Absent, 8; Excused, 0.

88 having voted in the affirmative and 55 voted in the negative, with 8 being absent, the Majority "Ought to Pass" Report was accepted.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Utilities and Energy

Bill "An Act to Amend the Charter of the Corinna Water District" (H.P. 1127) (L.D. 1572) (Presented by Representative REED of Dexter) (Cosponsored by Representatives: BAILEY of Township 27, CROSS of Dover-Foxcroft, STROUT of Corinth, Senator: HALL of Piscataquis) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

ORDERS

On motion of Representative MARSHALL of Eliot, the following Joint Resolution: (H.P. 1128) (Cosponsored by Representatives: HEINO of Boothbay, JOY of Crystal, JOYNER of Hollis, LEMONT of Kittery, NICKERSON of Turner, POULIN of Oakland, RICE of South Bristol, UNDERWOOD of Oxford, Senator: LORD of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING
THE ADMINISTRATOR OF THE UNITED STATES

**ENVIRONMENTAL PROTECTION AGENCY TO
REQUIRE DEVELOPMENT OF A GASOLINE THAT
REDUCES OZONE WITHOUT ENDANGERING HEALTH**

WE, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Administrator of the United States Environmental Protection Agency, as follows:

WHEREAS, Section 211(k)(1) of the federal Clean Air Act required the United States Environmental Protection Agency to promulgate regulations establishing requirements for reformulated gasoline that reduce emissions of volatile organic compounds and toxics to the greatest extent achievable "taking into consideration the cost of achieving such emission reductions, any non-air quality and other air quality related health and environmental impacts and energy requirements"; and

WHEREAS, the Clean Air Act requires that such gasoline contain a minimum oxygen content of 2.0% by weight; and

WHEREAS, one of the ingredients commonly used to meet the 2.0% oxygen content standard, namely methyl tertiary butyl ether, or MTBE, is suspected of increasing health risks due to contamination of water and air; and

WHEREAS, the increased oxygen content decreases vehicle performance; and

WHEREAS, the Administrator of the United States Environmental Protection Agency has the authority and a duty to control the contents of gasoline; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Administrator of the United States Environmental Protection Agency revise the regulations for certification of reformulated gasoline to minimize or prohibit use of oxygenates and to achieve the statutory goals of reducing emissions of volatile organic compounds and toxics by means other than increasing the oxygen content of gasoline; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Carol Browner, Administrator of the United States Environmental Protection Agency, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and each member of the Maine Congressional Delegation. The Secretary of State shall send a copy of this Memorial to the governor and the legislative leaders of each state that is a member of the ozone transport region, created in Section 184 of the federal Clean Air Act.

Was read.

On motion of Representative MARSHALL of Eliot, tabled pending adoption and specially assigned for Thursday, June 15, 1995.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative GREENLAW from the Committee on Inland Fisheries and Wildlife on Bill "An Act to Strengthen the Laws Pertaining to Poaching" (H.P. 178) (L.D. 226) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-458)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-458) was read by

the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-88) on Bill "An Act to Repeal the Laws Regarding Consumer Information Pamphlets" (H.P. 307) (L.D. 411)

Signed:

Senators:

HARRIMAN of Cumberland
CIANCHETTE of Somerset

Representatives:

BIRNEY of Paris
CAMERON of Rumford
LIBBY of Kennebunk
POVICH of Ellsworth
REED of Dexter
SIROIS of Caribou

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-428) on same Bill.

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

ROWE of Portland
BRENNAN of Portland
DAVIDSON of Brunswick
KONTOS of Windham

Was read.

Representative ROWE of Portland moved that the House accept the Minority "Ought to Pass" as amended Report.

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

Representative Rowe: Mr. Speaker, Men and Women of the House: L.D. 411 is a bill that seeks to repeal the laws regarding consumer information pamphlets. What this is about, is during the 116th Legislature, in 1993, the Audit and Program Review Committee, as I understand, had proposed a statutory change to require that the boards that are regulated by the Department of Professional and Financial Regulation provide consumer information pamphlets to consumers who use the services of the professionals regulated by those boards.

It was put into statute and the statute says, consumer information must be made available by the board to all practicing licensees in reasonable quantities at no charge. The publication must be placed in a conspicuous location in the public area of every office where the practice of the regulated profession is conducted and copies made readily available to consumers. That section was problematic and was brought to our attention as being problematic by the Department and Professional and Financial Regulation this year, in response to L.D. 411. The department said that the statute has a major flaw. It said that the publication must be placed in a conspicuous location in the public area of every office where the practice is conducted. However, the department regulates many professions that are not office based, these include plumbers, electricians, oil and solid fuel technicians, and other similar professions who do not practice out of their office.

They usually practice in the homes or the work place of consumers. It didn't make a lot of sense that consumer information pamphlets be left back at the office. It made more sense that they be taken to the place where the work was being conducted so they would be made available to the consumer. This bill

recommended repealing this entire statute. Committee Report "B" amends the current statute and the amendment that is proposed in Committee Amendment "B", which is the pending motion was drafted by the Department of Professional and Financial Regulation at my request. It has a filing number of (H-428) it says, consumer information publications must be made available by the board to all practicing licensees in reasonable quantities at no charge.

Occupational and professional regulatory boards shall adopt rules that require consumer information publications be placed in a conspicuous location in the public area of every office or facility where the practice of the regulated profession is conducted or otherwise require that licensees make the publications readily available for consumers. What this amendment would do is actually allow the law to do what it was intended to do, i.e. make the consumer information pamphlets available to consumers. We may have some disagreement, I am sure you will hear some, as to the prudence of the consumer information pamphlet. The intent of the consumer information pamphlet is to provide information to a consumer.

As you know, these boards and there are 30 or 40 different boards that have professionals that go out and do work for consumers. A lot of consumers don't understand that the profession is regulated by a board. These pamphlets would explain that. They would also give the address and telephone number where the individual can call if he or she has a complaint about the services performed by the professional. It would also explain about the services performed by the professional, who would also explain the qualifications for licensure, the grounds for licensed discipline and other information about the regulated profession.

I am an advocate for consumer protection. I don't think this is over doing it. It think what Committee Amendment "B" does is clarify the statute and actually puts into practice the original intent. I would request your support on the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: This old uneducated woodsmen is a little bit confused, even more than usual. I presented that bill before the committee and there was not one single word of opposition, not one. It is a modest attempt to slow the growth of government, which we all think that we ought to do. Here is our chance. I don't buy that argument that you can't find someplace to get justice. Just ask the woman that had the hot coffee spilled in her lap.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: You should have on your desks a blue sheet of paper that I have asked to be distributed to help explain the purpose behind having these consumer information pamphlets. Frankly, it is a mystery to me how people could oppose educating consumers. I have always felt that an educated citizen is the best citizen and that is the purpose of this consumer information pamphlet. The cost is very, very minor. It is a negligible cost and it provides information to consumers about the scope of practice and the kind of work that is being done by these regulated boards.

It may be on the reverse side of the blue sheet of paper, there is underlined the recommendation number 11, which comes from the health professions regulations update. There has been a nationwide effort to educate consumers and to try to get a handle on these regulatory boards and try to make it meaningful to consumers and citizens and see that the professions are regulated appropriately and reasonably. This has been a nationwide movement. This is by no means some kind of isolated piece stuck up in the State of Maine. One of the recommendations is to promote public understanding. As a variety of providers are licensed, different kinds of providers, there is a great deal of confusion by citizens as to the scope of practice of each of these health providers.

There has been an effort made to make health care less expensive and to allow different kinds of providers to be licensed and to provide care. It has caused a certain amount of confusion among citizens as to the scope of practice and the kinds of things that certain professions do. Indeed, a number of the complaints that come in about these boards, in particular, the health care profession are complaints that indicated that they do not understand the scope of practice of that particular health care profession. That is one of the main reasons why the Audit Committee, some years ago, began to individually ask these boards to put out information pamphlets and then a year or so ago designed a statute that addressed all of the boards, purely for public information.

You will see underlined there, recommendation number 11, is to promote public understanding. Under B, it says each practice setting should distribute pamphlets describing generic and or specific skills of practitioners employed and how to contact the board for complaint, where regulatory laws are available. The information about the qualifications of regulated practitioners and laws and rules should be easily accessible and understandable. Consumers should be able to understand the law. In fact, it is my understanding that virtually all of these professional boards, at this time, have these consumer information pamphlets. The point of repealing the law is not going to save any amount of money. Again, it is a mystery to me why people are uncomfortable educating citizens so they can take care of their own health care needs and understand who provides what. I certainly hope you will support the Minority "Ought to Pass".

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Thank you Mr. Speaker, Distinguished Members of the House: The reason I signed onto the other report is because this report that we are talking about today, if you read the statement of fact in the amendment, it says the original bill repealed the law that requires regulatory boards to develop and make available to practitioners, at no charge, a publication that educates consumers as to the products, services or profession and the consumers right to bring complaint and the methodologies for doing so, just as Representative Daggett mentioned.

The pamphlets that we say and there is probably still about 100,000 over there at Professional and Financial Regulation that they will continue to distribute have nothing about what the products or services of the profession are. Basically it is a

list of all the professions that are regulated and a telephone number to call to complain. Basically, I feel, that the law that is written is not being upheld. Secondly, this committee report that you are talking about removes the provision for the board to address by rulemaking the subject of enforcing the requirement to distribute these pamphlets to consumers. There is no way to enforce it. There is no remedy if they don't do it. It is just a law that is on the books and it is doing nothing that is costing money to publish these things that have little information in them. Thank you.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would just like to address some of the comments that were made by Representative Birney. The pamphlet that, I believe, Representative Birney is referring to is what the Department of Professional and Financial Regulation designed to take the place of the pamphlets that were asked for in the statute. That pamphlet is a generic pamphlet that, in fact, does not meet what the statute requires. It is simply a pamphlet put out by the department that lists each board. The pamphlets that I am talking about are what the statute called for. It is my understanding that virtually all of the boards have already done that and there are pamphlets for each individual profession which indeed do describe the scope of practice, give the address, give the telephone numbers and inform consumers about how to contact that particular board that they are interested in.

I would just like to address briefly the issue of enforcement, which Representative Birney raised. That sentence, actually, has been deleted with this amendment. Personally, I don't have a problem with it. It was an issue of some discussion in the committee when the Audit Committee was looking at it and that is the enforcement. However, I don't have any reason to believe that the board when asked statutorily provide this information, I don't have any reason to believe that they won't be doing it. Frankly, I don't believe an enforcement mechanism is necessary. There were also some serious concerns about providing for an enforcement mechanism and the ramifications that might have to some of the professional health care providers who have nationwide listings of those professionals who have had a complaint made against them. Even if there were a complaint regarding the distribution of a pamphlet made, it could make it on a nationwide list and cause a serious problem for licensing for those people. There are some real reasons not to have an enforcement sentence in there.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: The previous speaker has just confirmed why I put the bill in. When are we going to stop spending money that doesn't do anything? When? Think about it. If we are going to spend money, let's spend it on education. Let's educate the consumer, even though I don't think most consumers need the education. Once again, the lady that got the 7 million dollar settlement had no problem. You watch the boob tube. This guy comes on there and says if you have a problem, call this number and I will take care of you. I think by the looks of his

face, he has a problem. Just think about it. Mr. Speaker, I request a division.

Representative DEXTER of Kingfield requested a division on the motion to accept the Minority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Thank you Mr. Speaker, Members of the House: I just wanted to mention that I went into my area and checked in particularly the health arenas to find out what they had for pamphlets and guess what they had? They had the generic ones with the lists of all the boards and where to call. I saw nothing that educated the consumer on what the profession does. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I don't know if all the boards have prepared the pamphlets yet and I think that is one of the problems. Some had and some hadn't. I know the Maine Real Estate Commission did give out the pamphlet that had been produced by the Real Estate Commission and had been distributed to real estate licensees for consumer review. I have a copy of that.

The Representative from Kingfield said that nothing had been done or it wasn't working. I do know at least one board or commission has attempted to comply. I don't think all of them have. As I understand it, it was more a matter of time that they hadn't gone through the rulemaking yet to decide upon the contents of the pamphlet. If I am wrong, someone can correct me, but I think there is an intent to comply with this statute. I disagree that this is a meaningless gesture. I think it is very important. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I signed onto the opposite report for some of the reasons you already heard, but I think there are a couple of others that haven't been mentioned. There are 30 some odd boards that are in the Department of Professional and Financial Regulation. This seems kind of discriminatory to me and the reason I say this is we have heard about the health care professions and most of us have been to those folks and we have seen those pamphlets. I have never seen anyone read them, but that is beside the point.

My point is the Department also regulates people like plumbers and electricians. When they come to your home, they don't pass you a pamphlet to tell you how to sue them. That is what this is all about, as far as I am concerned. I am surprised. I know the good Representative from Augusta said it escapes her as to why people want to educate the public, but what surprises me about this is that today communications are better than they have ever been in the history of this country and that people are better educated than they have ever been in this country. We have more lawsuits clogging the courts over issues like this than there has ever been. It escapes me as to how people can be uninformed. I just don't believe that people are uninformed about what their rights are.

As far as scope of practice, if you want to educate the public about the scope of practice to the professional that they are going to see, you are not going to do it in a pamphlet. A scope of practice if any of you have heard anything in the last three

years about the nurse in advance practice bill, will remember scopes of practice are highly contentious issues and they take volumes to describe. A scope of practice is not going to happen in a pamphlet. It is very clear to me that the public and I did serve, by the way, on Audit and Program Review, as did Representative Dexter. It is very clear to me that the public is not uninformed about what their rights are and this seems to be, although I will admit, a relatively small amount of money in a 3.5 million dollar budget. I think many of you have heard the cliché that if you take care of the pennies the dollars will take care of themselves. This is money wasted. It serves no purpose.

It is discriminatory against the professions that happen to have an office where you go in and find the pamphlet and read it, because you are bored with nothing else to do. The professions that don't have offices where you go in and sit and wait, the people that they serve don't have the opportunity to see these pamphlets. I am not saying they don't have them, but nobody carries these in as an electrician or a plumber or that kind of a profession carries these into the house and says please this is how you file a complaint against me, which is what this effectively does.

I think that many of these complaints are frivolous. I have a real hard time going out and doing something that encourages more of them. The real issue is I have faith in the public and the public's ability to find a way to file a complaint. I don't know anybody in my area that can't find a way to get the information they need. I just think this is a waste of time. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I have a great deal of respect for the Representative from Rumford, Representative Cameron, needless to say I do respectfully disagree with some of the things he said. I don't do this all the time, but today I am going to ask for the yeas and nays.

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

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

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

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I guess this is my time in the legislature to be opposing my side of the isle. I served on Audit and Program Review for a number of years. We did do a profession up there. We took them in and took them over. They didn't even have a telephone number that anyone could call if they had a problem. We did ask them to do a brochure and put it in their offices. They had no problem doing it or at least they didn't seem to have any problem doing it.

I think that most of us know if we have an electrician or a plumber, we know where to go. If we go to a doctor, a dentist, or an optometrist, I am not sure that we even stop and realize that we can go to the state and that we do have control over them. All of us know they have to be licensed in the state.

I guess I don't have a problem with a brochure sitting in the office that I can pick up and have a telephone number on it for the consumer. If my plumbing goes, it is bad, but it is nothing that can't be repaired. If my eye sight or hearing goes, it is a little different story when it becomes your health. I have to support the "Ought to Pass" Report as amended. When we did an in depth study and we found that there were some problems out there. Thank you.

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

ROLL CALL NO. 156

YEA - Adams, Ahearne, Benedikt, Berry, Brennan, Bunker, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Etnier, Fitzpatrick, Gates, Gerry, Green, Hatch, Heesch, Jones, K.; Joseph, Keane, Kerr, Kil Kelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Neal, Paul, Pouliot, Richardson, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Truman, Tuttle, Volenik, Watson, The Speaker.

NAY - Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Fisher, Gamache, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Hichborn, Johnson, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, McAlevey, McElroy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Povich, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Sirois, Spear, Stedman, Stone, Taylor, Tripp, True, Tufts, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Aikman, Bailey, Bouffard, Chartrand, Driscoll, Farnum, Heino, Jacques, Lindahl, O'Gara, Poulin, Ricker, Strout, Winn, Yackobitz.

Yes, 59; No, 77; Absent, 15; Excused, 0.

59 having voted in the affirmative and 77 voted in the negative, with 15 being absent, the Minority "Ought to Pass" as amended Report was not accepted.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted. The Bill was read once. Committee Amendment "A" (H-88) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Regulate the Use of Gill Nets in the Coastal Waters of the State" (H.P. 625) (L.D. 850)

Signed:

Senators:

Representatives:

BUTLAND of Cumberland
GOLDTHWAIT of Hancock
BIGL of Bucksport
ETNIER of Harpswell

LAYTON of Cherryfield
LOOK of Jonesboro
PINKHAM of Lamoine
RICE of South Bristol
VOLENIK of Sedgwick

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
(H-439) on same Bill.

Signed:

Representatives: CLOUTIER of South Portland
BENEDIKT of Brunswick

Was read.

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

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

Representative LOOK: Mr. Speaker, Ladies and
Gentlemen of the House: I just want to bring to you
some of the rationale that the committee looked at on
the wording of this particular bill. It amends a
section of law that currently places requirements on
the tending of gill nets from the title waters of the
Androscoggin and the Kennebec Rivers. It would
expand those requirements to all Maine coastal waters
and these requirements are for gill nets to be
"tended continuously, hauled back and emptied at
least once every two hours."

In addition a gill net must be affixed with a
floating marker that includes the name and address of
the owner of the net. The law currently will be
repealed on July 1, 1996. This bill extends that
repeal date to January 1, 2000. It will require the
Marine Resources Department to continuously monitor
coastal fish population and report to the Marine
Resources Committee on January 1, 1999. The
opponents feel that this bill is an effort by the
sport fishing lobby to shut down gill net fishing in
Maine. Secondly, the effect of the bill would be to
shut down gill netting since most fisherman set these
nets over night and two hour interlude would be very
inhibiting.

This two hour hull net provision is difficult to
catch fish if you are constantly hauling these nets.
The restrictions could impact the catch of alewives
and thus impact the availability of lobster bait, for
one thing, and the marine mammals are caught in gill
nets when the nets are set, not when they are on the
bottom fishing. More net setting will lead to more
marine mammals becoming entrapped in these nets. The
net size is an effective conservation tool with gill
nets. The gill net industry has worked with pingers,
which is a device which will ward off certain species
and reduce any by catch. Secondly, it is considered
that the bill is too broad and that adequate
monitoring requirements will be very costly to the
Marine Resources Department, which is quite limited
on their enforcement budget. Thank you.

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

Representative CLOUTIER: Mr. Speaker, Ladies and
Gentlemen of the House: I would just like to point
out the fact that the reason for my being on the
Minority Report was exactly as Representative Look
has said, in support of the sport fisherman in the
State of Maine. We presently don't gill net within
the coastal waterways. We have had a number of gill
netters who came and testified in committee about
that, at least one. Basically this bill would

prohibit the use of fixed gill nets in the coastal
waters of the state.

Like I said, I signed this bill out "Ought to
Pass" for the conservation of the striped bass
industry. I don't want to see what happened to the
salmon industry happen to the striped bass industry.
If there is anything we can do to conserve our
fisheries, which will effect our tourism industry and
will effect many, many of our fisheries, we should do
it. I would hope that you would support the Minority
Report. Thank you.

The SPEAKER: The Chair recognizes the
Representative from South Bristol, Representative
Rice.

Representative RICE: Mr. Speaker, Ladies and
Gentlemen of the House: This bill is almost
impossible to enforce. It will place a real burden
on lobster fishermen and fishermen who catch bait for
tuna. We really don't need it. It will further hurt
the fishermen. Thank you. I urge you to vote
against the pending motion.

The SPEAKER: The Chair recognizes the
Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and
Gentlemen of the House: The gill net fishery is
small out there. There aren't too many doing that
now. Secondly, they have an excellent reputation in
the area of conservation. An example of that was
already mentioned to you that pingers or sound
devices on their nets to protect other mammals from
getting into the nets. It is a small fishery. It is
an effective fishery. It is needed for the lobster
bait for the lobster industry. I think we should
"Ought Not to Pass" this bill.

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

Representative ETNIER: Mr. Speaker, Ladies and
Gentlemen of the House: To largely echo the other
members on the Majority Report, in my area of the
coast gill netting is a very important fishery within
state waters. It is a very small fishery used
exclusively for providing bait for the tuna fisherman
and also as mentioned previously, lobster fishermen
in our area do use the gill netting as a method to
procure lobster bait.

The problems that were described to us by the
sport fishing groups were largely hypothetical
problems in the future. There was really no
substantiated proof of a problem at this point in
time. They did have concerns about the future impact
of gill nets on the striper population, but we feel
that the existing laws that regulate the two major
rivers that have striper populations are sufficient
to cover that. We did feel that passage of this
bill, as written, particularly would have a
devastating impact on this small bait fishery that is
crucial to the commercial fishermen, in my area in
particular. I strongly urge you to reject the
Minority "Ought to Pass" as amended Report and
support the Majority "Ought Not to Pass" Report.
Thank you very much.

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

The SPEAKER: A division has been ordered. The
pending question before the House is the motion to
accept the Minority "Ought to Pass" as amended
Report. All those in favor will vote yes; those
opposed will vote no.

A vote of the House was taken. 12 voted in favor of the same and 96 against, the Minority **"Ought to Pass"** as amended Report was not accepted.

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

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.

By unanimous consent, all matters having been acted upon, with the exception of matters being held, were ordered sent forthwith.

Divided Report

Majority Report of the Committee on Labor reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-420) on Bill "An Act to Amend the Substance Abuse Testing Law" (H.P. 645) (L.D. 868)

Signed:

Senators: BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland

Representatives: HATCH of Skowhegan
CHASE of China
JOY of Crystal
LEMAIRE of Lewiston
PENDLETON of Scarborough
SAMSON of Jay
STEDMAN of Hartland
TUTTLE of Sanford

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (H-421) on same Bill.

Signed:

Representatives: JOYCE of Biddeford
WINSOR of Norway

Was read.

On motion of Representative CHASE of China, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Utilities and Energy reporting **"Ought Not to Pass"** on Bill "An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission" (H.P. 676) (L.D. 927)

Signed:

Senators: CARPENTER of York
HARRIMAN of Cumberland
TAYLOR of Cumberland

Representatives: GIERINGER of Portland
O'NEAL of Limestone
POULIN of Oakland
STONE of Bangor
POIRIER of Saco

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-435) on same Bill.

Signed:

Senator: CLEVELAND of Androscoggin

Representatives: KONTOS of Windham
ADAMS of Portland
LUTHER of Mexico
HEESCHEN of Wilton

Was read.

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

Divided Report

Majority Report of the Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-423) on Bill "An Act Concerning the Liability of Governmental Entities for the Use by Employees of Private Motor Vehicles" (H.P. 824) (L.D. 1155)

Signed:

Senators: ABROMSON of Cumberland
SMALL of Sagadahoc
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 "B" (H-424) on same Bill.

Signed:

Senator: McCORMICK of Kennebec

Representatives: CHASE of China
GATES of Rockport
MAYO of Bath
PAUL of Sanford
SAXL of Portland

Was read.

On motion of Representative GATES of Rockport, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Labor reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-425) on Resolve, to Establish the Commission to Study the Use of Per Diem, Part-time and Temporary Employment (H.P. 853) (L.D. 1184)

Signed:

Senators: BEGLEY of Lincoln
MILLS of Somerset
RAND of Cumberland

Representatives: HATCH of Skowhegan
CHASE of China
JOY of Crystal
LEMAIRE of Lewiston
SAMSON of Jay
STEDMAN of Hartland
TUTTLE of Sanford

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

Signed:

Representatives: JOYCE of Biddeford
PENDLETON of Scarborough
WINSOR of Norway

Was read.

Representative HATCH of Skowhegan moved that the House accept the Majority **"Ought to Pass"** Report.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill deals with a resolve to study per diem, part-time and temporary employment. It had a small fiscal note when we started. The committee amended it so there was no fiscal note except the minor note to the Labor Department. We put together a committee to study this, to identify the availability of data on part-time work force in the state, which will give us a little more direction when we are planning in the future for anything we are doing to sort of give us a real check on that. The only data we have available is national data now. It is real hard to get specific information that we need. I would ask that you vote for the "Ought to Pass". Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to urge you to vote against the "Ought to Pass" motion by the Chair. As the Chair of the Labor Committee indicated, the information available currently is only available on national statistics developed from samples. The national sampling for the State of Maine is not reliable information because of the size of the sample and the variance that you can have in sampling from a small area.

When I first started working for the State of Maine back in 1963, I worked for the Labor Department in the Research and Analysis Division. I stayed with the Research and Analysis Division for quite a few years. We did not collect any information within that division that would allow for the study of per diem, part-time or temporary employment. Part-time and temporary employment are normally seasonal employment. They vary from season to season. You have your temporary employment in the agricultural industry. You have your temporary employment in the ski industry. You have your temporary or part-time employment in your recreational vacation industry in the summer. This is a very, very difficult thing for them to collect.

I feel that for us to impose on the Labor Department the request for them to do a study and take time away from their other activities that we would be receiving information that would be virtually useless to us. We have created a situation where it could be costly to them. For that reason, I move that we accept the "Ought Not to Pass". Thank you very much.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I don't disagree with my good friend, Representative Pendleton of Scarborough that we don't have this information and that is exactly why I would urge you to support the "Ought to Pass" as amended Report. What we are asking is not that the Labor Department take time away from their current activities, there exists already a state advisory council that had already been appointed in accordance with our current law that is being asked to look at part-time and temporary help. Part-time help in the State of Maine and temporary help in the State of Maine is not only seasonal and this is why we need to know more about it. What we sense is that the work force in the State of Maine is changing and as we go to more service oriented jobs, we have more people working two or three part-time jobs rather than one.

We want to know what is happening with our work force. What are people earning? How are they working? Do they receive benefits when they work two part-time jobs, instead of one job that they used to have in a manufacturing concern. This information is unavailable to us. As a member of the Labor Committee, I find it difficult at best and appalling at worse that we don't have this information. Men and women of the House, I urge you to support the Majority "Ought to Pass" as amended Report.

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

Representative WINSOR: Mr. Speaker, Men and Women of the House: Not to belabor this, but I agree with Representative Chase as shocking as that might seem to her. The problem really is that there is no money to get any information that is useful. The original proposal I remember seeing was very expensive, several hundreds of thousands of dollars to design a study that would collect data that would be sufficient to be useful. The analysis report says the Department of Labor is interested in participating in this study, but they cannot provide additional employment surveys or changes to their data collection systems with their current resources.

The only money provided in this bill is for legislative per diem and other expenses. That kind of bothers me, I don't really see a need of setting up a study committee to provide for legislative per diem and other expenses. With that in mind, if we are collecting data that is not useful or at least is not complete, what good is it. I certainly don't want to be part of something that just simply provides additional per diem for legislators. With that, I would urge you to vote against the pending motion.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: I think it is important to note that we need to get a handle on part-time and temporary employment in the state. This advisory committee is in place already. There is no fiscal note to this. It is voluntary. We need to do it. Lets just vote it up. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: Just to clarify a few issues. The original cost of this bill was not in the hundreds of thousands. It was \$7,360 in FY 96. That has been amended out and there is no legislative per diem. The cost will be totally born by the Labor Advisory Council and I would encourage your support of this bill.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: I just wanted to let you know, the Labor Advisory Council is made up of business and labor people. We also have a professor from southern Maine who donates his time. The cost to the Labor Department was only that they would gather this information together, not that they would do anything with it, but they would gather it together and it would sort of give us a process to get a handle on. I think it is an important issue for the growth of this state to find out exactly what our employment force is and what they are doing. Business and labor both felt that was important too. Enough so that

they would donate their time. I would ask you to vote for this and thank you very much.

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

A vote of the House was taken. 62 voted in favor of the same and 37 against, the Majority **"Ought to Pass"** as amended Report was accepted.

The Resolve was read once. Committee Amendment "A" (H-425) was read by the Clerk and adopted. The Resolve was assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on State and Local Government reporting **"Ought Not to Pass"** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Creating a Unicameral Legislature (H.P. 863) (L.D. 1194)

Signed:

Senators: AMERO of Cumberland

CARPENTER of York

LONGLEY of Waldo

Representatives: DAGGETT of Augusta

SAXL of Bangor

ROSEBUSH of East Millinocket

ROBICHAUD of Caribou

LANE of Enfield

SAVAGE of Union

YACKOBITZ of Hermon

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-426) on same RESOLUTION.

Signed:

Representatives: AHEARNE of Madawaska

LEMKE of Westbrook

GERRY of Auburn

Was read.

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

On further motion of the same Representative, tabled pending her motion to accept the Majority **"Ought Not to Pass"** Report and specially assigned for Thursday, June 15, 1995.

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

Divided Report

Majority Report of the Committee on Business and Economic Development reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-429) on Bill "An Act to Increase Access to Primary Care Physician Services in Maine" (H.P. 1063) (L.D. 1498)

Signed:

Senators: HARRIMAN of Cumberland

CIANCHETTE of Somerset

GOLDTHWAIT of Hancock

Representatives: ROWE of Portland

BRENNAN of Portland

CAMERON of Rumford

DAVIDSON of Brunswick

KONTOS of Windham

LIBBY of Kennebunk

POVICH of Ellsworth

REED of Dexter

SIROIS of Caribou

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

Signed:

Representative: BIRNEY of Paris

Was read.

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

The Bill was read once. Committee Amendment "A" (H-429) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

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

(S.P. 472) (L.D. 1268) Bill "An Act Relating to Procedures before the Public Utilities Commission" Committee on Utilities and Energy reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-250)

(S.P. 486) (L.D. 1320) Bill "An Act to Amend the Law Pertaining to Grievance Procedures Concerning Discrimination on the Basis of Disability" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-246)

(S.P. 494) (L.D. 1353) Resolve, to Determine the Effectiveness of Economic Development Incentives in Maine (EMERGENCY) Committee on Business and Economic Development reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-245)

(H.P. 105) (L.D. 140) Resolve, to Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Committee on Human Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-464)

(H.P. 287) (L.D. 391) Bill "An Act to Increase Access to Chiropractor Care under Health Maintenance Organization Managed Care Plans" Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-453)

(H.P. 637) (L.D. 860) Bill "An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System" Committee on Transportation reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-457)

(H.P. 658) (L.D. 881) Bill "An Act to Amend the Education Funding Formula" Committee on Education and Cultural Affairs reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-452)

(H.P. 768) (L.D. 1042) Bill "An Act to Amend the Surface Water Ambient Toxics Monitoring Program" Committee on Natural Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-455)

(H.P. 946) (L.D. 1335) Bill "An Act to Amend Laws Pertaining to On-premises Signs by Allowing for Changeable Signs" Committee on Transportation reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-456)

(H.P. 951) (L.D. 1340) Resolve, Authorizing the Maine Technical College System to Lease Facilities for York County Technical College (EMERGENCY) Committee on Appropriations and Financial Affairs reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-461)

(H.P. 1036) (L.D. 1455) Bill "An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction" Committee on Legal and Veterans

Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-460)

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session 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. 328) (L.D. 909) Bill "An Act to Establish Temperature Limits for Certain Existing Discharges" (EMERGENCY) (C. "A" S-231)

(S.P. 385) (L.D. 1062) Bill "An Act to Reduce Duplicative Reporting" (C. "A" S-228)

(S.P. 572) (L.D. 1552) Bill "An Act Concerning the Sites for Western Aroostook District Court" (C. "A" S-226)

(H.P. 147) (L.D. 195) Bill "An Act to Protect the Rights of Maine State Retirement System Employees" (C. "A" H-442)

(H.P. 334) (L.D. 454) Bill "An Act to Codify the Common Law Negligence Standard" (C. "A" H-431)

(H.P. 646) (L.D. 869) Bill "An Act to Revise Reapportionment Guidelines" (C. "A" H-437)

(H.P. 697) (L.D. 955) Bill "An Act to Amend the Workers' Compensation Act As It Relates to Incarcerated Individuals" (C. "A" H-440)

(H.P. 822) (L.D. 1153) Bill "An Act to Revise the Somerset County Budget Committee" (C. "A" H-438)

(H.P. 875) (L.D. 1230) Bill "An Act Concerning Educational Technicians" (C. "A" H-441)

(H.P. 994) (L.D. 1405) Bill "An Act to Amend the Laws Concerning Health Insurance" (C. "A" H-445)

(H.P. 1008) (L.D. 1419) Bill "An Act to Modify the Licensure Act for Substance Abuse Counselors" (C. "A" H-427)

(H.P. 1064) (L.D. 1499) Bill "An Act to Extend the Deadline for a Maine State Police Officer to Choose a Certain Retirement Option" (C. "A" H-443)

(H.P. 1068) (L.D. 1503) Bill "An Act to Protect Consumers in High-cost Mortgages and Reverse Mortgages" (C. "A" H-447)

(H.P. 1081) (L.D. 1523) Bill "An Act Requiring that Certain Nonprofit Corporations Provide for the Disposal of Assets" (C. "A" H-430)

(H.P. 1100) (L.D. 1547) Bill "An Act to Provide Administrative Clarification within the Maine Insurance Code" (Governor's Bill) (C. "A" H-422)

(H.P. 1101) (L.D. 1548) Bill "An Act to Clarify and Amend Provisions of the Maine Insurance Code and the Workers' Compensation Self-insurance" (EMERGENCY) (Governor's Bill) (C. "A" H-448)

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

BILLS IN THE SECOND READING As Amended

Bill "An Act to Increase Access to the Legislature and Government Services for Persons Who Are Deaf or Hard of Hearing and to Make Progress towards Compliance with the Americans with Disabilities Act" (H.P. 465) (L.D. 631) (C. "A" H-432)

Bill "An Act to Amend the Laws Pertaining to the Duties of Skiers and Tramway Passengers by Defining Inherent Risks" (H.P. 801) (L.D. 1118) (C. "A" H-404)

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

On motion of Representative CAMERON of Rumford, the House reconsidered its action whereby Bill "An Act to Amend the Laws Concerning Health Insurance" (H.P. 994) (L.D. 1405) (C. "A" H-445) was passed to be engrossed as amended.

The same Representative presented House Amendment "A" (H-470) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-445) and House Amendment "A" (H-470) and sent up for concurrence.

ENACTORS

An Act to Encourage an Alternative Fishery (S.P. 428) (L.D. 1196) (C. "A" S-222)

An Act to Wind up the Affairs of the Maine Medical and Hospital Malpractice Joint Underwriting Association (S.P. 436) (L.D. 1204) (C. "A" S-215)

An Act Concerning Residential Treatment Facilities (H.P. 1073) (L.D. 1508) (C. "A" H-382)

An Act Authorizing the Judicial Supervision of the Disclosure of Utility Records to the Attorney General (H.P. 1076) (L.D. 1515) (C. "A" H-384)

Resolve, Directing the Attorney General to Review Standards for Reporting Suspected Sexual and Physical Abuse of Minors (H.P. 1013) (L.D. 1428) (C. "A" H-385)

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.

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

On motion of Representative MITCHELL of Vassalboro, the House recessed until 2:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Communication: (H.C. 213)

STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 12, 1995

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

117th Maine Legislature
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 1259 An Act to Provide Reimbursement from the General Fund for Search and Rescue Operations of the Department of Inland Fisheries and Wildlife

L.D. 1462 An Act to Repeal the Medicaid Estate Recovery Law

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

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

The following Communication: (H.C. 214)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
June 12, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1300 An Act Concerning the Practice of Professional Nursing

L.D. 1553 An Act to Simplify the Process of Registering Business Entities

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

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

The following Communication: (H.C. 215)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES
June 12, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 858 An Act to Exempt the Charles A. Dean Memorial Hospital and Nursing Home from the Regulation of the Maine

Health Care Finance Commission

L.D. 1368 An Act to Expand Project Opportunity and Replace Welfare Entitlement Programs with Unemployment Programs

L.D. 1388 An Act to Increase Employment and Training Opportunities for Welfare Recipients

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

Sincerely,
S/Sen. Joan M. Pendexter
Senate Chair
S/Rep. Michael J. Fitzpatrick
House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 216)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY
June 12, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 629 An Act to Correct Problems Created in Implementing Recent Changes in the Adoption Laws

L.D. 1182 An Act to Amend the Laws Governing Adoption

L.D. 1265 Resolve, to Allow the Attorney General to Enter into Consortiums with Other States for the Purpose of Bringing Suit Against the Federal Government Regarding the Issue of Unfunded Federal Mandates

L.D. 1307 An Act to Require that Fact-finding Hearings of the Maine Human Rights Commission be Recorded

L.D. 1322 Resolve, Directing the Attorney General to Sue the Federal Government to Prohibit Unfunded Federal Mandates

L.D. 1398 Resolve, to Authorize the Joint Standing Committee on Judiciary to Study and Make Recommendations Concerning the Enactment of the Uniform Adoption Act

L.D. 1402 An Act to Promote Equity in Legal Advertising

L.D. 1525 An Act to Increase Access to Public Information

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

Sincerely,

S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 217)

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

June 12, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- | | |
|-----------|--|
| L.D. 24 | Resolve, Authorizing Gerald Finks to Sue Pineland Center and the State of Maine |
| L.D. 240 | An Act to Require Reporting by Political Action Committees That Endorse or Provide Funds to Local Municipal Candidates |
| L.D. 1415 | An Act to Establish Air Medical Services in the State in Conjunction with the Maine Army National Guard |
| L.D. 1524 | Resolve, to Create an Advisory Commission to Review Long-term Liquor Policies and Pricing |
| L.D. 1527 | An Act to Strengthen Oversight of Maine Elections and Campaign Finance Laws |

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr.

Senate Chair

S/Rep. Guy R. Nadeau

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 218)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES

June 12, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- | | |
|-----------|--|
| L.D. 88 | An Act to Amend the Definition of Freshwater Wetland |
| L.D. 1311 | An Act Regarding the Motor Vehicle Emission Inspection Program |

L.D. 1485

An Act to Clarify the Definition of Subdivision

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication: (H.C. 219)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TAXATION

June 12, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- | | |
|--------|--|
| L.D. 5 | An Act to Provide an Alternative Calculation of Hospital Assessment for Specialty Hospitals That Are Not Institutes for Mental Disease |
|--------|--|

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

Sincerely,

S/Sen. W. John Hathaway S/Rep. Susan E. Dore
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 220)

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

June 12, 1995

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

Dear President Butland and Speaker Gwadosky:

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

- | | |
|----------|---|
| L.D. 433 | An Act to Reduce the Cost of Electricity and to Provide for Market Competition in the Production and Sales of Electricity |
|----------|---|

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

Sincerely,

S/Sen. David L. Carpenter S/Rep. Carol A. Kontos
Senate Chair House Chair

Was read and ordered placed on file.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of

adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (7) **"Ought 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 31, 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 MITCHELL of Vassalboro, tabled pending the motion of Representative KONTOS of Windham to accept the Majority **"Ought to Pass"** as amended 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-186) - Committee on Banking and Insurance on Bill "An Act to Strengthen Oversight of Medical Malpractice Insurance and Stabilize Premiums" (S.P. 458) (L.D. 1254)

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

TABLED - May 31, 1995 by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

On motion of Representative VIGUE of Winslow tabled pending acceptance of either Report and later today assigned.

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

SENATE DIVIDED REPORT - Majority (7) **"Ought Not to Pass"** - Minority (6) **"Ought to Pass"** as amended by Committee Amendment "A" (S-186) - Committee on Banking and Insurance on Bill "An Act to Strengthen Oversight of Medical Malpractice Insurance and Stabilize Premiums" (S.P. 458) (L.D. 1254) which was tabled by Representative VIGUE of Winslow pending acceptance of either Report.

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

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

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Basically what this was to do is study the malpractice insurance in other parts of the country and they found was it was a waste. Therefore, we felt it was a waste for us to spend any money on the study. We felt that we would move **"Ought Not to Pass"**. Thank you.

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

Representative GATES: Mr. Speaker, Men and Women of the House: I have a different view of this. I am on the Minority Report. It was a very close divided report. It was seven - six.

I would like to explain what this bill does. The concern of this bill is malpractice premiums for doctors. It is something that is very important to me, because I have a hospital in my district and my concern being on the Banking and Insurance Committee

is that malpractice rates are too high for physicians in Maine. The problem is, we really don't know why. All this bill does is it instructs the Bureau of Insurance to conduct a closed claim study. What that means is they look at the actual malpractice claims in the State of Maine after the case is resolved and they see what was paid, what the injury was and they tie it back into what malpractice premiums were during that period of time. It won't be done by the next session. It is going to take a little time, but it will give us the information we need to determine if malpractice rates are at the appropriate levels in Maine.

Malpractice rates have come down in Maine since their peak in the 1980s. It is my view and the view of at least six on the committee that they need to come down more. The mechanism now and the rate review process has proven to be insufficient to determine if the rates or premiums are tied directly to what the insurance companies have to pay out. We get a lot of reports around here and we hear a lot of talk about studies and I look at the studies that come across our desks and at least read the executive summary. Often it doesn't really tie into something that leads to specific legislation. It is just a piece of the mosaic that we get around here. This is a study that will lead directly to important legislation in the Banking and Insurance Committee to determine if malpractice premiums paid by doctors are at the appropriate level.

I want to help doctors in the State of Maine. I think it is very important to study this issue. The Bureau of Insurance will do it. They are funded by the insurance carriers. There is no general fund money involved. I urge you to support the Minority Report. Please vote against the pending motion.

Representative SAXL of Portland requested the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: Let's give the other side of Representative Gate's comments. This is the bill we heard before the committee and what this bill wishes to do is do what we call a closed claim study on medical malpractice insurance, with the eye toward the fact that rates are too high. Since 1990, rates have come down in this field. There was testimony up to 50 percent in many areas. There has been significant leveling of rates and the problem that had been in the past of rates continuing to escalate at a geometric rate have been corrected.

We had significant testimony before the committee that a closed claim study was done in Minnesota. In that study what happened is you study claims that have already been settled, in other words, someone has a malpractice claim and it is a small issue and it settles quickly. The ones that are big issues where someone dies take a long time to settle. The testimony was from real reliable sources and several people. There would be very little utility to this kind of study. It will cost money and insurers will have to pay extra money for this study through fees to the Bureau of Insurance, which will ultimately raise insurance rates and the figures and information they receive will be of little value that is why this bill has bipartisan support with **"Ought Not to**

Pass". I would support my chairman, Representative Vigue in recommending that you vote with the Majority "Ought Not to Pass". Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: The reason why rates have come down is primarily because of competition. Competition in the industry have caused rates to come down. Studies have not helped. If there was any way that studies could help, believe me, we would do the studies, and see if we could force the rates down. They have been forced down by competition. I urge you to please support the Majority "Ought Not to Pass". Thank you.

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

Representative GATES: Mr. Speaker, Men and Women of the House: I will be very brief. Yes, rates have come down. They definitely have. I will be the first to admit it, but in my view they haven't come down far enough. We don't know why they are not coming down further. While they may have come down some doctors are still paying \$30,000 a year for malpractice insurance. That is higher than a lot of people earn in a year. I would point out that many of the people said that the study had no utility were the insurance company lobbyist. We had no response for those people at the committee level when they say you don't need to do this, because we have no information available to say that they are wrong. I urge you to let us have the information that we need and vote no on the pending motion. I ask for a division. Thank you.

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

A vote of the House was taken. 51 voted in favor of the same and 29 against, subsequently, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Senate Divided Report - Committee on Banking and Insurance - (9) Members "Ought to Pass" as amended by Committee Amendment "A" (S-229) - (4) Members "Ought to Pass" as amended by Committee Amendment "B" (S-230) on Bill "An Act to Clarify Insurance Coverage Regarding Breast Reconstruction after Mastectomy Surgery" (S.P. 80) (L.D. 168) which was tabled by Representative CHASE of China pending acceptance of either Report.

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

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Both "A" and "B" do the same thing. The only difference between "A" and "B" and this is a touchy one, is that with "B" we keep the medicines and the doctor in the process. Amendment "B" makes it a medically necessary procedure. That is the only difference between "A" and "B". I urge your support of Amendment "B". Thank you.

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

Representative GATES: Mr. Speaker, Ladies and Gentlemen of the House: I urge all of us present to defeat the pending motion, which is the Minority Report. If you look at your calendar on page 4, you

see the strong bipartisan support for the Majority Report on this bill. It is one that is very important to me and to many members on the committee. Basically it is a little difficult to talk about, but what this bill does, is if you are a woman who has had breast cancer and if you had a mastectomy and if you have had that breast reconstructed, it demands that the insurance policy covering that also pay for adjustment of the unaffected breast. What it means is women who have been ravaged by cancer and who have been disfigured by a mastectomy, can go on with their lives. Often the surgery is done at the same time as the mastectomy so that when you wake up from the whole process you end up, instead of having lost a breast, you are just in a totally different situation.

This is a very important bill to people who have had cancer. I have gotten calls from a number of cancer survivors and it is very important to make women whole in this situation. The distinction between the two reports is the difference between getting jerked around by an insurance company or not. The Majority Report supported by many of us on the committee says that if you have had a mastectomy and if you want this procedure then you can have it. The Minority Report which has been moved says it has to be medically necessary. There is a big difference there and guess who decides what medically necessary is? It is not your doctor. It is the utilization review process of the insurance company. They have to decide it is medically necessary. I urge you to vote no on the pending report. Thank you.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Minority Report and I would agree with the former speaker that there is a big difference in these reports. In my opinion, one is responsible and one isn't. Yes, what we have here is breast reconstruction from a mastectomy, that is covered right now. What we now are talking about is mandating reconstruction for the unaffected breast. I support that, but what we want to put in there is some responsible language, just like we would any other procedure. That responsible language is medically necessary.

Let me define medically necessary for you so you understand. Medically necessary for physiological reasons. Medically necessary for balance. Medically necessary for symmetry. I would say that this is covered in the Minority Report, but it puts some responsibility into this legislation. I talked to the plastic surgeon this past weekend. I asked him currently if we have insurance companies in Maine that do cover reconstruction for the unaffected breast, if it is medically necessary, not all insurance companies do. The Minority Report will require that all insurance companies do that. I asked them, "who decides if it is medically necessary?" He said, "I do with the patient." Don't believe for a second that this is all on the insurance company's shoulders to decide at their discretion, because it is not. The doctor will be very involved along with the patient. I think this is a protection issue for women as well.

I would like to think that every surgeon out there is of the highest standards and would not like to recruit business. I am not naive enough to think that is the case in any occupation. If we simply say that we can provide surgery for the unaffected breast

for any reason, whatsoever, whether medically necessary or not, I think there is going to be some abuse. I think that some women are going to become victims as well. The other thing on this is the only patient that we had testify in committee for this bill, taking out language medically necessary, was a woman that, number one, worked for a plastic surgeon and number two, wanted one quarter of one ounce removed from the unaffected breast. One quarter of one ounce and that is ok if she wanted that, but I can't see passing a mandate taking out medically necessary out of the language for one quarter of one ounce and passing on the cost to everyone else. This will increase insurance premiums. This does have a fiscal note on it. I would ask you to separate yourself from the issue of breast and look at this as a medical issue. Thank you.

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

Representative JOHNSON: Thank you Mr. Speaker. The phrase here is medically necessary. What happened is that the interpretation of that is being done by the insurance company and bypassing the woman and her doctor. I am going to read to you the word from one of my constituents in South Portland who had a mastectomy.

"I have difficulty even using the term symmetry here, because it has been made to sound like a frivolous issue. I want to emphasize again that breast reduction following cancer is not cosmetic. Contrary to some representations made by the insurance industry, a breast reduction is not always covered under the category of medically necessary breast reduction, when done in conjunction with breast reconstruction. Breasts are paired organs. Symmetry and balance are essential. We are talking about a surgical procedure. It is extremely difficult, if not impossible to achieve a reasonable result by only building a best mound. The surgeon needs to follow up with adjustments to the natural breast. After the initial phase of my reconstruction, I still had to wear mastectomy garments glued to existing unbalanced and unsymmetrical condition. Eventually I was able to complete the final stages of reconstruction, only to find that my insurance carrier denied coverage by indicating that it was cosmetic. Once again, I had to deal with the ongoing challenges surrounding breast cancer."

There is another issue being addressed by L.D. 168. Who makes the choice of the procedure? It is important that decisions regarding the type of reconstruction are made by the patient and her plastic surgeon as I indicated and have shown in the brochure. There are several types of reconstruction available. Not too long ago, the use of the silicone implant was the focus of controversy and its safety is still in question. In order to avoid possible health risks, a woman may choose her own tissue to avoid the fear of foreign matter in her body.

However, some companies are not allowing the patient and the doctor the option of using natural tissue, but are forcing their clients to use an implant. I will stop there. I urge you to consider voting against the Minority Report and vote for the Majority Report. Thank you.

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

Representative MITCHELL: Thank you Mr. Speaker, Men and Women of the House: I would just like to take issue with the implication here that in needing insurance agents or companies to make a responsible decision that the women are not responsible enough to determine what is appropriate for their lives. I would like to urge you to vote against the pending motion and I request the yeas and nays.

Representative MITCHELL of Portland requested a roll call on the motion to accept the Minority "Ought to Pass" Report.

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

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

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

Representative LUMBRA: Mr. Speaker, Men and Women of the House: I want to just clarify that the Minority Report does recognize and truly believes that the woman is responsible for her own decisions. The Minority Report simply says that we want to keep medically necessary in there, which is the same with any other medical procedure. It simply says that this will be discussed and decided by the doctor and the patient. They will then submit this to an insurance company, just like any other procedure. We are mandating coverage for the unaffected breast with the Minority Report. Thank you.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: This is a difficult decision for a man to stand on. As I was on the committee, I thought how will I vote on this. I went home and I talked to my wife and I thought this was the best way to determine what I should do on this bill. I explained to her the issues before us and what we are being asked to vote on. My wife's response to me was that I needed to support the needs of the women that have been dealt this terrible blow in life and had this tragedy happen to them. I said, "wonderful and that I just wanted to get a sense of what I should do here." She said, "But you cannot take medically necessary out of this." With that, I felt bolstered and came back to the committee and said I could vote for this bill.

You will notice that the Minority Report is an "Ought to Pass" bill, because we believe it is absolutely essential to help women that have had this tragedy in their lives. What we believe is that the precedence set by taking medicine out of doctoring and out of insurance is a very unhealthy precedence. The moving story that Representative Johnson read from one of his constituents, she would have in every way been covered with this Minority Report and this motion. Her problems would have been dealt with. She would have been able to have the surgery she needed to bring balance, symmetry and a sense of well being back into her life.

Medically necessary includes psychological problems, as far as the problems dealing with how it affects your life. Medically necessary includes problems of balance and symmetry. These are included

in the definition of medically necessary. This will be, to my understanding, the first time that we will say that an operation can happen without even a medical need if we pass the Majority Report. I urge you to vote for the Minority Report. I urge you to help women that have had this tragedy. I urge you to keep medicine involved in the mix. Thank you.

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

Representative GATES: Mr. Speaker, Men and Women of the House: I would like the definitions we heard of medically necessary from the other members of the Banking and Insurance Committee. Unfortunately that definition of medically necessary is not in the bill. All it says is medically necessary. The fact that they think it includes balance, includes a sense of well being and psychological reasons and that they think it includes symmetry doesn't really help an insurance company to make that decision.

As a matter of fact, if those definitions were in the bill, I would be happily supporting it. They are in the other one. Symmetry is specifically listed. While we are saying I think it is medically necessary, the bill doesn't define medically necessary. It is the insurance company, not the doctor, not the patient, that decides whether they are going to reimburse and whether they think it is medically necessary. There are plenty of situations where doctors have said this is medically necessary and insurance companies have disagreed and refused to pay. We are trying to stop this for women who have had breast cancer and have had the tragedy of a mastectomy. Thank you. I urge you to vote no.

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

ROLL CALL NO. 157

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Campbell, Carleton, Chick, Clukey, Cross, Damren, Dunn, Farnum, Gooley, Greenlaw, Guerrette, Hartnett, Hichborn, Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Look, Lumbra, Marshall, Marvin, McAlevy, McElroy, Nass, Nickerson, Ott, Peavey, Pendleton, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Simoneau, Spear, Stedman, Stone, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Heino, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Keane, Kerr, Kil Kelly, Kontos, LaFountain, Lemaire, Lemke, Lovett, Luther, Madore, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, Paul, Perkins, Pinkham, Plowman, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Volenik, Watson, Wheeler, Winn, The Speaker.

ABSENT - Gieringer, Lemont, Lindahl, Mayo, O'Neal, Yackobitz.

Yes, 59; No, 86; Absent, 6; Excused, 0.

59 having voted in the affirmative and 86 voted in the negative, with being absent, the Minority "Ought to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted. The Bill was read once. Committee Amendment "A" (S-229) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, June 15, 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.

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

House Divided Report - Committee on Utilities and Energy - (8) Members "Ought Not to Pass" - (5) Members "Ought to Pass" as amended by Committee Amendment "A" (H-435) on Bill "An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission" (H.P. 676) (L.D. 927) which was tabled by Representative MITCHELL of Vassalboro pending acceptance of either Report.

Representative KONTOS of Windham moved that the House accept the Minority "Ought to Pass" as amended Report.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: As originally structured, this bill was to add the PUC to the review process of any major retrofit to Maine Yankee. The proposed project entry level for this review was to have been 100 million dollars. As you may be aware as a nuclear power plant, Maine Yankee is under the supervision of the Nuclear Regulatory Commission and FERC and not the Public Utilities Commission.

Committee Amendment "A", which is before you, merely requires the filing every five years by all the regulated utilities of certain items. These items are current contracts to purchase power for Maine Yankee, a planning projection of the operational length of Maine Yankee, average annual rate to be paid for nuclear power and utilities energy plan for the future. All of this is already required in Chapter 35 of the Maine Revised Statutes under the Public Utilities section 112. This provides the power to obtain information, management audits, safe facilities, just and reasonable rates and investigations. All of these are already in the purview of the Public Utilities Commission.

By requiring the regulated utilities to submit this information it is just a redundant system and a law which will cost money and not really accomplish anything. The PUC can get all the information they need about Maine Yankee from the utilities that buy power from it now. I ask you to join me to defeat the present motion and accept the Minority "Ought Not to Pass" Report. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative TAYLOR of Cumberland requested a roll call on the motion to accept the Minority "Ought to Pass" as amended 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 Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: As the good Representative from Cumberland just told you, the original bill has been replaced in the Minority Report with an amendment. It even has a new title, which I want to read to you to make sure you have all been paying attention to this issue. The new title would be if you accept the Minority Report, An Act to Ensure the Economic Benefits of Nuclear Power Plants.

The reason for the amended language and for my interest in pursuing this actually has four characteristics. One, when the bill was presented before the cloture date in December, the cracks in the tubes at Maine Yankee were not yet a news story. Because of more sophisticated testing, Maine Yankee has discovered nearly 60 percent of their tubes have cracking and a corporate decision made by their board to repair all 100 percent of those tubes, with what we call sleeving.

I am going to presume that most of you have read about this. It has gotten a fairly wide coverage in our local daily newspapers. This will make Maine Yankee the first and only nuclear power plant in this country to have 100 percent sleeving. We have been assured by Maine Yankee and in at least two different presentations before the committee. That this is perfectly safe and it is going to be a state of the art operation. They have every reason to believe that it will not effect the overall capacity in any noticeable way at Maine Yankee.

The intent of this bill is not, (1) to close Maine Yankee, or (2) to involve the state PUC in any way the decision making of this retrofit that they have already decided is necessary and they are willing to pay for, nor is it the intent of the amended language to disrupt the schedule of repairs that have already been determined. Rather I have four goals with this amendment that represents the Minority Report.

The first, is to reduce any future risk to ratepayers who pay, in fact, have to incur some additional costs, in the future, from the expenditures made at Maine Yankee. Right now ratepayers are not paying for these repairs. Those costs are being absorbed by share holders because the affected utilities that are owners in Maine have flexible rate plans which disallows them from passing these costs onto ratepayers. We have no guarantee that that will be true in the future, if there are exorbitant costs of repair or large costs during a shutdown period.

My second goal is to make sure that the public has some understanding about the assumptions that are made under which the decisions are made regarding the costs of nuclear power. What you need to be aware of as you think about this issue is Maine's tremendous dependency on nuclear power and why it is such an important part of the economic well being of the state. Added to that is our concern about what the cost of replacement power is when an operation like

Maine Yankee is down for a year, which it is at this time, during this retrofitting. One of the reasons for asking the Maine utilities to report to the PUC, what these financial decisions are and to make sure that we put sunshine on the decisions that Maine utilities make, particularly in the event that those decisions do involve ratepayers.

Thirdly, I think it is imperative that the Maine utilities have an ongoing reporting about their investments in Maine Yankee, about the cost of replacement power and about the projected cost per kilowatt hour. Unlike some of the independent power contracts that you have heard about, the contract with Maine Yankee by Maine utilities is a cost of service contract. In other words, there are projections about what it will cost, but we have no way of looking at a particular contract and guaranteeing that that will be the cost over the life of the plant. I think we have not only a right, but an obligation to have a full accounting of those costs by Maine utilities.

Finally, we get to the issue of accountability. Maine Yankee is an aging plant. Maine and all of New England is heavily dependent on nuclear power. We are the first in the country to 100 percent sleeve a nuclear facility. We must realize that not only New England, but the entire nuclear industry across the country and maybe the world will be watching to see what happens at Maine Yankee. We, as consumers and ratepayers and business owners and yes, even shareholders, have a right to know the conditions under which these decisions are made. Some of you who know me well, know that nuclear power has not been one of the issues that I came up here to fight about.

Quite frankly, I am a bit surprised at myself that this issue has become as important to me as it has in the last six months. The more I thought about our responsibility as public policy makers and our particular responsibility on the Utilities Committee to ensure you, as our colleagues, and our constituents at home that we are doing all we can to make sure that Maine has a sensible long-term energy policy. This, to me, is a modest proposal to ask the Maine utilities to, in a public way, before a trusted regulatory body provide us with the kind of information that will allow the public to understand this most significant piece of Maine's energy mix.

The amended language before you in the Minority Report was supported both by the public advocate and by the Public Utilities Commission. The Representative from Cumberland mentioned to you that the PUC can already do some of this and he is right. However, much of the language that he referred to in that section of the statute is permissive. I am not comfortable with permissive language. What we are asking for is a five year reporting and to give credit to our superb analyst. The word that he discovered, which we don't believe occurs anywhere else in statute is in the amendment, which is asking the utilities to file a quinquennial filing. A word that I hope you can all use when you win in scrabble some day. Quinquennial filing is every five years, that in my judgment is not burdensome. The utilities would like us to believe otherwise. I very much disagree with that assessment of what we are asking them to do.

I hope that you will join me in supporting the Minority "Ought to Pass" Report when you look at that amendment. Thank you Mr. Speaker.

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

Representative HEESCHEN: Thank you Mr. Speaker, Members of the House: I also urge you to support the Minority "Ought to Pass" Report. We had a number of opportunities this year to meet with Maine Yankee representatives, had presentations and had hearings. What struck me was how difficult it was to actually get meaningful information from them.

One presentation we had on the proposed sleeving process, not the sleeving process so much as the inspection process, was about the time that in the papers it said they had found about 500 cracks out of the 17,000. Perhaps we don't know the right questions to ask Maine Yankee, but they never gave us any indication that there already were significantly more cracks found than 500. The next morning in the paper the headline I read as I came in through the State House was over 3,000 cracks found. Our next opportunity to raise an issue with Maine Yankee they were, I can't remember how many thousands of cracks they found, but ultimately they found over 10,000 cracks, but at that point they said there really aren't any other cracks or significant number of cracks elsewhere than at the tube sheet.

A couple of days later in the paper there was a discussion that, in fact, they had found something like 360 other cracks elsewhere in the heat exchange tube. The last time we had an opportunity to have Maine Yankee before us I asked, because I don't really know what questions to ask to get the right answer apparently, a question that I thought maybe would get an answer. That is what are we going to find out in the paper in a couple of days that you are not actually going to tell us here. I think we really do need a process to get regular information about Maine Yankee.

Representative Taylor mentioned the PUC may be empowered to seek this information, but in terms of the overall priorities that the PUC is operating under right now, everything we have asked them to do and everything they are required to do, this isn't high on their list and that is because of really two reasons. It is a public policy issue and the PUC acts on clear public policy, which is usually directives from the legislature, or acts on citizen's complaints. The legislature is really the first line to receive public concern about this issue and that is why we ended having presentations dealing with Maine Yankee because concerns had been expressed to the legislature and we felt that it was incumbent upon us to address these concerns.

We do need to get a regular process of reporting in so that we will have continuing information particularly about the economic impact of this particular generating plant. I do urge you to accept the motion.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I am a little concerned about this. Had I not been involved with the activities of power companies earlier this year, I might let this slide over. However, I would like to ask Representative Kontos or anyone who can answer this, does the PUC have the capability of being able to measure this or give an informed decision on it and if not, will they rely upon the Nuclear Regulatory Commission of the federal government?

The SPEAKER PRO TEM: The Representative from Jonesboro, Representative Look has posed a question through the Chair to the Representative from Windham, Representative Kontos. The Chair recognizes that Representative.

Representative KONTOS: Mr. Speaker, Ladies and Gentlemen of the House: To respond to the Representative's question. The amended language that we are proposing in the Minority Report does not ask the PUC to do anything other than hold advisory proceedings for the purpose of gathering this information. It would not make any kind of a decision. It would not be part of a rate case.

It would be an opportunity for the public, you and I and any other person that wanted to appear before the PUC, to be there and hear these kinds of questions or to hear the questions answered. The reason that the PUC should be able to do this is, they typically, in rate cases, deal with financial information to determine rate. It is my judgment as with what the Representative from Wilton said, we, as committee members, seem not able, hard as we tried, to ask a question in the right way to get the information that we were seeking. In dubs and dabs that information has come to us.

To answer your question specifically, we will be in the amended language not asking the PUC to make anything other than having an advisory proceeding, because the utilities in question in Maine will not go before the PUC for a rate case for five years. Absent that, there is no other public mechanism to get this information. We all have been bombarded with a tremendous amount of public relations material from Maine Yankee. You may have even received something at home. I am not sure how they are getting these mailing lists, but they certainly are doing a fairly lively campaign in newspapers. I would prefer as a public policy maker to get my information in a much more public, formal proceeding and that is what the amendment is designed to try to achieve.

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

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

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

Representative KILKELLY: Thank you. It is my understanding that the amendment allows the public to be interveners in this process. I guess my concern and my question is, at what role would they have as an intervener, because an intervener tends to imply that there is an action you can expect in return? If these are informational hearings and there is not action, then I don't see how being an intervener has a positive result.

The SPEAKER PRO TEM: The Representative from Wiscasset, Representative Kilkelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: To answer the question, typically we think of an intervener as having status in a judicatory proceeding, since this would be advisory and informational rather than a judicatory. The role of the intervener would be much like the testimony we would get in a public hearing. I am here to offer additional information. I am not here necessarily to

take sides on a case the way we might get at a PUC hearing.

There are a number of special interest groups in this state, concerned citizens, people from certain municipalities who are concerned about certain health issues or who may be concerned about the financial viability of that plant for whatever reason. I can only imagine that there may, in fact, be a variety of groups who want to provide additional information. We had someone who came to us from the union of concerned scientists and they as a national organization have a tremendous amount of information about the nuclear industry, which seems to me as a way to simply inform a public proceeding. I think the word intervenor might be in this context somewhat of a misnomer only because we tend to use it for other more formal proceedings.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I agree 100 percent with the good Chair of the Utilities Committee. The real forum for intervenors concerning Maine Yankee is the Federal Energy Regulatory Commission. The reason for gathering any information in the state is to find out what the regulated utilities are doing, since the commission doesn't have authority to get a front and center, if you will, from Maine Yankee. I would repeat my initial contention if there is language in statute already which does say that every public utility shall furnish the commission with certain items. Later on it gives the permissive language to the commission to require follow-up information, but there is mandatory supplying of information already and that is why I felt this bill is redundant to statute that was already in place. Thank you.

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

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise on an issue like a utility issue, because I certainly don't have the depth of understanding that the committee members do. I am told that this adversely affects Houlton Water Company and I feel I have to speak on the issue.

From what I am being told about this amendment, it not only requires the owners of Maine Yankee to file these detailed reports, it also requires a small utility like Houlton Water Company and Eastern Maine Electric, who simply have entitlements to purchase power from Maine Yankee to also file these detailed reports. For that reason, I ask you to defeat the "Ought to Pass" as amended Report so we can go on to pass the "Ought Not to Pass" Report. Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Utilities and Energy Committee, we heard testimony from the Public Utilities Commission that the fact that most of the public owned utilities now have a five year rate plan in effect. When that rate plan expires five years from now, any investments that they make in Maine Yankee or any other nuclear facility could, in fact, be disallowed and not be allowed to be included in any future rate structures that the Utilities Commission felt that the investments weren't wise. It seemed to the majority of us that gave the Utilities Commission sufficient oversight into investments by Maine Yankee and the other public

owned utilities into Maine Yankee. For the first five years they are guaranteed that the rates aren't going to go up anymore anyway except for the built in formulas that they already have, so this seemed to be a bit redundant. Thank you.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: My friend from Houlton, Representative Clukey should not be at all reluctant to rise and ask the questions that he did, because he comes to the point very clearly and readily. What exactly does the impact of Maine Yankee mean for any of our wallets, any of our consumers, in any part of the state, no matter who happens to be your electrical supplier?

I put the bill in that is now in question, L.D. 927. I resubmitted the exact version which had passed this chamber two years ago and failed in the Senate by only a small margin. That original bill required that if, the only electric generating nuclear power plant in the State of Maine required repairs of a certain threshold economically, then that repair would have to get permission of the Maine Public Utilities Commission, because of the vast impact the repair would have upon our ratepayers, your neighbors.

The trigger for that review was set so deliberately high. We imagined never would we ever have to do that review, short of a catastrophe. The exact figure was 100 million dollar retrofit in the original bill. That is exactly about half of what it cost to build the entire plant originally. That was the theory in December when I submitted the bill. It became a reality in January when catastrophe hit in Wiscasset. Theory hit reality and caught us square between the eyes. The plant at Wiscasset, whatever one thinks of nuclear power, for it or against it, will be, should all things continue as they are planned, the most heavily rebuilt nuclear power plant on the face of the earth, bar none. Such a massive undertaking has never been done at any nuclear power plant of any size in the history of our race. What is it going to mean? We don't exactly know. What is it going to cost? We can't exactly tell you. What is it going to mean to your pocket and my pocket beyond five years or within five years? Well we don't know.

Human kind has never been through this before. The amendment to the bill that is now before us, I do support. The amendment would simply say that this sort of material must be given periodically to the Public Utilities Commission so they can have some ability to plan what to do. That is absolutely vitally important because who, eight months ago, would have ever anticipated the difficulties Maine Yankee is going through now? Who eight months ago, would have imagined that Maine is going to make very reluctantly a whole page of nuclear history? Who would have ever imagined, eight months ago, that we would be sitting here talking about figures so staggering and with implications so huge that no where else on earth can we look to for a successful example of what is going on.

The amendment is also needed because of the process we went through in arriving at it. When the bad news hit us in April, the President of the Maine Yankee Power Plant, appeared before the Utilities Committee and all those of you who were invited to attend, that wished to, speak about exactly what they

were undergoing at the time. At that meeting, I asked very simply for a list of answers that would be a snap shot of the situation as it stood at that moment, the first of April, 1995.

Very simple questions, cost of replacement power, net and gross, that means you and me folks. Where are we going to buy our electricity if we are not generating it here? What their estimated cost of repairs would be? What kind of repairs might they think about doing? Very vague general outlined questions and merely asking for a snap shot of how it could be. The answers to those questions I am holding in an envelope that arrived today, the fourteenth of June, 1995. It was hand delivered, no post mark.

In between those dates we waited. We asked repeatedly, they appeared before us repeatedly and I had to find the answers to the questions that I had asked in the Bangor Daily News, which at that time, I will point out, Maine Yankee Power Plant spokesman consistently told us with the wrong answers and we shouldn't review them. We shouldn't listen to them. We shouldn't be concerned. The newspaper had it wrong. The newspaper was the only one that was writing anything. You and I should not be at the mercy of such ways of finding our information. You and I, as legislators, set the policy to which the Public Utilities Commission reacts and to which Maine Yankee must respond. If you and I cannot ask direct questions to the President of the Maine Yankee Power Plant and not get answers for months at a time and not get them at all until finally the day of the debate upon the bill in question, what does that mean?

Once the five year rate cap for the Central Maine Power Company and Bangor Hydro is gone, these are tremendous costs, we cannot estimate at the moment. Tremendous costs, we haven't got figures on it at the moment. Tremendous costs, that somehow are going to be absorbed in someone's pocket that aren't going to go away. We have to find out who is going to pay and where it is going to be. You can't do that if you can't get information. If you can't ask the President of anything and get a straight answer with a yes attached to the end of it for several months thereafter, then I submit, ladies and gentlemen, you and I are in trouble, because a private citizen could get even less.

Therefore, I think that the minor things required by the bill before us, as amended, are good for the people of the State of Maine. They will be useful to the Public Utilities Commission. They are the things that you and I and our successors are going to be talking about five years from now when the rate caps go away or maybe talking about next session, if the power companies come here and lift the rate cap, because they are going to have to eat far too much money. You have got to know what that money is. You have got to know what the risk is. For that reason, I would ask that you do indeed support and vote in favor of the motion on the floor to accept the Minority "Ought to Pass" as amended Report. Thank you.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the arguments that we should regulate even more Maine Yankee. Maine Yankee right now is so regulated it

can't turn its head without someone watching it. Thank you.

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

Representative KONTOS: Mr. Speaker, Men and Women of the House: With all due respect to Representative Farnum, this amended language does not regulate Maine Yankee. It is asking for financial information from the Maine utilities who are both, co-owners as well as purchasers. We are asking for financial accountability from the Maine utilities over which we have jurisdiction. Replacement power for Central Maine Power is costing 5 million dollars a month, while Maine Yankee is out. Replacement power for Maine Public Service is costing from \$270,000 to \$600,000 per month. Replacement power for Bangor Hydro is costing between \$700,000 to \$900,000 per month.

How would you have known that if members of your committee didn't ask that question? Why don't they want this information as part of the energy policy decisions that we make in this state? The proportions of the issues before the utilities, Maine rate payers and Maine Yankee are larger than any of us can probably imagine. What the amendment asks for is simple accountability of those kinds of financial questions.

Let me end with this final comment, Mr. Speaker. The largest creditors for the utilities based on bills that I asked you to support on the Electric Rates Stabilization Act to use FAME money to help buy out and buy down contracts, the largest creditor to Maine utilities is the State of Maine. Those of you who are business people. Those of you who call yourselves fiscal conservatives should be embracing this kind of accountability, because the State of Maine is by the action we took previously this session and the session before the utilities largest creditors. It is a prudent and modest proposal being offered for your acceptance in the Minority Report. I urge you to support it.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: My friend from Berwick, Representative Farnum, I would answer that it is not adding any new regulation to anybody. It is merely answering a request that we had to express through a letter, first of all, and then very forceful face to face, second of all, in order to get the answers that we need.

Number two, there is nothing whatsoever in the proposal that is before you today that would in any regard, shut down Maine Yankee. Maine Yankee shut itself down. Maine Yankee is shut down now. We are trying to figure out how much it is going to cost us to get it running again and who is going to pay for it at the end of the five year period. For all those reasons, I truly think in five years your constituents will thank you, if we have the answers to some of those questions. We won't have them in five years, unless we ask them today. Thank you.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: I have studied Maine Yankee and Central Maine Power Company a year ago and I sold my stock.

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

ROLL CALL NO. 158

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, LaFountain, Lane, Lemaire, Lemke, Look, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Nadeau, Ott, Paul, Pouliot, Povich, Rice, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn.

NAY - Aikman, Ault, Bailey, Barth, Birney, Buck, Bunker, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Driscoll, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Kilkelly, Kneeland, Labrecque, Layton, Libby JD; Libby JL; Lovett, Lumbra, Madore, Marshall, Marvin, McAlevey, McElroy, Morrison, Murphy, Nass, Nickerson, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Reed, G.; Reed, W.; Robichaud, Savage, Simoneau, Stedman, Stone, Strout, Taylor, True, Tufts, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Dexter, Lemont, Lindahl, Mayo, O'Gara, O'Neal, Peavey, Underwood, Yackobitz, The Speaker.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, the Minority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-435) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, June 15, 1995.

House Divided Report - Committee on Banking and Insurance - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (H-423) - (6) Members "Ought to Pass" as amended by Committee Amendment "B" (H-424) on Bill "An Act Concerning the Liability of Governmental Entities for the Use by Employees of Private Motor Vehicles" (H.P. 824) (L.D. 1155) which was tabled by Representative GATES of Rockport pending acceptance of either Report.

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

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

Representative GATES: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion. I will speak briefly on this topic. What the bill before us does is when state employees use their own vehicles to run an errand on state business, the bill puts that employee's insurance company in front of the state in terms of liability. It says state employee's insurance is primary to the

state. In doing that it saves the state 1 million dollars or so.

However, what many of us on the committee thought was important was to make the state employee whole should an accident happen and should their insurance rates go up as a result. If we are going to ask the state employees to carry this bucket of water for the state and to put our house in order, all we were asking is that should something happen, should there be an accident, that the state would reimburse them solely for a couple of years for the increase only their premium attributed to that accident. It would totally be up to the state employee to prove that his premiums went up and if he was unable to prove that, he would go unreimbursed. The cost of doing that would only be about \$30,000.

We have an opportunity here to save 1 million dollars and we can either do that or we can save \$970,000 in a fair way by adopting the Minority Report. I am just concerned that, once again, we are spanking state employees to balance the books. I would urge you to vote no and adopt the Minority Report. I ask for a division.

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

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: What this bill actually does, L.D. 1155, is repeals the sunset of June 30, 1995. It allows state employees to continue doing business as they have in the past. If we don't continue doing business as we have in the past, then we could be looking at a cost to the state of at least \$500,000. You are looking at a fair amount of money. I think that we can continue as we have in the past and not have any problems at all. Thank you.

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

Representative GATES: Mr. Speaker, Men and Women of the House: The good Chair is correct, however, the same result is achieved by the Minority Report. It simply doesn't do it on the backs of state employees. There will be huge saving with which ever report we adopt. I thank you.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: This is a situation where we are creating a bad solution to a pretty basic problem. The very basic problem is we compensate our employees 22 cents a mile for mileage. The concern is that this does not cover such things as insurance or whatever. The solution that is proposed in the Minority Report is one that we don't want to travel down.

Therefore, the Majority Report is important to endorse. The solution that may be suggested is that we offer to pay employee's insurance over and above that typical increase after an accident, which is basically undeterminable, whose fault and so on. If we want to correct the solution, we should be paying our people the average 29 cents or whatever. We should increase the compensation per mile, not go down an avenue that creates a hole in the future where we start compensating employees for something other than is typical in the industry or from the IRS perspective. We don't want to be compensating people for insurance policies when, in effect, all we should

be doing is increasing the rate paid to our employees on a mileage basis. Therefore it is very important to endorse the Majority "Ought to Pass" and pass L.D. 1155. Thank you.

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

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

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

Representative WATERHOUSE: To the good Representative from Holden, Representative Campbell. Am I hearing this correct? If a state worker gets involved in an accident and it is his fault and his insurance premiums go up, this bill would require his insurance premiums raise to be paid by the state?

The SPEAKER PRO TEM: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to the Representative from Holden, Representative Campbell. The Chair recognizes that Representative.

Representative CAMPBELL: Thank you Mr. Speaker. Yes, that is correct. The increase in rate is then paid for by the state.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I put in for the bureau. This bill was basically put in because if we did not repeal the sunset that would have come into effect in July of this year, the state would have had a half a million dollar liability. Also, local municipalities would have had between a half a million and 1 million dollar liability. The sunset, if it is not repealed, will cause local school districts, towns, county government and the State of Maine to become primarily responsible for the auto insurance for their employees when they are on company business, even though they are already reimbursed for the miles.

This is a policy that would lead the state on a very dangerous road to start reimbursing them for their automobile insurance. No other state reimburses for this. The federal government does not reimburse for this. With the research I have done, I have found no entity anywhere in the world that does this. We would be the first state ever to do this kind of thing. If we choose to pass this bill, we will be saying if you are in an accident while you are on state time and it is your fault, we are going to pick up the increase in your premium. If you want to be really magnanimous, maybe you want to do that. That might be fine if that person hasn't had an accident in the last 20 years and so their insurance premium goes up \$100. What if that person has had five accidents in the last one year? What do you think the next accident they have is going to do to their premium.

We are going to ask the taxpayers of the State of Maine to pick up that cost, if we vote for the Minority Report as Representative Gates has said. We are going to say to the taxpayers of the State of Maine, you are going to pick up the insurance increase for this state worker, even though the state worker was at fault. This is a very, very bad policy. It opens a can of worms that there is no way the department supervisor can figure out what this increase can be. There is no way of determining it

fairly. It will open a can of worms that no other entity anywhere ever has done. The private sector does not do this. If you vote for the Majority Report, we will be leaving the sunset on this bill and saving the state taxpayers a half million dollars and your local municipalities between a half million and a million dollars. I urge you to support the Majority "Ought to Pass" Report. Thank you.

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

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

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

Representative HARTNETT: Thank you Mr. Speaker. Actually I would like to pose three questions. Is there any time limit imposed for how long the state would be liable for this increase in insurance? Would it continue after an employee has left the employ of the state? Also, is it regardless of fault? I think I am hearing that the fault of the accident doesn't seem to come into play. Since legislators get reimbursed for mileage, can we get in on this?

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

Representative GUERRETTE: Thank you Mr. Speaker. Yes, as a state employee you are on state time. You can get in on this gravy train. Understand that what we are talking about getting in on is not the motion before us, that would be the Minority Report. The Majority Report simply protects Maine state taxpayers and does not head down that path. While you are a state employee, you will be reimbursed for three years of the rate increase of your insurance. Please accept the Majority Report that will not cause these problems and will save taxpayers a lot of money. Ladies and gentlemen of the House, another one of his questions was the fault issue. Yes, if it is your fault the state will still pick up the tab. Thank you.

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

Representative CHASE: Mr. Speaker, Ladies and Gentlemen of the House: I realize, we are not as the good Representative, Representative Guerrette has said, debating the Minority Report. Lets stick to the Majority Report. Representative Campbell has suggested that, in fact, the real solution would be to raise the reimbursement level to state employees to 29 cents per mile. However, neither that good Representative nor anyone on the Banking and Insurance Committee nor anyone on the Majority Report offered that solution. Lets talk about that solution either. Lets talk about what is before us.

We all want to save the state a lot of money. We all want to save the state the \$500,000. The problem with simply accepting the Majority Report is perhaps the inverse of what has been suggested as the problem with suggesting the Minority Report. That is if I am a state employee and I am sent on an errand to the State House to pick something up or drop something off and I am sitting in my car and I am involved in an accident, it is not my fault, if my insurance increases as a result of x number of accidents because I am doing my job, I have to pay for that. Those of us who did not accept the Majority Report

thought that was simply not the way to do business. Representative Guerrette has reminded us that he does not know of another state that does business this way. I might suggest that other states take primary responsibility for the insurance of their employees. With that, I urge you to reject the Majority Report so then we can go onto discuss the Minority Report and support that. Thank you.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: There was something that was left out here. What has been left out is that the state worker has the option to use a car in the pool. It isn't that they have to use their vehicle. The other thing that is left out is we have heard many, many times on the floor the word parity. What we are talking about here is true parity. If I worked anywhere else, but for the state and I used my vehicle for an errand and I got in an accident, that would be up to me to pay the increase in premium. I wouldn't have the privilege of my employers picking up the increase in premium. It is definitely not balancing the budget on the backs of state workers.

The other thing is we have a whole lot of problems with this if we don't support the Majority "Ought to Pass". The problems are if a state worker gets in an accident, we haven't defined, OUI and negligence. Still the state has to pick up the increase in premium for three years. The other thing is what if you get into an accident and you total your car, you have a Yugo and you buy a Lincoln, you have a significant increase in premium. To come up with what the increase was based on the accident and to get that formula would be virtually impossible. There are too many things that come into play that increase insurance premiums. I would just ask you to support the Majority "Ought to Pass". Thank you.

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

Representative SAXL: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Pittston, Representative Guerrette suggested that no other state in the country provided immunity for their state employees. May I pose a question through the Chair?

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

Representative SAXL: Thank you Mr. Speaker. Is it true that police officers in the State of Maine and public works people in the State of Maine are given this immunity from liability and are covered by the state.

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

Representative CAMPBELL: Thank you Mr. Speaker. Yes, in fact, that is true. Again, different situations. We feel they are in a more precarious situation than an employee traveling back and forth on an errand. These people who are placed in high risk situations are, in fact, covered under similar programs.

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

Representative SAXL: Mr. Speaker, Ladies and Gentlemen of the House: The minority of the committee agrees with Representative Campbell from

Holden. We agree that the state should not be liable for every action of the state worker. We believe that the state should be immune from this action. What we are merely asking is that the state consider that while the state worker on state time doing the state's business has an accident. If they are sitting at a stop light and someone rams them from the side and that is the cause of their increase in premium, for this period of three years and only that time, that will be compensated. This is a \$30,000 answer to a potentially 1.2 million dollar problem. We think this is a good deed for the state taxpayers to save their money. Thank you.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify what we are talking about when the police officers are exempted. What it is is no insurer may increase the premium for a personal insurance policy providing motor vehicle liability or collision insurance to a public works employee on the basis of one or more accidents involving the motor vehicle operator by that employee. It is simply that if they are on the job that their personal insurance company can't increase the premium for the police officers. This is very discriminatory, if the Minority Report was passed, because we didn't see fit to include school districts or municipalities. This is strictly for the state worker reimbursement. It is totally discriminatory.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify a couple of points. I will try to be brief. This has gone on too long and I apologize. If someone is rammed from the side sitting at a stop sign, their rates will not increase. They are not at fault. Number two, no other state in this nation does this as Representative Chase intimated. No other state takes primary responsibility for insurance. That is not true. We would be the first. Number three, the state does not reimburse police officers if they are in an accident. The state has made a law that says to insurance companies you may not raise the rates of that employee of the state. The state does not reimburse those employees of the state. I just want to clarify some misunderstandings that may have been there. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Men and Women of the House: It seems to me if we are going follow the logic of those who advocate this position that perhaps we should amend this bill to include that when public employees take their work home in the evening then perhaps we should include paying part of their home owners insurance policy as well.

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

Representative CHASE of China requested a roll call on the motion to accept the Majority "Ought to Pass" as amended 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 Freeport, Representative Hartnett.

Representative HARTNETT: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I asked the question earlier about whether this applies to legislators. For those of you who came into the room late, I want you to know that it does. You are about to vote yourself another benefit on top of the wonderful medical coverage, dental, mileage, meals allowance, housing allowance and I can think of three members of this body who would love retroactivity on this motion.

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

ROLL CALL NO. 159

YEA - Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Birney, Bouffard, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, DiPietro, Donnelly, Dunn, Farnum, Gamache, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JL; Look, Lovett, Lumbr, Madore, Marshall, Martin, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Gara, Ott, Pendleton, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Berry, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Davidson, Desmond, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gates, Gerry, Gould, Green, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, LaFountain, Lemaire, Lemke, Luther, Mitchell EH; Mitchell JE; Morrison, Nadeau, Paul, Poulin, Povich, Richardson, Rosebush, Rotondi, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vollenik, Watson.

ABSENT - Daggett, Dexter, Kerr, Kontos, Lemont, Libby JD; Lindahl, Mayo, O'Neal, Peavey, Pouliot, Rowe, Sirois, Winn, Yackobitz, The Speaker.

Yes, 78; No, 57; Absent, 16; Excused, 0.

78 having voted in the affirmative and 57 voted in the negative, with 16 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-423) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, June 15, 1995.

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) which was tabled by Representative MITCHELL of Vassalboro, pending the motion of Representative KONTOS of Windham to accept the Majority "Ought to Pass" as amended Report.

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

Representative KONTOS: Mr. Speaker, Men and Women of the House: This amended version that is the Majority Report deletes all sections of the bill, but the first one, which is and I am going to read it so you don't have to scramble to find it in your notebook.

A municipality may require any company providing cable television services to pay reasonable fees to the municipality based upon a percentage of gross receipts in that municipality to the extent consistent with applicable rules and regulations of the Federal Communications Commission, as amended.

This is permissive language. Some of you may have heard from your access companies in your towns who very much want to have this language in statutes that allows them to enter these negotiations. I urge you to support the Majority Report.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: This is another bill that started out in one direction and has ended up a shadow of its original self. There were several good ideas in the bill that was originally contemplated to counteract the failed attempt of Time Warner to require scramblers in all the greater Portland area. As often happens, public opinion took care of the problem before we could get at it and three of the four sections of the bill were deleted. The fourth merely gives your communities the same right that they have and have exercised up to this point. The bill is no longer applicable and I would recommend that you would vote against the motion "Ought to Pass" and put this bill away as not being necessary.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I would urge you not to put the bill to sleep just yet. It didn't ask to be and it is wide awake and very happy to be walking around on its own two feet, thank you.

As sponsor of the bill, I will assure you that it may have been born out of difficulties faced in certain parts of Maine and by far have those things not yet gone to bed either. Right now those things are being decided in other forums and will no doubt be coming back to us again. Your local cable company tries to pull some of the same monkey shines most of southern Maine experienced last fall. In which, thanks to the good intercession of Senator Olympia Snowe we were able to catch at the moment until they rear their head again.

Therefore it is important that your local cable access channels, which are run by your neighbors usually as volunteers, still maintain the right to run the channel that is going to broadcast your local ball games, your local city or town councils, local town meeting, local planning board meeting, local school board meetings, etc. In the new world of new methods of delivering the media, not all of it through a cable necessarily anymore, but through other ways that we haven't yet thought of. It is important that they have that right to negotiate those channels and to make sure that they can maintain that broadcast in all of those medians.

That is what this piece of the bill does and that is what we would like to have your communities know we care enough about to pass and maintain in law. I am sure you will hear more about the rest of those other things next session, but that is all this one

does this session. I urge you to vote for it. Thank you.

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

A vote of the House was taken. 58 voted in favor of the same and 26 against, subsequently, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-289) was read by Clerk and adopted. The Bill was assigned for second reading Thursday, June 15, 1995.

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

ENACTORS

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1995 (H.P. 1098) (L.D. 1542)

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

On motion of Representative REED of Dexter, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1542 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-466) which was read by the Clerk.

Representative CLARK of Millinocket moved that House Amendment "A" (H-466) be indefinitely postponed.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: A little history of where we are on the Penobscot budget. It has been around here for some time and it is a shame that we have to bring it up in the form that we are bringing it up right now. We ought to deal with it and we did deal with it during our caucus.

As you know we have 28 members in the Penobscot Delegation and we worked this eight different times. We met in Bangor at the County Commissioner's Office on December 13, 1994 and here we are today. Like I said we had eight different meetings and we had eight different votes. We had one ballot at the end to decide where we are right now. We had a total of 28 members vote and we circulated a ballot.

The people who voted on it to bring it where we are today are Senator Michaud voted in favor. Senator Ruhlin voted in favor. Senator Faircloth voted in favor. Senator Cianchette voted in favor. Senator O'Dea voted in favor. Senator Hall voted against. Representative Clark, the Chair, voted in favor. Representative Plowman voted against. Representative Stone voted in favor. Representative Winn voted against. Representative Yackobitz voted in favor. Representative Povich voted in favor. Representative Morrison voted in favor. Representative Reed voted in favor. Representative Joy voted in favor. Representative Saxl voted in favor. Representative Campbell voted in favor. Representative Strout voted in favor. Representative Bigl voted in favor. Representative Stevens voted in favor. Representative Hichborn voted in favor. Representative Lumbra voted in favor. Representative Lane voted in favor. Representative Keane voted in favor. Representative Fisher voted in favor. Representative Bunker voted in favor. Representative Rosebush voted in favor and Representative Cross

voted in favor. Our budget is not finalized until it comes to Augusta. We had a 26 to 2 vote for the budget.

It went to the State and Local Government Committee and it came out in an unanimous report out of State and Local. It came to the House, we voted on it and sent it to the Senate. There was an amendment added on it down there. We had a tiff back and forth and amendments were stripped in the Senate and sent down to the House and now the amendment is being tried to put back on again. I hope when you vote this evening, I hope you will vote with the Penobscot Delegation of 26 to 2 and let us take care of our budget and move it on, so we can move another one down the other way. I hope you vote with me this evening to kill the amendment that is being offered this evening. Thank you.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize that my fellow legislator from Millinocket was going to get up and we were going to listen to a tirade about what happened to the Penobscot County budget. Apparently what happened there was a no no. What happened to the Piscataquis County budget was all right. He knows what I am talking about, but they stopped it dead when this came from the other body. I just want you to understand that he played a game and he is criticizing another game that is played. I just want to set the record straight that he plays the same game.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I don't think this is an issue tonight that we have to get all bent out of shape over in the State of Maine. I will tell you that it is hard for me tonight to get up and oppose my neighboring community representatives. I believe it is wrong to bring this amendment before us tonight.

Process over the years dealing with county budgets is that we have a process that the delegation goes and supports various parts of that budget, then it goes to the State and Local Government Committee and the decision they make. It comes up here and it was an unanimous report and we shouldn't be dealing with it here tonight. It is sad that we have to do this. The County Commissioners back in Penobscot County probably would like to see us adopt this amendment. That is to bad. I happen to believe in our county that we have an oversight, which is the legislative delegation. I feel strongly about that and some counties don't. Nevertheless until we change the process that Penobscot County operates under, this is the way it should be. I am supporting the indefinite postponement.

One of the issues involved was the three issues that are in the amendment. I got criticized for putting that in after the County Commissioners had passed their budget. The fact of the matter is, all the press I got in the papers, the process was to give \$4,000 to the Sheriff and I said I couldn't agree with that and I could go with \$2,000, that is the process ladies and gentlemen. The process is we put together what we feel the delegation can support and that is the way it should be. We should not be arguing over the Penobscot County budget in this body.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lagrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I very seldom would rise to speak in opposition to a position taken by the good Representative from Corinth, as I respect the gentleman and his judgment. However, I know that he understands that it is everybody's prerogative to have an opinion of his own. My thinking is that a county budget should be the result of open and free discussion between the County Commissioners, the budget committee and the legislators. The items are minuscule and relatively unimportant except to special individuals. The total amount is only \$9,000.

Of the three changes in the amendment, I was very much opposed to one. I was very much in favor of another. The third one wouldn't make any difference to me and my constituents. It so happens that when we had the last meeting with the County Commissioners some two months ago, the personalities, egos and politics got in the way of an open discussion. That meeting deteriorated to the point where it seemed to me to be very absurd. When the County Commissioners came to Augusta they were very unhappy. The meeting ended without a clear decision. They went home quite unhappy. The meeting was such that some of our own members got up and walked out of the meeting.

Since then changes in this budget have been taken without consultation with the County Commissioners or the budget committee or by our committee as a group. This has resulted in a lot of discussion and a lot of dissension back in my home towns in Penobscot County. Last week all this dirty linen came out in the biggest black letters on the front page of the Bangor Daily News. There was a lot of criticism and a lot of ridicule for both the innocent and the guilty in this fiasco. The County Commissioners know what the problem was. The budget committee knew what the problem was and we know what the problem is and where the responsibility lies. For these reasons and to indicate my concerns and objections, not for the individual items in this amendment, but to what seems to me to be the most unorthodox tactics and the arrogant manner in which we have been unable because of the position of certain individuals to get together with the County Commissioners, I feel that I must vote in support of this amendment.

I don't care, \$9,000 doesn't make any difference. I think it is ridiculous that we have been unable, even though we requested the opportunity to meet with the County Commissioners. All three County Commissioners have indicated to me that they would be glad to talk with us and to sit down and resolve this as adult people should do when there is a difference of opinion, in which we could have very easily done. There was a refusal to call the County Commissioners and invite them in. I would like to read into the record a letter from the County Commissioner of Penobscot County. This letter was written to the author of this amendment and they state, and I quote.

"We are writing this letter in support of your efforts to delete the three items added to the Penobscot County budget, by the Penobscot County Delegation totalling \$9,500. We had expressed opposition to these additions at the time they were made, because the circumvented budget process which is the work done by the Budget Advisory Committee, our department heads and ourselves. As of tomorrow we will have completed five months of our budget year and still do not have final figures to work with.

Also, the county tax bills have not been sent out. If something is not done soon, we will be putting the county's finances in jeopardy. Please let us know if we can be of financial assistance."

I think this created a lot of opposition among my constituents. Town officials in my part of the county are very unhappy. They think we should settle this. For that reason, I would support the amendment as presented by the good gentleman from Dexter. I think that is the proper procedure to take and that we should then pass this budget as amended and return it to the people in Penobscot County. I hope you will join with us in supporting the idea. Thank you.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I don't want you to leave here tonight and lead you to believe that we did not meet with the County Commissioners. We certainly did and we certainly kept them informed every step of the way. Being a Chair of that committee was not easy. Representative Reed said they did not pay me enough and believe me, they don't pay you enough to be Chair of the delegation. We met on December 13, 1994, in Bangor. Two items at that time were added in the budget before. Millinocket \$5,000 for economic development was in the budget before. The \$2,500 for Shaw House in the Bangor area was in the budget before. The County Commissioners were very much in favor at that time in 1994. We came down here and did it that way. It was in the budget. Why wasn't it in the budget in 1995?

The person representing the northern part of Maine in the budget process did not make any of the meetings. When I came to the meeting in Bangor with the County Commissioners, I told them then, officially on the record, I am going to add \$5,000 for Millinocket. Representative Morrison, on the record, told them with 17 members present, he was going to add \$2,500 to the Shaw House in Bangor. We came to Augusta after that and we started the session. We started having meetings. We had seven meetings down here. One of the meetings got into a donnybrook with some of the members between the County Commissioners and the delegation. We left in turmoil.

When they came down here \$4,000 was recommended from a Senator for the sheriff. Representative Strout said, "I can live with \$2,000, but not \$4,000." We now have \$2,000 in here for the sheriff. The County Commissioners, at that time, from Penobscot wanted to add to the budget while they were down here \$40,000 for a suit against the Sheriff's Department. They did that while they were in Augusta, not while they were in Bangor, nor did the Advisory Committee know what they were doing. We did and we accepted it. While they were down there, they added \$15,000 to the budget. We lived with it and we accepted it. When we left the delegation with the final votes it was 26 to 2 to accept the package we put together. A lot of it I didn't like. A lot of it I didn't amend out, I lived with it. I didn't try to amend anything out that I didn't like.

I accepted the delegation's proposal of 26 to 2 and that is why we are here this evening. I hope when you vote you will leave it up to the Penobscot Delegation to take care of their work within their house. Don't leave it here when we go home. Vote to kill the amendment. Thank you.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "A" (H-466).

A vote of the House was taken. 50 voted in favor of the same and 31 against. House Amendment "A" (H-466) was indefinitely postponed.

Subsequently, the Resolve was passed to 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. 111 voted in favor of the same and 6 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

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

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

TABLED - May 31, 1995 by Representative MITCHELL of Vassalboro.

PENDING - Final Passage.

122 voted in favor of the same and 3 against, this being an emergency mandate a two thirds vote of all elected members necessary, the Resolve was finally passed, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

On motion of Representative MITCHELL of Vassalboro, the House recessed until 6:15 p.m.

(After Recess)

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

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

CONSENT CALENDAR Second Day

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

(S.P. 472) (L.D. 1268) Bill "An Act Relating to Procedures before the Public Utilities Commission" (C. "A" S-250)

(S.P. 486) (L.D. 1320) Bill "An Act to Amend the Law Pertaining to Grievance Procedures Concerning Discrimination on the Basis of Disability" (C. "A" S-246)

(S.P. 494) (L.D. 1353) Resolve, to Determine the Effectiveness of Economic Development Incentives in Maine (EMERGENCY) (C. "A" S-245)

(H.P. 105) (L.D. 140) Resolve, to Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse (C. "A" H-464)

(H.P. 287) (L.D. 391) Bill "An Act to Increase Access to Chiropractor Care under Health Maintenance Organization Managed Care Plans" (C. "A" H-453)

(H.P. 637) (L.D. 860) Bill "An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System" (C. "A" H-457)

(H.P. 658) (L.D. 881) Bill "An Act to Amend the Education Funding Formula" (C. "A" H-452)

(H.P. 768) (L.D. 1042) Bill "An Act to Amend the Surface Water Ambient Toxics Monitoring Program" (C. "A" H-455)

(H.P. 946) (L.D. 1335) Bill "An Act to Amend Laws Pertaining to On-premises Signs by Allowing for Changeable Signs" (C. "A" H-456)

(H.P. 951) (L.D. 1340) Resolve, Authorizing the Maine Technical College System to Lease Facilities for York County Technical College (EMERGENCY) (C. "A" H-461)

(H.P. 1036) (L.D. 1455) Bill "An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction" (C. "A" H-460)

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

BILLS IN THE SECOND READING

Bill "An Act to Increase Paid Health Insurance Benefits to Retired Teachers" (S.P. 232) (L.D. 597)

As Amended

Bill "An Act to Strengthen the Laws Pertaining to Poaching" (H.P. 178) (L.D. 226) (C. "A" H-458)

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

Resolve, to Require a Study of the Structure of the Electric Utility Industry by the Public Utilities Commission (S.P. 386) (L.D. 1063) (C. "A" S-251)

Bill "An Act to Enhance Export Markets for Maine Sardines and Other Canned Herring Products by Clarifying the Maine Sardine Law" (EMERGENCY) (S.P. 426) (L.D. 1149) (C. "A" S-253)

Resolve, to Establish the Commission to Study the Use of Per Diem, Part-time and Temporary Employment (H.P. 853) (L.D. 1184) (C. "A" H-425)

Bill "An Act to Modify the Electricians' Examining Board Law" (S.P. 495) (L.D. 1354) (C. "A" S-244)

Bill "An Act to Increase Access to Primary Care Physician Services in Maine" (H.P. 1063) (L.D. 1498) (C. "A" H-429)

Bill "An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture" (EMERGENCY) (S.P. 552) (L.D. 1511) (C. "A" S-252)

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. Ordered sent forthwith.

Bill "An Act to Establish Legislative Guidelines for Session" (S.P. 587) (L.D. 1571)

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

On motion of Representative JACQUES of Waterville was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed in concurrence and specially assigned for Thursday, June 15, 1995.

UNFINISHED BUSINESS

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

Bill "An Act to Decrease the State's Share of Real Estate Transfer Taxes" (H.P. 821) (L.D. 1152)

- In House, Majority "Ought Not to Pass" Report of the Committee on Taxation read and accepted on May 23, 1995.

- In Senate, Minority "Ought to Pass" as amended Report of the Committee on Taxation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-265) in non-concurrence.

TABLED - June 1, 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.

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-325) - Minority (3) "Ought Not to Pass" - Committee on Banking and Insurance on Bill "An Act to Authorize the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund" (H.P. 852) (L.D. 1183)

TABLED - June 1, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

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

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: This is a Governor's bill. What it does is allow the state to continue to purchase with the profits made from this credit card. Actually there is no cost involved to the state. It is strictly that over a period of time the earnings from this credit card will be used for the Land for Maine's Future Fund and will be used to purchase additional properties for our people. I urge you to support the Majority "Ought to Pass" Report. Thank you.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I am on the Minority "Ought Not to Pass" on this bill and would urge that you vote against the pending motion. This is what is better known as an infinite card, which will be the property of the state and the three of us who were on the Minority Report feel that this is something that the state should not become involved in. Down the road, we would predict that you will be seeing the state advertising this card. We will be receiving flyers

on it as we come through the toll booths on the Maine Turnpike and the state will be pushing it as another way or another gimmick to get some money. We are certainly not against the Land for Maine's Future. However, I would seriously consider what you are voting for tonight and to vote against the pending motion.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: I join the previous speaker in opposing this motion. I would like to say there is a fiscal impact on this and it will be on the property taxpayers. All the land that will be purchased by this credit card profit idea will be taken off the property tax roll in the local communities. The other thing is I looked at this and said we are letting Maine issue credit cards to raise money. Why not have a school house on it and issue credit cards to help fund education. I mean there are a lot of different ways we can raise money for different things. What we have here is raising money to purchase land to take it off the property tax rolls and increase property tax to all of our constituents that we have promised that we would cut property tax. I urge you to oppose this. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: This is an infinite card and rest assured it is not unique. There are thousands of these cards all over the country. The defense lawyers have them. The University of Maine class of 1960, everyone has got them. Rest assured this is not going to create a fund that is going to be of any tremendous amount. The projected amount that this will generate is \$75,000. We have just completed spending money that was a bond issue to purchase land for people to use and enjoy. This will continue it without having to have additional bond issues or additional state monies to fund. I urge you to please accept the Majority "Ought to Pass" Report. Thank you.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: When the Banking and Insurance Committee heard this bill there was absolutely no opposition to it. There were various speakers who were proponents of the bill, which included Evan Rickett from the State Planning Office. It included the Regional Director of MBNA. It included the Department of Conservation. It included the Department of Inland Fisheries and Wildlife. The way this card would work is there would be RSPs that go out to find the cards sponsor.

The fact that the director of MBNA was testifying did not mean that MBNA, if fact, would be behind the card. As an example and in explanation that regional director explained that were it MBNA, the deal would be that they would give the organization, in this case, the Land for Maine's Future, a set amount of money in the first year. After that, an amount, for example, 20 cents on every \$100 that was spent by consumers using the card. What this is is a way for citizens of the State of Maine to support the ideals of the Land for Maine's Future, which we in the past have appropriated millions of dollars for. This is a way to basically tax ourselves voluntarily.

I get the card. I spend money with the card knowing that a percentage of that money will go to this purpose. I already do that with my calling card, because of the politics behind the people who put out the calling card. I do that with a lot of things. I sign up for things that specifically support activities that I believe in. The loon plates, it is the same opportunity for us to support the conservation of our natural resources without, in fact, using general fund money and without, in fact, taxing the citizens of the State of Maine further. It is being done through private sources. It is being done in the private sector. I would urge you to support the Majority "Ought to Pass" Report for those reasons. Thank you.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I cannot disagree with the good Representative from Winslow nor the one from China as to the good things for the Land for Maine's Future. However, if an infinite card for a state is such a good idea, why is Maine going to be possibly the first state in the nation to have one? I would urge you to think about that. Thank you.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to focus strictly on the issue of the Land for Maine's Future mission. At a time when more and more property, especially the end of the state where I am living, is being bought up and closed off from the rest of us. There are very few families with young children have access to the water. More and more hunters in northern Maine are losing their access to the land where they have traditionally hunted. I think it is critically important that we use whatever creative mechanism we have at hand to fund this important program to keep regular Mainers able to have access to the wild. I think it is critically important. I am going to be supporting this Majority "Ought to Pass" as amended Report.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I support this piece of legislation and I want to tell you why. Because of an effort by a group of folks in Grand Lake Stream and the cooperation of Georgia Pacific and Land for Maine's Future, we now have close to 295 acres of shore land along Grand Lake Stream on both sides preserved and will be turned over to the Fish and Wildlife Department for management. The piece of property that is one of the best landlocked salmon rivers in the state, not only in the state, but in the country. It is because of the Land for Maine's Future and their efforts and the folks that I have just mentioned that this is a reality. That will be preserved for the rest of our lives and our children's lives for the benefit of those folks in this state who want to take advantage of that piece of property. I just think this is a good idea. We don't have to come up with the funds out of taxpayers dollars to pay for that. I support this piece of legislation. Thank you.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: When I first heard about this idea, it was not an idea that I thought I could easily support. It has been stated that we are one of the first states to do that. Based on the experience of sitting on two committees that deal with public lands with access and availability for hunting and fishing. The fact of the matter is that in the last couple of days we have heard about the State of Maine's standings in a lot of different areas.

Here is the fact that most people aren't aware of. Despite the fact that State of Maine prides itself on its natural resources, its lakes, rivers and streams, and that we tell people that you, the people of Maine, own these lakes, rivers and streams, the fact is the people of Maine are extremely limited in their access to the lakes, rivers, streams and woods of this state. As a matter of fact, the State of Maine is one of the lowest for percentage of land owned by the public in this nation. This may not be the best of all ideas to try to reverse that trend, but I came down on the side of wait and see what happens. I dare say if it does work out Maine will not be the only state, we may be the first, but many other states will grab onto this idea, because clearly the demand for public access and public owned land is a big one all across this state and across the nation.

I changed my mind and decided that I would go along and give this idea a chance. If it doesn't work, I am sure that there will be one of you coming down and saying it didn't work. I told you so. If it does work, just think of the possibilities. Thank you.

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

Representative LUMBRA: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I asked three questions when we heard this. I asked who is running the program? I was told Land for Maine's Future. Who has oversight over this program? I was told Land for Maine's Future. What are you planning to do with all this money? I was told buy private property. It doesn't take a rocket scientist to know that if you buy up private property you increase property tax for our constituents. It is as simple as that. I request the yeas and nays on this.

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

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I think this is a good bill. I am on the Majority "Ought to Pass" Report. I normally vote with my good friend from Bangor, but in this case, I think she is mistaken. This is an opportunity for Maine people to support this idea through a form of voluntary taxation. People that don't want to support this, don't have to get the credit card. If they want to get the credit card and they want to support it with their money voluntarily, I think we ought to offer them the opportunity and I support what Representative Jacques just said. Please vote for the Majority "Ought to Pass" Report.

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

Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I think if we look to our neighbor to the north we can probably get some indication as to what is really happening in some of these areas. As soon as you cross the border beyond Jackman you are going to find there are private pieces of property there that if you go in and you pay a certain fee you can hunt on these pieces of property. It goes all through Canada this way. It is happening in Pennsylvania. It is happening all over the country. People are realizing that if you have private property and you fence it in and you prevent people from hunting on it, you can then charge a fee for hunting, fishing and using their property. I think, ladies and gentlemen, this would allow us to continue to make land available for our people in the state for their future. I ask you to please support the majority opinion on the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Thank you Mr. Speaker and Distinguished Members of the House: I know over in western Maine there is some public lands that there is no access to. I have a question to anybody who wants to answer it. Does Land for Maine's Future put any money into access roads or trails or do they just buy land and have it sit there and people get there the best way they can?

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I just happen to be able to answer that question. There has been much discussion on whether or not Land for Maine's Future would be able to use some of the money to provide access. The Energy and Natural Resources Committee quite a few years back addressed that very issue. They can and they have in some cases. They are very cognizant of the fact that they have neighbors and abutting land owners and the Land for Maine's Future has been very careful that when they do that, they do it with the agreement of the people who are abutting landowners so that us providing access to our land does not jeopardize something on their land.

In most cases they have been able to work things out and they are able to do that. Many of the public lands that you talk about that you don't have access to, unfortunately came about way back when public lands were sold to the large paper companies in the state under the Timber and Grass Rights. They disappeared from the roles of the state. The state took large landowners to court and most of the public lands or lands equivalent to those public lands were returned back to many of the communities, cities and towns across the state. In the olden days, that land was supposed to be used to raise money for education in the towns. Unfortunately some of the public lands that the towns got back weren't worth what they would have been 150 years ago, had they not been all cut off.

The state then proceeded into a plan that started way back in Governor Longley's administration and

worked its way through where we tried to consolidate and swap to make sure that the public lots and public lands would have access and were of such value, being on lakes, rivers or streams, that the public would want to us it. There still may be some public lots out there that do not have access to them, but most of those were acquired before the Land for Maine's Future was involved.

One of the things that the Millinocket Fin and Feather Club was very vocal about was that lands that were purchased with Land for Maine's Future money would have access and if not, money would be used from Land for Maine's Future to provide that access, whether it be a lease arrangement or an outright purchase. Whenever it has been possible they have gotten public access to most of these lots.

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

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

The SPEAKER: The Representative may pose her question.

Representative PLOWMAN: Thank you. Is there any arrangements or understanding that this card is going to be issued by a Maine financial group?

The SPEAKER: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: When originally I was approached to be lead sponsor on this, I specifically stated that I would only consent to being involved if we gave extra weight to having a Maine company be the administrator of the card, which they have given a lot of thought to. The two possibilities that they are looking at and whether or not the one bank that is a Maine bank will be interested enough to get involved remains to be seen. I have personally spoken to the president of that bank and he knows what he should do to get involved. I have made that point very clear to the people involved.

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

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

The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I would just like to state on the record that I and many other business people and consumers in the State of Maine will not be participating if this does not go to a Maine business for Maine benefit. Thank you.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: Earlier in the session we talked about the lottery that we were creating for some of the same purposes. I spoke about how I objected because it seems to trivialize what I consider good and noble purposes that this government is involved in. I think that this credit card falls into the same category. I am becoming worried that as we

scrape for finances government seems to be stepping over the line into those activities thus reserved for the private sector. Ironically the areas we seem to choose to invade in the private sector are gambling, alcohol and now the accrual of death. I wonder if these are noble purposes.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say that I came in and took a look at the bill and I sponsored this legislation about five years ago. I want you to know that I am really pleased to see that it has bipartisan support because it got killed by Democrats five years ago. It is really encouraging to see people thinking of creative ways to help finance Land for Maine's Future.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I apologize, I don't apologize for getting up. I take that back. Last time we discussed the lottery for acquiring land, I was itching to get involved and I couldn't because I was at the rostrum. That is an awful experience when you are stuck there and you want to get into a debate and you can't.

I kind of agreed with what Representative Hartnett said the other day. Unfortunately, the 17 years I have been here people have paid a lot of lip service to acquiring public access to public lands and beaches in the central Maine area, right here. There are no public beaches in this area for anyone to bring their children, grandmother, husband, wife or whatever to in the summer time. None. The simple fact of the matter is when it comes down to providing public access and you are down in 228 competing for very limited state funds and you start going against retarded children, handicapped children, elderly getting their medicine, you don't have a chance.

The public lands, even though people pay a lot of lip service, has never been able to come out on top. The Fish and Wildlife Department has received over 100 million dollars in federal aide money since these programs started. Our department has never chose to take that money and use it to acquire land. They could have, but they never did. They used it to study. They studied the study and they studied the studies studied. The simple fact of the matter is this state was poorly lacking in leadership way back when they went down the road of not using some of this money. When our committee asked the department about that, they were told they could not do it.

Well Mr. Letneau wrote an article one year where he had called and found out that you, indeed, could have done it and many states have received 100s of millions of dollars and instead of studying, studying, studying, they used it to acquire public access and public lands. We, today, are paying for the failures of the past generations. Clearly today we can start that process of reversing that. I agree it seems that we are trivializing something that should be our highest priority. The simple fact of the matter is it may be our highest priority in talk, but it never becomes our highest priority when it comes time to forking over the dough.

It is indeed unfortunate we have to resort to some of these tactics, but unfortunately, Representative Hartnett, that is the only thing we have at our

disposal today. I think it will make a big difference to the next generation to come.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I am speaking in support of this legislation for several reasons. One, I think, that the Land for Maine's Future had done an admirable job of acquiring public access for lands the old fashioned way, buying it. They have been very creatively working with some excellent organizations with the public to acquire properties, not only for preservation, but also access.

A very few years back, there was a great deal of publicity about the attempts to develop a piece of property in Hancock County. It just so happens that our Chief Executive was very personally familiar with that and worked very hard with all of us to see that private donations along with Land for Maine's Future money and other groups participated in making that land available for future generations. There are organizations like the nature conservancy who worked very hard to work out the technicalities and the legal ramifications of buying and purchasing through gift and inheritance kinds of issues. Land for Maine's Future acquisitions are on behalf of all the people of Maine.

I am not particularly thrilled with the idea of acquiring the money through credit cards. I don't know if there is anyone in here who really is, but the fact of the matter is it will not be a priority in terms of even putting a question out to the people to ask for public support. If this does provide some funding for a very, very important issue, I think it is worthwhile. I acknowledge and appreciate the concerns of many individuals that we are removing some properties from tax rolls, that otherwise might be contributing. By enlarge the properties that we are talking about taking off the tax roles are not big taxpayers. We, as we have in the past, have to acknowledge that the state has a commitment to the future.

We cannot find the funds and should not even try to find the funds for major public acquisitions now out of our state budget. If there are those who want to call this a gimmick, that is fine. This legislator and a few others in this body have participated in gimmicks before as a way of getting us beyond the problem. I think this can do it and I acknowledge all the complaints about the issue and in some sense they are right. Having said that I am still willing to vote for the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, I have a question for either the Majority Leader or the Minority Leader.

The SPEAKER: The Representative may pose his question to either.

Representative BUCK: My question is if infinite cards are such good public policy for the state, why did not either one of you suggest that you amend the bill to include all state agencies?

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Representative Buck, as I

pointed out, I am not sure this is a great idea, but I dare say if it is, there will be people down here trying to expand this, much like they did the chickadee check off quite a few years back. They will probably water down the effectiveness of this one card. I dare say that if this experiment is a success, it will have a thousand fathers. If it is a failure, it will be but an orphan.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I have often been a critic of government action in this body. I am guilty of that. I have been a critic of debt in this body frequently as well. Is this a really wonderful mechanism? No, I don't think so. I would ask you to think about the thoughts that has crossed my mind this evening. I will be leaving here soon and you all will eventually. What legacy will you leave? The words that I may have said in the record, lets face it, other than myself and perhaps my wife, no one will be particularly interested. Legislation that I may have introduced, perhaps someone will notice it, but maybe not.

If I can do something to acquire a piece of land through voluntary participation on the part of those citizens who wish to do so, not in anyway mandated. If I am fortunate enough to survive many years after I leave here, I can ride by that piece of land and say I had a little bit to do with that. I will be pleased. We can acquire public land in several ways. General fund appropriations, highly unlikely. Hasn't happened in the recent past and not likely to in the future. Bonds, I have railed bonds in this body time and again. I would again if this was bonded because we can't afford it. Here is a way for those who wish to may make some action to acquire a legacy that if you choose to support this issue you can say you had a little something to do with it. It is not a big deal, but it is a little something.

I think it is an important issue. Do I like buying it by credit card? No I don't. I am not going to support a bond to do it. I would be ill advised to suggest a general fund appropriation. I hope you will give it some thought. It is a really important thing to do. I think eventually you will feel you are glad you did.

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

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

The SPEAKER: The Representative may pose her question.

Representative GERRY: I would like to know who is on the board for the Land for Maine's Future? If a contract is negotiated, is it going to be someone from the state that is going to be there so the state's interests can be looked out for? I have noticed that there is no time limit on this. Whoever goes into a contract can they do this for 10 or 20 years?

The SPEAKER: The Representative from Auburn, Representative Gerry has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Thank you. Good question. We don't know. We couldn't get that information in committee. All we know is Land for

Maine's Future will control the money. Land for Maine's Future do everything. We don't know the details of that. That is a good question. I don't expect to win this vote, but I do have to say that the purchase of private land by the State of Maine is not such a great deal. In my opinion, since they used my tax paying dollars to buy the land, then I have to pay an increase in my property tax and then they kick me right in the head by making me pay a fee to use the public land I just bought.

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

Representative JACQUES: Thank you Mr. Speaker. I would like to get up to answer the good Representative from Auburn's question. The Land for Maine's Future Board changes because there are appointments on it. Given a little time we can get you exactly who the members are. The state is well represented on the Land for Maine's Future Board. The original board was set up by legislative action that required the members to come before the Energy and Natural Resources Committee and it is made up of people from various groups, but the state is represented. My understanding is as far as the contract is concerned, if you are required to go to an RFP, there is no way you can guarantee a Maine Company will get it. The contract will be written by the state and reviewed by the Attorney General of the state. My only suggestion would be that you make sure whoever wrote the RFP for car test doesn't write the RFP for this credit card bill. Thank you.

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

ROLL CALL NO. 160

YEA - Adams, Ahearne, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Daggett, Damren, Davidson, Desmond, DiPietro, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, Kontos, LaFountain, Lemaire, Lemke, Libby JL; Luther, Madore, Martin, Marvin, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, O'Gara, Ott, Pendleton, Perkins, Plowman, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tuttle, Tyler, Underwood, Vigue, Volenik, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

NAY - Aikman, Birney, Buck, Carleton, Cross, Donnelly, Hartnett, Jones, S.; Joy, Joyce, Joyner, Labrecque, Lane, Layton, Libby JD; Look, Lovett, Lumbra, Marshall, Mayo, McAlevy, McElroy, Nickerson, Pinkham, Robichaud, Stedman, Tufts, Waterhouse.

ABSENT - Dexter, Gates, Lemont, Lindahl, O'Neal, Paul, Peavey, Povich, Rotondi, Sirois, Yackobitz.

Yes, 112; No, 28; Absent, 11; Excused, 0.

112 having voted in the affirmative and 28 voted in the negative, with 11 being absent, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-325) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, June 15, 1995.

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

House Divided Report - Committee on Labor - (11) Members **"Ought to Pass"** as amended by Committee Amendment "A" (H-420) - (2) Members **"Ought to Pass"** as amended by Committee Amendment "B" (H-421) on Bill "An Act to Amend the Substance Abuse Testing Law" (H.P. 645) (L.D. 868) which was tabled Representative CHASE of China pending acceptance of either Report.

On motion of Representative HATCH of Skowhegan the House accepted the Majority **"Ought to Pass"** as amended Report.

The Bill was read once. Committee Amendment "A" (H-420) was read by the Clerk.

Representative JOY of Crystal presented House Amendment "A" (H-485) to Committee Amendment "A" (H-420) which was read by the Clerk.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was necessary because there was sort of an inconsistency and a misunderstanding in the original amendment that was filed by the committee. It was the intent of the committee after having a detailed work session with the people who had interest in this to keep the employer harmless with regard to cost of a rehabilitation program for its employees who may have required treatment after a drug problem. This amendment does just that. It has been discussed with the Chair of the committee and with all of the people involved and so far as I could talk to them. I urge you its passage. Thank you.

House Amendment "A" (H-485) to Committee Amendment "A" (H-420) and adopted.

Committee Amendment "A" (H-420) as amended by House Amendment "A" (H-485) thereto was adopted.

The Bill was assigned for second reading Thursday, June 15, 1995.

Bill "An Act to Decrease the State's Share of Real Estate Transfer Taxes" (H.P. 821) (L.D. 1152) which was tabled by Representative JACQUES of Waterville pending further consideration.

- In House, Majority **"Ought Not to Pass"** Report of the Committee on Taxation read and accepted on May 23, 1995.

- In Senate, Minority **"Ought to Pass"** as amended Report of the Committee on Taxation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-265) in non-concurrence.

Representative DORE of Auburn moved that the House Insist.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: This is a noble idea to return some money to local communities. The cost for this is a particularly harsh cost, let me just read this to you. The loss of general fund revenue would

increase \$196,176 in fiscal year 95-96 and \$918,153 in fiscal year 96-97. That is a loss of 1 million dollars. It is certainly an absorbable amount when you think about the good deeds of returning some money to the county budget.

Here is the next problem. The loss of dedicated revenue to the housing opportunities from Maine fund would decrease to \$65,000 and \$306,000 in fiscal year 95-96 and 96-97. What you are going to read is some articles about what this does to the Home Fund, Housing for Maine's Future Fund. This has an impact on the Maine Housing Authority. The Maine Housing Authority isn't a feel good social service organization. It is the engine that drives the real estate market in Maine. Almost every first time buyer in Maine is a 5 percent down, low rate mortgage, first time buyer. I used to be in real estate. When they buy those homes, their first homes, that generates the next group who is able to sell those homes, bumping up to a more expensive home or building a house and that adds to our construction industry.

There is a reason why this is a 10 to 3 report and it is because the real estate market is such an intricate part of our economy. Taking this money out of the Maine State Housing Authority really puts a damper on the engine of real estate and construction in this state. I would like to tell you that everybody who goes out to buy their first home puts 20 percent or more down because they have that money in the bank. I would like to tell you they have the points, percent of your mortgage, but I can't tell you that. Those first time buyers put 5 percent or less down. They don't have the money for the points. They usually buy that first house because they finally put together \$5,000 or \$6,000.

If Maine State Housing money isn't there, you are not closing off those people from buying their first home, you are closing off the people who sell those homes to them from their second homes and construction business. This is a business that is just recovering from the recession and I think the hardest thing about this is that this is a dedicated revenue and it was geared toward developing a housing market in Maine. It is a very middle class program and this is all connected to the Real Estate Transfer Tax.

You also have to remember one other thing and I think it is a hard thing for people to keep in their mind. The Real Estate Transfer Tax was increased twice in the 1980s. The counties got a share of that increase. They say they lost money because they dropped from 1.5 to 1 percent, but what they don't recall is that when you doubled it the first time on the sellers and then you put the tax on they buyers, that was the second dip during the boom, early 80s. The counties made out like bandits in this one already.

They just got greedy because it dropped from 1.5 to 1 percent. Of course, what they are forgetting to tell you and this is very well intentioned and county budgets need relief, but what they are forgetting to mention when they say you dropped us back down a half a percent, they are forgetting to tell you that they made money on the deal because the tax of real estate transfers went up, not once, but twice. Ladies and gentlemen, I hope that you will Insist.

Representative WHEELER of Bridgewater moved that the House Recede and Concur.

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

Representative WHEELER: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to be able to speak for the pending motion. When L.D. 1152, "An Act to Decrease the State's Share of the Real Estate Transfer Taxes" first came to the floor of the body, I did not think it stood much of a chance to pass considering how it was reported out of committee. When it came back from the other body in non-concurrence, as you can well see, I was pleased.

If everyone didn't throw away the hand out I sent out a while ago, you can take that and one the second column in from the right will show you what the counties get for income from the Real Estate Transfer Tax. As the good Representative before me said, the counties made out like a bandit. Looking down through that I don't see where they have. If you do look at that, you can see with the bill that is before you and the amendment, the counties would double the amount that is in the second column. This bill in my opinion is true property tax relief at the county level of government. Many of us feel that the Real Estate Transfer Tax is a property tax, no matter what you put on it for a name. Therefore, it should stay in the counties and under local control.

I was going to offer an amendment to take the additional 10 percent from the general fund, but decided not to do so. It is my understanding that the funds collected by the state go almost equally to the general fund and to the Housing Opportunities Fund. Thus, I feel both should share in the decrease. I know there are some who don't want to touch the Housing Opportunities Fund money. However, I feel if the state feels this program should retain the same level of funding where others are being cut, then the state should find other means to fund it and allow the counties to retain this additional money and provide for property tax relief and fulfill a campaign pledge many of us made.

I would ask, again, for your support for the pending motion. If you approve this bill as amended it will mean an additional 1.2 million dollars for property tax relief in your county. It makes little sense for counties to be sending 90 percent of the only major revenue source at the county level to the state. At the same time the state has failed to live up to its larger fiscal responsibility to counties, namely its commitment under the Community Correction Act, which means millions of dollars to the local county. Thank you. I would ask for the yeas and nays.

The same Representative requested a roll call on his motion to Recede and Concur.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: It is true that this money does come from the county, when this all started, a number of years ago, it was equally shared, 45 percent to the state, 45 percent to the Maine State Housing Authority and 10 percent to the county. At that time I didn't agree to take that money away from the county. I thought that the Maine State Housing Authority was a good cause and I still do. As far as state government, that is another question. I am not so happy with that cause, but anyway, that is the way it happened.

What is happening with this bill is if we vote to do this, the only ones that is really going to be hurt is the Maine State Housing Authority. Here is another case where state government has gone in and taken the money away from the Maine State Housing Authority for the running of state government and that is not fair. It is wrong and we shouldn't have done it. This is why I cannot support this bill. I want that money left in the Maine State Housing Authority for the same reasons that the good Representative from Auburn has just told you. As of now, our housing starts are not up where they should be.

It would really be hurting the economy of the state to take that money out for first time homeowners. As much as I would like to see some of this money go back to county government, I believe it should come out of state government, not out of the Maine State Housing Authority. They are only getting half of the 45 percent and I am not sure they are even getting that amount. This is what happens, we get a program and it is working well and it is for a good cause and then we dip our greedy little fingers into it to run state government. It should not be used for that. The money should be left in there. If we could have gotten the 10 percent out of the state's share, believe me, I would have been in there after it. I knew it would come out of the Maine State Housing Authority and that is why I would hope that you would oppose the motion to Recede and Concur. Thank you.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I rise to concur with the good Representative, Representative Murphy and reluctantly disagree with my colleague from the Democratic side of the isle. I am speaking, not as a floor leader, but I am speaking as a former director of the Maine State Housing Authority. I know many of you either have relatives or constituents or someone who has benefited from that first time home buyer program, which is so important to the economy and to the people that you represent. In addition to that program monies are available through the Housing Opportunities Fund, Home Fund, which this Real Estate Transfer Tax was created to help fund, money for homeless shelters, money for fixing up dilapidated homes, both in rural Maine and in urban areas. It is just so extraordinarily important.

It is a leverage tool. I am struck by the amount of money that is talked about in the hand out that you were given. It has positive local benefits. Real estate activity is a major local economic catalyst. In 1994, Maine State Housing Authority Home Fund activities resulted in over 1,500 jobs, 31 million dollars in income and 28 million dollars in sales. It is such an extraordinary investment in our future and our economy and although I am extraordinarily sympathetic to the plight of county property taxes, taking this amount of money from the Home Fund would make only a minuscule amount of difference to your county. Yet it leverages thousands of dollars statewide to help your constituents and to help Maine's economy.

I would hope that we find other ways to assist Representative Wheeler and all of us in reducing county property tax burdens without taking money from the Maine State Housing Authority as it uses those

monies to help our constituents back home. I hope that you will join us and defeat the motion so that we can defeat this proposal to take money from the Home Fund.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will consider the motion that the gentleman from Aroostook has made, Recede and Concur. Remember where the monies come from. Look at this outline that he has provided for you and you will see what may be available for your county. Yes, county funds may be minuscule in some areas, but let me tell you that counties do not deal in the volumes of monies that the state does and a smaller amount of money is a great deal of money for the counties. Remember who does the work, who looks this up and who sends it in. It is your county Registrar of Deeds. Thank you.

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

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

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

ROLL CALL NO. 161

YEA - Ahearne, Aikman, Bailey, Barth, Birney, Buck, Bunker, Campbell, Carleton, Chick, Clark, Clukey, Cross, Damren, Donnelly, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jacques, Jones, S.; Joy, Joyce, Kneeland, Labrecque, Layton, Libby JD; Libby JL; Look, Lovett, Lumbra, Luther, Madore, Marshall, Marvin, McAlevey, McElroy, Morrison, Nass, Nickerson, Ott, Perkins, Pinkham, Poirier, Poulin, Rice, Robichaud, Savage, Stedman, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Wheeler, Winglass, Winsor.

NAY - Adams, Ault, Benedikt, Berry, Bigl, Bouffard, Brennan, Cameron, Chartrand, Chase, Chizmar, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Dunn, Etnier, Fisher, Fitzpatrick, Gamache, Gerry, Gould, Green, Hatch, Heesch, Hichborn, Johnson, Jones, K.; Joseph, Joyner, Keane, Kerr, KilKelly, Kontos, LaFountain, Lemaire, Lemke, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, Pendleton, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stevens, Stone, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Whitcomb, Winn.

ABSENT - Dexter, Gates, Lane, Lemont, Lindahl, O'Neal, Paul, Peavey, Povich, Richardson, Rotondi, Sirois, Yackobitz, The Speaker.

Yes, 61; No, 76; Absent, 14; Excused, 0.

61 having voted in the affirmative and 76 voted in the negative, with 14 being absent, the motion to Recede and Concur was not accepted.

Subsequently, the House voted to Insist.

Bill "An Act to Expand Access to Medical Care by Encouraging Involvement of Retired Physicians, Podiatrists and Dentists" (H.P. 839) (L.D. 1170) (C. "A" H-319)

TABLED - June 1, 1995 (Till Later Today) by Representative TREAT of Gardiner.

PENDING - Passage to be Engrossed.

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

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.

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-359) - Committee on Marine Resources on Bill "An Act to Amend the Law Regarding the Possession of Short Lobsters" (H.P. 797) (L.D. 1114)

TABLED- June 5, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of Committee Report.

Subsequently, the Committee Report was accepted. The Bill was read once. Committee Amendment "A" (H-359) was read by the Clerk.

On motion of Representative PINKHAM of Lamoine, Committee Amendment "A" (H-359) was indefinitely postponed.

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

Representative PINKHAM of Lamoine presented House Amendment "B" (H-467) which was read by the Clerk and adopted.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by House Amendment "B" (H-467) and sent up for concurrence.

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

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)

TABLED - June 5, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

Subsequently, the Resolution was passed to be engrossed and sent up for concurrence.

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)

TABLED - June 5, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

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

Representative MARTIN: Mr. Speaker, Members of the House: This, in case anyone has forgotten, is a piece of legislation that I talked about on the floor, which sends us in the wrong direction as a state. It is the one that gives short-term policies and for the record I would request the vote be taken by the yeas and nays.

Representative MARTIN of Eagle Lake requested a roll call on passage to be enacted.

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 Winslow, Representative Winslow.

Representative WINSLOW: Mr. Speaker, Ladies and Gentlemen of the House: This has not changed at all. This is still providing and filling a need that is out there. It seems that in the 116th Legislature that community rating was considered to be the answer to the second coming, but it has not been around long enough to really give it that kind of respect. New York has had it for about a year and it is not quite at a point where they are saying it has caused a positive effect on insurance. In this state we have been at it for six months and we have as yet to say that it has been that good. This short-term policy gives the choice to the people out there to have some coverage if they can't afford to have one of the more expensive contracts provided by or through a community rating process. I urge you to please support enactment.

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

Representative MARTIN: Mr. Speaker, Members of the House: You may remember that this is the piece of legislation which I requested to be excused from voting, because I am an agent. I did so because I don't know what the future will bring, as to whether or not a company with which I am affiliated with will require that I sell the product. I do know this, that this is what will occur if and when you allow it, that is basically to allow creaming. What that means very simply is that it is going to raise the rates for everyone else. It is no more than that.

I understand what people are saying that they believe it is going to help them to provide for short-term benefits. It is going to provide all this carriage and I understand all of that. The potential is there for a serious problem. It seems to me that we ought to give serious thought as to whether or not you want to do that. The Representative from Winslow is accurate that we don't know what the impact is going to be. I guess what I would feel like is let other states experiment, if that is what the case ought to be and then perhaps go with it at that point.

In the long-term, I am really concerned that we are basically doing the wrong thing. We will probably regret it. I guess I want to be able to say as an agent, I told you so at some point, that is all. It is very simple and I suspect that this body will probably pass this tonight and that is fine too. I just forewarn you that the potential for damage exists. I am concerned about it. Otherwise than that I wouldn't be raising the issue with you.

I am thoroughly convinced that if I were to sell this product and my company were to order me to provide it and I didn't, I would have to be concerned about resigning as an agent from that particular company. I would choose perhaps not too. I don't know what the long-term brings. I don't know whether or not I will be an agent next week.

I do know and it is because I have seen enough of it. I have seen what creaming does. I have seen what twisting does, when agents do it. You may not be aware that there is presently an investigation going on in this state and that I am convinced that there will be major dollars returned to former policy holders of at least one major insurance company because agents twisted policy by convincing people to drop insurance policies to buy another, where people lost millions of dollars as a whole, not singly, when they ended up converting policy. That was done directly by at least one major insurance company. I am, frankly, concerned about what the impact is going to be, because the people who are going to benefit from this are the agents. Those in the long run who will suffer will be those without insurance coverage.

I guess, maybe, all I am saying is because I hope that I never ever sell that kind of policy to a Maine citizen.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure what some of the comments that have been recently made have to do with this bill. This bill is designed to help people who presently have no insurance. I don't know what it has to do with creaming. It is beyond me to understand why somebody would give up an insurance policy that they presently have to buy one that has a length of 12 months. After the 12 months have gone by, this policy expires and you can't renew it. Why anybody would give up a policy that they have in place that is good to buy this is beyond me.

I introduced this bill for people who presently have no insurance. I am sure some of your children in this room have graduated from college and have had a period of time between then and when they go to work and they have insurance from the company they work for. For folks that are between jobs, that is what this bill is about. It is for short-term coverage. As far as a community rating, if you remember a month ago or so when we debated this before, you heard people say that community rating was put in to benefit small employees.

I have small employees in my community that will beg you, please don't help me anymore. I can give you two examples. One who's insurance in a year has gone up 33 percent. One who's insurance has gone up 81 percent. I can't afford anymore help, folks. The one that has gone up 33 percent is a young husband and wife, they have one child with a \$2,000 deductible, the payment has gone from \$360 to \$480 a month. They don't need anymore help with community rating. This bill is for people who don't have insurance.

I am still completely unclear why this has anything to do with creaming, because I emphasize again, nobody would give up a policy in good standing to take a short-term policy that expires in 12 months. I have also heard the argument that if somebody is hurt in that 12 month period, they won't be able to get the other insurance and that is true. In that same 12 month period they are hurt and they

don't have any insurance, they still won't be able to get the other insurance and they won't have been able to pay for the injury they just had. How you can be better off with no insurance, than this policy, I will never be able to understand. This vote was taken a month ago. It was passed by a resounding margin. I ask you to stick with your previous position and please enact this tonight. Thank you.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief recap, this bill helps those who are uninsured. There are roughly 40 million uninsured people in America today. Of those 40 million people 75 percent of them are uninsured for less than one year. This policy is exactly the kind of policy that could help three-quarters of the people that are uninsured today, when they are in a transition in their life and they have something go wrong and they need some help. This is something that will help a great majority of those uninsured if they choose to want to take it, as opposed to having nothing at a low cost. I hope you will vote to help them out. Thank you.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I find L.D. 442 to be a very disturbing bill. I would like to have the opportunity to tell you why. The sponsor, the good Representative from Rumford, Representative Cameron presented this bill assuming that those who are uninsured would at the passage of this bill become insured. I doubt that assumption. When I was 22 or 23, I did not buy insurance and I would not buy this insurance policy. I wouldn't spend my money. I was going to live forever.

If it made the difference between an insurance policy of \$400 and month and \$25 perhaps a parent would be interested in buying this policy for a young adult child and that would make some sense. Again, the good Representative told us about an employer who has a \$2,000 deductible on the policy and is paying hundreds of dollars per month. We, the Banking and Insurance Committee, received information that Time Insurance Company is offering policies fully covered by Maine's continuity of insurance and community rating laws with at \$2,500 deductible for \$60.53 a month. I don't think that is excessive. What I see is that we are risking an awful lot for very little. Continuity of coverage is available at a low cost in the State of Maine to those very people that the sponsor and others sponsors would like to help.

A final point that I would like to share with you is one that Rick Diamond, of the Bureau of Insurance, presented to us in his opposition to the bill. The bureau is opposed to the bill and he says because it would exempt these policies from the requirement that all individual health plans must be guaranteed renewable. This means that an individual who becomes ill while covered by one of these policies would be unable to renew his or her coverage at the end of the year.

Furthermore, if the individual then buys a guaranteed renewable policy, the illness would be excluded for another 12 months, since continuity protection does not apply to these conditions. He further goes on to say that the existence of these short-term policies could have a far reaching effect

on the cost and availability of guaranteed renewable individual health plans. These policies if they are less expensive would siphon off healthy applicants and drive up the cost of guaranteed renewable policies possibly to the point where carriers would be forced out of the market. I take that very seriously, men and women of the House.

I don't think we are getting enough for what we are giving up. I would urge you not to enact L.D. 442 into law. Thank you.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I want to echo the good Representative from China and Eagle Lake. I just want to talk a little bit about the longer term policy goals that we have and community rating is being proven around the country. It has tremendous potential for this state, but we are going to have to commit to it. Any meaningful real reform requires vision and long-term commitment to our goals of universal access care. This bill is a short-term fix with bad long-term consequences. First of all, we cannot underestimate the impact of lack of continuity of care that is very important and this bill does take away from the applicant pool for long-term health coverage. We are not there yet with community rating, but this bill simply moves us backward. It takes us away from our goal.

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

Representative VIGUE: Mr. Speaker, Men and Women of the House: The fine Representative from Eagle Lake mentioned the twisting aspect concerning one of the large insurance companies in the country. This has nothing to do with health insurance, it has to do with more of the twisting. I spent 10 years in the insurance business and it has to do with the life insurance aspect, so that is a different story.

In my other life, I have a young man that is married and has one child and cannot afford the benefits that we gave him last year and that is the effects of community rating. I am not against community rating. What I am saying is that the report card on community rating is still out there. We can look at it and probably understand it a year down the road. Right now it is to new to really say that it is worthwhile, we have five different states that are using a form or community rating and some have gains and some have losses as far as the total number insured. This little policy is not, I repeat, is not going to solve the problems of people being insured.

It is going to give the ones that need some coverage for a short-term the advantage of being able to buy it. Someone mentioned that we would lose the guaranteed renewal portion of a contract. You are looking at a one year contract. Who cares if it is renewable. It doesn't have to be renewable. It is for one year. It is to fill a short-term. It doesn't require a guaranteed renewable feature., This is strictly to cover the people that are caught in between jobs.

I had a son that got out of school and decided that he was going to enjoy the fruits of life. The thing is had he gotten hurt, I would have loved to have something like this to take care of that particular problem. I didn't need guaranteed. He now has coverage. We have situations that require any policy will serve some kind of a function. This does serve

a function and protects our people. I urge you to please enact this.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: I have to disagree with the good Representative from Winslow. The report card is not still out on community rating. It is in. It has been an unqualified success. This is a great, great thing for small businesses in Maine. More small businesses have been able to offer health insurance to their employees because of community rating.

Furthermore, there is a real issue about renewability. If you have an injury before you get this coverage, you will have a pre-existing condition. This short-term coverage will not cover that condition. Furthermore, once you are able to afford the further coverage, it still won't cover it for another year. You will go two years or more without coverage for this ailment. The State of Maine has lead the country in protecting consumers of insurance products. It has made sure there is continuity of coverage. It has made sure that this coverage is portable. If you have an ailment, it will be covered.

Community rating has brought down the cost of health care for a lot of people at risk in our communities. For the older people in our communities, it has made health care more affordable. This is a step in the wrong direction. Otherwise people at the federal level, people like Senator Dole, wouldn't endorse things like community rating and pre-existing conditions when they proposed reforms to the health care system. It is working in Maine and it works through out the country and it is important not to take a step backward. Thank you.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: We have debated this over and over and over. It passed with bipartisan support in the House. It passed with bipartisan support in the other body. It came back, got tabled for a month, when it was going to be enacted.

Lets just deal with a few facts. The facts are Representative Martin said lets let the other states test this product. Well forty-eight other states have this product and have for some time, years. Lets get to the issue. This is not a community rating debate. This is a debate on assisting groups of people who have no insurance and need an option. Like who, people on strike, people going through divorce, people who get laid off, college graduates.

I would say we have our fair share in this state of all of those people. They need an option. This is not skimming off the top. You know all of this. We have been through this debate. I had to stand up when I hear some of these things going over and over. We have collected them. We know forty-eight other states have them. It is not an agent bill. Not one agent testified in the committee. This is requested by people who need an option to get them through a difficult time. This is all it is. People go on strike for three months and they need an option. They can't afford to pay for their health insurance and they go uninsured. Lets get on with business and pass this. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House: I said when it was debated the last time, I did sell that short-term policy and it is probably one of the worst contracts that there is in the insurance industry, but it does serve its purpose. I sold a bunch of it, not to young people who were coming out of college, not to people who were out on strike for a few months, I sold it to senior citizens who wished to retire at age 62 and had no other coverage to help them get to the medicare age of 65, that was affordable. Sure you can buy the Blue Cross and Blue Shield at \$500 or \$600 dollars a month.

This short-term policy, although it isn't one of the better contracts that there is, it is better than nothing. It is affordable to the senior citizens who want to retire at 62 and can carry his present insurance where he is working cobra for 18 more months and that puts him to 63 1/2 by a short-term policy for another 12 months to take them to age 65, but age 64 1/2 is certainly better than age 62 or age 63 1/2. That, too me, is where this short-term health policy is of the most benefit and the most value to the citizens of the State of Maine. Thank you.

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

ROLL CALL NO. 162

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Fisher, Gerry, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Keane, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevy, McElroy, Meres, Murphy, Nass, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Brennan, Bunker, Chartrand, Chase, Chizmar, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Fitzpatrick, Gamache, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nickerson, O'Gara, Poulin, Pouliot, Richardson, Ricker, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Volenik, Watson, Winn.

ABSENT - Dexter, DiPietro, Gates, Lemont, Lindahl, Martin, O'Neal, Paul, Povich, Rosebush, Rotondi, Sirois, Yackobitz, The Speaker.

Yes, 77; No, 60; Absent, 14; Excused, 0.

77 having voted in the affirmative and 60 voted in the negative, with 14 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

TABLED - June 5, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative KNEELAND of Easton, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 507 was passed to be engrossed.

The same Representative presented House Amendment "B" (H-480) which was read by the Clerk.

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

Representative KNEELAND: Mr. Speaker, Men and Women of the House: This amendment is the work of the Attorney General's Office, the Maine Pine Tree Legal Association and the Maine Housing Board. This took us about a week and this amendment that we agreed on would take care of the duplication in the law. The reason why I put this bill in was the many duplications that we had and it was hard to comply. When there is duplication this clarifies that the stricter standards apply. The people that would be living in these mobile homes would be well taken care of and well protected.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: This amendment was worked on collaboratively. As some of you people may or may not know the original amendment to the original bill was found unconstitutional by the Attorney General's Office. Representative Kneeland collaboratively with all the members he spoke to outside of this body and myself included and other members who had concerns, wrote up an amendment that satisfied the needs and concerns of all parties involved. I urge your support. Thank you.

House Amendment "B" (H-480) adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-142) and House Amendment "B" (H-480) in non-concurrence and sent up for concurrence.

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

TABLED - June 5, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative DAGGETT of Augusta, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 749 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-151) was adopted.

The same Representative presented House Amendment "A" (H-454) to Committee Amendment "A" (S-151) which was read by the Clerk and adopted.

Committee Amendment "A" (S-151) as amended by House Amendment "A" (H-454) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-151) as amended by House Amendment "A" (H-454) thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs" (S.P. 149) (L.D. 335)

- In House, Report "A" "Ought Not to Pass" of the Committee on Utilities and Energy read and accepted on May 31, 1995.

- In Senate, Senate insisted on its former action whereby Report "B" "Ought to Pass" as amended of the Committee on Utilities and Energy was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-117) in non-concurrence.

TABLED - June 6, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

Representative KONTOS of Windham moved that the House Adhere.

Representative TAYLOR of Cumberland moved that the House Recede and Concur.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: It has been a long time since we have seen this bill and I would like to just remind you of some of its points. I urge you to support the motion to Recede and Concur.

This bill will cap approximately 7 million dollars a year of welfare payments that are buried in your electric rates. It has been said that this is a small amount and of little consequence in each ratepayers power bill. This is only one bite that doesn't need to be there and it shouldn't grow. For low-income people any extra amount in the utility bill is too much. This bill requires the PUC to evaluate all the welfare subsidies that are buried in electric power bills and attempt to end some of the duplication of programs and eventually move welfare to the welfare budget. It was suggested that the PUC presently requires utilities to report their participation in welfare efforts. What the commission does with the information is another matter.

This bill will require action in planning to organize the problem. To remind you again, the bill will freeze at present rates the amount utilities pay into energy assistance programs and it will allow for additional funds to come from the general fund if the PUC determines that additional funds are needed. It does direct the PUC to study inequities of the funding. It does not stop low-income assistance. I urge you to support the Recede and Concur motion and Mr. Speaker, I request when the vote is taken that we have the yeas and nays.

The same Representative requested a roll call on his motion to Recede and Concur.

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

Representative KONTOS: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion for reasons that you heard before. The Representative from Cumberland is right, it was several weeks ago that we first brought this bill to your attention. At that time, I told you what I will repeat again. The cap that the Representative from Cumberland has already mentioned is, in fact, already in place by the PUC. That particular suggestion in the Minority Report does nothing that isn't currently in place by the PUC.

Secondly, the PUC has already opened three dockets to do a full examination of the low-income programs

that are offered by the three major electric utilities. The Minority Report asks the PUC to study them. It would be redundant to support the Minority Report, since the PUC has already initiated this action independent of legislative direction.

Thirdly, in the event these programs are decreased, which is really what the intent of this legislation may have been. The need for low-income subsidies among low-income ratepayers in three electric utilities will not go away. You must ask yourself, is there money in the general fund to support this? My answer to you is probably not. Is there money in general assistance to meet this need? My answer on that is, again, probably not. We have a program in place that is working very efficiently. There are no consumer complaints on record. There are no communities that are saying this is a bad idea. They fully appreciate the importance of these low-income programs for people in their towns and our districts.

For that reason, the program is one of those things that I think the utilities could be quite proud of. You should realize that there is a major restructuring bill that effects electric utilities that is moving its way through this body and the other body. Included in that major restructuring study is an examination, not only of low-income programs, but conservation programs, energy efficiency programs and others that effect the way electric utilities do their business. Again, I suggest to you that it would be redundant to support the Minority Report that asks the PUC to study an issue such as this when they already are setting in another major study effort that will undoubtedly move through these two bodies.

For all of those reasons, you should defeat the pending motion. Allow the program to continue to be operated as it has been for three years. Make sure that you can go home and feel confident that you have not done anything to harm the very ratepayers that all of you have told us you wanted to protect. Thank you Mr. Speaker.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: I agree with the Representative from Windham, Representative Kontos that we should go on to defeat the pending motion. I want to remind members that this program, the Life Line Program, originated out of the major controversy over the winter disconnect rule that occurred about five or six years ago. I think if you are on the receiving end of constituents calling you with complaints about the utility disconnections you would see the wisdom of the program.

Representative Kontos gave you quite a few good reasons to defeat the pending motion. I think we do have to recognize that if we don't have this program, we will still be paying for bad debts, the uncollectibles. In the testimony in committee there were only a few town welfare directors who really wanted to take on this burden for their towns. The overwhelming majority of the testimony was against doing away with this program, this ranged from small towns like Levant to the City of Portland. The difficulty of coordinating this program with all the other weatherization types of program is really a lot of a burden to put on the small towns. I urge you again to vote no on the pending motion.

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

Representative STONE: Mr. Speaker, Men and Women of the House: I urge this body to go along with the Recede and Concur motion before us. The legislation that is currently in place is unfair. The consumer owned utilities do not have a program for welfare assistance. They give a certain amount of money away, but it is no where near the percentage of their revenues that the public utilities give away. This legislation before us now will have no impact for the next biennium.

The subsidies that are currently given by the utilities is disproportionate. Certain communities that are served by consumer owned utilities and certain taxpayers in those regions do not pay any money into this program as I stated in further discussion before this body. Madison Paper, for example, because it is served by Madison Light and Power, none of their taxes go to serving the unfortunate individuals that have to rely on this program. This program should be on the tax base.

It should not be on the utility base, because the low-income people that still pay into the program pay a disproportion of their income into the program because they are paying part of their utility bill to subsidize people that are just a little further over the edge than they are. If it came back to the general fund eventually, then it would be more proportionate because it would be on the income tax base, rather than on the utilities. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: It is true that this should be on the general fund. I would be happy to put it there, if there were a prayer of getting the money, but we all know there is not. When we heard this bill in committee, we were told that the majority of people who this assist are the elderly. They are not going to make bad debts. They are going to forgo their medicine to pay their electric bills. If you have a bill of \$50, you are paying less than 50 cents to help keep this program going. It is well worth keeping. I urge you to defeat the pending motion.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: You have heard several times tonight that this is going to do away with the program as it is. It is not. Please remember that it is capping the expenditures and is asking for another look at how these are assessed. These are not taxes, by the way. When we look at the index of where Maine stands on taxing its people, the amounts that are paid to take care of the people that the government should be taking care of out of the general fund, those amounts do not show up in what we are taking out of the people of the State of Maine as a tax, because it is an assessment on your bill.

It goes to the same place that we would send money out of the general fund, but it doesn't show up as a tax on the people of the State of Maine, which it really is. Let's get it coming out of the general fund two years from now, when we have gotten rid of all the gimmicks and the old bills and get it back to being paid for by the government, because that is the government's job to help take care of people who can't take care of themselves. It is not the utilities job. Thank you.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I was absent the first time this bill was debated, but I was present throughout the entire period of time it was worked in our committee. It accumulated the usual large file about it. It disturbs me that every so often this sort of bill seems to pop up in bad times, when all of us are hurting. It seems to pop up in bad times when all of us are looking for a little bit easier pressure on our wallet. It seems to always pop up in bad times when the plate we seek to put that pressure on our wallet upon those who probably have less of a voice here and maybe a little less able to defend themselves. Looks easy, looks clean, but I assure you the original bill as drafted would have ended the program the next day that the thing was passed, period, cut off, literally left in the cold.

It is not exactly true that no one except large utilities pay into this fund. If your sympathy is lying with large utilities, who in your opinion may be not making enough profit in the past few years, I can put your conscience at rest a little bit by pointing out that not only does the Central Maine Power Company, Bangor Hydro Electric Company, Maine Public Service Company pay into this program and take care of their own people through it, but also such small places as the Eastern Maine Electric Coop, based in Washington County, which for a long time, many years, has had a program much like this, taking care of its own.

The principal support for doing away with this whole program, I promise you, came from those people who brought us such absolute delights for you to remember if you served here for any length of time as winter disconnect. The idea from the Central Maine Power Company that it was a good idea for them. They had permission to turn off your heat just a little while in the dead of winter to force you to find a way to pay your bills, principally by going to your own towns and going on welfare to keep up your payments to Central Maine Power Company. This was also introduced in the wake of those very large and very splendid corporate bonuses presented to the Central Maine Power Company executive staff, in the same year as winter disconnect. You will recall it 1.4 million dollars for them to bring in and get rid of a president of Central Maine Power Company who spent 9 months here.

We asked the Central Maine Power Company in particular what if we did kill this program tomorrow and every penny of it that you now put toward it went right back to you? What rate relief would this mean to us? The exact quote from that day was, "If we gave you every penny of it back, how much rate relief would that mean to all of us?" The exact answer was, "Pennies per year, per bill." "You wouldn't notice it." They said it in a voice so quietly that we had to ask that it be repeated one more time. There is no duplication in the program. It is done by 16 different CAPs, Community Action Agencies, around the state, who are very strict in how they apply the eligibility rule. They have been tightened completely in the past year alone.

The Public Utilities Commission was able to assure us the 8,000 people were thrown off the program in the latest typing of the rules and had been on it before. If throwing people off the program makes you feel good, we have sure been doing it. Are there any

complaints? None. We went from the top to the bottom of the question and asked everybody. We found no complaints from any of the consumers on the program about poorly run programs or misapplied programs. We found no complaints from any of the CAP agencies. We found no complaints from any of the towns whose people are receiving assistance. More to the point, under repeated questioning, we found no complaints from any of the utilities we questioned about this. Neither the Central Maine Power Company, Maine Public Service or Bangor Hydro Electric could point to any single instance where they found cheaters, fraud, misapplication from the CAP program or anything of the kind.

Instead what we found, as has been pointed out, is that most of the people on this program, always the sort of people we go after at this hour of the night, were the elderly, not the undeserving poor or however you may define them, but the elderly. In a very telling testimony from the AARP they said in these days of ongoing increases in health care, drugs, water, telephone and electric bill increases, how will our elderly people cope with or survive the magnitude of this problem, if the little help that they now receive is denied them.

Men and women of the House, your whole life can change overnight. You are talking to someone who can tell you all about that. There are people now serving in this legislature who have been on such a program as the one we are describing. You could be on it tonight, if you drove home and found what I did a few weeks ago. It is fate which is no respecter of people. It could happen to anyone of us. It would seem to me that given a program that is working well, that no complaints can be found to be traced to, that no one in any of the hierarchy of how it is received or delivered can point to any fraud.

We have a good thing going and if you get rid of it, you best be prepared for the consequences, because as we have often said the law of unintended consequences is the one law that you can veto and can never repeal. If you repeal this, then I should well hope that the City of Augusta is prepared to come up with \$96,705 next year to pick up the elderly people's unaccountables, which will have to be paid if they have electric heat. I should hope that the Town of Hallowell is prepared to come up \$49,986 because that is how many people right now are being taken care of there. The Town of Monmouth is \$32,851. The Town of Vassalboro is \$28,918. The City of Waterville is \$78,517. The Town of Winslow is \$37,835, which you will have to come up with right away, next year, to take care of your elderly who are on principally electric heat, in order so that you may take away the burden from power companies that have no burden that we could find, relieve them and place it on your own shoulders.

In closing, I would say, these things happen and are proposed more often than you would expect, usually at this hour of the night and usually directed at those people who aren't here to speak for themselves. Usually presented in a guise that would make it appear like you are giving someone else relief, where, in fact, all you are doing is loading it into your own wallet. While I was gone, I understand you voted this down. I encourage you to vote it down again and cast your vote as you did before or if you voted the wrong way before, vote the right way this time and help us make sure that the burdens are properly born by the places that have

proven they can properly bear them, rather than invite the law of unintended consequences right into your pocket book along the line in every county of what I have just read in Kennebec County. Thank you.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I do feel it is necessary to restate one fact that this does not stop the low-income assistance program. It puts a cap on it at its present level and it will continue to provide this assistance to people until another form of assistance takes its place. You will not be looking for your communities to raise money to replace this next year or in subsequent years, unless you so desired, unless the commission and the general fund budget and the Appropriation Committee find a replacement for this program. Thank you.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: I, too, would like to remind you that the PUC is already opening dockets on the three major utilities to evaluate the program and that this issue will be taken up in the big electric study that is coming up soon. It seems to me that it is appropriate to study this in the context of the overall electric industry and not to do it in isolation. Again, please vote against the pending motion so we may Adhere.

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.

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

ROLL CALL NO. 163

YEA - Aikman, Ault, Barth, Birney, Buck, Campbell, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gieringer, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Libby JL; Look, Lovett, Lumbr, Marshall, Marvin, McElroy, Nass, Nickerson, Ott, Peavey, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gerry, Gooley, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Madore, Martin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, Pendleton, Perkins, Pinkham, Poulin, Pouliot, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

ABSENT - Dexter, Gates, Lemont, Lindahl, O'Neal, Paul, Povich, Rotondi, Sirois, Yackobitz.

Yes, 58; No, 83; Absent, 10; Excused, 0.

58 having voted in the affirmative and 83 voted in the negative, with 10 being absent, the motion to Recede and Concur was not accepted.

Representative TAYLOR of Cumberland moved that the House Insist and ask for a Committee of Conference.

Representative KONTOS of Windham requested a roll call on the motion to Insist and ask for a Committee of Conference.

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.

A roll call has been ordered. The pending question before the House is to Insist and ask for a Committee of Conference. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 164

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

NAY - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gerry, Gooley, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Madore, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, O'Gara, Pendleton, Perkins, Pouliot, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, The Speaker.

ABSENT - Barth, Dexter, Gates, Guerrette, Lemont, Lindahl, Nadeau, O'Neal, Paul, Poulin, Povich, Richardson, Rotondi, Sirois, Yackobitz.

Yes, 63; No, 73; Absent, 15; Excused, 0.

63 having voted in the affirmative and 73 voted in the negative, with 15 being absent, the motion to Insist and ask for a Committee of Conference was not accepted.

Subsequently, the House voted to Adhere.

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

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

BILLS HELD

Resolve, to Create a Task Force on Tax Increment Financing (EMERGENCY) (H.P. 858) (L.D. 1189) (C. "A" H-339)

- In House, Failed of Final Passage.

HELD at the Request of Representative ROWE of Portland.

Representative ROWE of Portland moved that the House reconsider its action whereby L.D. 1189 failed of final passage.

On further motion of the same Representative, tabled pending his motion to reconsider and specially assigned for Thursday, June 15, 1995.

An Act to Amend the Maine Civil Rights Act (H.P. 866) (L.D. 1216) (C. "A" H-361)

- In House, Passed to be Enacted.

HELD at the Request of Representative UNDERWOOD of Oxford.

Representative UNDERWOOD of Oxford moved that the House reconsider its action whereby L.D. 1216 was passed to be enacted.

On further motion of the same Representative, tabled pending his motion to reconsider and specially assigned for Thursday, June 15, 1995.

On motion of Representative REED of Falmouth, the House adjourned at 9:05 p.m. until Thursday, June 15, 1995.