

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
59th Legislative Day
Thursday, June 15, 1995

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

Prayer by Bishop Phillip Pinkham, Church of Jesus Christ of Latter Day Saints, Augusta.

The Journal of yesterday was read and approved.

SENATE PAPERS
Divided Report

Majority Report of the Committee on **Transportation** reporting **"Ought Not to Pass"** on Bill "An Act to Improve Bicycle Safety in This State" (S.P. 580) (L.D. 1557)

Signed:

Senators:

Representatives:

STEVENS of Androscoggin
CASSIDY of Washington
RICKER of Lewiston
HEINO of Boothbay
BAILEY of Township 27
O'GARA of Westbrook
DRISCOLL of Calais
LINDAHL of Northport
STROUT of Corinth

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-256) on same Bill.

Signed:

Senator:

Representatives:

PARADIS of Aroostook
BOUFFARD of Lewiston
CHARTRAND of Rockland
FARNUM of South Berwick

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

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

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

Non-Concurrent Matter

Bill "An Act to Repeal the 7% Gross Receipts Tax on Nursing Homes" (H.P. 33) (L.D. 27) on which the Majority **"Ought Not to Pass"** Report of the Committee on **Taxation** was read and accepted in the House on June 7, 1995.

Came from the Senate with the 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-372) in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Amend the Substance Abuse Testing Laws" (H.P. 860) (L.D. 1191) which was passed to be engrossed as amended by Committee Amendment "A" (H-415) in the House on June 12, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-415) and Senate Amendment "A" (S-259) in non-concurrence.

On motion of Representative HATCH of Skowhegan, the House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Governing HIV Testing at the Request of Victims of Sexual Assault" (H.P. 589) (L.D. 799) which was passed to be engrossed as amended by Committee Amendment "A" (H-299) as amended by House Amendment "A" (H-393) thereto in the House on June 7, 1995.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-299) in non-concurrence.

On motion of Representative McAlevey, the House voted to Recede and Concur.

COMMUNICATIONS

The following Communication: (H.C. 221)

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

June 14, 1995

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1559

An Act to Withdraw the State from the Atlantic States Marine Fisheries Compact

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

Sincerely,

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

Was read and ordered placed on file.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Kevin Mahaney, of Bangor, skipper, John Marshall, of Addison, president of the U.S. America's Cup PACT 95, and the other members of the Young America sailing team, whose unique partnership with corporate and academic engineers, designers and professors to create the Young America, a 75-foot International America's Cup Class boat, and whose efforts to utilize the technological excitement of the America's Cup to provide meaningful educational programs to students nationwide have brought pride to the citizens of Maine and we extend our congratulations; (HLS 459) by Representative CAMPBELL of Holden. (Cosponsors: Representative JACQUES of Waterville, Representative WHITCOMB of Waldo, Representative

STONE of Bangor, Representative LUMBRA of Bangor, Representative MORRISON of Bangor, Representative SAXL of Bangor, Representative FISHER of Brewer, Representative PLOWMAN of Hampden, Representative YACKOBITZ of Hermon, Representative WINN of Glenburn, Representative STEVENS of Orono, Representative LAYTON of Cherryfield, Senator KIEFFER of Aroostook, Senator LAWRENCE of York, Senator SMALL of Sagadahoc, Senator CASSIDY of Washington, Senator RUHLIN of Penobscot, Senator FAIRCLOTH of Penobscot)

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

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

POULIN of Oakland
LUTHER of Mexico
STONE of Bangor
POIRIER of Saco

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "E" (H-463) on same Bill.

Signed:
Senator: CLEVELAND of Androscoggin
Representative: HEESCHEN of Wilton
Was. read.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative AULT from the Committee on Education and Cultural Affairs on Bill "An Act to Establish Tuition Rates for the Unorganized Territory Schools Based on a State Average" (H.P. 651) (L.D. 874) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-476)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-476) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Ought to Pass as Amended

Representative KONTOS from the Committee on Utilities and Energy on Bill "An Act to Create the Overhead High-voltage Line Safety Act" (H.P. 894) (L.D. 1247) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-484)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-484) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Ought to Pass as Amended

Representative KILKELLY from the Committee on Agriculture, Conservation and Forestry on Bill "An Act to Require the Disclosure of the State of Origin of Farm Products" (H.P. 973) (L.D. 1382) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-481)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-481) 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 Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "D" (H-462) on Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation" (H.P. 100) (L.D. 135)

Signed:

Senators:

Representatives:

CARPENTER of York
HARRIMAN of Cumberland
KONTOS of Windham
TAYLOR of Cumberland
GIERINGER of Portland
O'NEAL of Limestone

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-468) on Bill "An Act to Require Insurers to Reimburse Insureds with Inborn Errors of Metabolism" (EMERGENCY) (H.P. 401) (L.D. 536)

Signed:

Senators:

Representatives:

ABROMSON of Cumberland
SMALL of Sagadahoc
McCORMICK of Kennebec
CHASE of China
GATES of Rockport
JONES of Pittsfield
MAYO of Bath
PAUL of Sanford
SAXL of Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-469) on same Bill.

Signed:

Representatives:

CAMPBELL of Holden
LUMBRA of Bangor
GUERRETTE of Pittston
VIGUE of Winslow

Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Minority "Ought to Pass" as amended Report and later today assigned.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Require a 24-Hour Waiting Period before an Abortion May Be Performed" (H.P. 464) (L.D. 630)

Signed:

Senators:

Representatives:

MILLS of Somerset
PENDEXTER of Cumberland
FAIRCLOTH of Penobscot
TREAT of Gardiner
RICHARDSON of Portland
LEMKE of Westbrook
WATSON of Farmingdale
LaFOUNTAIN of Biddeford
JONES of Bar Harbor
HARTNETT of Freeport
NASS of Acton

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-474) on same Bill.

Signed:

Representative: MADORE of Augusta

Was read.

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

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

Divided Report

Majority Report of the Committee on Judiciary reporting **"Ought Not to Pass"** on Bill "An Act to Require Parental Notification for Minors Seeking Abortions" (H.P. 467) (L.D. 633)

on Bill "An Act to Require Parental Notification for Minors Seeking Abortions" (H.P. 467) (L.D. 633)

Signed:

Senators: MILLS of Somerset
PENDEXTER of Cumberland
FAIRCLOTH of Penobscot
TREAT of Gardiner
WATSON of Farmingdale
LaFOUNTAIN of Biddeford
RICHARDSON of Portland
LEMKE of Westbrook
HARTNETT of Freeport
JONES of Bar Harbor

Representatives:

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-475) on same Bill.

Signed:

Representatives: PLOWMAN of Hampden
NASS of Acton
MADORE of Augusta

Was read.

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

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

Divided Report

Majority Report of the Committee on Legal and Veterans Affairs reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-459) on Bill "An Act Concerning the Posting of Political Signs" (H.P. 992) (L.D. 1403)

Signed:

Senators: FERGUSON of Oxford
STEVENS of Androscoggin
CHIZMAR of Lisbon
BUCK of Yarmouth
LABRECQUE of Gorham
NADEAU of Saco
GAMACHE of Lewiston
TRUE of Fryeburg

Representatives:

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

Signed:

Senator: MICHAUD of Penobscot
Representatives: FISHER of Brewer
LEMONT of Kittery
MURPHY of Berwick

Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority **"Ought to Pass"** as amended Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 395) (L.D. 1083) Bill "An Act to Institute a Yearly Series Labor-Management Systems Conferences" Committee on Labor reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-255)

(S.P. 441) (L.D. 1209) Bill "An Act to Amend the Laws Pertaining to the Marine Resources Advisory Council" Committee on Marine Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-263)

(S.P. 501) (L.D. 1360) Bill "An Act Concerning the Judicial Endorsement of Persons Held for Evaluation Treatment" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-261)

(S.P. 536) (L.D. 1474) Bill "An Act to Establish the Maine Judicial Compensation Commission" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-260)

(S.P. 561) (L.D. 1528) Bill "An Act Concerning Reports of Material Transactions and Other Provisions of the Maine Insurance Code" (Governor's Bill) Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-257)

(H.P. 982) (L.D. 1390) Bill "An Act to Clarify the Forcible Entry and Detainer Law" Committee on Legal and Veterans Affairs reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-479)

(H.P. 997) (L.D. 1407) Bill "An Act to Establish Safety Standards for All Utility Facilities" Committee on Utilities and Energy reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-472)

(H.P. 1000) (L.D. 1411) Bill "An Act to Amend the Maine Bail Code" Committee on Criminal Justice reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-483)

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.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Clarify Insurance Coverage Regarding Breast Reconstruction after Mastectomy Surgery" (S.P. 80) (L.D. 168) (C. "A" S-229)

Bill "An Act to Amend the Substance Abuse Testing Law" (H.P. 645) (L.D. 868) (H. "A" H-485 to C. "A" H-420)

Bill "An Act Concerning the Liability of Governmental Entities for the Use by Employees of Private Motor Vehicles" (H.P. 824) (L.D. 1155) (C. "A" H-423)

Bill "An Act Regarding Cable Television" (H.P. 831) (L.D. 1162) (C. "A" H-289)

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) (Governor's Bill) (C. "A" H-325)

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

Bill "An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission" (H.P. 676) (L.D. 927) (C. "A" H-435)

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

On motion of Representative WATERHOUSE of Bridgton, was set aside.

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

ENACTORS Emergency Measure

An Act to Strengthen the General Fund's Unappropriated Surplus (H.P. 268) (L.D. 370) (C. "A" H-380)

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

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

An Act to Provide Limited Immunity to Former Employers Who Provide References (S.P. 264) (L.D. 704) (C. "A" S-218)

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

On motion of Representative JACQUES of Waterville was set aside.

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

An Act to Establish the DNA Data Base and Data Bank Act (S.P. 480) (L.D. 1304) (C. "A" S-219)

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

On motion of Representative JACQUES of Waterville was set aside.

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

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

House Divided Report - Committee on Judiciary - (11) Members "Ought Not to Pass" - (1) Member "Ought to Pass" on Bill "An Act to Require a 24-Hour Waiting Period before an Abortion May Be Performed" (H.P. 464) (L.D. 630) which was tabled by Representative TREAT of Gardiner pending her motion to accept the Majority "Ought Not to Pass" Report.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I urge that you accept the Majority

"Ought Not to Pass" Report of the Judiciary Committee which held a very, very long hearing on this question, with a great deal of discussion in the work session as well. We decided by an 11 person majority that this bill "Ought Not to Pass." Abortion has been legal and constitutionally protected for over 20 years. Yet views on abortion and the decision to have or not to have an abortion remains deeply personal decisions that each woman must make for herself. In consultation with her family, with her doctor, and with her own God.

The question raised by this bill and which you must answer today through your vote is whether the state should get even more involved in that decision than it is today. Maine has comprehensive laws governing access to abortion. These laws were recently codified in the 116th Legislature, but have been in place for many years and have worked very well. L.D. 630 would interject the state into already very difficult, personal decisions being made by women. It is unnecessary and unacceptable and I urge you to vote it down.

Informed consent for abortions is already part of Maine law, for adults as well as minor women because L.D. 630 proposes to change the adult consent process, I will focus on that part of Maine law.

If you turn to our statutes and you don't have them in front of you, so I will read from part of them, 22 MRSA section 1599-A, requires the following: "A physician may not perform an abortion unless prior to the performance the attending physician certifies in writing that the woman gave her informed, written consent, freely and without coercion." In addition, the law defines what informed consent is. Informed consent, and I quote, "to insure that the consent for an abortion is truly informed consent, the attending physician shall inform the woman in a manner that in the physician's professional judgment is not misleading and that will be understood by the patient of at least the following: A. According to the physician's best judgment, she is pregnant. B. The number of weeks elapsed from the probable time of conception. C. The particular risks associated with her own pregnancy and the abortion technique to be performed, and D. At the woman's request, alternative to abortion, such as child birth and adoption, and information concerning public and private agencies that will provide the woman with economic and other assistance to carry the fetus to term, including, if the woman so requests, a list of these agencies and the services available from each."

The State of Maine should not get involved with mandating what doctors should and should not tell their patients. The state allows the standards set forth by the American Medical Association to serve as one of the guidelines for medical practice. The state does not interfere with doctor's judgment regarding any other procedure. The guidelines set forth both by the AMA and current Maine Law give women the medical information that they need to make truly informed decisions about the procedure. Health professionals already, under current law, have a legal, professional, and ethical obligation to share with the patient all relevant information about the range of available healthcare choices. They are also required to respect the patient's decision which is based on that information. Therefore, physicians are already required to provide informed consent as failure to do so may constitute battery, and at the

very least grounds for malpractice. There's absolutely no evidence and certainly no one has presented to the committee that providers of abortion services are failing to comply with this obligation, or that there are any problems with the current law.

L.D. 630, does things somewhat differently, it requires the state through the Department of Human Services to provide mandated information which physicians and others must give to women 24 hours before any abortion. This information involves pictures of fetuses, showing every two weeks of development. A great deal of information about non abortion options must be provided. The bill does not give any information about the fully legal and constitutionally protected option of terminating the pregnancy. Forms must be signed by the woman verifying that she has received and either read or refused to read the information. She must wait 24 hours before an abortion may be performed after receiving this information. What's wrong with this?

The basic problem, and I know there will be an attempt to amend the bill, but even in any amended form, the basic problems remain. The state should not be involved in writing and drawing pictures, or providing pictures or information to women and their physicians. The state especially should not be taking sides in personal, medical and ethical decisions that a woman makes between herself and her doctor. It is not the role of the state to attempt to influence a woman's decision, by suggesting one option over another. This bill does just that. By mandating that adult women must receive pictures of fetal development and information about some of her options, but not all, the bill is explicitly attempting to influence a woman's decision. As I said already, current law now provides that when a woman requests information about available options, a physician must provide it. In addition there are organizations that provide information about pregnancy options, all without state interference.

The decision of how to handle an unplanned pregnancy is a very difficult one, which women often agonize over for weeks. It is also a private decision that the state has no business trying to influence. I urge you to defeat L.D. 630 and to accept the Majority "Ought Not to Pass" Report.

Representative TREAT of Gardiner requested a roll call on her motion to accept the Majority "Ought Not to Pass" Report.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: We have a difficult subject before us and a long and painful debate, I suspect ahead of us. I only request that we in approaching it, try to respect one another's points of view.

The flaw that I see with L.D. 630 is its fundamental assumption that perhaps women would move to quickly to make such an incredibly difficult and painful decision. I simply don't believe that an adult woman arrives at this decision easily. It's a difficult decision.

In Maine there are a limited number of clinics. Generally, about two weeks pass between the time one contacts the clinic and can get an appointment. That's a great deal of time and plenty of time for an adult to think through the options before her. The fundamental flaw here, is the assumption that women, too easily make these decisions. I just don't

believe it. I urge you to support the pending motion and defeat the 24 hour waiting period. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House: I hope the House would reject the Majority "Ought Not to Pass" Report and go on to accept the Minority "Ought to Pass" Report.

All of Maine has evidenced great concern recently about the increased level of child abuse. We wonder why children are killed, being starved or simply neglected by their parents or guardians. We also wonder why so many teenagers or even younger children are involved in crimes of violence, including murder, without any parent remorse or any signs of remorse. All the while we continue to show continued disregard for the unborn children and, in fact, for the young women who have become pregnant with unwanted children.

We are told by some that abortion is better in such cases than having children born into such circumstances that they are abused or abandoned. What these same voices ignore is the fact that attitude of indifference to life is fostered or reinforced by the apparent ease with which society permits the termination of the unborn life. It doesn't take a great leap of faith to go from killing the unborn to killing a young child, who happens to become an inconvenience or an ignorance. Where's our concern for life and for the right of all living things to live?

There are several basic questions regarding the need for a 24 hour reflection period with regard to abortions. How will such a law help women? The answer is, that such a law that includes the proper provisions to insure that women considering abortions must be provided information on both the risks of abortions and the alternatives to abortions. It also provides alternatives to women and provides the women with a better understanding of what an abortion entails. For example, each year there is a 1.98 percent chance that a woman on whom an abortion is performed will have her uterus perforated by the doctor. Based upon current statistics approximately 6,000 women in California may be injured. The chances are that few if any of these women were informed of the risks. This bill insures that women considering an abortion are informed of both the risks and the alternatives. This bill does not restrict access to abortion. It only provides time for the women to assess the information she will be provided and to consider the available options prior to, rather than after, having an abortion performed. After all, an abortion is not a reversible procedure.

In the Casey decision, the Supreme Court stated that, "while the women have a freedom to terminate a pregnancy, the line should be drawn on viability." This law provides women with a time and information to better resist pressure to obtain an unwanted or coerced abortion by providing information regarding alternatives to abortion and giving the women time and the opportunity to consider and discuss such alternatives. Nine states now have statutes that contain the reflection period, under Casey states have a flexibility to design and present the information as long as it, "objection no judgmental and accurate." The United States Supreme Court held that women's right to know laws containing a waiting period does not violate the United States

Constitution. In Casey, the court upheld Pennsylvania law which requires: A: A 24 hour reflection, waiting period before abortion is performed. B: that a woman given the following information by the attending or referring physician, 1. the name of the physician that is to perform the abortion. 2. The possible unforeseeable physical and psychological affects of the abortion. 3. Medical risks associated with the abortion procedure to be used. 4. Probable gestational age of the unborn child. 5. Medical risks associated with carrying the child to term. C: That the women be given the following information by the physician or his or her agent. 1. Availability of medical assistance benefits. 2. Liability of the father for child support. 3. Right to review information prepared by the state that describes fetal development and the availability of pregnant services.

Since Casey, federal courts have upheld women's right to know laws in five other states. The argument that such laws presents an undo burden on the woman was rejected in Casey, unless it places a substantial obstacle in the path of the woman seeking an abortion and the court ruled that providing information by the doctor or to be subject to a 24 hour reflection period after reviewing the information were not considered by the court to be undo burdens. Thus, the arguments that this statute represents an undo burden is false and has been rejected by the Supreme Court. The argument that providing this information by the doctor is unnecessary and represents intrusion or a delaying tactic has also been rejected by the court. If we as legislators are truly representative of the people in Maine, we should enact this legislation, to protect both the lives and the well being of women considering abortions and the unborn children. So I ask you to reject the Majority "Ought Not to Pass" Report and to accept the Minority. Thank you.

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

Representative ETNIER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to in the strongest words possible urge you to support the vast Majority "Ought Not to Pass" Report on this L.D. 630. This is a deeply emotional issue for everyone in this House and in the Gallery, I'm sure. We've all thought about it long and hard and I have come to respect arguments on both sides of the abortion issue. I have my opinion, you have yours, we are both entitled to those and again, I respect those whose opinions differ from mine on this. I respect you a great deal and I have no problem with that.

To move on, I have the distinct pleasure at this time to share with my wife the second trimester of our pregnancy together, I guess you could say. The first for us both. I suppose that is partly why this is a much more meaningful period to consider this for me and to speak on it. Maybe a couple of weeks ago I discussed this bill and the other bill that is in a similar vein to this with my wife, just to get her opinion of these issues given her current state, you might say. To see how she felt on them and if there was any change in her opinion and we discussed it at length. Basically what she said was given her current state, the very concept, the very idea that the Maine State Government would require that she get a 24 hour, and I love this, reflection period, with all due respect to the good Representative from

Madawaska, that's gussying it up a bit for me. Reflection period is appalling that the Maine State Government would intrude on a woman's right to choose, with it's only 24 hours, I realize that, but we all realize that this is probably the most serious decision a woman is going to make in her entire life. I can't think of another one that would be any more serious. To consider that she would need an additional 24 hours, state mandated, state authorized, state enforced evidently, waiting period, reflection period, call it what you will, is an insult to the intelligence of every woman in the State of Maine. As far as I'm concerned and I think there's a good number of people who agree with us, to assume that a woman who has already thought this over long and hard and has come to a decision based on her religion, her emotions, her parental involvement, whatever, and to say she is going to need another 24 hours state mandated waiting period is an insult. I repeat, to the intelligence of the good women of this state. They have the ability and have already thought about this well in advance, they do not need to have the state step in and require this waiting period.

As far as I am concerned, and again I'm speaking for myself in this instance. This is little more than a form of harassment for women and also a means laying some sort of guilt trip on a woman who has made this choice to have an abortion. It is indeed a very unfortunate choice. None of us are in favor of abortions. A number of us are in favor of a woman's right to make that choice for herself and by adopting the Minority Report on this, which I'm not even discussing here, but urging you to support the Majority Report, it would just be a means of trying to involve her with some guilt and I don't think that is the job of the great State of Maine to be doing that. I understand that may not be the intent of the good sponsor of this bill and cosponsors, but that is how I see it, you'll have to bear with me on that. I would like to wrap it up there, but I would like to pose a question through the Chair if I could please?

The SPEAKER: The Representative may pose his question.

Representative ETNIER: To anyone in the House who could answer this, after reading through the bill, I was wondering what the consequences or what the fines or penalties were to a woman and or physician who fails to go forward with this verification notification, does not obtain the necessary forms? I was curious to what the penalties were for either the woman and or their physician. Thank you very much.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: The penalties are set forth on page 5 of the bill, which lay out civil malpractice actions, medical malpractice and wrongful death. It primarily will go against the physician, which is why the American Medical Association and a whole lot of doctors and other health providers are very, very opposed to this piece of legislation. It's not just the intrusion in terms of the impact on them in terms of any civil action, but it's also the mandated information that they have to state and sort of getting away from what is their best judgment about what we ought to be talking to the woman about.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: First I would ask you to turn to your Minority Judiciary Report, L.D. 630, filing number H-474, which is now the bill before us.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat, and would inquire for what purposes the Representative rises?

Representative TREAT: Point of order.

The SPEAKER: The Representative may state her point of order.

Representative TREAT: Is it appropriate to be debating the Minority Report at this time?

The SPEAKER: The Chair would respond to the Representative from Gardiner, Representative Treat, the pending motion before the House is acceptance of the "Ought Not to Pass" Report. The Minority Report is not currently before the body and the Chair would encourage members not to discuss items that would be reflected in the Minority Report. The Chair apologizes for the interruption.

The Chair recognizes the Representative from Hampden, Representative PLOWMAN.

Representative PLOWMAN: Mr. Speaker, may I ask a question?

The SPEAKER: The Representative may ask her question.

Representative PLOWMAN: This is a Committee Report replacing the bill. The bill in committee is the bill no longer before us, is the bill before us? That is my interpretation.

The SPEAKER: The Committee Report is not currently before the body. The Committee Report that is reflected in the Minority Report is not currently before the body. The motion before the body is acceptance of the "Ought Not to Pass" Report. The Representative is free to discuss the rationale, why she feels that the "Ought Not to Pass" Report has merit or does not, but should not comment specifically with regards to those provisions that would be listed in the Minority Report.

Representative PLOWMAN: Mr. Speaker, I would move that we not accept the Majority "Ought Not to Pass" Report and move on to the Minority "Ought to Pass" Report. Thank you.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: For about 17 years, I have worked in various types of social services in Lincoln County. Many of you who live in the much more rural counties of Maine won't think of Lincoln County as being a terribly rural county. But I can tell you that I have in the past spent hours and hours and hours trying to find somebody to provide transportation to maybe a mother and child or an older person who needed to get to a physician in Brunswick or a physician in Portland. It's not easy to do. What concerns me significantly about this particular piece of legislation and the reason I am supporting the "Ought Not to Pass" Report is because I believe that there is significant rural bias in it.

My efforts over the past 15 years to empower rural women and to make sure rural women have the same kinds of opportunities that urban women have, has become very, very important to me. We need to

understand that this, in fact, is a much more significant barrier to women who live in rural parts of this state, than it is to women who live in urban parts of this state. One of the previous speakers mentioned that this is not a barrier, that it's not a significant barrier, well I can tell you from experience that it is. It's a significant barrier for someone who traveling 100 miles, one way, to get a service. Who then has to travel a 100 miles back home and then turn around and travel a 100 miles back on a second day. It's a significant barrier for someone who is finding child care for the children at home and needing to pay for that and maybe can't afford it. It's a significant barrier for someone who is taking a day off from work and then a second day off from work, in order to deal with something that that person has already thought of for days and days and days. This is a barrier, it's a significant barrier and it's particularly a barrier for rural women. Many of you who represent rural women who do have difficulty finding transportation, as we all know that transportation services in this state are slim to none. I would urge you to think about the situation that you are putting them in and I would urge you to accept the Majority "Ought Not to Pass" Report. Thank you.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I believe in the great State of Maine, there is a 48 hour waiting period to allow you to consider your decision to purchase a set of encyclopedias, siding for your house, or an art course that you found on the back of a match book cover. The state does take steps to prohibit a girl getting her ears pierced, though, we'll save that for another debate. The state does take steps to protect their citizens and they should.

If we are trying to respect one another's views here, let's not present the opposite argument as we see it. I don't think anyone implies that any woman makes the decision lightly, but a woman should have at least 24 hours to consider this decision. I think the kernel of the objection here is not the waiting period, but it is the availability of the complete information. I urge you to defeat the pending motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative POULIOT: Mr. Speaker, just a parliamentary procedure, because of the posture that the bill is in right now, is there any way that any member, because this is such an emotional issue and I know that emotions can get high on both sides, but I think there are people who would like to be heard on this issue and I was just wondering, is there any technical way that we can speak on this issue and let our voices be heard?

The SPEAKER: The Chair would respond to the Representative from Lewiston, Representative Pouliot, as follows, often in the course of legislative debate, discussion has been permitted on various amendments that are not currently before the body. That is a function of the will of the body in and of itself. Once it is challenged, however, it's my responsibility as Chair to ensure that the debate is

maintained on the appropriate motion. The current motion before the House is acceptance of the "Ought Not to Pass" Report. While members are free to discuss the merits or lack of merits of the "Ought Not to Pass" Report, the Chair would have to ensure that there is not debate on the Minority Report as reflected by Committee Amendment "A" because that is not currently before the body.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: As I was just saying, this is a very high emotional issue. As you all know, many of you know, I am an adoptive parent so I understand the feelings of how people feel on both sides.

The part that I have the hardest time to understand on this bill is that, why would anyone really object to a 24 hour period? Just think about it, I know we've heard words about this is harassment against women. This is possibly the most serious issue that any young girl, or any woman will ever go through in her life. And all they are asking for is a 24 hour period. A waiting period, a thinking out period. I do that sometimes before I come to work, maybe we have a thinking period or waiting period before we come to work, just so we can put our things together. As Representative Ahearne said, "once you've taken life, there's no recourse." I don't care if you want to have another one hour period or 100 hours, you'll never have that moment. What is so wrong to allow this bill to go on its passage and pass?

I mean, I can understand, it's so serious and I think we owe it to ourselves, but I think the biggest thing I would like to see in this House is that people would let other people speak on issues. I know it is a very emotional issue, but the people have a right to hear this issue and when I say the people, not the 151 members of this house, the 1.2 million people out there. They have a right to hear this debate. That's what I would like to hear. Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: The risks that are associated with abortions are in the current informed consent part of the law and that shouldn't be an issue. The problem that I have with this legislation, is that it appears to me that the state is trying to influence a woman's decision by suggesting one option over another. This is not something that a woman does on the spur of the moment. We're not talking about getting an ice cream or driving through MacDonalds and driving down the road saying, "Oh, I think I will go get an abortion." I can't imagine one woman out there that doesn't actually contemplate this and agonize over the decision for 24 hour period on her own. There's no sense in once they've already made the decision to add another agonizing period to it. It's not an easy decision for any of them and I think that once they do get the decision, they ought to be allowed to go forward with their decision.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This certainly is an emotional issue. One that I stood up here and fought

before. Why is it that abortion advocates say they want women to have their options? But fight against laws that require totally informed consent, which is a woman's right to know bill. All this bill will do will give the woman an informed consent so it asks her to wait 24 hours so she can make a decision whether to bring a child into this world.

Today we are seeing the unborn child being treated for disease, given blood transfusions, even operated on. When a doctor does one of these procedures, who is the patient, it certainly isn't the mother. It is the child. In order to do this, I would say the child has to be alive. They couldn't do it on a piece of tissue, it has to be alive. We allow women today who are choosing to have abortion for any reason, sex selection, not the right time in my career. Probably a lot of us wouldn't be around here today if abortion had been back a few years ago, maybe some of our parents would have decided well I don't need 9 children. I do know my mother wouldn't have chosen that, there are 9 of us, because I know how she believes on abortion. We were not wealthy, but we always managed to eat, be fed, and taken care of.

If we use the absence of brain waves to determine that a person's life has ended, why shouldn't we use the same presence of brain waves to determine if someone's life has begun. In my way of thinking, this is just common sense. The brain wave is there, there has to be life. Doesn't it ever bother these women, I wonder who are advocating abortion that it is proven today, that medical science has proven, that unborn children feel pain. We've all seen pictures of the child in the womb sucking his thumb and those of us who have had children know how the child moves and kicks and even has the hiccups. Well to me it has to be a baby to have hiccups, and it has to be a baby to suck its thumb in the womb.

If pro-abortionist are mainly concerned with the health and safety of women, why do they fight so hard against legislation requiring abortion providers, against abortion providers meeting the same medical standards as out patient surgery clinics. We've read information given to us on our desks today of a parent whose 14 year old daughter had an abortion and it cost those parents \$27,000 to pay the hospital bill for their child's life after this abortion clinic got through with her. She might have still had the abortion if the parents had known, but I wonder.

If it became absolutely clear, which to some of us it is, but I realize to some it's not, that the unborn child is a living human being and I believe that with all my heart and all my faith that I've been brought up with. I wonder if the pro-abortionist would then favor protecting that unborn child's life, his or her life. These are some of the questions that I would like to see the abortionist answer to me or pro-abortionist. Pro-abortionist say that the unborn child is part of the mother's body. If that is so, why does it have a completely different genetic code and often a different blood type? How do you explain the fact that it has its own immune system? Why is it male about half of the time? These are some questions that the pro-abortionist should look at and have to stand up and answer. Pro-abortionist say that outlawing abortion would restrict a woman's right to privacy. Is that right absolute? Does someone's right to privacy exceed another's right to live? I

don't believe so. Pro-abortionist say "right to choose." Choose what, define it? Once a woman is pregnant, she already has a child, the choice is what to do with it, not to choose whether to have it or not. She already has it. Although the word choice sounds positive and good, the choice in this issue is whether to have a live child or a dead child. Ladies and gentlemen of the House, I would like to have someone get up and answer some of these questions, so I could feel comfortable with maybe voting for this bill. Although I don't believe that anyone could answer any of those questions to make me feel comfortable with voting for a bill that doesn't want to give a woman information so that she knows these things and she knows what's going to happen to her.

A little over a year ago, I had the experience of having to have a back operation. I was in pain, first time in my life. Well let me tell you, the doctor didn't just take me in and operate on my back. He did a few other things first, he sat me down and told me the options I had. He told me the percentages of back operations, but I have a strong determination and I knew that my back was going to be perfect and it is because I believe in a lot of power of thought. It wouldn't dare be different. But I had that choice to make whether I wanted to have a possibility of spending the rest of my life in a wheelchair or being able to get up and walk without pain. I made that decision on information he gave me, things for me to read and everything else and also on his education and what he knew about backs, because I knew nothing. He spent a lot of time explaining everything to me. I believe that's the same thing that any woman who's going to have any operation, I don't care if it's an abortion, a hysterectomy, no matter what it is, they should be able to have the information so they know what the chances are that it's going to effect their life. I, as a woman, do not think it's an insult to get information that I can read and understand before I have an operation, whether it's an abortion, a back operation or whatever it happens to be. I just hope that you will stop and think today what you are doing to these women. You are telling them that you're not intelligent enough to read this information and make a decision for yourselves. Go in and have the abortion and think nothing of it. I hope that you vote against the motion on the floor so we can go on to accept the Minority "Ought to Pass" Report.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: As we all know, the issue of abortion and related issues sometimes are contentious, testimony and debate sometimes reflects strongly held differences. I respect those as I know we all do in this chamber. Yet I have to say that the deliberation of the Judiciary Committee on this subject was rational and civilized, as I know the debate today will be in this chamber.

The fact is, in the final analysis, the Committee decided by almost total unanimity not to support this particular legislation. The 3 members of the other body and 8 of the members of this House could not support it. It was not a thoughtless vote. It was not an insensitive vote, but it was the right vote, and right I suppose for different reasons. We've heard a number of those today. I urge you to make the right vote now and to support the 11 to 1 Majority of the Judiciary Committee. Thank you.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: The good Representative from Berwick, Representative Murphy, posed a series of questions. What I have to say to her and to the rest of you is that were we debating legal abortion in the State of Maine it would be appropriate to answer those questions. We're not doing that here today. We're talking about a 24 hour waiting period, and that's all we're talking about.

However, the good Representative from Lewiston, Representative Pouliot, did, in fact, address exactly that and asked what I thought a very direct, a very simple and very important question. Which is, why would anyone oppose a 24 hour waiting period? I think that is the crux of it. And what I'll say to all of you, in as simple and direct a way, is that a woman considers pregnancy from the time she is about 12 years old. A woman considers the implications of pregnancy monthly and I have considered the implications of an unwanted pregnancy and what to do about it, legally or illegally, since I was old enough to know what pregnancy was. I may have had different thoughts about it over the years, my choices might be different in my 20's, than they might have been in my 30's. But, men and women of the House, a fertile female considers this at least monthly. We don't need a state imposed period of time to make that decision and the legalistics of following through with the decision more difficult for rural women than it is now.

The Representative from Harpswell, Representative Etnier, said it was an insult to women and I'll not repeat those words, although I agree with them. I say that it's simply ignorance of how important a woman's ability to reproduce is to her and the seriousness with which she takes her gender differences with men. That's all I have to say, men and women of the House. Thank you very much.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: First of all, I'd like to tell you that I should be on the Minority "Ought to Pass" Report, and you'll see on your calendar that I am not.

I had problems with this bill in Committee and I didn't want to vote for it because it had problems. When the amendment came out, I was not allowed by the Chair for a formal reconsideration so you will not see my name on the Report. However, I would like for it to be on the Record that I am on the Minority Report.

Now I would like to tell you what is wrong with L.D. 630. The title. Section 5, all of section 5. Page 3, all the way down to 15993. The rest is okay. 1599E is out and several other things were wrong. I don't like the bill as it is either, I don't even like discussing the bill as it is either. I want to get on to the other report so I can tell you what we did with the things that were wrong in L.D. 630. I think, and please don't take this as wanting to cut off debate, but the debate is on a bill that is bad and I will tell you that. I didn't like it. I worked very hard to figure out what I didn't like, actually, it wasn't hard to figure out what I didn't like. I worked very hard to get at an issue without being insulting, or demeaning, being informative. I would ask you to get on with this one so we can to the Minority Report, so I can tell you

about the work we have put into it, the thoughtfulness, the debate that went on to prepare it and the fact that it wasn't even brought to the Committee to reconsider after final language was done and not even be able to vote on the Report that I prepared, so I would like at least the opportunity to tell you about it. Thank you.

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

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill we could debate for seven hours, seven days, seven weeks and probably no one would change their mind. I want to relate a story, I'm not particularly enthusiastic about anecdotal incidences, but I do feel this an invitation to harassment. My wife was pregnant with her second daughter, she went to a clinic in Portland and she wanted a pregnancy test. They said, "would you like to come in and see a film." My daughter was seven years old, they went in to see this film and immediately they showed a film of a baby being sucked out of a womb to my seven year old daughter. If that's what they will do to a seven year old, I can only imagine what kind of pressure they would put on an adult. I truly worry that if we have waiting periods for constitutionally protected acts, I guess the next thing would be a 24 hour waiting period before we give a speech. I would like to respond to the good Representative from Berwick, she mentioned that brain waves were the key to life. I didn't realize this until last week, but I was speaking to a noted pediatrician in the state about the physician assisted suicide. I told him that I thought it was really the Roe versus Wade at the other end of life. She said no you're totally wrong there, she based her opinion on brain waves. There are brain waves at the other end of life, but she said that during the first trimester there were no brain waves and that's why she was pro-choice. I urge you to pass the Majority "Ought Not to Pass", so we can get on to the next thing. We could be here for the rest of our lives discussing this and I don't think one person will change their mind. Thank you.

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

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

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

Representative MADORE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong the debate either, I just simply wanted to tell you why I'm on the Minority Report. I, like Representative Plowman, did not like the original bill. Therefore the amendment, which is not before us, I won't get into it, but just to go back a bit, a couple of comments that were made. One of them was, the concern of making women choose, having to choose, putting forth different situations before them, be it adoption versus abortion, etc. That is not my intent, nor is it why I am on the Minority, it is simply to put all the cards on the table and give a woman all of the options, a level playing field so she can simply make a rational judgment as to what's going to happen to her and her unborn child.

I don't think 24 hours to take time to read through this is a great demand on someone, knowing that in this body, if we don't have the information we will quickly table, until we have the information so that we can come back and discuss. I think that this is a sound, reasonable request and I urge you to defeat the pending motion and support the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman. 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 PLOWMAN: Mr. Speaker, Men and Women of the House: There are alternatives to the wording in the bill. An Act to Require a Twenty-four Hour Waiting Period Before an Abortion may be Preformed. An alternative might be An Act to Require that Specific Information be Provided before an Abortion may be Preformed.

We also had problems with requiring a woman to have to go, receive counselling and come back in 24 hours. The alternative would be, that when she makes her appointment, which takes 2 to 3 weeks, as we heard from the community, that she receive information and a sheet that says, "I received this at least 24 hours before I came here." We recognize that she might not even want to look at it, the alternative is, is to have a piece of paper that says "I got it," and also say "I didn't care to read it."

We recognize the penalties to the doctors, and we worked on that. We also recognized that there is some information out there that should it be read, would be helpful. Not a guilt trip, not pressure. We do more to ascertain that a man having a vasectomy, really knows what he is doing, than a woman who's going to have another surgical procedure.

The SPEAKER: The Chair would recognize the Representative from Berwick, Representative Murphy and inquire for what purpose the Representative rises.

Representative MURPHY: A point of order. Is there a quorum here today, this is a very important issue and I don't believe there's a quorum in this House listening to it.

The SPEAKER: Will the monitor's please assist in ascertaining whether or not a quorum is present. The Chair will declare a quorum present. The Chair apologizes to the Representative from Hampden, Representative Plowman. The Representative may proceed.

Representative PLOWMAN: Thank you, Mr. Speaker, Men and Women of the House: There are alternatives to this bill as I said that aren't insulting, demeaning, it's providing information that can be read and discarded or discarded. The only thing the woman has to keep is the piece of paper that the doctor can put in the file. No repeat visits, it could come in the mail. We could take out any other statements regarding construction and what constitutes the states position either way. I would like you to defeat this motion because I would really like to discuss with you the high points of the Minority Report.

If anyone is insulted by the information that they get regarding the decisions they make, whether it's a purchase or a service, than I suggest you start writing to the people who put these great warnings on lawnmowers that say, "Do not start with fingers under lawnmower. Do not trim hedges with lawnmower."

Because that's something you'll see too, and you know what, I don't need to be told that, but it comes because actually two guys in Florida tried to trim their hedge last summer with their lawnmower and they are missing a lot of fingers. Please defeat this motion, thank you.

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

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Just to put this in a more legal prospective and I'm not an attorney, nor am I attempting to imitate an attorney, but I have done a little bit of research. Whenever we discuss this issue, of course, reference is made to the infamous Roe versus Wade decision and the Supreme Court position to protect a woman's right or opportunity to have an abortion. I would also like to report some other opinions that the Supreme Court has handed down, one of which is Planned Parenthood versus Casey. Within that decision, the Supreme Court did say that our prior decisions establish that, as with any medical procedure, the state may require a woman to give her written informed consent to an abortion. That was also referencing another case of Planned Parenthood of Central Missouri versus Danforth. Referencing Thournberg versus the American College of Obstetricians and Gynecologists the court continued by saying, "it can not be questioned, the psychological well being is a facet of health. In attempting to ensure that a woman apprehend the full consequences of her decision the state further is the legitimate purpose of reducing that risk that a woman may elect an abortion only to discover later with devastating psychological consequences that her decision was not fully informed."

The Court went on to say, "we also see no reason why the state may not require doctors to inform a woman seeking an abortion of the availability of material relating to the consequences to the fetus, even when those consequences have no direct relation to her health. We permit a state to further its legitimate goal by enacting legislation aimed at ensuring a decision that is mature and informed. In short, requiring that the woman be informed of the availability of information relating to fetal development and the assistance available, should she decide to carry the pregnancy to full term is a reasonable measure to ensure an informed choice. One which might cause the woman to choose childbirth over abortion." This requirement, and this is the key of the court opinion in Planned Parenthood versus Casey, the key is this requirement cannot be considered a substantial obstacle to obtaining an abortion and it follows, there is no undue burden. I will not take up any more of this Chamber's valuable time, citing further references that the Supreme Court has made, to the fact, that states do have the ability to enact measures to guarantee the woman at least have the information available to make the right decision. I believe women, when presented all the facts, can make a decision. The information can be presented in such a way as to not be bias, as has been done in Pennsylvania with the Department of Human Services and has put together a booklet which has been distributed to you all for review, that basically lays the scientific facts and I lay that before you for consideration and urge you to oppose the pending motion.

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

Representative GATES: Mr. Speaker, Men and Women of the House: Let's be clear about this. This bill if enacted into law, would be constitutional. It would be constitutional. No one should stand up here and try to cloud the matter and say it would not be, I don't think anyone has done that yet. The problem is, in my view, it would just be very poor public policy.

What the bill requires, among other things, is that a woman would have to return a second time to a doctor's office after 24 hours. In my town, there are picketers outside that doctor's office and returning a second time is a traumatic experience. I also think that this bill erodes the confidentiality of a woman's decision to have an abortion. I think that is something that is very personal and I think returning a second time, past another picket line, erodes that confidentiality. I can't help but noting, a month ago a majority of the members of this House refused to intrude on personal choice, by requiring men and women, adults in the State of Maine to wear safety belts and many of those people who refused to do that are now ready to intrude on the most personal choice a woman has to make. Whether or not to have an abortion, and under what circumstances she's going to have it. I look forward to the day when every child in Maine is wanted, welcomed, embraced and cherished, but until that day, I will stand firm to protect the right of women to make their own choices, on their own timetable, not ours. Thank you.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Throughout this debate there have been implications that without this bill women will not be informed. I just do not believe that that is the case. I called my doctor to see what she does when someone is in this situation and sent me a list of providers. One was in the state, and I live in a very urban area. This is not something that is easily accessible, so I called the clinic and I asked them, "what do you do when someone calls you in this situation?" They require a 3 hour counselling period. They have lengthy, lengthy information that everyone must read and sign and understand. They also have at least a one week waiting period before an appointment is available. This is currently happening, people are being counseled, people are being informed of their choices and women think about this a lot more than 24 hours, trust me. As strongly as we feel about it in this House, think about how strongly a woman who is in this situation thinks about this, it is not casual. The decision is made very, very carefully and we need to allow women to continue to make their own decisions, thank you.

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

Representative BIRNEY: Mr. Speaker, Men and Women of the House: It was just mentioned that typically you have to wait a week after you've called the doctor to get an abortion. What is the problem with 24 hours if they're waiting five days anyway? That could be included in the five days.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House: I waited a long time to decide whether or not to get up and address you

today. My point of view, basically, is that this is something we should not have to discuss here. I'm also a woman who has worked for women's rights for as long as I can remember. I live in a rural area. I have daughters. I really don't feel that this is something that the legislature should have to talk about, however, after listening to this I think that some of you are missing a great point here. As an advocate for women, and somebody who feels very strongly in the philosophy that knowledge is power. I feel that rather you're a spiritual person or a practical person or both that the ultimate responsibility for making these decisions belongs to the one making it. So why am I up here now? I guess I have some frustrations that I need to express.

First of all I'm very concerned that the Minority Report, the amendment, has been left in limbo. There's information here that could make the decision easier and we're not allowed to discuss that. Secondly, I heard a lot of discussion about women and how they feel about being pregnant or thinking about it. Maybe you don't know this, but I've had eight pregnancies. I have six live children. I had two miscarriages. I've had a lot of experience with the feelings that arise in a person when they are having to make decisions about pregnancy, and about money, and about school, and about pressure. I've lived it, however, I also know that in the course of my time when I lost two babies, nobody seemed to understand that I was going through hell. I have to live with that. I had to live with the fact that I was depressed. I had to live with the fact that nobody gave a hoot because I already had some kids and what the heck, get on with life, get back to work and be a big girl. The point you don't realize is that unless you're very, very convinced about what you're doing and you've gone the extra mile to make sure your decision was correct, there's going to come a time when you're going to find that you're doubting your decision. You're going to come to a time when you're wondering whether or not you did everything possible to make things happen the way you wanted them to. At that point in time you're not going to have this group of people here or society or anybody backing you up.

That's why I feel very strongly that a 24 hour waiting period is a good idea. Not because it's humiliation to women, not because it's a disadvantage to people in rural areas, not because I'm a block head or any other thing. I believe it's important to make decisions once and make them well. And if it takes an extra few minutes to listen to somebody or if you read a pamphlet that's going to give you some more information and you make that decision and you go forward and you're having a bad day, or a bad week or a bad month, at least you can say to yourself, you've done it well. It's a comfort and it's necessary. I think that something like this is important enough so we should be able as women to have all the information available and all the support necessary and the piece of mind that goes with it.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: This to me is remnants of a paternalistic society. I don't need the government coming in and telling me how long I should take to make a decision that effects my body. I don't need the government to make me a criminal if I don't fill

out a form and I don't want the government to consider the doctor who will be performing whatever procedure I choose to have to become a criminal as well. I think that those are the outlines of this bill. If I want to take longer than 24 hours. If I want to take less than 24 hours. I don't need that prescribed for me. That should be my individual decision. This is a place where the government does not belong. If I go to a clinic or a physician for an abortion, I will be treated the same way anyone is for a surgical procedure and I will have to sign informed consent form. That, in fact, is acknowledging that I understand what the procedure is, but I do not need the government to interfere any further and impose any other restrictions upon me. That should be my decision, in the way, and the criminality of this proposed legislation is an unfair restriction on the physician and on the woman and I'm very much opposed to this.

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

ROLL CALL NO. 165

YEA - Adams, Ault, Benedikt, Berry, Bigl, Brennan, Buck, Carleton, Chartrand, Chase, Cloutier, Daggett, Damren, Davidson, Donnelly, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gooley, Green, Greenlaw, Hartnett, Hatch, Heeschen, Heino, Johnson, Jones, K.; Jones, S.; Joseph, Joyner, Kerr, Kilkelly, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lovett, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nass, O'Gara, O'Neal, Ott, Peavey, Pendleton, Perkins, Poulin, Povich, Reed, G.; Rice, Richardson, Rowe, Saxl, J.; Saxl, M.; Shiah, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tyler, Vollenik, Watson, Winn, Winsor, The Speaker.

NAY - Ahearne, Aikman, Bailey, Birney, Bouffard, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Desmond, Dexter, Driscoll, Dunn, Gerry, Gieringer, Gould, Guerrette, Hichborn, Jacques, Joy, Joyce, Keane, Lane, Layton, Lindahl, Lumbr, Luther, Madore, Marshall, Martin, Meres, Murphy, Nickerson, Pinkham, Plowman, Pouliot, Reed, W.; Ricker, Robichaud, Rosebush, Samson, Simoneau, Stedman, Tufts, Tuttle, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass.

ABSENT - Barth, Cameron, Cross, DiPietro, Kneeland, Look, Paul, Poirier, Rotondi, Savage, Sirois, Spear, Strout, Yackobitz.

Yes, 84; No, 53; Absent, 14; Excused, 0.

84 having voted in the affirmative and 53 voted in the negative, with 14 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

At this point the Sergeant-of-Arms escorted the U.S. America's Cup Pact 95 and members of the Young America sailing team to the front of the House Chamber.

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

Expression of Legislative Sentiment recognizing the U.S. America's Cup PACT 95 and the other members of the Young America sailing team (HLS 459) which was tabled by Representative JACQUES of Waterville pending passage.

Subsequently, was read.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: I want to commend Mr. Mahaney, Mr. Marshall and the crew of Young America for bringing a unique partnership of real life experience and education to the students of Maine and the United States.

Some of you may not know there is a uniqueness here like none other in any other athletic event. The people who put together PACT 95 decided that they wanted to share something with community and society, by giving back to the students of the United States. I think Mr. Marshall, at this time, is holding a workbook that has been circulated to several of the students across the nation. This workbook encouraged students to become involved in an athletic event through applied math and science lessons on a weekly basis. This incorporated their understanding of both the athletic event, the print media and an opportunity to be involved with something beyond the classroom.

I want to commend them and we'll hear a little bit more from them about the uniqueness of this, but simply I would like to state to the men and women of PACT 95 that you've made Bangor and Maine very proud. Thank you.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: A few years back I remember greeting Kevin Mahaney when he returned from the Olympics and presented him with a key to the City of Bangor and how proud the City of Bangor was for his accomplishments in the Olympics. In those short few years, Kevin Mahaney and the rest of the folks of PACT 95, in addition to the efforts that the Representative just spoke about, have built a world class organization. An organization that everybody could be proud of.

In the State of Maine, we give periodically awards to people with small business. There's a classification for this type, but I believe that these folks should be recognized for their organization that they built in a short period of time that they did it and you folks should be commended for it. Thank you.

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

Representative MARTIN: I rise to congratulate PACT 95, but I want to make it clear that Kevin Mahaney originates from Aroostook County, in Fort Fairfield. We congratulate him for that.

The SPEAKER: On behalf of all the members, your efforts and accomplishments, an example, not only for us in the Maine Legislature, but for all Maine citizens who from time to time strive for goals that may seem elusive at first, but with determination and hard work can, in fact, be achieved.

I also want to congratulate you for your efforts, as has been indicated, a very diverse group of people together to work towards a single objective. Your

ability to rally literally thousands of kids, private citizens, universities and corporations to your cause, educating as well as enriching them along the way stands unprecedented in such a pursuit and we offer our congratulations.

Subsequently was passed and sent up for concurrence. Ordered sent forthwith.

The Speaker recognized the Skipper of Young America, Kevin Mahaney.

Kevin MAHANEY: I can't tell you what a pleasure it is to be back in the State of Maine. One thing that I've learned on my travels through the Olympics, through the America's Cup, is that here in the State of Maine, we should have the opportunity to realize that we can be and many times are the best in the world. It's so easy to sit down every day and read the paper, and while you're in session here, all the little things we quibble and quabble about, instead of stepping back every once in awhile and reflecting on what when we work together we can accomplish.

I look at our team under John Marshall's leadership, the people like Leo Martin who helped bring this together, University of Southern Maine, University of Maine system, businesses here in the State of Maine, some of the best in the world, UNUM, Sebago, Korea, Webber Oil Company, Key Bank, all these companies coming together, private individuals coming together, state government coming together, and forming a partnership that within two years was one of the best in the world. I think that that is the type of thing, the type of partnerships that we need to be working forward to as a state, the partnership between state government, between private individuals, and between corporations here in the state. To work together, not to be one of the best in the country, one of the best in the world, not to just be good in our niche, but to strive to be the absolute best. No second place and that's what we did. We didn't end up winning, but we strived to be the best.

The teachers in our education programs strived to develop the best in the country, used by over a half million students around the country and that's what we are looking for. That's what I hope that we brought back to the State of Maine is a sense that we can be the best, for young people, for older people, for our state government, education, university systems, that's the level that we are striving for is to be the best. Thank you for your support.

The Speaker recognized the President of PACT 95, John Marshall.

John MARSHALL: Thank you very much, I have to echo Kevin's comments that it's great to be home and over the long period working in San Diego striving to do something representing the State of Maine and representing America, we felt the entire time, we had the entire state behind us and we also felt that very fundamentally, our program should represent the best things of the state.

A great number of our team members are here today, some of us are in fancy yachting attire and quite a few aren't. I think that says a lot about what this program is. It is a team activity, it is teamwork that involves the sport's team, the support team that maintains the boat, the design and technology team, and team tender, the boats that actually nursemaid the racing boat, all of this grown up here in the State of Maine, right down to having our tender be a Jarvis Newman 46, and our weather boat be the world's fastest lobster boat, a Harland 32.

We're darn proud of all of that and we're very, very proud, particularly, and quite a few people that are here are from the education component of our program and from the education system of the State of Maine. I was asked before these ceremonies, how this started and I think that what PACT 95 did and Young America did was act as a catalysis. As something that could bring together a very positive things that were already happening here in Maine. Give them some energy and power and the opportunity to reach out.

For example, we didn't write this 95 page book of hands on lessons on science and technology. This product was done by 15 teachers recruited by Dr. Bob Nene of University of Southern Maine, teachers from around the state who spent a summer working to put something together. Perhaps the most exciting and I think most inspirational of those lessons is a project in which teams of 3 students in a school build a test tank in the school and they build model boats, 16" long, 320 square inches of sail area, and they race those boats down the tank, powered by the wind of an electric fan. Their boats represent respective foreign countries, the students have to research those countries. They have to paint the boats in appropriate national colors. They have to do an oral report on the design that went into the boat. Why the sail was shaped the way it was. Why the boat was narrow or wide. Now that's one heck of an exercise. That's the kind of thing that really gets students excited. That came from the Tech Ed Association of Maine and I would recognize Bob Kronk, but I think I should recognize all of those teachers because when we were looking for a way to connect back the excitement that we feel in competing and the Olympics of technology. Which is what the America's Cup is. It was the Tech Ed Association that said, take a look at this, maybe this would help you get your job done.

Every aspect of this program it was people in Maine who came and said, "maybe we can help." As a result, more than anything else, more than the winning of the sail boat races on the water, I think that our program showed the world the kind of leadership that can come from a small state with very, very great values. We're very thankful to have had that opportunity.

Kevin mentioned some of the corporations in Maine who are involved. I should say that at the level of the UNUM Corporation, which was one of our three top level sponsors, that was a huge commitment. A commitment to take a Maine based corporation on a national and intentional stage. The kind of risk that is involved in sponsoring an event and hoping that your team represents you well, not knowing whether you're going to win or loose. That was inspirational to us to have a company step up and back us that way. Sebago was a very big part of it all, we had for example, Yale Kottage, Tom Yale provided all of the rigging for our boat. Very advanced, the highest technology rigging in the world, from here. Tony Corea, of course, not only donated a beautiful spinnaker to the boat, but produced beautiful jewelry for all of our team. MBNA, Key Bank of Maine, was a very, very big part of it and Key Bank's role was to help distribute the educational materials to the students.

Couple of other things I should mention, the role of newspapers is very fundamental in society and we're very fortunate and privileged to be able to connect through the newspaper and education network

to 27 major dailies around the country who actually physically printed the learning activity guide and delivered it to the classrooms. Some 3,500 teachers, some 3,500 classrooms around the country were reached this way as Kevin said, a half million students actually used these materials. Not surprising, the newspapers that had the greatest intensity of reach in their market areas were Bangor Daily News and the Portland Press Herald. We had this terrific support throughout the program. Very, Very privileged to have represented Maine, now there is this little matter of unfinished business. It's called Pact 2000 and bring the cup back. Thank you for your support.

At this point, the Speaker presented a framed copy of the Joint Resolution to Kevin Mahaney and John Marshall on behalf of all the members of the Maine House of Representatives.

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

ENACTORS

Emergency Measure

An Act Concerning Potato Blight Eradication and the Disposal of Cull Potatoes (H.P. 1096) (L.D. 1540) (Governor's Bill) (C. "A" H-418)

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

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

House Divided Report - Committee on Judiciary - (10) Members "Ought Not to Pass" - (3) Members "Ought to Pass" on Bill "An Act to Require Parental Notification for Minors Seeking Abortions" (H.P. 467) (L.D. 633) which was tabled by Representative TREAT of Gardiner pending her motion to accept the Majority "Ought Not to Pass" Report.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I urge that you support the pending motion which is the Majority 10 to 3 "Ought Not to Pass" Report.

If abortion is a difficult issue and decision for adults and we've certainly seen that from the previous debate, that it is. It is a even more difficult decision and issue, when we consider that teens, minors, also have a constitutionally protected right to an abortion, under certain circumstances. We can all think back to when we were teenagers and many of us are parents of teens. It is a confusing and difficult time, even under the best of circumstances, for both parents and children. Even without the difficult and emotional decision to either have an abortion, or to carry a pregnancy to term. Minors should not be making such momentous decisions all on their own. We do need to ensure that they have the support they need to make the right decision. No question about it, in most cases they should be turning to their parents for support, guidance, information and assistance. In fact, most teens do just that.

The largest nationwide study thus far done, which was completed in 1991, found that most teens choose to involve their parents without having any kind of mandatory law that requires that notice or consent of the parents. In fact, the younger the teen, the more likely she is to involve at least one parent. 80 percent of teens, 15 or younger, told at least one parent. For 16 years olds, it is at least 58 percent that voluntarily involved their parents, without any kind of legal mandate.

Not all teens can and even should consult with their parents, some do live in abusive homes. Others, even the good girls, just don't want to disappoint their parents, may not on the first instance, turn to that parent. That's where Maine's adult involvement law comes into play. The adult involvement law was adopted in 1989. It has worked extremely well. There have been no complaints about how this law has worked and there was none presented to the Judiciary Committee, in our hearings or work sessions. The adult involvement law requires the following: any young woman who is age 17 or under who is seeking an abortion must receive either parental consent or consent from another adult family member, such as an aunt or grandmother or consent from a judge who must decide if she was mature enough to make the decision independently or counselling from an approved counselor. The law defines counselor as anyone who is "a physician, psychiatrist, psychologist, social worker, ordained clergy member, physician assistant, nurse practitioner, guidance counselor, registered nurse, or licensed practical nurse." The law defines what counseling must be provided. The counselor must explain all options, including adoption, parenting and abortion. He or she must explain that the information being given is not intended to persuade the young woman to choose one option over the other. In addition, the counselor must give information about obtaining prenatal care and birth control information and must discuss the possibility of involving the teen's parents or other family members in the decision. Finally, the counselor must give the young woman the opportunity to ask questions, referring her elsewhere, if she cannot answer the questions asked. The intent of this procedure is to get the young woman, who has not initially involved the parents, to go and talk with a parent. The law works as it is currently written.

L.D. 633, which we are asking you "Ought Not to Pass" amends the current law in ways that would be very harmful to the teenager and are simply unnecessary.

L.D. 633 forces immature teens into parenthood. The bill does not give the court the authority to consent to the minor's abortion. Instead, the teen must prove with clear and convincing evidence that she is sufficiently mature and well enough informed to intelligently decide for herself. Thus we have the ironic situation that if the judge determines her to be to immature to make her own decision to have an abortion, she must have the pregnancy and perhaps bring up the child. There is a cruel irony that in these cases, the immature minor who is likely to be ill prepared for parenthood is forced to have the child.

L.D. 633 judicial bypass is not realistic or reasonable for the average teenager. Court houses are not located in every Maine town, in many towns, district and probate judges sit only on designated

days. This means a teen, most of whom have limited resources, money, or transportation, especially in rural areas, must travel great distances that make this option impossible. Most court houses in Maine are located in the county seat. L.D. 633 does not give support to the teen, who takes the judicial bypass route. Counseling, I might remind you, in the adult involvement law is provided for every single teenager, who initially seeks an abortion. Neither the judge, nor any court personnel are required to also provide or refer to support systems. There is in the bill an escape clause for abused minors, but it is grossly insensitive to their plight. The bill places the burden of proof on the abused teen, requiring her to prove by clear and convincing evidence that she has been physically, sexually, or emotionally abused. It frequently takes months and even years for abuse victims to acquire the emotional resources to seek assistance necessary to escape or recover from an abuse situation. To force a victim to negotiate the complicated judicial system when the situation is compounded by a crisis pregnancy is both naive and cruel.

Further, L.D. 633 does not guarantee confidentiality or safety to the teen, although there is a provision in the bill that says the court records shall be confidential, there's no guarantee that a teens anonymity can be preserved in the court house environment. Just to give you an example of why we know that is not the case, a study of Massachusetts law shows that a teen must have contact with an average of 23 people before a ruling is made. That's 23 people that could leak out this information and that could create a life threatening situation for an abused teen, particularly where the parent may have been involved and may have even created the pregnancy, which does happen. L.D. 633 creates the kinds of delays, also, which would lead teens to have later term pregnancies which are certainly riskier, than if they seek an abortion very, very early on.

This bill is not necessary, we have a law that works very well. It requires informed consent, involves counselling, and involves assistance to the teen and in most circumstances, it is going to involve the parents. It is a good law. There is no need to change it and I urge you to support the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to reject the Majority "Ought Not to Pass" so we can accept the Minority "Ought to Pass" Report.

Today our children require permission slips from parents to participate in high school athletics, extra curricular activities and even if they are 17 to join the military service. Why then is there any question regarding the proposed requirement that parental notification be required in such a form as to be meaningful when the minor seeks to have an abortion. Is not having an abortion more likely to have adverse impact on the child than playing basketball or being in the band? We impose restrictions in interest of the minor's welfare, for many activities but yet we balk at requiring parental consent or even proper notification when a minor seeks to have an abortion. Where is the logic or are we simply taking the least line of resistance when confronted by vocal pro-abortion advocates. We are

clearly imposing a double standard. Next we shall probably be asked to remove the parental permission requirement from all activities as an infringement of children's rights, while ignoring the child's right to have a sense of discipline.

The proper education when learning right from wrong, a secure loving home and proper guidance. America's horrified that a sight of violence against children typified by Susan Smith's drowning of her two young children and by violence by youth such as senseless killings in Los Angeles gang shootings. Much is said about the moral decay of a society, but few do actually anything to sustain this decay.

This legislation does not restrict abortion, but rather it ensures that before abortions are permitted for minors, proper steps are taken to secure parental notification, to allow the parents time to console the minor. Inclusion of a provision for judicial bypass provides a remedy for those minors suffering from abusive parents or being emancipated. This legislation simply provides protection, similar to a requirement for parental permission for high school students to participate in athletics or other extra curricular activities. In fact, this legislation is less stringent, than such requirements that it provides a judicial remedy in the cases where the parents refuse to grant such permission. A remedy that is not readily available in the case of extra curricular activities, denial.

This legislation is based upon similar legislation passed in Minnesota and Ohio. The highest statute requires notification of one parent, the parental notification by the physician, the 24 hour waiting period after notice, and the "clear and convincing evidence" standard of proof, the minor's maturity and best interest has been upheld by the U.S. Supreme Court and the Minnesota provision, where notification of both parents and a 48 hour waiting period were similarly upheld by the U.S. Supreme Court. Since statistics indicate that approximately one-fourth of all abortion clinic patients are minors. This legislation can effect abortion practice as it applies to minors in a significant manner. It can also help to reinforce a concept that life is priceless and must be considered priceless. The decision to terminate a pregnancy shall not be made under peer pressure by an immature or confused minor, without even consultation with the parents. This legislation does not seek to preclude the ability of a minor to obtain an abortion. It only seeks to place equal weight on the role of the parent in a minor's decision, as society currently requires in connection with the minor's right to participate in athletics or extra curricular activities in school. Finally, the proposed statute fully complies with the U.S. Supreme Court decisions, which require the following: two parent notification, including a non-custodian parent with proper drafted judicial bypass, a one parent notice with judicial bypass, assessment by judge of a minor's maturity and best interests by clear and convincing evidence standards, personal notification by the physician and parental notice at least 24 or 48 hours before the abortion. The proposed legislation will clearly stand the test of constitutionality, it deserves to be enacted into law. I ask the support of all who are concerned about the welfare of children, the continued wave of youth violence and the deterioration of society, in securing the passage and enactment of the proposed legislation.

Representative AHEARNE of Madawaska requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I, too, had a problem with this bill. The fact that it is constitutionally sound, still gave me some questions as to what we were doing. But when questions arose in committee and work session when I said, "how do you ascertain that the adult in the waiting room is not the boyfriend of the young girl, who doesn't want to pay child support." It came out that an adult is not even required to accompany the young lady. The adult involvement is the person who does the counselling, signs off and sends the child, the minor, with a piece of paper and whoever she chooses to go with her, but it need not be an adult, that concerned me. This bill didn't provide for that. I'd like to see that. The bill provided that, clear and convincing evidence to a judge of abuse had to be met. I didn't quite agree with that. I did think that perhaps if a child couldn't tell her parents that she should be able to go to the doctor and tell the doctor that she was abused. But I absolutely felt, that if a child could not get parental notification because of that, that the doctor be absolutely bound to report the abuse that this child is engaged in. Because, after all, the first duty is to protect the child. I also thought the judicial bypass was very hard to meet. Judicial bypass for these kinds of things should be the ability to walk into a probate court, file a form, see a judge. These are young ladies, they didn't get pregnant by making one of the best decisions of their lives. They have already shown that they need some assistance. Yes, I would like the parents to be first and if the child is in danger, I'd like the state to be notified that this child needs help now, so she can learn to deal with her abuse now. If she needs an abortion and she's so afraid she can't tell her parents, that this physician upon documenting and advising DHS may perform the abortion.

That if the young lady who feels she's old enough, mature enough, and doesn't want to tell her parents, and she's not abused, wants to have an abortion than she go down to the probate court, fill out a form, no fee, receive the permission and the permission becomes part of the file. It's simple to me. Personally, I'd want my daughter coming to me. Personally, in 30 years when my daughter might have some doubts, I'd like her to be turning to me and saying, "mom, did I make the right decision." That I'm the one that says, "yes, I think you did, we talked about it, we knew all the alternatives, I went with you, I held your hand and we did the best that we could do right than." I tell you, I'd bet she'd have a hard time finding the LPN who worked in the doctor's office and provided the consent to say, "gee, did I do the right thing. I don't know, what's your last name. Let me pull your chart." Parents need to know when their children undergo a procedure where the informed consent provided by the doctor asks them to waive their right to sue should a surgical instrument, cartilage or bone perforate her uterus. I doubt if a 15 year old even knows what a tort is, what medical malpractice is and would it be legal, probably not, not the fact that she signed it. You can't sign away your right to a tort, but

she's signing a contract that she couldn't possibly understand. Telling the doctor, yes, I hear you saying it's dangerous, but 14 and 15 year olds, going home after having such a procedure and having only told the school counselor and maybe a couple of friends that's she's had an abortion, who develops problems in the middle of the night. Starts a fever, maybe bleeds a little, but they told her she might, so she expects it, but the fever gets worse, what if she waits until 8:30 tomorrow morning when she sees the guidance counselor to say, "look I didn't want to tell mom and dad last night, but I think I've got complications." It's not all going to go away. There's a certain number of people who will not go to their parents, who will not allow their parents to be notified. Those are the kids who will be scared half to death anyway, rather they came home pregnant or not, because they are abused. Those kids need to be protected. The first alarm should go out from the doctor. In the third scenario again, a young mature lady, 17 years old, not in danger, capable of making her decisions, licensed, ability to drive, can contact one of the adults that are on the parental involvement list now. Could you drive me to Bangor, could you drive me to Dover-Foxcroft? I don't think it's unreasonable. It's constitutionally sound. It's a way to make sure children are truly protected, to make sure that the adult involvement just doesn't mean, signing off on a check list, yes, we discussed this, and this and this, date and sign and take this with you to the doctor. When Maine cracked down on child support, I bet there aren't to many 17 year old boys who are real happy about their girlfriend coming to tell them that they are going to not be a father. They're not going to pay child support. I'll pay for your abortion. They'll be the one sitting in the waiting room waiting for the young lady to come out, because there is no adult there with the best interest of the child. Besides the doctor, and the doctor's there, but it's not the doctor's duty to check and see who came with her and see who's taking her home. I don't think this is unreasonable. We're not challenging anyone's right to an abortion. We're not challenging anyone's ability to ask, we're saying give the parents the first shot, protect the kids with the second shot, and recognize the mature young lady with the third shot. I ask you to turn down this Report and go on to accept the Minority Report. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I know this is an emotional subject, just as L.D. 630 was and I chose not to speak on that because other people spoke for me. I oppose L.D. 630 and I oppose this bill and I know we often get up and often we speak to influence other people and I know that's probably not going to happen today because, most, if not all, the people probably already have strongly held positions on this issue. I did feel compelled to speak.

I understand the concerns of the proponents of L.D. 633 and I respect their opinions greatly, however, I respectfully disagree. I know the Representative from Madawaska has brought up some issues regarding the fact that parental consent is necessary for other activities through perhaps the school's request for extra curricular, joining the military. I would suggest that this is very, very different. The nature of the issue is different,

confidentiality in this particular case is critical, because this involves a minor seeking birth control services. U.S. Supreme Court has acknowledged the need for confidentiality.

I think it's also important to underscore in Representative Treat, highlighted this and I'd like to highlight it again, that statistics show that 80 percent of teenage women under 16 years of age who seek an abortion, tell at least one of their parents. That fact is pretty amazing when you consider that over 50 percent of the families are single parent families to begin with. What about those who don't choose to tell their parents? We can't legislate family communications. I know many minors and I'm sure you do, many young women who do not have established and open communications with their parents. In some cases, I know the children very well, the minors, and I would suggest that they are more capable of making thoughtful deliberate decisions than their parents. I would not suggest that in all cases, but in some I believe that to be the case.

It is also important to look at the effect that laws, like the one proposed before us, L.D. 633, have had in other states. Statistics show that teenage women cross over to states which allow abortions without parental notification. You have had statistics on your desk, I think to reflect this, I won't go into detail.

Representative Treat pointed out the differences between current Maine law and L.D. 633 and I think she did a good job. I would like to highlight a little of that again, under Maine's current adult involvement law, a young woman who is age 17 or under who's seeking an abortion must receive parental consent, consent from another adult family member, consent from a judge, who must decide if she is mature enough to make the decision independently or counselling from an approved counselor. In the statute 22 MRSA, section 1597, the approved counselors are listed. They include physicians, psychiatrist, psychologist, social worker, ordained clergy members, to name a few.

Specific counselling is also listed in the statute and I think Representative Treat highlighted that, but I would like to highlight a couple of points. The counselor must explain all options, including adoption, parenting and abortion. The counselor must explain that the information being given is not intended to persuade the young woman to choose one option over another. The counselor must give information about obtaining prenatal care and birth control information and discuss the possibility of involving the teen's parents, or other adult family members in the decision. Finally, the young woman is given an opportunity to ask questions, and to be referred to another individual if the counselor can not answer the question. It is important to note that in Maine's adult involvement law, even a minor who obtains parental consent must still receive counselling from a person who meets the legal definition of a counselor. I believe that is absent in this bill and I would suggest that's a very important distinction between the two.

I know that adult guidance for a young woman facing reproductive choice issues is very important, it's critically important, but it's this legislator's opinion that Maine's current law supports young women in making informed responsible decisions. Current law encourages family involvement, however, it

provides alternatives to those young women, who for reasons that they feel very strongly about, do not feel comfortable involving a parent. For all these reasons, I would encourage you to vote for the pending motion, which is the Majority "Ought Not to Pass" Report. Thank you.

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

Representative NASS: Mr. Speaker, Men and Women of the House: For me, this issue is not so much abortion as it is parental rights. I urge you to focus on the board, the words that are up there, parental notification and the word minors. For me, that's what this is all about. I rise in opposition to the Majority "Ought Not to Pass" and hope that you will consider the alternative.

Sunday is Father's Day and on that day many of us will celebrate the memory and lives of our fathers. Just as we celebrated the memory and lives of our mothers, several weeks ago. As we honor our mothers and fathers, I believe most parents recognize the responsibilities to their children. I also believe that most, the vast majority of mothers and fathers, care about their 14, 15, 16 and 17 year old daughters. That they want and need and have a right to know when their child is facing a crisis. This bill only allows parents to know when their child is facing a pregnancy crisis. It does not require or authorize parental permission. Most of the material I've received over the past several months in this body, is concerned parental permission for this kind of a crisis. This is about parental notification. This bill is about a parent's right to notification. About a parent's right to know when their minor daughter is in some kind of a crisis. I believe that this is a more serious problem than the abortion issue. It's about the rights of parents to know, just to know, when their child, their young daughter, their minor daughter, needs, and perhaps needs their counsel and advise.

As I remember the testimony in the Judiciary Committee on this issue, it took a strange turn. If you believe, that the state's interest revolved around protecting those few minors who suffer perhaps from abuse, parental abuse or other abuse in the home than perhaps you will find some satisfaction in this bill. If you are more concerned about the parents rights and our lack of ability as a society to deal with, especially with our teen-age children, than I would urge you to look at the alternative and vote against the Majority "Ought to Pass" on this issue. Thank you.

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

Representative TYLER: Mr. Speaker, Men and Women of the House: When I signed on to this legislation, I was fulfilling a campaign promise that I would, in fact, sign a parental notification bill. I signed it with the idea, not really understanding what it was all about. At first, it didn't seem to me that it amounted to much of anything. I thought this was a simple bill, wouldn't cause any real problems. The more I've studied it over the last three or four months, I've come to the conclusion that I cannot back this type of situation. I know in my own family, if my daughter got in a situation. I assume she would come to me and I really feel she would because we have a family of mutual respect and trust. I know there are many situations out there, the abusive homes, the children that have no real

homes, I think these young women could have a real problem. Maine's current involvement law is pretty good, it seems to do the job very well and at this point in time, I cannot support this legislation and I urge you to accept the Majority "Ought Not to Pass." Thank you.

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

Representative TRUE: Mr. Speaker, Colleagues of the House: As a former teacher, coach and headmaster as well as being a father of six children and a grandfather of five and hopefully a sixth, he or she will be born on my birthday, and as a husband, I know the agony that young women find themselves when they are in the position of being unexpectedly pregnant. I know what they go through because many of these women felt they could, because of friendship and trust, which I tried to purvey upon them, came to me or to my wife, for advise and support. Young women in these situations, do talk to the parents, other family members, friends and other adults. They don't make these decisions easily and our current law allows young women to take this advise and help without attempting to mandate, parent and child communications. Government simply cannot force children to talk to parents, just as it can't force parents to be loving and supportive to their children. How I wish just the opposite. The colleagues of the House, this is the real world. When society, quite frankly, is running wild and out of balance and family is no longer what we want it to be or wish it to be.

I would like to take another road in trying to refresh your memory and ask how many of you remember the song I believe, and if it wasn't a prop, I'd sing it to you. In this song, which begins "I believe for every drop of rain that falls a flower grows" and goes on to say "I believe that someone in the great somewhere hears every word and I believe that everyone that goes astray, someone will come and show the way." You see, I believe these words, and the words, someone, this could mean many people if I understand the meaning and connotation of the word. Why than restrict young people? Give them the choice.

I'm sure many of you remember somewhere in your education a wonderful woman, Helen Keller, and if you remember she was blind. That wonderful woman who showed courage, thoughtfulness, and spirit throughout her life. She said and I quote, "there are many open and closed doors in this life, but we spend more time trying to figure out how to open the closed doors than taking advantage of those already open to us, which affords opportunities." Which may in the case of these young people, lead to happiness or fulfillment of a dream.

It is incumbent upon all of us, no matter what we are, no matter what we do and even as parents, I have heard it said many times this morning about rights. It is true that we must follow the law and the laws of our land, however, in the case of getting people to have open communication, it is my belief, you've got to practice friendship, you're got to practice and earn trust and you then put this to good work. I think this particular L.D. would be wrong and I urge you to support the Majority "Ought Not to Pass." Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully disagree with my good colleague from Fryeburg, Representative True. For one thing, one of the reasons a family is no longer a big part of our society is because we're advocating those rights. We're taking more and more rights away from the parents and giving minors, so called rights.

This bill, I see, as an attempt, a midstream correction, if you will, in our societal decay. I, for one, am not ready to throw up my hands and give up. When I knew this bill was coming up and I signed onto this bill, and I still support it very strongly. I was going to make up a list of things requiring parental consent. I never got around to that, but there is quite a list, I am sure, and I'm hoping somebody else will have that. I did sit in on a workshop in the Banking and Insurance when they were talking about referring to chiropractors. The person in the HMO health service said they could not self-refer minors, they had to get written permission. We all know of other circumstances, where it requires not just notification, but written permission, for surgical procedures and even little small things, and for my understanding, someone could correct me, even if you do something at a school, you have to get written permission, to give a child an aspirin.

There seems to be a strange inconsistency when we approach the topic of abortion. All of a sudden, the parent doesn't even have to be notified. There is also strange inconsistency in this stand when we're constantly trying to instill parental responsibility on young men who make their girlfriends pregnant. We say you have to be a responsible parent. Yet we take this stand to say as a parent, you don't have the right to know if your young daughter is pregnant. Why is that? Think about it. I don't know quite the age that a young girl can get pregnant, is it 11, 10, 12. Each of you who have daughters, if your daughter got pregnant by her boyfriend and she was afraid to tell you, and she went to an abortionist, would these people, and from what I understand from some of the testimony earlier, that an adult doesn't even have to be with the girl. Would you want your 12 year old daughter to have a major procedure performed on her without you even knowing it? It's inconceivable and I know all the anecdotal stuff, and it is true, there is some child abuse, it may be the father that has made her pregnant. But there's a lot of girls that don't get abused by their father and get pregnant by their boyfriends. These are not grown-ups, these are young children. Just because they are pregnant and they're going to have a child. These are children having children. Once they make that step, once they have that abortion, all the services and the counseling not withstanding by strangers, she's going to have to live with that for the rest of her life. Than what happens when her parents find out. What kind of relationship is she going to have with her parents at that point? Is she ever going to be able to live with that? We heard earlier some very moving testimony from Representative Meres and what she went through when she lost two children from miscarriages. Can you imagine what it would be like for a young 12 year old girl to go through the process we have set up now, not have her parents notified, have an abortion and then the very next day, after it happens, realize what she has done. Twelve years old, it's inconceivable to me, that a

parent would not be notified, not written permission, mind you, just notified. Why are we having societal decay? Why is society running amuck? Take a look at what we're doing. I urge you to vote against the pending motion. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: First, I'd like to address some concerns brought up by my good friend from Madawaska, Representative Ahearne. As in L.D. 630, this measure brought before us today, is, in fact, constitutional and we're not challenging that today. As Representative Gates said in that debate, and I agree with him now, it's not good public policy. Also, and I'll tell you why. The Portland paper was recently quoted in a piece by the Representative from Madawaska, Representative Ahearne, discouraging the current report, the Majority "Ought Not to Pass", but in fact, when the contact for the entire editorial, I was curious about that, so I took a look at the entire editorial and what the editorial said in whole was that this legislation was intrusive, even dangerous and that parental consent legislation to those who oppose abortion is a real problem and it's a bad piece of legislation.

I was wondering when my colleague, Representative Waterhouse, was talking about strange inconsistencies about the strange inconsistency that we're talking about here today. To me it seems very hypocritical of this body to say that we believe that a young woman is capable to care for and responsible for another human being. To bring another human being into the world. Yet that woman, that young person, is not able to make this decision about their own body. Representative Plowman talks about how she wants it to be. How she would want to be a part of her daughter's decision. I think that all of us in this body, share that. We all want to have that type of family relationship. I would suggest, that if we are going to wait until after our children become pregnant, after our daughters become pregnant, than it's a little bit to late. We should try to nurture those relationships and we should have those relationships, but you also have to understand that that is not a rule. Not every daughter will be able to have that relationship with their parents. That's a great tragedy, but it's a fact.

During the testimony, during the public hearing, we had very moving testimony from a woman whose daughter had, in fact, died as a direct result of the parental consent law. Her daughter was not a bad kid, was an honor roll kid, as I understand it, was a good kid. Had a great relationship with her mother, but she didn't feel she could be open with her mother in this regard, to talk about her pregnancy. The shame, the fear, and as a result she had an illegal abortion and she died. We don't want to force our children to have illegal measures. We want to make sure that this procedure is done by professionals and sure, we want mothers and fathers to be able to talk to their daughters, but if they can't we want to make sure that they are safe when this is all over. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Men and Women of the House: Someone earlier said that this is a bill by the title on the tote board that it's a parental notification bill, I think it goes much beyond that.

Yes, it is a bill that concerns parental notification, but it's more in the negative. The bill itself concerns what happens when there isn't parental notification. Just in reviewing the bill and to me most of it concerns the aspects of a judicial review, or the so called judicial bypass process that will be necessary for a teenager to go through in order to even get to the point where she would make a decision on whether or not she was going to have an abortion. That process to me looks frightening. She's not only got to make a sworn statement to the court, she's got to set forth her reasons why she thinks she's entitled to the opportunity to make that decision, about whether or not to have an abortion. She's got to state to the court that she feels she's mature enough to make the decision or if not, she's got to say that there has been some kind of abuse in her family that would warrant a court granting her the right to make the decision without having to ask one of her parents. She's got to wait up to five days before she can get that decision, and if I understand the bill, she would have to have an attorney, either of her choice, which she herself would retain, at her own expense, or have the court appoint one for her. Then there's a hearing, a hearing which she would be compelled to produce testimony that would convince the court, with clear and convincing evidence, that she was entitled to the opportunity to make that decision. To give her the consent to make the decision on whether or not she was going to have an abortion. If she wins, she's then cast a drift to make that decision without any other help or assistance, that is provided for in statute other than what she may seek on her own. If she loses, she has to take a further step, to take an appeal, that involves time. I think it's set out in the bill, four days within which she can take an appeal for the next higher tribunal, then four days after that, she can file a brief, explaining why she thinks the decision made by the lower courts should be reversed.

I can tell you, that if anybody's been in the district court, either like myself as an attorney or as a party to a law suit, it's not a pleasant place to be. It's a place that most people would rather never have to visit during their lifetime. To say that we're going to cast a young teenager into this process and let her go through, what I would say one of the most frightening and traumatizing events of her life, not to mention having to do that all the while she is thinking about the decision she's got to make about an abortion. We'd be asking too much of her.

We've had explanations about the adult involvement law. It seems that it is working, it does address those concerns of people who think that teenagers should have somebody, adult stature, to sort of use as a sounding board, to get some advice. It may in some instances not be a parent. I think that's the choice that teenager should have. I do not think that we should be putting the barriers in front of her of this judicial bypass system and I think it should be defeated and I ask that you vote to accept the "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House: I oppose L.D. 633 and I support the Majority "Ought Not to Pass" Report. I'm a step-father, my step-daughter, Jody, is 16 years old,

she was a page here once. Father's Day is next Sunday, and if Jody could give me, but one father's day present it would be that she trusted her mother and me enough to involve us in any decision that involved her, no matter what circumstance.

Since age 5, when I came on the scene with her, Jody has involved us in just about every important decision, but if she were to become pregnant. She knows that she is free to make the decision that she feels comfortable with. My wife and I are comfortable that current Maine law is doing the job. Thank you and please vote yes on the current motion.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: It amazes me to stand here today and to listen to people say that parents don't have rights. We all know that all parents aren't perfect, believe me the majority out there are parents.

I cannot imagine that this legislature has so little value on life as I have heard here today. Not only on this bill, but on the other bill. That a child's life doesn't have a worth. Every life has a worth. Whether it's perfect or not. I believe that every parent has a right to know what is happening to their little girl.

I have eight brothers and sisters, I have 20 some nieces and nephew, I don't know how many grand nieces and nephews, I haven't taken a count lately. I know that a few years ago when my dad went, there were 92 of us. That's a pretty good sized family and I think we're pretty close. We've all had our tragedies. We've had a few divorces in that family, too. I just don't believe that there is any one of us who would want to stand up and say we don't want to know what's happening in our child's life. No matter what happens to each one of us, we're all there. I believe that's the way it should be.

There may be a few cases where we need to have the judge come in and this law allows for the judge to come in. That judge should come in and take that child out of that abusive situation, not because she's pregnant, because it's the right thing to do and that child probably should have been taken out of that situation. Without this law, that child can go and have an abortion and go right back into that same abusive situation and nobody knows anything about it. I'm sorry, ladies and gentlemen, I get upset when I see some of the laws we are passing and what we are doing to the families and what little value we have on a baby's life. We have no value at all and it does upset me. I urge you not to support the motion on the floor.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as a cosponsor of this bill and for me it's an issue of parental rights. I see this as a matter that we as a society are one more time saying to parents, we are going to play parents for your children and you don't get to anymore. That frightens me. I know there are situations of abuse and this bill more than adequately protects young girls in these situations, but for the vast majority of cases where there isn't abuse, a young girl in this time in her life needs to be able to go to her mother or to her father and talk.

I'm sure we've all been in a situation when we were kids where we were afraid to tell mom and dad something we had done, maybe something minor, maybe something not so minor. We were amazed when we told our parents, or when they finally found out, how much better they reacted than we expected them to. We were amazed how understanding they were and in so many cases these young girls are under a tremendous amount of stress and they're afraid to tell someone when, in fact, mom would embrace her with open arms, would love her, and would help her make whatever decision she deemed important. To take away the parent's rights and to take away the opportunity of parents to be parents, in this most important time is to do a tremendous disservice to society.

As I watched this issue, I watched the battle lines on both sides form, I see the pro-life people on one side, I see the pro-abortion people on the other side and I say to myself, the pro-choice people, and I say to myself if there is ever a common ground, if there is ever an area where both sides ought to be able to meet and find common ground and agree, instead of warring forever, this is the kind of issue. This is an issue of parents rights. This is not just an issue of abortion rights. I sincerely wish to ask you to vote against the pending motion so we may go on and accept the Minority Report and protect the rights of parents and young girls in this State of Maine.

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

Representative LAYTON: Mr. Speaker, Men and Women of the House: I find it difficult that I'm even standing here debating this. Most of us here are parents, sons or daughter, it doesn't make a difference. Let me just relate to you a little thing, I want to get to what Representative Waterhouse was saying, everybody's talking about 13, 14 15 year old, 16 year old girls. I currently have a 9 year old daughter that's going through puberty. This girl right now could become pregnant, 9 years old, she'll be 10 July 1st. I asked her, I said, "Venisa, if I give you \$20 and you can spend it on anything you want, what are you going to spend it on?" She said, "Dad, I would buy all the bubble gum I could chew."

Am I to believe that we here are telling me that she is capable of making some decision on an abortion issue. If my daughter needs my permission to have her tonsils removed, why am I being excluded from at the very least, being given the courtesy, a simple courtesy of being notified if she is seeking an abortion. Testimony here has been given that a certain percentage of minors do, in fact, tell their parents.

The fact of the matter is, under current law, they don't have to. They can seek other alternatives. If this same logic were applied across the board, how many of you would not be outraged if your daughter sought wholesale tonsillectomies and when the school nurse said, "yea, it's okay." The procedure was done. There would be an outcry that would be just unbelievable. Rather the young lady comes from an abusive relationship or from other poorer home environment, it has no impact on getting her appendix out, or anything else. This is a medical procedure. As a father of two young daughters, I would think at the very least, this body would at least be thinking about saying, this is not abortion, this is medical

procedure we're talking about here. I just urge my colleagues here to put this in prospective, get away from abortion, get involved with the medical procedure, appendicitis, tonsillitis, whatever it is, abortion, I want to know, I'm the father, I want to know. Thank you.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I have a document here, before me that this could be adopted and it's from the welfare department. It could be from your municipality, it may be from mine. It may be your constituent, it could be mine. I just want to read you a couple of opening lines. It goes to the constituent and it says, "Please be advised that on June 9th, 1995, your daughter applied for general assistance from the town of , the basic necessities needed such as food, rent, medicine, light, heat, so on and so forth. Then it goes on to say, "according to Maine Statutes, you are legally responsible, and it says you're legally responsible for providing support for your daughter until the age of 25 within your financial capabilities. We are enclosing a copy of the section, 4319 Title 22 of the Maine Statute which describes the liability of relatives for support."

The reason why I say this is that we impose responsibility on parents when it comes for a debt. But yet when it comes like other people have been saying, a 9 year old, 10 year old child, then and there, we're going to say, "Oh, no", you don't have to tell the father or the mother and I'm just trying to figure out where are we pushing parental guidance.

The main reason why I read that is I have a question, I'd like to pose a question through the Chair to any member of the committee who would like to answer it. The question is, and I hope I ask this question right, the question is, if a young teenager has an abortion without parental consent, now remember, without parental consent, something goes wrong, the child needs medical attention, as was presented by Representative Plowman. Who becomes responsible for the medical bills? Who becomes responsible if this young girl, internal damages have been done to her so that she may not be able to reproduce later? Who becomes legally responsible? Is it the judge? Is it the counselor? Is it the one who authorized this, without any parental consent? I would hope that someone will give me the answer to that question today, because I owe that answer to two of my constituents back home. Thank you.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: In response to that question, I would expect that the parents would be responsible, which I assume is your question, in terms of the care of that person.

There are lots of things that are contradictory in our lives. I did want to mention something that was very persuasive to many people on the committee, concerning this issue of parental notification and consent and things like that. It's a fact that if this young teen were to have a baby, she would be deemed completely responsible for making all medical

decisions for that baby at that time, upon giving birth. If a choice had to be made in terms of major heart surgery on that baby, that young girl would be responsible for making those decisions about that other child's life. It does not seem terribly out of line for that same young girl to be making decisions about her own body.

I would point out that there would be a 100 percent agreement in this body that every teen get some help and adult involvement in that decision. I don't think anyone wants that decision to be made, rather its a decision to have a baby, whether it's a decision not to have a baby. That decision should not be made alone by that teenager.

Under Maine law adopted in 1989, that decision is not made alone. It is made with the help of another adult. It is only made with another adult when the consent is not signed, in fact, the consent is signed in most cases, and the majority around the country, 80 percent seek their parent's consent and involvement, anyway, without a law. I know that the law is sometimes contradictory, but we have a law that takes care of the situations that need to be taken care of. It has worked very well. We did not get any testimony saying that it has not. I urge you to support the pending motion.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I do believe that the parents in this room, myself included, would be receptive and supportive if their daughters came to them in this situation. All of these children are very lucky.

However, the kid that we are talking about, generally the ones most likely to become pregnant at this age are from dysfunctional and abusive homes for the most part. The American Psychiatric Association has a statement, the adolescent most vulnerable to early pregnancy is the product of adverse sociocultural conditions, including poverty, discrimination and family disorganization.

In my other job, I did a study on at risk adolescents and how they use health services. We met with federal representatives, doctors, president of the AMA, pediatricians, various people. One of the biggest issues in adolescent health is confidentiality. Part of the study included visits with at risk low-income youth, about how they access health services. I met with a group of teenagers in Boston in a housing project and I talked with them. They were all extremely responsible young people. They were responsible for their educations, they all had jobs, they were honor students and I asked them about their parent's involvement. Half their parents were in jail. Their parents were on drugs. Their parents were basically unavailable. They made decisions for themselves, with the help of guidance counselors, with the help of friends, with the help of other parental type figures, not necessarily their parents.

The problem with this bill is that it is dangerous to these kids if they don't have the access to the health care that they need. If they find this is a barrier to their medical care, there are dangerous health implications and I urge you to vote with the Majority "Ought Not to Pass." Thank you.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: This bill clearly delineates

between an emancipated minor and unemancipated minor.

The unemancipated minor who needs medical care will certainly be the responsibility of the parent to provide the care. Should that care have resulted from malpractice, the pleading would read, Mrs. John Smith or Denise Smith next friend of Jones Smith versus Dr. Jones, because that's what the court requires when a minor comes before the court.

Emancipated minors, children who are living on their own, making their own decisions, making their way in life, receiving assistance. Representative Pouliot's constituent could not receive that assistance until she became an emancipated minor. Emancipated minors don't fall under this proposed bill. They have been recognized.

Unemancipated minors, children who are the full responsibility of their legal guardians, who are responsible for them whether they incur medical expenses, trash houses, kick the kid next door, burn the house down. The parents are responsible for the actions of their children. I just wanted to point out to you that the bill does not deal with emancipated minors. It's a kid at home whose parents are primarily responsible for them and if you can't talk to your mom and dad and you're too scared and you're abused physically, sexually, emotionally, and you're dysfunctional and they're dysfunctional and the child is given that reason to have an abortion. You have treated a symptom and allowed the disease to run unchecked.

I do feel on a second note that I should clarify that you heard testimony earlier regarding a young woman who passed away. In the medical report, that have come out of that, indicate that the woman died of sepsis, she died of virulent strep infection of her lungs. The autopsy showed no sepsis of the uterus, meaning no infection. This was a disease that swept through her so fast she died within a matter of days. You know another person who died from the same disease. Jim Henson, do you remember how shocked we all were. My son had that disease. It took 30 days, 17 days to turn him around. 30 days of IV treatment in his lungs. The young lady died of a terrible, terrible virulent disease. But that disease was pervasive in her lungs. It was not a result of a botched abortion, it was a result of catching the wrong germs. Thank you.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me the argument used to defeat this bill is the same argument as the opposite of the argument that was used the last time. Now it seems to be a good idea for the state to intercede and rend a parental oversight, a matter of teenage option.

Parental authority should not be so easily set aside. Having the state decide that a doctor, a nurse, an LPN, a social worker, the list goes on and on. All these people should have an equal say, are equally concerned about your child, that is indeed an intrusion of the state into the family. Parental authority is good policy. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: This morning I was reading my local paper and one thing that I found and quite to my surprise was that Dr. Benjamin Spock lived in

Maine. He lives in Camden. He spoke recently at the Civic Center and what he basically told the people that were gathered there was the reasons that we have got much of the crime that we have in this society at the present time is the loss of the family involvement. That the family used to be in control of what was going on and what was being done.

Look at the Chinese, the Chinese have a great deal of respect for their parents, a great deal of respect for their grandparents and these people are very, very involved. When I was selling insurance in Lewiston, I was brought to a Chinese family to sell insurance to one of the kids and I ended up having to sell insurance to the grandfather. This is how involved these people were. The crime rate with the Chinese is probably one of the lowest in the world.

What Spock says is that we now have double the divorce rates that we've had in 15 years, we have increasing amounts of sex on TV and crime, we lack good affordable day care. Parents are not at all involved in what happens and what effects their children. We have taken away parental involvement. We don't have the guiding of their lives that we had years ago. Because of this, they don't have any respect for us, they don't have any respect for our laws. They have lost respect for themselves.

This small piece, parental notification is a very, very small step and would probably help us to change the direction. To reinvolve people, to reinvolve parents with the lives of their children. Ladies and gentlemen, I ask you to please reject the pending motion so that we can adopt parental notification and therefore try to improve the welfare of our children for the future.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: It may sound odd to say, but I agree with everything, or nearly everything I've heard today. I think that kind of sums up this issue. I'm not sure there is a right answer and a wrong answer today. I do know that each of you will have your own answer and so I want to talk for a moment, not so much to convince anyone, because I don't think I could, and there's not many of us here, but I wanted to explain why I'm on the Majority "Ought Not to Pass" Report when I'm also cosponsor of the bill.

I absolutely felt there was a need for parental notification when I arrived here in December of last year, absolutely felt we should have it. It was a big issue in my campaign committee as a matter of fact, it nearly split it in half. Some members leaving because I felt so strongly on this issue. But in the months that have gone by since December, and throughout the processes of public hearings and listening to so many people, I arrived at the decision that to pass this law would not really accomplish the things the sponsors want, might well have some unintended consequences of putting young girls in jeopardy and in the end would really not serve any great purpose.

One of the other things I wanted to tell you about was a miracle that occurred and it occurred May 26, 1982 in Portland, Maine. That's when my daughter was born. One of three miracles that I've been able to witness in my life and I feel very privileged. When she was born, the doctors wrapped her in a towel and actually they handed her to me first and I stood under these warm lights that they have there to keep

the baby warm. I held her hand, probably one of the first human beings in the world to hold her hand. She had very, very long fingers and I thought she was going to be a piano player. She played second base and trumpet. In the course of her growing up, like with her two brothers, I've held her hand lots of other times. Crossing a street or teaching her to cross the street, the first day of school, a tough day at school and I remember Christmas eve, I think she was four or five, when she was so sick with the flu, could barely sleep and we sat up with her the entire night, mostly holding her hand. I guess as a father, I wanted to hold her hand should she ever be facing the situation of an unwanted pregnancy at a young age, that age being of a minor. I'd like to believe that I will be there, we've built a very, very strong relationship over the years. As a matter of fact, many constituents who have called me said, Bob, it's not your kids that you have to worry about, we know the relationship you have, they'll talk to you, it is these other children at risk or in abusive situations. I kind of listened to that argument and at some point during the public hearing on this, a light went on in my head and I said you know, it could be my daughter, Kristen, who would not feel she was able to tell me, to approach me. We have an incredible strong relationship, she knows I think the world of her. Most nights when she goes to bed, I say, "you're the best" and she says, "no you're the best" and I say "okay, you're second best." It's a routine we go through every night. But I realize and I talked about all this throughout this debate, I have talked to my daughter at dinnertime about this, hopefully building more of the bridge and bond, but I realize in some ways maybe I'm guilty of putting her on a pedestal or raising my expectations too high so that she might not feel she could come to me because of the disappointment I might feel.

So the other night in preparing for this day, I told her you'll never disappoint me, come to me, I want to hold your hand, but she might not be able to. Certainly, lots of other girls might not be able to. This law seeks to establish a relationship that we all want parents and their children to have and most of us as parents, we work for this relationship, we beg, we plead, we cajole, we hope and pray for this kind of relationship with our daughters. The one thing we can't do is legislate it.

Ladies and gentlemen of the House, I have changed my mind on this bill, I don't think it accomplishes what its authors hope. I think it has some very dire unintended consequences and in the end I don't believe it serves any useful purpose.

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 Stone.

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: I do not believe that the bill before us recognizes the real world. We are looking at the world through our vision and how we perceive it is and not how it really is. If minors can talk to a parent, they will. Legislation will

not make minors respect and confide in their parents or other family members. This bill will merely drive minors underground and make a decision even worse. Please support the motion before you. Thank you.

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

Representative LUMBRA: Mr. Speaker, Ladies and Gentlemen of the House: I hear the moans and groans, but I have to say something that hasn't been heard yet. I just happened to go through some of the stuff that I collected during the campaign and what I found was this life for me survey. We've been talking an awful lot about campaign promises. What I did was I looked around and I listened to everybody speaking and I looked up their name in the survey they returned. Boy, I see a lot on inconsistencies, and it was a direct question. Would you support parental consent law with a judicial bypass, what I'd like you to do is remember your campaign promise here. It's pretty interesting, I mean, everybody's in here. Some people didn't send it back, but I've heard some people standing up speaking against this.

The SPEAKER: The Chair would interrupt the Representative from Bangor, Representative Lumbra, the Chair would remind the good Representative, the pending motion before the House is the motion to accept the "Ought Not to Pass" Report. It is not the decorum of this House to question the motive of other members of this body at any time. The Chair apologizes for the interruption, the Representative may proceed.

Representative LUMBRA: Well, then let's go back to the bill. What we're talking about is parental notification bill. What I've heard here, is that we want to protect children. What I know from my nursing background and from medical procedures that parents have to be involved in medical procedures because they have to watch out for risks and side affects of medical procedures. So what we are saying here is that a minor child can go and get an abortion, parents don't know about it, not even notified, and if there is a risk that does occur or a side effect that does happen, infection sets in, parents don't know what to do because they don't know what's going on. The child is often afraid to say what they have done. If that child dies, which does happen, guess what, the records are closed. Parents can't even get to the records, because of these laws that we have to protect the minor children.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I would just ask, men and women of the House, to remember what you've heard today. One is, that the parent, the adult notification law or adult involvement law works. It's been in place for a number of years. It's effective and there was no testimony that indicated that it didn't work.

Secondly, you've heard from a number of people that adolescents if given information can make informed decisions. The current law allows for that to happen, as both Representative Treat and Representative Rowe explained and lastly, I'd like to echo something else that Representative Rowe said, that you cannot legislate family communications. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: Earlier I heard a comment that these agencies that provide this counseling that are on the books now are equally concerned about our kids. I think not. Also, we heard that the judicial bypass for a child that came from an abusive situation, they would go through a very stressful situation that would last a week or whatever, I can't remember the exact time, but how long would a young girl who went through the abortion process, how long would she suffer stress, depression, or whatever, after she had this abortion? Those are the children that I'm worried about.

The 9 year old, of Representative Layton, maybe she would be too afraid to tell her father, but with this law in place and there's no abuse in the family, he would be notified and then he could say to his daughter, it's all right, I love you, you're going to have a wonderful baby, part of the family, we're going to be supportive, she wouldn't have that abortion.

We have a judicial bypass to protect those kids that come from abusive homes. And yes, like the Representative from Freeport said earlier, he has a very good relationship with his daughter and he would hope that she would come up and tell him this, that she was pregnant, but what if she didn't? What if for some reason they lost that bond and she didn't tell him, and he wasn't notified and she had an abortion and then afterwards he found out and she could never forgive herself. Who knows what's going to happen. This is not lancing a boil. This is the real world, ladies and gentlemen, we are constantly talking about real world situations, but we're creating the real world with our laws. We are constantly abrogating parental rights and you can have the scenarios of, gee you know, something tragic is going to happen and this parental notification, not parental consent, parental notification, goes into effect, they're going to go underground. Look at how many abortions we're having now.

Parental consent is not the question here, parental notification. I urge you to vote against the pending motion.

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

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House: I stand in opposition to the pending motion. Throughout our society, we require parental permission for everything from simple surgical procedures, to participating in extra curricular activities. It's ironic to me that we require permission from an adult for a minor to play baseball after school, but we don't require simple notification of a procedure that can change the rest of their lives.

Now it's been mentioned here today, that minors with a history of family violence cannot go to their parents for help, well ladies and gentlemen, this legislation will help to bring this abuse out into the open and allow that minor to get the help that they need, not only with the pregnancy, but with the problems that are occurring in the home.

A decision to have an abortion is the biggest decision that a young girl may have to face in her young life. It's unfortunate that some people can feel that parental involvement is not necessary. Ladies and gentlemen of the House, I ask you to vote

no on this motion and to support the minority report. Thank you.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: Briefly, I feel that I would like to outline for you why I feel the pregnancy of a young woman is vastly different from any other situation. It's a unique situation, not comparable to having one's ears pierced, not comparable to deciding to join the soccer team, not comparable to going on a class trip and not comparable to a tonsillectomy.

For good or bad, pregnancy in our society carries a great deal of stigma, of societal pressure, it's a conflict issue which involves emotions, longterm ramifications, both medical and emotional, financial, it simply is not comparable to any other small decision. For that reason, it must be treated differently, we must respect confidentiality issues.

I will just repeat that this bill does not take away the parents right to be parents. If you have been a good parent, you will still be a good parent and your child will approach you. However, where healthy family communications does not exist, no amount of legislation can create it. Please vote to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse. 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 WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I know we've been debating this for a long time, so I'm going to keep it real short. Earlier over another days and different topics, we are constantly talking about different issues and we heard people say, "think of your voters back home, think of what the people want." We are constantly quoting polls and statistics and whatever, I'm not a real poll watcher and I don't think you should vote the way the polls go. You should vote your conscience. We should take into consideration, how the people feel on this issue, and if you look at the letter that Representative Ahearne put on your desk earlier, some of the materials and I quote, "It is troubling to understand opposition to such simple regulations as parental notification and informed consent. Especially, in the light of overwhelming public support and it goes on to quote a poll that says 73 percent support parental involvement law." Thank you.

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

ROLL CALL NO. 166

YEA - Adams, Aikman, Ault, Benedikt, Berry, Bigl, Brennan, Buck, Cameron, Carleton, Chartrand, Chase, Chizmar, Cross, Daggett, Damren, Davidson, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gooley, Green, Greenlaw, Hartnett, Hatch, Heeschen, Heino, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Lindahl, Lovett, Marvin, Mayo, McAlevey, Mitchell EH; Mitchell JE; Morrison, Nadeau, Nickerson, O'Gara, Ott, Peavey, Pendleton, Perkins, Povich, Reed, G.; Rice, Richardson, Rotondi, Rowe, Saxl, J.; Saxl, M.; Shiah, Stedman, Stevens, Stone,

Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tyler, Volenik, Watson, Winn, The Speaker.

NAY - Ahearne, Bailey, Barth, Birney, Bouffard, Bunker, Campbell, Chick, Clark, Cloutier, Clukey, Desmond, Dexter, DiPietro, Donnelly, Driscoll, Dunn, Gerry, Gieringer, Gould, Guerrette, Hichborn, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kneeland, Lane, Layton, Libby JD; Look, Lumbra, Luther, Madore, Marshall, Martin, McElroy, Meres, Murphy, Nass, O'Neal, Pinkham, Plowman, Pouliot, Reed, W.; Ricker, Robichaud, Rosebush, Samson, Savage, Simoneau, Strout, Tufts, Tuttle, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Libby JL; Paul, Poirier, Poulin, Sirois, Spear, Yackobitz.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, with 7 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence. Ordered sent forthwith.

On motion of Representative JACQUES of Waterville, the House recessed until 3:15 p.m.

(After Recess)

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

SENATE PAPERS

The following Communication: (H.C. 222)

Maine State Senate
State House Station 3
Augusta, Maine 04333

June 15, 1995

The Honorable Dan A. Gwadosky
Speaker of the House
117th Legislature
Augusta, Maine 04333

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Natural Resources, Honorable John F. Marsh of West Gardiner and John D. Tewhey of Gorham for appointment to the Board of Environmental Protection.

Sincerely,
S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

CONSENT CALENDAR

Second Day

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

(S.P. 395) (L.D. 1083) Bill "An Act to Institute a Yearly Series Labor-Management Systems Conferences" (C. "A" S-255)

(S.P. 441) (L.D. 1209) Bill "An Act to Amend the Laws Pertaining to the Marine Resources Advisory Council" (C. "A" S-263)

(S.P. 501) (L.D. 1360) Bill "An Act Concerning the Judicial Endorsement of Persons Held for Evaluation Treatment" (C. "A" S-261)

(S.P. 536) (L.D. 1474) Bill "An Act to Establish the Maine Judicial Compensation Commission" (C. "A" S-260)

(S.P. 561) (L.D. 1528) Bill "An Act Concerning Reports of Material Transactions and Other Provisions of the Maine Insurance Code" (Governor's Bill) (C. "A" S-257)

(H.P. 982) (L.D. 1390) Bill "An Act to Clarify the Forcible Entry and Detainer Law" (C. "A" H-479)

(H.P. 997) (L.D. 1407) Bill "An Act to Establish Safety Standards for All Utility Facilities" (C. "A" H-472)

(H.P. 1000) (L.D. 1411) Bill "An Act to Amend the Maine Bail Code" (C. "A" H-483)

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 Create the Overhead High-voltage Line Safety Act" (H.P. 894) (L.D. 1247) (C. "A" H-484)

Bill "An Act to Require the Disclosure of the State of Origin of Farm Products" (H.P. 973) (L.D. 1382) (C. "A" H-481)

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.

Bill "An Act to Establish Tuition Rates for the Unorganized Territory Schools Based on a State Average" (H.P. 651) (L.D. 874) (C. "A" H-476)

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

On motion of Representative JACQUES of Waterville, was set aside.

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

ENACTORS

Emergency Measure

An Act to Establish Temperature Limits for Certain Existing Discharges (S.P. 328) (L.D. 909) (C. "A" S-231)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 14 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1995-96 (H.P. 701) (L.D. 959) (C. "A" H-336)

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

emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Create the Northern New England Passenger Rail Authority (S.P. 459) (L.D. 1255) (Governor's Bill) (C. "A" S-202)

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

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

Emergency Measure

Resolve, to Provide Clear Title for the Maine Judicial Center (S.P. 507) (L.D. 1366)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 11 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Mandate

An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse (S.P. 533) (L.D. 1471) (C. "A" S-208)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 5 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems (S.P. 38) (L.D. 68) (C. "A" S-211)

An Act to Make the Workers' Compensation Laws for Temporary Employees Consistent with Those Laws for Permanent Employees (H.P. 85) (L.D. 121) (C. "A" H-401)

An Act to Develop the Landowner Relations Program (H.P. 148) (L.D. 196) (C. "A" H-444)

An Act to Amend the Teacher Certification Laws Relating to Certification Waivers (S.P. 353) (L.D. 981) (C. "A" S-225)

An Act to Prevent the Loss of Federal Impact Aid Funds to Schools Required to Reimburse under Federal Law (H.P. 722) (L.D. 996) (C. "A" H-397)

An Act Relating to the Renewal of a Teacher Certificate That Has Lapsed for More Than 5 Years (H.P. 759) (L.D. 1033) (C. "A" H-400)

An Act to Clarify the Responsibility of an Insurance Agent in the Disclosure of Information (H.P. 788) (L.D. 1105) (S. "D" S-241 to C. "A" H-252)

An Act to Require the Commissioner of Defense and Veterans' Services to Be Confirmed by the Legislature (H.P. 935) (L.D. 1324) (C. "A" H-394)

An Act to Create Fair School Bus Driver Licensing (H.P. 950) (L.D. 1339) (C. "A" H-388)

An Act to Strengthen the Laws Concerning Damage by Dogs (H.P. 1019) (L.D. 1434) (C. "A" H-436)

An Act to Reestablish the Office of Environmental Evaluation and Lake Studies (H.P. 1031) (L.D. 1450) (C. "A" H-395)

An Act to Amend the Laws Relating to Education (S.P. 542) (L.D. 1479) (S. "A" S-247 to C. "A" S-235)

An Act to Implement the Recommendations of the Commission to Study Potato Quality Issues (H.P. 1060) (L.D. 1489) (C. "A" H-408)

An Act to Include Child Care Centers in the Property Tax Exemptions and to Amend the Review Schedule for Property Tax Exemptions (H.P. 1066) (L.D. 1501) (C. "A" H-406)

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

Resolve, to Create Educational Options for Exceptional Children (H.P. 1054) (L.D. 1483) (C. "A" H-398)

Resolve, to Extend the Reporting Deadline for the Blue Ribbon Commission on Hunger and Food Security (S.P. 583) (L.D. 1568) (H. "A" H-433)

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

An Act to Prevent and Abate Uncontrolled Tire Stockpiles (H.P. 558) (L.D. 759) (C. "A" H-409)

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

On motion of Representative GOULD of Greenville was set aside.

On further motion of the same Representative, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 759 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-409) was adopted.

The same Representative presented House Amendment "A" (H-486) to Committee Amendment "A" (H-409) which was read by the Clerk and adopted.

Committee Amendment "A" (H-409) as amended by House Amendment "A" (H-486) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-409) as amended by House Amendment "A" (H-486) thereto in non-concurrence and sent up for concurrence.

An Act to Make Minor Technical Adjustments to Various Professional Licensing Boards (H.P. 933) (L.D. 1314) (C. "A" H-449)

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

On motion of Representative ROWE of Portland, was set aside.

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

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

An Act to Strengthen the General Fund's Unappropriated Surplus (EMERGENCY) (H.P. 268) (L.D. 370) (C. "A" H-380) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

House Divided Report - Committee on Legal and Veterans Affairs - (8) Members "Ought to Pass" - (4) Members "Ought Not to Pass" on Bill "An Act Concerning the Posting of Political Signs" (H.P. 992) (L.D. 1403) which was tabled by Representative NADEAU of Saco pending his motion to accept the Majority "Ought to Pass" Report.

Representative NADEAU of Saco withdrew his motion that the House accept the Majority "Ought to Pass" Report.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: No, I haven't totally lost my marbles. We've been informed between the time we actually heard this bill and today, that there are constitutional problems with this legislation. Specifically, there was U.S. Court of Appeals for the eighth circuit on the May 15th ruling, actually, this article I'm referring to, appeared in the U.S. Law Week, something I regularly read, on May 30th. Basically, what the court said, you cannot specifically identify a certain group, rather they be politicians, lawyers, or Realtor, or what have you, because that is directly in conflict with the U.S. Constitution. Therefore, I would urge you to accept the motion I just made.

Subsequently, on motion of Representative NADEAU of Saco, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence. Ordered sent forthwith.

On motion of Representative JACQUES of Waterville, the House recessed until the sound of the bell.

(After Recess)

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

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.

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-357) - Minority (6) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State" (H.P. 332) (L.D. 453)

TABLED - June 6, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

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

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to ask you to defeat the pending motion and I hope that you have reviewed this bill.

I feel that this bill is presented in direct contrast to a bill that I cosponsored before the State and Local Committee that would have established the Council of Privatization. That bill was carried over to the next session of the legislature and probably was usurped by the Productivity Task Force. This bill title is a little bit misleading. It says An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State and I think it would inevitably, prohibit any contracting out on anything that is going to be done within the state.

The restrictions that are in this bill are so prohibitive and they allow each agency within the state an opportunity to present a competitive suggestion or analysis and come up with resources, that perhaps they don't have, which would enable them to win the contract. The amendment doesn't do an awful lot for it. If we read the statement of fact on the amendment, it adds a new paragraph that allows contracting agencies to demonstrate quantifiable improvement as an eligibility criterion for contracting.

I guess that's a very fine phrase, but I'm reminded of the lists that we were given out when I used to do reports for the air force in England and they had lists of columns of words and you'd take one from this column, one from this column and put them together and they meant absolutely nothing. It was just a lot of jargon.

Remove the requirement for a specific number of occupational safety and labor law violations, which were referred to in the original bill. With reference to collective bargaining agreements, which was in the first original bill, changes the procedure for notification of state employees for pending contracts to those greater than \$15,000. I would guess that the state doesn't involve itself in an awful lot of contracts that are less than \$15,000. Removes the provision for a state agency to seek legislative approval for denial of contract and

eliminates the reporting requirement and adds a fiscal note.

I think that this bill would completely prohibit anyone from ever contracting out with a private contractor for any state business.

Representative JOY of Crystal moved that this Bill and all accompanying papers be indefinitely postponed.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I hope you will bear with me for just a few moments while I try to explain to you exactly what the bill does. Try to help correct the good Representative in some of the comments he has made.

The way the bill is written has occasionally caused some confusion and I fear that that is what has happened here. Simply put, what this bill does is set up some standards for privatization. It by no means eliminates opportunities for privatization, but simply says that if you wish, if a state agency wishes to privatize, that that state agency should make an appropriate cost comparison of the cost of the current state delivery system and what the purported privatization plan would be. It asks that you quantify the decision, show your data, examine the true costs and look at all of the costs involved in privatization.

The first part of the bill, which I am assuming is what the good Representative must have been referring to when he talked about limiting. The first part of the bill lists a number of times when privatization is appropriate. It lists when privatization is appropriate. It does not say that you cannot privatize under those circumstances. It tells you, it enumerates a number of occasions when privatization would be considered absolutely appropriate. I will read a few of those from the bill. Again, the first part of the bill says, privatization is permissible when any one of the following conditions occur. It lists a variety of conditions, A through G. Several of them are pretty standard for privatization, one of them is, when the capacity for doing that particular task is not available within the state service currently, and today, that is what we do, if we do not have the capacity in state government to provide a certain service than, we contract out for it. That's considered appropriate.

An example of that might be when there might be a professional technical task that we simply don't have that type of employee available. Certain kinds of consultants, I think the DOT on a regular basis has certain kinds of engineers that they privatize. Things of that type. We do it today. This bill does not prohibit that, it simply says, they are obviously allowable under those circumstances.

The second one, that privatization would be considered permissible, is when the services are incidental to a contract. For example, if we buy copiers, sometimes the maintenance is incidental to that, so obviously, that's a time you would privatize.

The third one listed is when contracts are permissible, because there might be a conflict of interest or its necessary to insure independent or unbiased findings. Sometimes with attorney services, or sometimes there's an interdepartmental possible conflict of interest and you need an independent

person. That's a totally appropriate time to privatize. This bill says, yes, that's appropriate.

The next one is if a state agency need private counsel because of a conflict of interest on the part of the Department of the Attorney General.

The next one is the contractor provides, it's perfectly appropriate, if the contractor provides equipment, materials, facilities or support services that the state cannot feasibly provide in a remote location. Sometimes there might be a building owned by the state in a remote area and janitorial services or custodial services or maintenance services would be appropriate to privatize because we wouldn't be sending an employee, say from Augusta up to Jackman, to take care of custodial services. Those would be appropriate times for privatization.

The next one is training courses, where there might not be an appropriate civil service instructor available. That's an appropriate time for privatization.

Another one is when the services are such an urgent temporary or occasional nature, that trying to take the time that civil service hiring would require would be an impediment to getting the job done, those kinds of emergency, quick services. Those are appropriate for privatization. That's what this bill spells out. The typical times when privatization is appropriate. The entire first part of the bill is by no means restrictive, but it says, "yes, we recognize that there are certain times when privatization is appropriate," that's all it says. The item that was added from the amendment and I might add that the administration wanted this amendment added that the contracting agency was able to demonstrate a quantifiable improvement in the services that couldn't be duplicated within the civil service system. The administration felt that that addition gave them an additional amount of flexibility so that they would not have any problem with dealing with and what's in the bill. So the whole first section does not say, you may not, it says, you may. We recognize that these are typical standard and appropriate times for privatization. No special requirements involved. This bill addresses services that are currently provided by state government and a state agency proposes to privatize them. I would suggest to you that any of us making a decision to purchase a service for ourselves, whether it's our own personal homes or our businesses, making a decision to buy that service from some other place, there are certain kinds of information that we look for in order to make the decision whether we wish to privatize or not. How do we make the decision as to who we want to buy the service from and if we're getting our monies worth and that's what this bill addresses. For those times that a state agency wishes to privatize the bill simply adds that the agency should clearly demonstrate that there is a cost savings and by comparing costs, they have to include the cost of salaries and benefits of additional staff they might need to hire to monitor those contracts. They have to take a look at additional equipment or purchasing, which a state might be responsible for if they privatize. In fact, that's one of the things we frequently do not do when we privatize sometimes we don't take a look at what we have to continue to provide. Sometimes that's not spelled out very well.

The other hidden costs to privatization is the cost of monitoring the contract and in order to make

sure that you get your money's worth when you're buying a service, you have to make sure, number one, the contract has been written properly, so that you're protected. You have to make sure that you have staff and personnel to monitor what that private agency is doing to make sure you're getting your money's worth. Sometimes these costs are hidden. The bill also asks that you compare apples to apples. For example, if you're going to privatize a health service that you compare it to the delivery by the same level of occupation that is providing it now. For example, if in state service, we using RN to provide a certain level of service, it would not be an appropriate comparison if you decided to buy a service that had CNA's providing it. If you're going make a policy decision to have a different level of service provider than that could be done within a state agency, so you're not getting a good cost comparison.

Today, when state government privatizes, there is no standard. There is not even the requirement that there be a cost savings. This bill asks that there be a cost savings and that you compare apples to apples, and that you can see the data and you can show what the savings will be.

Several years ago on the Legal Affairs Committee, we had a proposal by a state agency to finish privatizing, the majority of our state lottery is privatized already, but there's a small amount of the Maine Instant Ticket piece that isn't. There was a proposal made before our committee to privatize that. It was brought in to us, there was not one shred of data, not one. We were given no information so that we knew what the comparisons were being made on. How can we make a decision based on no data and no information? This bill simply asks that the state agency provide the data and show the work so that we know what we're doing.

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 SPEAKER PRO TEM: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the State and Local Government, I must agree with the Representative from Crystal. This is a definitely a stumbling block in the way of privatization. Most of us come from districts representing small businesses in the private sector who would love to have an opportunity to bid on a contract with the state and maybe even hire a few people. Most of us represent constituents who have sent us the message wanting smaller government, and more jobs in the private sector. The restrictions imposed upon contractors by this legislation would certainly impede the direction we must take if we are to move toward privatization and smaller government. This piece of legislation create hoops that the small business man would have to jump through in order to meet the qualifications for an acceptable bid. It also creates a lot of red tape for the agencies involved. Let me give you a

few examples of what the little guy who wants to bid on a contract would have to face.

I'll read from the bill. Personal services contracting is permissible when any one of the following occur: the services contracted are not currently within a state agency; the service cannot be accomplished using civil service personnel; the contractor must provide equipment, materials, facilities or support services that the state cannot feasibly provide.

Then on page two of the bill, conditions, costs savings, personal services contracting is permissible to achieve actual cost savings when all the following conditions occur: the contracting agency clearly demonstrates that the proposed contract would result in actual overall cost savings for the state as long as, in comparing cost, the state's additional costs of providing the same service as proposed by contract are including salaries, etc. has already been mentioned, that I see is red tape for agencies.

2. Any continuing state cost directly associated with the contract providing a contracted function are included, more red tape.

B. The contract does not adversely effect the state affirmative action efforts. The contract includes specific provisions pertaining to qualifications of the staff that is to perform the work under the contract, as well as the statement that the contract's hiring practices meet applicable affirmative action and anti discrimination standards.

E. The potential for future economic risks to the state from potential contract rate increases or work interruptions is minimal. The contract is with a firm or licensed registered or otherwise professionally qualified individual, for the purpose of this section firm means corporation, partnership, non-profit organization or sole proprietorship.

I'm reading you this to show you that this piece of legislation definitely creates a maze for the agencies and it definitely creates a disproportionate amount of work that the contractor has to go through if he wants to put in a bid to a state agency. I believe that we should move toward privatization and I ask you to vote for indefinite postponement of this bill and papers.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I'm concerned that what the bill actually does is being misconstrued and again I'm going to try to clarify.

There is no additional burden on a private company with this bill. There is no additional burden. What it does, it says if an agency wishes to privatize we'd like to know that you've looked at the costs and have made some cost comparisons, made some good cost comparisons. Now I hesitate to bring up this, but I'm going to and I'm going to give you an example. One example is car test. That is an example of privatization. That was put out into the private sector. Sadly it was put out into the private sector somewhat inadequately because some of the work had not been done. The work had not been done. There was never a question about whether or not that was going to go out in the private sector. There wasn't a question about that, because that was how it was always planned to be. But whether or not it goes to the private sector there are certain standards, there is certain information that a conscientious person

would require. They would want to know what they are buying and what is the cost. That is all this bill asks for. It does not limit privatization in any way whatsoever, but it says we want to know what you're buying and we want to know what it costs. This is a bill for accountability. If there is anyone here that does not want to know what's being purchased and why, then you can show that by your light. I hope that you will defeat this motion and go on to accept the "Ought to Pass".

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I'm not a member of the State and Local Committee, but I have been interested in the issue of privatization for some years, as a state employee initially, but also as someone who is interested in the work force in the State of Maine and, of course, now as a policy maker.

The argument around privatization has its extremes, but I think people on all sides of the argument agree to two things, one is that privatization in itself is not a bad thing or a good thing, its appropriate at times and inappropriate at times. The other point of consensus, no matter where you are you need to set standards for privatization. That a state should engage in setting of those standards and adherence to those standards. For those reasons, I urge you to defeat the indefinite postponement of this bill.

What the committee appears to be trying to do is set those standards. While often people casually say to me, why don't you run more like a business and I have a response to that, but in this case I was thinking, there is no smart business in this state that wouldn't consider standards when it's hiring a workforce or when its choosing to have employees versus contracted individuals working for it.

There's no smart business in this state that would not figure out the cost benefits and decide that it is much less or more costly and what the benefits would be whether or not it was more or less costly. I would urge you, men and women of the House to consider these things when you vote and to vote against the indefinite postponement. Thank you.

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

Representative TAYLOR of Cumberland requested the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct one bit of information that I gave you before, the bill to establish the Council on Privatization, which I referred to in response to this was not voted to be carried over by the Legislative Council and will be on the Supplement No. 3 to be carried through later on today.

However, if there is enough confusion in this bill so that people on both sides of the aisle read this in a different manner and get different interpretations of this bill than it obviously needs a lot of work before we take action on it. That is one of the reasons that I have made the motion to indefinitely postpone.

I will agree with the good Representative from China that everybody needs standards to work by, but

I also recognize that we did make a big boondoggle, not the legislature, but whoever gave the contract out for the car testing, without checking with the businesses that we already have in the state to determine whether any of them were interested in doing it or not.

I would seriously hate to think that we do not have already within each of the departments standards for issuing contracts to the private sector. I don't think this is the document to do it with. We get so many interpretations from the wording in this document that I think it certainly needs to be put on the shelf and maybe come back in the next session of the legislature and establish some standards that everybody can go by and everybody can understand and accept. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Winglass.

Representative WINGLASS: Mr. Speaker, Ladies and Gentlemen of the House: I think that the bill that we are now considering is well intentioned, but I also think it is untimely. I think its untimely because we have a productivity enhancement committee that is about to get underway, my guess is, that their work could be somewhat impeded by this piece of legislation should it be passed at this time. So we may have to be wise and patient on this for just a short while.

I'd also suggest that paragraphs 1 and 2 are a bit mutually exclusive, at least that's the reading that I make of them and quite honestly I've looked at a fair number of contracts and I've been involved in negotiations of contracts for some period of time and the fact that I can't seem to reconcile the two, bothers me. I think my own experience suggests that if there is an opportunity for the public and the private sector to compete and I don't see that as the objective of this bill, but if there is, you often times realize not only economies in terms of financial reward, but you also get a best value product in the delivery of the service or the equipment, so therefore I rise in support of my good friend from Crystal and urge my colleagues here to indefinitely postpone this bill. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Daggett. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? We have an objection.

Representative CROSS of Dover-Foxcroft objected to suspension of House Rule 12.

The pending question is to suspend the rules to allow a member to speak a third time.

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

Representative O'Gara: Mr. Speaker, Ladies and Gentlemen of the House: I must tell you Mr. Speaker and ladies and gentlemen of the House, when I think of the days we've sat here and had people from both political parties get up and speak, not three times, but four times and been granted it, I'm shocked and very much embarrassed that a member of this House, especially a Chair of a committee having an opportunity to speak and I certainly urge the members to indicate their displeasure as well.

The Chair ordered a division on suspension of House Rule 12. A vote of the House was taken. 106 voted in favor of the same and 0 against, House Rule 12 was suspended.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion to indefinitely postpone the Bill and all accompanying papers and later today assigned.

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

Senate Divided Report - Committee on Transportation - (9) Members "Ought Not to Pass" - (4) Members "Ought to Pass" as amended by Committee Amendment "A" (S-256) on Bill "An Act to Improve Bicycle Safety in This State (S.P. 580) (L.D. 1557) which was tabled by Representative O'GARA of Westbrook pending his motion to accept the Majority "Ought Not to Pass" Report.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I'm rising to ask you not to support the Majority "Ought Not to Pass" Report.

This bill that we heard in committee had no opponents and was supported by the Department of Transportation and the Bicycle Coalition of Maine, the people who were responsible for putting in the bill. It's a very simple bill, it basically asks to modify the way hand signals are made by bicyclists.

Currently if a bicyclist wants to turn left, they extend their left hand and if they want to turn right, in order to signal other operators, they extend their left hand with the elbow cocked and raised. What this bill proposes is to have another option. That would be for bicyclists turning right, they could extend the right arm in that direction.

It's much simpler to understand for people following a bicyclist to just operate on which arm they extend. It is currently law in three states. California and Oregon have also revised their statutes. It's a very simple change, but its one that would effect the safety of bicyclists, in the teaching of correct hand signals by bicyclists. There is very little reason why not to make this minor change in our statutes in order to go along with what many bicyclists currently are doing for hand signals, in order to bring that into line with the law and help those people teaching bicyclists the best ways of signalling. So I hope you will join me in opposing the "Ought Not to Pass" Report and following with a vote for the Minority "Ought to Pass" as amended Report.

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with the recommendations of the good chairman, Representative O'Gara.

This is a confusing bill, if you're driving down the road and you're behind a motorcycle, you'll get one set of signals, if you're behind a bicycle, you'll get another set of signals. We've got more important things to do, follow Representative O'Gara's light and let's get on with business.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: Whenever I follow a bicycle, I slow down, number one. The person usually on the bicycle is a kid or of that age and sometimes they know the

right ways to do things and sometimes they don't. In watching their hands as they point this way, I know darn well that they are going to turn that way. Many of them do not understand if you put your hand up this way, it means a right turn. I think we should pass the bill, thank you.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: We can move forward with our business just as quickly if we vote to pass this bill as well as not passing it. The same reasoning was used in committee, we don't have time for this, it's really not necessary, there haven't been any problems with this. We can look at it that way when we have many more pressing matters but the truth is, it is important to a lot of bicyclists in Maine. It's a very minor change. It won't take us a lot of time and it will, in fact, make life easier and safer for a lot of motorists and bicyclists. We don't have to be so overwhelmed by our so called important issues that we don't have time to make a small change in law that is merited and it is supported by everybody who spoke before the committee, including our own Department of Transportation. 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: More importantly, is that in the statute right now, that signal with the right hand is not in there and the Bicycle Coalition of Maine would take the time to freely go out and teach our kids the rules of the road for bicycling, would like to have this and teach it legally. It is not in the statutes now and what they want is to put it in the statutes, so they can teach the kids legally of a simple right hand turn by signalling this way. Thank you.

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

Representative HEINO of Boothbay requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

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

The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 167

YEA - Ahearne, Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Carleton, Cloutier, Clukey, Damren, DiPietro, Donnelly, Driscoll, Gamache, Gieringer, Greenlaw, Heino, Hichborn, Jacques, Joy, Joyce, Joyner, Kilkelly, Kneeland, Kontos, Labrecque, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Ott, Peavey, Plowman, Poirier, Reed, G.; Ricker, Robichaud, Savage, Simoneau, Spear, Taylor, True, Truman, Tufts, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass.

NAY - Adams, Benedikt, Berry, Bouffard, Brennan, Bunker, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cross, Davidson, Desmond, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Gooley, Gould, Green, Guerrette, Hatch, Heeschen, Johnson, Jones, K.; Jones, S.; Joseph, Keane, Kerr, LaFountain, Lane, Layton, Lemaire, Lemke, Lumbra, Luther, Meres, Mitchell JE; Morrison, Nass, Pendleton, Perkins, Pinkham, Pouliot, Povich, Reed, W.; Rice, Richardson, Rosebush, Rotondi, Rowe, Samson, Saxl, M.; Shiah, Stedman, Stevens, Stone, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Underwood, Volenik, Watson, Winn, Winsor.

ABSENT - Bailey, Daggett, Dexter, Dore, Hartnett, Paul, Poulin, Saxl, J.; Sirois, Strout, Yackobitz, The Speaker.

Yes, 66; No, 73; Absent, 12; Excused, 0.

66 having voted in the affirmative and 73 voted in the negative, with 12 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted. The Bill was read once. Committee Amendment "A" (S-256) was read by the Clerk and adopted. The Bill was assigned for second reading Friday, June 16, 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.

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-355) - Committee on Legal and Veterans Affairs on Resolve, Authorizing Glen Greenhalgh to Sue the State of Maine and the Department of Human Services (H.P. 786) (L.D. 1103) TABLED - June 6, 1995 (Till Later Today) by Representative NADEAU of Saco.

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

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

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) "Ought to Pass" - Committee on Education and Cultural Affairs on Bill "An Act to Improve the Education of Exceptional Children" (H.P. 800) (L.D. 1117)

TABLED - June 6, 1995 (Till Later Today) by Representative WINN of Glenburn.

PENDING - Motion of Representative MARTIN of Eagle Lake to accept the Majority "Ought Not to Pass" Report.

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

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I want to apologize first of all for taking your precious time to bring this issue before you. On the other hand there are about 30,000 handicapped children in the school systems around our state. Those 30,000 children are very important to me as well as to you, I am sure.

This was a simple bill and it was suppose to improve the education of exceptional children. Many of those exceptional children are learning disabled. Being learning disabled can lead to having a very confusing life, for instance, a lot of those children, they hear differently than we do. They hear ramble for gamble, and they see differently than we do, they're not sure that a salad fork is a different size than a dinner fork. Soccer balls don't look like one soccer ball it looks like its two soccer balls coming at you. Often the letters float around, the b's and p's and d's float around on you and it makes it very, very difficult for learning. Basically, for many of these children their brain is wired differently than yours and mine and it makes it hard for them to see and hear things because its different for them. It makes it very hard for them to learn.

However, many of these children do grow up to lead extremely productive lives, Einstein was one of these children.

When I asked for people to be cosponsors of this bill, I went around and talked to everyone of you individually and explained the components of the bill to you and it has about 60 to 70 different cosponsors on it, about 40 of those cosponsors, people in this chamber actually have relatives that are learning disabled or are learning disabled themselves or have foster children that are learning disabled or teach learning disabled children. There is a large portion of the state that is very, very concerned about this part of our population.

You also need to be aware that its very popular to bash our disabled children and to take things out on them. I'm trying to fight back against that climate. During the hearing for our Commissioner on Education, he said that he thought all children could learn except, "the physically and learning disabled children." He says he doesn't mean that and I certainly hope he doesn't.

When this bill actually came to our committee, the Department of Ed came in opposed to it because they said the proper way to take care of these issues was through rule making and so my committee went along with that. I think its important to point out that there is no money involved in this bill and I did make two minor amendments to it. My issue, why I'm bringing it forward to you tonight is to point out that no, this was not taken care through rule making. There is another month before the rule making is finalized and I was hoping that perhaps we might be willing to send a signal to the department that we do want to improve the education of the children in the State of Maine, that none of these issues have anything to do with money and to please keep their word to take care of it through the rule making process.

There's four points to this bill and I'll go through them real quick. It's just four simple points, again, none of it would cost any money. The main thing is what this bill would do.

The number 1 point is that this bill would keep the testing document, the protocol. When a child is given an IQ test, those documents are very, very critical, and they make a big difference about what the teachers do with the child. Those protocols are thrown out, so the rule making would require the schools to keep the special education testing and evaluation documents for three years. Right now many schools throw the test forms out. These tests often

cost \$800 to \$1,500 and are critically important documents. I selected three years, because every three years the student is put through a thorough evaluation. This way the evaluators can look at the testing document and use the information in order to provide more useful help for our children.

For instance, Natalie, my youngest daughter, who hopes to be here tomorrow morning, is in the 4th grade and she was finally evaluated for speech therapy and picked up for speech therapy. It turned out that the therapist is pregnant, then it turned out that the therapist had the baby a month early and left school so they hired a substitute therapist. Now if this substitute therapist could look at these protocols, she would have a much better idea of what to do with Natalie during therapy sessions.

Next year there is going to be a different substitute therapist, while the therapist is still out on maternity leave. That therapist would have a much better idea of what to do with Natalie if she could read the protocol. It's like a blueprint of what to do with the child. It seems to me that if this was a private, I know the private psychologist and the private speech therapist, all keep their documents, it's only common sense, but in our public school system, we allow them to be thrown away. I think that's a real waste to the children because they can't make the progress they should and it's a real waste to the taxpayers because we're paying \$1,000 for these testing procedures. The first point again, was keeping the testing document.

The second point is to allow the parents and schools to tape record the PET meetings. Parents and schools would be allowed to tape record the special education PET meetings concerning their children's education. Often, both parents cannot attend the meeting, if a recording existed the absence parent could listen to what happened at the PET. Also, many of these PET meetings are extremely overwhelming to the parents and it is very difficult for them to understand everything that is said by all of the professionals. If a parent had a tape of the meeting, they could listen to it later and it would give them a chance to understand the comment and recommendations that were made.

My oldest daughter Lornie, who comes here seldom, is severely learning disabled and loves babies, and yes, there is a good chance at some point in her life she will reproduce and I know if she ends up at a PET meeting as she likely would because most of this is genetic. She would never be able to understand what 17 professionals had to say while she was surrounded at this PET meeting and being bombarded with all this technical knowledge. It would be a real help to her if she could be able to tape record the meeting and go back home and listen to it.

It would also be a real help to parents whose spouse is working the midnight shift or situations where there is a divorce in the household and the father still wants to take an active role. I know this week, I was suppose to have a PET meeting to figure out, what Lornie was suppose to do for high school and yet I was wanted down here as an emergency to vote on the sick tax. It made it hard to decide whether to be at the PET or to be down here. It would have been nice to be able to tape record the PET so I could have know the decisions that they made about what my daughter was going to do in high school.

The third point is to allow parents to attach a letter to the minutes of the PET. Many times the

parents would like to attach a letter to the minutes of the PET that is kept in the student's file. Many schools do not allow parents to do this. Parents should be allowed to write, to include in the student's file, a letter which explains their version of what happened in the meeting about their child. What we need to bear in mind here is that supposedly the parents are treated as equals, yet often, in the school situation they are not. Often in a PET a teacher or psychologist or what not will describe your child as being a severe behaviorally impaired child and the parent might defend the child or explain something or what not. The parents version of reality is not included in the PET meeting. If a parent asks to attach a letter to a copy of the minutes, the school can say no and there is no record anywhere that shows the parents point and version of reality. I have a friend that's a lawyer and his wife is on the school board and they did this very same thing to their child and when the parents asked to just put a letter in the file, they were denied that right to explain their point of view.

The fourth point and final point is to encourage a case coordinator for the child. For students with complicated problems, it would be very helpful to have one school employee such as the resource room teacher oversee the student's program. The student can make much more progress if someone is looking out for him and all the various adults are working towards the same goal. For instance, I received a call from Houlton recently about an eighth grade girl that's blind and this blind girl was told by the mainstream teacher that she couldn't use her white cane in the classroom and she was also told by the mainstream teachers that she couldn't tape record the class lectures because the teacher was intimidated.

It would be very helpful for the child and the child would be able to make a lot more progress if you had one coordinator such as the resource room teacher or what not that could go to the mainstream classes and say now excuse me, but I think this will work and why don't we give it a try and let the girl tape record this for awhile. They kids that do have a case coordinator make a great deal of progress and I think it's obvious to anybody that's involved in mental health issues or what not that this is the only way to really get the child to make the progress we need is that the whole team works together toward achieving the same goals. That's all I'm doing is trying to encourage the school systems to do the same thing. To have one adult that is sort of in charge of making sure the speech therapist, the occupational therapist, the mainstream teacher are all working towards achieving the same goals. Now what happens is everybody goes off in their own little tangent and nobody ever talks to the other person about what they are doing and the kid never makes any progress and then that's why you have the bashing of the disabled. They say oh, we're spending all this money on the kids and if only we had that money to spend on the real kids, we'd be okay. What I'm trying to say is there's smarter ways to use this money and make it be spent more effectively.

During the public hearing on L.D. 1117, the Department of Ed implied that the proper way to make these changes was through the rule making process. The public session for the rule making was held last week, well two weeks ago now, and there was no support from the bureaucrats for making these changes. I would greatly appreciate your helping me

to sent a message to the department that yes, we think these are reasonable changes and for them to uphold their word and include these in the rulemaking and again I would like to ask you to vote no against this pending motion and I do ask for the yeas and nays and as you cast your vote try to remember those 30,000 children out there and their parents and their grandparents and their uncles and aunts and how yes, they do care and that these are simple straight forward common sense requests. If this was a private business, all of these things would have been done automatically. Again, I apologize for taking your time, but this is an important issue to an awful lot of people and thank you very much.

Representative WINN of Glenburn requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: This was a 12 to 1 committee report. The only person who spoke in favor of the legislation was the sponsor, the Representative from Glenburn.

The Department opposed the legislation as well as the association which deals with the particular group of people to which we are talking about. It is not that the committee was unconcerned about the question of exceptional children. The issue basically was two fold, one it is basically enforcing us into the process, which, in fact, what is going on at this very moment basically are public hearings which have just been completed and now the written testimony is being taken for rulemaking. That rulemaking results will occur within a month and we've asked, as a matter of fact, part of what we did, was we asked the Representative Winn to meet with the committee to make her presentation before them and to lay out the concerns.

Let me just point out to you, that, in fact, most of the stuff that is being discussed here is done now in most of the school districts in this state. There, in fact, are some problems that exists in some school districts, but I can assure you, as I've told others before, that if you have a problem in your school districts, you run for the school board like I did. You get elected. I repeat, you get elected. Once you're there, you try to resolve the problem from your point of view. This is a local problem, it is a problem that has developed in that particular school district and I do not believe that it ought to be the concern of the entire state. I urge you to vote to accept the Majority "Ought Not to Pass" Report.

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

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

The pending question before the House is the motion of the Representative from Eagle Lake, Representative Martin, that the House accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 168

YEA - Adams, Ahearne, Aikman, Ault, Barth, Berry, Bigl, Birney, Brennan, Campbell, Carleton, Chartrand,

Chase, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, DiPietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Gamache, Gates, Gould, Greenlaw, Guerrette, Heesch, Heino, Hichborn, Jacques, Jones, S.; Joyner, Kneeland, Labrecque, LaFountain, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Nass, Nickerson, O'Gara, Ott, Pendleton, Pinkham, Poirier, Pouliot, Povich, Reed, G.; Rice, Richardson, Ricker, Robichaud, Rotondi, Savage, Saxl, M.; Shiah, Simoneau, Spear, Stedman, Stevens, Taylor, Thompson, Townsend, Treat, Tripp, Truman, Tyler, Vigue, Waterhouse, Wheeler.

NAY - Benedikt, Bouffard, Buck, Bunker, Cameron, Chick, Chizmar, Clark, Desmond, Dore, Fisher, Fitzpatrick, Gerry, Gooley, Green, Hatch, Johnson, Jones, K.; Joy, Joyce, Keane, Kerr, Kilkelly, Kontos, Lane, Layton, Lemaire, Lemke, Look, Marvin, Murphy, Peavey, Perkins, Plowman, Reed, W.; Rosebush, Rowe, Samson, Saxl, J.; Stone, True, Tufts, Tuttle, Underwood, Volenik, Watson, Winglass, Winn, Winsor.

ABSENT - Bailey, Dexter, Gieringer, Hartnett, Joseph, Morrison, Nadeau, O'Neal, Paul, Poulin, Sirois, Strout, Whitcomb, Yackobitz, The Speaker.

Yes, 87; No, 49; Absent, 15; Excused, 0.

87 having voted in the affirmative and 49 voted in the negative, with 15 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

An Act to Change the State's Air Quality Standard for Ozone to the Federal Standard (H.P. 199) (L.D. 258) (C. "A" H-293)

TABLED - June 6, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

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

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

TABLED - June 6, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Final Passage.

On motion of Representative FISHER of Brewer, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1035 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-311) was adopted.

The same Representative presented House Amendment "A" (H-434) to Committee Amendment "A" (H-311) which was read by the Clerk.

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

Representative CARLETON: Could the good Representative explain the amendment?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Mr. Speaker, Men and Women of the House: The amendment simply says that the members of this commission will not receive any pay.

House amendment "A" (H-434) was adopted.

Committee Amendment "A" (H-311) as amended by House Amendment "A" (H-434) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (H-311) as amended by House Amendment "A" (H-434) thereto in non-concurrence and sent up for concurrence.

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

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

TABLED - June 6, 1995 (Till Later Today) by Representative NADEAU of Saco.

PENDING - Passage to be Enacted.

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

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

- In House, Passed to be engrossed as amended by House Amendment "A" (H-343) on June 5, 1995.

- In Senate, Senate insisted on its former action whereby the Bill was passed to be engrossed in non-concurrence.

TABLED - June 7, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Further Consideration.

Representative HATCH of Skowhegan moved that the House Adhere.

Representative JOYCE of Biddeford moved that the House Recede and Concur.

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

Representative KERR: Mr. Speaker, Men and Women of the House: I urge you to defeat the pending motion to recede and concur and move on to vote to adhere. As a private businessman, I have a restaurant and also a motel. I want you to know I pay my employees weekly as required by the wage and hour laws. As we all know just this year in Congress, as part of the contract with America, was voted to bring itself under the same wage and hour law ending decades of what we thought was favoritism to Congress versus those of us that are in the private sector. What this bill does before us, L.D. 695, without Representative Hatch's amendment, goes in just the opposite direction. It releases municipalities from their current obligation to pay weekly and permit them to implement biweekly payment unilaterally without any regards to existing collective bargaining agreements. Representative Hatch's amendment still permits municipalities to pay biweekly, but provides that it must do so through collective bargaining. It provides flexibility instead of the straight jacket of a double standard. Let's vote against the recede and concur and move to adhere.

Representative LIBBY of Buxton requested a roll call on the motion to Recede and Concur.

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

Representative Joyce: Mr. Speaker, Ladies and Gentlemen of the House: I'd like to make two points. I agree with Representative Kerr on how the government should follow the same rules as the private sector, but since they haven't gone in that direction yet it seems only fair since the federal and state government and school districts pay on a biweekly basis that municipalities should be able to also. Employees of the other government entities don't seem to be any worst off for it. The second point is municipalities will be able to save a lot of money, almost 50 percent of their payroll processing costs. I haven't figured out for Biddeford, I imagine it will be a lot of money though. Cape Elizabeth, Senator Merrill mentioned that Cape Elizabeth will save almost \$20,000 per year and that's a significant amount of money. Thank you.

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 pending question before the House is that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 169

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

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Desmond, DiPietro, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFontaine, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Samson, Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Winn.

ABSENT - Bailey, Dexter, Dore, Hartnett, Heino, Nickerson, Paul, Poulin, Sirois, Strout, True, Yackobitz, The Speaker.

Yes, 70; No, 68; Absent, 13; Excused, 0.

70 having voted in the affirmative and 68 voted in the negative, with 13 being absent, the motion to Recede and Concur prevailed.

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 - (10) Members "Ought to Pass" as amended by Committee Amendment "D" (H-462) - (2) Members "Ought

to Pass" as amended by Committee Amendment "E" (H-463) on Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation" (H.P. 100) (L.D. 135) which was tabled by Representative JACQUES of Waterville pending acceptance of either Report.

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

The Bill was read once. Committee Amendment "D" (H-462) was read by the Clerk and adopted. The Bill was assigned for second reading Friday, June 16, 1995.

The Speaker resumed the Chair.

The House was called to Order by the Speaker.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment 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 Forbid an Employer from Hiring Replacement Workers during a Strike" (H.P. 236) (L.D. 316)

- In House, Minority "Ought to Pass" as amended Report of the Committee on Labor read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-310) on June 5, 1995.

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

TABLED - June 7, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Further Consideration.

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

The same Representative presented House Amendment "A" (H-389) to Committee Amendment "A" (H-310) which was read by the Clerk.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: I'm sure you're probably having a hard time finding this amendment, not knowing whether this bill was going to come up today or not, so I'm just going to explain it briefly to you.

This particular amendment was brought forward by a member from the other body and brought to my attention and I offer it in all good faith. The amendment limits the restriction on the retention of replacement workers. If the strike ends or the striking workers offer to return within 45 days from the start of the strike, which simply means they have 45 days, sort of a cooling off period, and then they can go back to work. Resume working under previous contract or whatever the company and the people decide upon. I'd ask that you vote for this amendment and I thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House: As you know I have very strong feelings in regard to this legislation. I fervently

believe that when a strike is over there's an unconditional return to work or there's a contract negotiated that the strikers should have first choice on the jobs they had and the replacement workers should have second choice. This is a great concession for me from that aspect to a 45 day period so I hope you vote in favor of this amendment allowing strikers not to be replaced for a 45 day period. I kind of look at it as a cooling off period. I think it is a step in the right direction and I hope you support this amendment. Thank you.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I think if we check into the matter, I think that the Maine Law Court has ruled that the 45 day cooling off period is unconstitutional. It is preempted by federal law.

Representative JOY of Crystal requested a roll call on adoption of House Amendment "A" (H-389) to Committee Amendment "A" (H-310).

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

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

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

ROLL CALL NO. 170

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Perkins, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Winglass, Winn, The Speaker.

NAY - Aikman, Ault, Barth, Birney, Buck, Carleton, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Greenlaw, Guerrette, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevy, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor.

ABSENT - Bailey, Dexter, Dore, Hartnett, Heino, Libby JL; Paul, Poulin, Sirois, Strout, Yackobitz.

Yes, 82; No, 58; Absent, 11; Excused, 0.

82 having voted in the affirmative and 58 voted in the negative, with 11 being absent, House Amendment "A" (H-389) to Committee Amendment "A" (H-310) was adopted.

Committee Amendment "A" (H-310) as amended by House Amendment "A" (H-389) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-310) as amended by House Amendment "A" (H-389) thereto in non-concurrence and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-346) - Committee on Appropriations and Financial Affairs on Bill "An Act to Reduce the Legislative Budget" (H.P. 500) (L.D. 681)

TABLED - June 7, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

Representative KERR of Old Orchard Beach moved that the House accept the Majority "Ought Not to Pass" Report.

Representative ROBICHAUD of Caribou requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

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

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

Representative KERR: Mr. Speaker, Men and Women of the House: I guess now I've got to let you know why I moved to accept the Majority "Ought Not to Pass" Report.

The good Representative McElroy did come before the committee and what the bill does is it decreases the legislative budget 15 percent across the board. You all know as we've been going through the budgetary process, there is no longer furlough days, shutdowns, there's a 40 hour work week and we all know that health insurance has gone up and retirement costs.

The current bill before you would reduce the legislative budget below the Minority Report. Reduce the legislative budget to \$26,750,000. It would put us back to about the 94-95 levels and I think going through the entire committee process, nobody wanted to see across the board cuts and if we're going to make these types of cuts, we'd like to know where they would come from. Again, I would urge you to vote with the pending motion the Majority Report "Ought Not to Pass." Thank you.

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

ROLL CALL NO. 171

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Greenlaw, Guerrette, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Layton, Lemaire, Lemke, Lovett, Luther, Madore, Martin, Mayo, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy,

Nadeau, O'Gara, O'Neal, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Barth, Bigl, Birney, Buck, Campbell, Carleton, Chick, Clukey, Damren, Donnelly, Dunn, Farnum, Gooley, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Lemont, Libby JD; Lindahl, Look, Lumbr, Marshall, Marvin, McAlevey, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Bailey, Dexter, Hartnett, Heino, Libby JL; Paul, Poulin, Sirois, Strout, Yackobitz.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-352) - Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (H-353) - Committee on Taxation on Bill "An Act Altering the Method of Computing the Hospital Tax" (EMERGENCY) (H.P. 910) (L.D. 1286)

TABLED - June 7, 1995 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Acceptance of either Report.

Representative JACQUES of Waterville moved to table until later today pending acceptance of either Report.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to table.

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

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

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

ROLL CALL NO. 172

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Martin, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Pouliot, Povich, Reed, G.; Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Taylor, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Whitcomb, Winn, The Speaker.

NAY - Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD;

Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, True, Tufts, Underwood, Waterhouse, Winglass, Winsor.

ABSENT - Bailey, Dexter, Hartnett, Heino, Paul, Poulin, Sirois, Strout, Yackobitz.

Yes, 76; No, 66; Absent, 9; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, with 9 being absent, the motion to table until later today prevailed.

Bill "An Act to Clarify the Registration of Snowmobiles by Nonresidents" (H.P. 604) (L.D. 814) (C. "A" H-375)

TABLED - June 7, 1995 (Till Later Today) by Representative ROTONDI of Madison.

PENDING - Passage to be Engrossed.

On motion of Representative ROTONDI of Madison, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-375) was adopted.

The same Representative presented House Amendment "A" (H-410) to Committee Amendment "A" (H-375) which was read by the Clerk and adopted.

Committee Amendment "A" (H-375) as amended by House Amendment "A" (H-410) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-375) as amended by House Amendment "A" (h-410) thereto and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (1) "Ought to Pass" - Committee on Education and Cultural Affairs on Bill "An Act Concerning a Moment of Silence in Maine Public Schools" (H.P. 656) (L.D. 879)

TABLED - June 8, 1995 (Till Later Today) by Representative MARTIN of Eagle Lake.

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

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: In reference to L.D. 879 entitled, "A Moment of Silence," I would like to read to you the First Amendment of the Constitution of the United States of America. Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech. I would like to focus on four key words in the first amendment, establishment and free exercise thereof.

First of all, let me ask you, how can silence possibly be thought to serve a means to form a religion. Secondly, if free exercise thereof is indeed given to us as freedom, doesn't a person have the right to freely exercise a moment of silence to reflect inwardly, if he chooses to? Just as others have the right not to participate in a moment of silence. I would like to ask those of you here today, before reacting and drawing any conclusions about the title of this bill, "A Moment of Silence", to read the bill carefully. What this bill attempts

to do is allow a student the right to observe a moment of silence at the start of each school day. We are talking about participating voluntarily in a moment of silence and in no way being influenced by a person of authority within the school system in regards to how the moment should be used. We are not asking that any student make any physical gesture, if he chooses to use this moment of silence, but instead to reflect inwardly.

It has been charged that this bill I am presenting is unconstitutional. I would say if that is so, why hasn't our present law that allows for a moment of silence been struck down by the law courts? Our current law states that a moment of silence may be observed at the start of the school day. This bill only seeks to change the word may to shall. I do not feel this is unconstitutional.

I would like to emphatically clarify that this bill is not meant to involve government in religion, nor is it to place government and sponsored prayer into the school systems. I would personally fight any attempt to do either, now or in the future.

Speaking from the viewpoint of a Representative, I would like for you to focus upon the fact that the House opens each session with a spoken prayer. I have in my pocket coins, a quarter, a dime, and a nickel. Each coin says, "in God we trust." Our Declaration of Independence referenced the Almighty. Our pledge of allegiance says, "under God." Memorials, like the Jefferson and Lincoln reference God and the Supreme Court opens its session with, "God save the United States, in this honorable Court."

The above examples specifically mention a supreme being, a moment of silence would mention nothing. Indeed the old phrase, silence is golden, seems to be fitting, but how can a lack of communication infringe upon the rights of another? If I individually polled each member of this House, I believe that many of you would prefer a moment of silence at the opening of each session rather than a spoken prayer.

The moment of silence could be used to pray, day dream, meditate, regroup or rest, no one would ever know what the other chose to do. It is a matter of individual choice. Time itself infringes upon no one's rights, for we all have the same amount of freedom during that moment. Action of an individual can infringe on another persons freedom, but a moment of silence is a moment in time, requesting no action.

I recognize that this is an emotional issue, one in which votes opponents have interesting viewpoints, however, silence in the classroom would create a balance between the pro and cons, the moment of silence could, 1. Respect religious tolerance and; 2. Respect of the rights of those who wish not to participate in a moment of silence. Opponents of this bill may feel that a request for a moment of silence is just a ploy to bring back into the classroom, school prayer. I emphatically declare this is not the intent of this bill. I, for one, would be leading the opposition to any spoken prayer being introduced into the classroom system.

Many of you may have wondered about the pause I observed at the beginning of this speech. Let me ask all of you, did that pause infringe upon your rights? Your convictions? Your thoughts or your beliefs, guaranteed by our constitution? None of you know how I spent that moment. Did I pray? Did I think about this speech? Or did I day dream? Not

one of you will ever know, nor do I know what you thought while I was silent.

Your decision concerning this outlook on this issue will decide whether our children can choose to exercise a moment of privacy and personal reflection. I would hope that you would defeat the pending motion before you. Thank you.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I rise today to ask you to vote your conscience and I know you always do. But never have I ever been so proud to be on the Minority side of a report, because ladies and gentlemen of the House, we have a serious problem here in our state. Our current law, which allows local school boards to set policy regarding a moment of silence is causing one school after another to drop the moment of silence policy entirely. Rather than deal with an extremely small minority of parents and local activists in the community who claim that a moment of silence might be misused by teachers who have some diabolical plan to force their classes to pray. These school boards are instead dropping the policy altogether.

No moment of silence, no problem, right? No I think that's wrong. Colleagues of the House, we begin our deliberations everyday in this body with full fledged prayer and certainly I would oppose that, as well, in our schools. I find strength in beginning our deliberations in this body with prayer and I thing the opportunity to begin the work day, the school day, ahead of that child, with the opportunity of a moment of silence so that they may or may not pray, can provide that child some strength. Or at least the opportunity for constructive thought.

Regarding the complaint that teachers will misuse the moment of silence and communicate to students that they must pray, which was part of the testimony in debate. I say teachers of Maine, I have confidence in you. I believe that the local school boards will inform you of what the law is and that you will faithfully carry it out, after all, you are teachers.

I think the practice would be good. I think it would be right. I don't think its dictating anything. It's simply the right thing to do. It's a policy statement. We're saying now with our current policy, sorry kids, you don't even have the opportunity to pray or do anything else during a moment of silence because there simply is not one in many, many schools.

That's not the way I grew up. I don't think I've been injured because I had a moment of silence. Men and women of the House we need better public schools in the State of Maine, here's our opportunity to take a small step. Give the kids a chance. They don't have to pray. They can plan. They can meditate and yes, they can pray, but particularly they can pray without offending anyone. Please join me in voting against the pending motion.

Representative LIBBY of Buxton requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: You've noticed that the vote, in fact, was 10 to 1. It was not that members of the

Education Committee were irreligious. It basically evolved around a number of concerns.

First let me say that it is clear that the Supreme Court has ruled that it is fine for legislative bodies, the Congress, this House can begin its deliberations with a moment of prayer. As a matter of fact, the Supreme Court has ruled that students at the universities, colleges and high schools can form clubs at their own high schools in order to have a religious organization, just like any other organization, for example, whether it be photo club, they can have a religious club and the Supreme Court of the United States basically says that as long as its student oriented, student organized, they can have an advisor, and they can actually have it within the high school.

We talk about a moment of silence. But the very fact that we talk about a moment of silence, we are talking about discrimination. There are some religions that do not pray in silence. They do not sit, they may stand, they may kneel, or they may lie down, or they may bow. Where, in fact, are we going with this concept. Because, what we, in effect, would create, in fact, would be discrimination. As a matter of fact, the opposition went on for some length from all faiths opposing this legislation before the committee and arguing that this should not be allowed.

I remember back when this piece of legislation was, in fact, debated when the moment of silence in fact was discussed in this body and the debate was whether or not we ought to pass a constitutional amendment or petition the United States Congress to pass the constitutional amendment to allow prayer in schools. I was invited to attend a high school to make a presentation in Mars Hill, now represented by the good Representative from Easton. I can well recall the question asked, "what is your position on a moment of silence or prayer in school?" I said, I responded in this fashion, "I know in this particular community there are three Jewish families and there are about four Catholic families and everyone for the most part happens to belong to one of the Protestant faiths." They all nodded affirmatively. I said "Well, you now have a situation in Maine where you have a Governor who happens to be Catholic, you have a President of the Senate, who happens to be Catholic and you have a Speaker of the House, who happens to be Catholic and can you well imagine what prayer we would pass. Would it be the Our Father, you know or the one that I know? Would it be the Hail Mary you know or you don't know, more specifically, especially in Mars Hill." Very quickly, it set the message and the tone and that is the danger and I would simply say that the members of the committee are not opposed to prayer, because they believe in prayer. They are not opposed to having people who are having organizations which allow it at school, but they are opposed to creating a possibility where teachers, in fact, could dictate. Remember, if you have children or you have taught, what influence a teacher can have upon a first grader, or second grader or a third grader.

Finally, I'll simply close with this particular story from my home town. I believe when this occurred about 30 years ago, there was one family that happened not to be Catholic. Happened to be Episcopalians, and the kids came home to their father and mother that night and said, "we're going to be going to confession next week." It wasn't a part of

the curriculum, but the teacher just happened to be discussing with students what they would be doing on Saturday and everyone in that fifth grade class was going to confession. The parents panicked, called the priest, called the school board and said, "what are you doing influencing our kids?" That is the danger. You're not talking about adults. You're talking about minds that are easily influenced by an adult and that is the danger and that is the potential for discrimination. I urge you to accept the Majority "Ought Not to Pass" Report.

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

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

The SPEAKER: The Representative may pose his question.

Representative LUMBRA: Perhaps if the sponsor of the bill could answer this. Does this moment of silence bill require that anyone pray or does it require that anyone be instructed to pray during that moment of silence?

The SPEAKER: The Representative from Bangor, Representative Lumbra has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I would be very happy to respond to that question, because I was going to get up myself and ask it. You will notice through the whole discussion that I was talking about, I mentioned in all places, this is not a prayer. If you want to kill a bill, just say the opposite. What you're hearing here tonight, this is prayer in school, it could be the Hail Mary, the Our Father, or you name it. I told you, if you make the law that this is a moment of silence, it will respect everyone. I have nothing but the highest respect for all people regardless of their denominations in this country. We possibly have between 80 and 100 and yes, and I do understand that some gestures are by bowing and like that. This is not to reflect a prayer. Please remember that. This is a moment of reflection. It has nothing to do with a prayer. If someone wants to pray, he can pray inside and reflect. If I was a person of another denomination and I wanted to reflect, I could imagine those gestures that I would have to make and I could be honoring that. I have no intention of infringing upon anyone's rights, I would not want to hurt any child nor hurt any parent. But to keep saying this is a prayer, it is not a prayer, read the bill carefully. I have changed two words, may to shall, twice.

While I'm on my feet, I would like to say that one of the basic reasons why I want the law changed from may to shall is to allow teachers and school administrators to offer a moment of silence without fear of repercussion. Think of what I just told you. If you have one teacher that decided to do it in a school system regardless of what town its in and the other 9, there was 10 and the other 9 did not do it, don't you think that just by accident, she may be singled out? I've had some told me this, but if it was offered and that shall offer that moment of silence than there is no repercussion against any one of them. That's all I was seeking to do.

You know, I go back and I think like on March 21st of this year, 1995, a moment of silence was had in

this House for a past Representative McSweeney. Did the members of this chamber really reflect on that Representative? Or did they think about their daily chores? No one knows. There was no offense. No one got offended. The Speaker says every morning at the beginning of the opening of the session, now this is prayer. The prayer this morning is by Reverend, or Pastor, or Rabbi so and so. You'll notice the Speaker is saying, "a prayer." That's a prayer.

I would also like to remind the House that on April 26th of this year, at precisely 10:02 a.m., a moment of silence was given for all those who lost their lives in Oklahoma City. Did the members of this chamber have a prayer, or reflect on what happened in Oklahoma City? None of you know. That was their reflection.

On April 25th of this year, children all over America in our schools, in our schools, united together by holding hands to express in a moment of reflection. Not in a moment of prayer. It was on TV all that night, but in a moment of reflection. I ask, "why do we wait for tragedy to express our closeness to whatever, a super being, or whatever it may be?" I honestly feel and I firmly believe deep down in my heart that a moment of silence every day in our schools may be the healing process and I say again, it may be the healing process we need in this country.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I'd like to make several points in regards to this bill. The first one is purely semantics, no where in the bill, and no where in the testimony has anybody defined what a moment is. More importantly, though, the bill is or could be construed as an attempt to interject prayer into the classroom. That is a violation of the constitution.

The other point that hasn't been raised is that the Maine School Board Association came and testified in opposition to this bill, because they believe that if, in fact, the local school board where there was going to be a moment of silence, it should be a local decision, not one mandated by the state.

Lastly, what I would like to say, I was the first one in my family to go to public school, as best I could figure out, between my mother, my father, my sisters, my aunts, uncles and cousins. My mother claims the reason I became a Democrat is because I did go to public schools. It is very clear to me the difference between going to a private school and going to a public school and that distinction is very important. If this legislation is to pass, that distinction between public and private becomes blurred and I don't believe that's the direction that we want to move in. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I guess my line of thought is completely different than most people. This morning we debated a bill for parental permission for a child to have an abortion, that the parents should know about it and here I was handed a yellow piece of paper that says, "to impose a moment of silence prayer in the classroom, undermines parental authority." We're taking the parents authority away from them for a moment of silence prayer in the classroom, but we aren't taking parental authority away when we give our children an abortion.

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

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House: It's with great trepidation that I get up and try to speak after those beautiful sentiments from the good Representative from Lewiston. I'm looking back to when I was a young child and if you remember, those that are the same age as me or maybe a little older, we did have prayer in schools. Everyday, one of us had to get up and read a Psalm. My Psalm, mine was the 117th Psalm, because it was the shortest. This is not what we are talking about, we are not talking about prayer in schools. And I think to try to relate a moment of silence and try to project that into some future plan to put prayer in the school, I think that's a red herring. In reference to the good Representative from Eagle Lake's concern that this might develop into prayer in the school.

You know going back and thinking, my original thought going back when we used to say a Psalm in school, we didn't have high teen pregnancy, we didn't have high teen suicide, we didn't have drive by shootings, we didn't have young kids on heroine and cocaine, maybe other things in our society contributed to those deteriorations and maybe I can't attribute saying prayers in schools to stopping that or slowing that down, but it certainly, I saw no harm, with the prayer in school, but that is not what we are talking about.

In reference to the good Representative from Eagle Lake, his concern that this could develop into a prayer and a Jewish person would be offended and hurt and would be singled out if everybody stood up and said a Christian prayer and the Jewish kid would feel left out or embarrassed, or the Hindu, or whatever religion he happened to be. Would the good Representative from Eagle Lake be happy that if each day as we do here in the House, we have a different denomination open the prayer, in the school, would that answer his concern or is it just the constitutional prohibition against prayer in schools? Which I think is dubious when you look back in the federalist papers and look why the reason was set up that we didn't want the state or government establishing a religion. It seems pretty clear, but we not talking about establishing a religion. We're talking about a moment of silence. How do you extrapolate that into an establishment of religion, it's beyond me. It really is. So I hope you will consider voting against the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative JONES: Could a member of the House give me an example of a secular moment of silence?

The SPEAKER: The Representative from Bar Harbor, Representative Jones has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Johnson.

Representative JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: Yes, there is what we call a secular silence. A secular silence is something that I have had an experience with while chaplaining at

the Maine Youth Center. I worked as an assistant to a volunteer that came to the center to share her time with the delinquent children and we were going to experiment with silence. Her name is Phoebe Prosky, from Freeport, and she was a certified Zen master and indeed when we put the word out to the cottages that we were going to do some meditations, we had some 25 young people volunteer, boys and girls, and these are your hyper up and down, anything goes, kind of young person at the Maine Youth Center.

We worked in a room approximately half the size of this room. We had little black pillows around that we sat on, we practiced breathing. We practiced concentration. We practiced focusing ourselves. If only for 30 seconds, and if indeed, those of us who were adults there and the children, if indeed, we could for 30 seconds focus, and concentrate, we thought that was a great victory. Because the problem with secular silence, secular silence, is that when I am quite, not speaking as I am now speaking, a thousand things go through my mind. A thousand things, I don't know what to do with it. The practice secular silence has a long, long tradition and it involves learning what to do with the silence.

It is not enough to say to a group of people, let us be silent and have it become an enriching experience. Like anything else, like riding a bicycle, like learning to swim, like anything else, you have to involve yourself in a discipline, in a commitment, otherwise the actual experience of silence when enjoined upon you from some higher authority, like a teacher becomes a negative thing. Let us be silent, oh gee, here we go again. You stand there and the kids go back and forth and you shift from foot to foot, and indeed you than prejudice that child against having a marvelous experience of silence, a genuine experience of silence.

If indeed, we in the State of Maine are going to enjoin upon our school systems, a moment of silence, than we need to do more than just say, "go do it." Then we need to do, what I heard about just two weeks ago on public radio on which a whole hour that afternoon was given over to meditation among young people, to answer the problem as was raised by some of you, that we need to quiet our youth and indeed in Massachussetts, now one of the high schools is actually involved in helping their young people enjoy the mystery and the recreative experience of silence. But to do that they have brought in some people, nurses of Eminent Hospital in Boston that has a healing department and part of that healing department teaches meditation and they have brought doctors in from that center to help young people. I was so impressed. I was so impressed.

If indeed we want to enrich our school system with an appreciation of what silence is, than we must do more than simply say, "let us be silent."

As I thought about this, I knew this moment was going to come about, I was home in South Portland, doing some errands for my wife, I do them all the time when I get home, and I bumped into one of my constituents and he, Mr. Stearns, of Highland Avenue, as I walked into the store, he waved this piece of paper at me and he said, "Do you know about this?" "Know about what?" Well, this thing here, where it says religion and morals, you'll see it has a whole sheet and it says religion and morals, chapter 3, and it's teaching of virtual morality and this is

actually in the law. This is law for the State of Maine, ladies and gentlemen, law, not been taken off, not been repealed.

My constituent, Mr. Stearns, of 699 Highland Avenue, because sometimes you think ministers play games with you. I'm not playing games with you. Sometimes. Our school system already has in law the very thing that I suppose silent prayer is suppose to bring about. I'm going to read it to you.

Instructors of youth in public or private institutions, shall use their best endeavors to impress on the minds of the children and youth, committed to their care and instruction the principles of morality and justice and sacred regard for truth, love of country, humanity, and universal benevolence. The great principles of humanity as illustrated by kindness to birds and animals and regard for all factors which contribute to the well being of man, industry, frugality, chastity, moderation and temperance and all other virtues which ornament human society and to lead those under their care as their ages and capacity emit into a particular understanding of the tendency of such virtues to preserve and perfect a republican constitution, secure the blessings of liberty and promote their future happiness.

Now I do indeed believe that a moment of silence can be a very useful experience, leading us into this, what we already have on the books for our schools, which I think, as probably most of you will say and believe, we don't see much of this being practiced. I do believe that secular silence can do it, but ladies and gentlemen, it will be just, a religious teacher said it once, pearls thrown before the pigs. Jesus said that, remember that? Don't throw your pearls before the swine, and we mean don't just put out beautiful things without preparing the person to receive it. If you're going to work with silence, than we must work in a teaching fashion, in a disciplined fashion.

I'm not quite sure where I am going on this, I guess my conclusion is that the bill as we now have it has certainly a deep element of truth in it, but there are certain factors missing in it in order to make it a very rich moment for our young people. Therefore, at this moment, I would encourage you not to pass, but with the hope, that we can come back with a bill that will use silence in a deep way and we had somewhere to go. We could go to Boston to the healing centers and to meditative centers to help us. I thank you for your attention and I didn't mean to speak this long. Thank you.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative McElroy.

Representative McELROY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak in favor of this pending motion and to support the Majority "Ought Not to Pass" Report and to support the comments of Representative Brennan and Representative Martin and to thank the good Representative Johnson for so eloquently expressing my personal feelings.

Having said that, I stand before you with a heavy heart. But a heavy heart is balanced by common sense, by experience, and a strong belief that my values should not be forced or imposed on others, nor should others values be forced on me or mine. This is a prayer bill, I believe in prayer and I believe in silence. I respect the feelings of the sponsors of this bill. I share their concerns about the need for increased spirituality in our society. I share

their feelings that an increase in prayer and an increased respect for religion would be a good thing for our society.

At the same time, I feel very strongly that a government mandate is not the way to encourage more prayer and more respect for religion, or for silence. Some of the supporters of this bill will point to the ending of prayer in the public school is the point where public schools began to go down hill. I was teaching in the public schools at that time when the Supreme Court handed down its decision and I feel confident, very confident, that ending of prayer was not the start of decline of the public school. I think if you remember back in your own life, the decline of the public schools had a same level of decline as our society has had. Social values have gone down hill. Mandated silence in the public school will not correct that continued slide.

This bill would mandate that all schools require a moment of silence in the classroom. As the good Representative before me has said, "We have the silence, what do we do with the silence? Are our young people prepared to use that silence?" Current laws as been stated allows local schools to require a moment of silence. It does not mandate it. It does not say how it shall be used. This is a matter of local control and that's the way that it should be. Local units should make this determination, local units should enforce this. They currently have the capability and the legislation to do that. I'm against this proposal because of the effect it would have in the classroom. Maine, today, has a diverse population. We have students from many different religious faiths and cultures. Mandating a moment of silence, which is really meant to be a moment for prayer will be very divisive. Religion is a very personal and private matter. We should take no action in this House that might in any way infringe on the religious beliefs or lack of religious beliefs of our citizens.

While we were getting ready for this hearing on this bill, I was approached down in the lower hall, by a gentleman, who identified himself as being Jewish. He was a man of very strong religious beliefs. He urged me with a tear in his eye to do everything I could to defeat this bill. I urge you with all of my heart to think of this old gent and his feelings when we vote on this proposal.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Ladies and Gentlemen of the House: I'm sure by now most of us feel like we are at the end of a very boring sermon in church. We've been debating this for quite awhile. I just had to say a few things and hang on to your seats because I'm going to use a dirty word. It begins with "P." It's called prayer. I recently went to the National Prayer Breakfast at which event the President and various people were in attendance and we prayed and President Clinton asked specifically that everyone in the United States, pray for him as much as possible, and then I found out that the Senate has a Chaplain and they open in prayer every day. Then I found out even more astonishingly, that there is a weekly prayer meeting at the Capitol at which people of many faiths attend and they pray for each other.

I find it a little ludicrous at this point, that we are having such a somber debate over something as simple and innocuous as a moment of silence and I

think our young people need to learn to be silent for a moment and share that moment of silence collectively. As one who has substitute taught in many levels, I tell you, the teachers would appreciate a moment of silence, if not a few prayers at the beginning of the day. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House: I'm going to try to describe a moment of silence in my uneducated way, but I'm going to use an illustration that has been on television just recently. The National Basketball Association Championships were just terminated, and I wonder when a player has a foul, steps up to the foul line, dribbles that ball a couple of times, takes a deep breath, throws the ball up, swish there's another point. Wonder if that's a moment of silence. I don't think he's saying a prayer. He's taking a moment to get rid of the tension, so that he will be a good scorer.

A baseball player steps up to the plate, washes his hand with the sand, tips the bat on the plate a couple of times, stands up there with the bat on his shoulder, looks at the pitcher, and is again reflecting, then all of a sudden the pitch comes and bam, a home run is hit. That too, to me, is a moment of reflection, a moment of silence. Where that professional person, or even nonprofessional, set up there and try to take a moment so he could get the best of himself out there and do the best. I think that starting a school day and taking a moment of silence to kind of relax you a little bit, so that you can wind up doing the best that you can do in school, is certainly not unconstitutional in my book. Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: I was hoping that I could remain silent on this, but I do have to say a couple of words. It seems to me if a parent wants the child to have a moment of silence in school, it seems to me that the parent ought to train that child at home, recommend that that child take that moment. Certainly, that child has plenty of chances out on the playground, you name it, the places that child could take a moment and do the reflection and so forth, that the parent apparently would like. If I could pose a question please? Could one of the proponents of this bill please tell me an example of the exact words that a teacher might use to a 6 or 7 year old to instigate this moment of silence and then follow up, what if the 6 or 7 year old said, "What do you mean by reflection or meditation?" Could you please answer that? Thank you.

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I would agree, it's probably a difficult question to answer. The only way I can really answer it that, remember, it says it would be up to the school boards to make that decision. Maybe the school board in my community may say, classes 1 through 3 will be excluded. I don't know. But the only way is that I think that when a teacher would begin the class day. The teacher would only say,

"Class, you will now be still." "Class, you will now be silent." "Class, just reflect." I know what you're saying, you're right, maybe to try to tell a 4 or 5 year old how to reflect would be difficult. But I think you know the intent of where I'm going. It's for ones as they come up. I've always believed what my parents taught me. I remember the elderly and I speak with many elderly people around here and they tell me, they've never forgotten their roots. What they learned when they were coming up from the cradle and I mean and I say from the cradle.

Talking about the cradle, I'll give you an experience. I am an adoptive parent and I'll never forget the experience that happened to me. I happened to go to a church in Brunswick, we have a home on the coast, and my daughter at the time, I think, was three years old and I'll never forget the sermon that day that this lady went before the father and she said, "When do I start teaching my child?" and the father said, "How old is the child?" She happened to reply, "Well she's only 6 months, 7 months." He said, "Madam, hurry home, you've already lost 6 months." The point of this, I want to tell you, when I got home, I told my wife, I said, "You know, Sue, we can reach this child." And this is what I did. I passed my hands over her cheek and I kept saying day in and day out. "Love, Love, Love." To this day, to this day, my daughter is 23, she has never forgotten that. It was a touch of love. So to tell me you can not reach these young children, yes, you can. You don't have to reach them with a prayer. You all know what my intent is. It is not to start prayers in schools.

I had the actual bill before me and I ask you to read it carefully, the law as it presently stands says, a moment of silence. The school board of a school administrative unit shall require at the commencement, of the first class of each day, in all grades, in all public schools in their unit, that the teacher in charge of the room, in which each class is held shall announce that a period of silence must be observed, shall be observed for reflection, or meditation. During that moment, silence shall be maintained, no activities engaged. I ask you, I hear everybody here saying today. The bill that I'm proposing, I'm instituting prayer. There is nothing in my bill that institutes prayer.

If this was so wrong, and if I thought this was wrong, I would have made a move to repeal what's on the books right now. No one has made a move to repeal what is on the books. I do not wish to repeal what's on the books because something is better than nothing. But all I'm saying and I say this sincerely, if in my last term in the legislature, if in 12 years from now God willing, I'm still alive, if a new law could go into effect and I could just look at myself and say, "Yes, we have changed values. We brought back moral values." It's not going to happen overnight, ladies and gentlemen. I know that, as I just told you, it starts at the cradle. But in 12 years from now I honestly feel that if there was a change I would feel proud to know that I played a very, very, very small part and that I never infringed on any child's constitutional right. I would rather leave this chamber than to think I would ever infringe on the right of anyone, especially a child. But if I can help, one, two or three, whatever it is out there, to have values, and when I say values, let me show you a point.

Many of you are parents here, fathers, mothers, aunts, uncles, grandparents, all of you can remember when you were young and you left that morning and you had to go to school and you were going someplace and you could have said, mom and dad probably said something, you probably had your toast, had your cereal whatever it is, and you said, "Oh, gosh darn it!" slammed the door and run out. Hasn't that all happened to all of us, I know it happened to me. If you went to class, and there was a moment of reflection. What if just one child, out of that city and multiply that factor by the 100 municipalities we have, what if one child every day said, in that moment of reflection used that time and paused and said, "God, I'm sorry. Why did I say that to dad? Why did I say that to mom? Why did I use that expression? Why did I use that word?" You will never know, I will never know. The teacher will never know, but the child will know and the child just may go home that evening and just say, "Dad, I'm sorry." If we can instill that, ladies and gentlemen, I guarantee you in twelve years from now, there will be moral values.

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 Orono, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: I stand today joining my friends, Representative McElroy, and Representative Brennan from the Education Committee in supporting the Majority "Ought Not to Pass" vote.

This bill was a very sensitive bill for our committee and for the people who came to testify on both sides of the issue, but I stand today to make a few brief comments on some of the analogies that are being drawn here today. We're hearing about these students in public schools who, as we all know, if you're a student, school is your job, you have to go. Some of them, some of us are fortunate to go to schools other than public school. I went to public school not too long ago, probably a lot less time ago than some of you were first elected. I do recall quite vividly the pressures and burdens of being in public school and trying to grow up. School is indeed a job for all students who attend.

In light of that, the analogy that I hear today, being drawn of prayer in the legislature, which is our job, our collective job. The difference strikes me immediately is that we choose to be here. We choose to work here and we choose to arrive here everyday to do the peoples business. Students have to go to school. Some are fortunate, some get to go to private schools, some even get to go to specialized schools, but all students have to go to school. To suggest that this moment of silence in school is yet another regulation or rule that they must obey, I think is to suggest that they have other choices, which they don't. They have to go to school. The localities have their options to suggest that they have moments of silence, but for the state to suggest that, I think is perhaps to overstep the burden of why we put our tax dollars into the schools

for the customers to attend regularly. I oppose this measure and I hope you will join the majority of the Education Committee.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House: A little known poet, not very long ago at all, wrote a poem which I'd like to read to you:

Silence is around us all the time, if we could only hear it. It is hidden in the morning prayer. It is in the echo of the gavel. It is in the pauses of a boring speech. It is nothing that we can find until we are ready to perceive it and it never can be legislated into the human heart. Thank you.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I'll attempt to be brief. I rise today as a father of three young children. I have a boy, 10, a boy, 6, and a little girl, 2 1/2, and I remember when I was growing up, we had a moment of silence in our school system where I grew up in Pittston and through about 9th grade we had a moment of silence in school, at that time it was stopped. It never was public prayer, it was only a moment of silence.

I can remember my parents teaching me to pray in my home and most days I'd go to school and I wouldn't pray during that moment of silence. I would just think about the day, as a kid I would tap my toe and pray that the moment of silence would be over. Or I would think of other tests I had coming up or the homework I hadn't done. But once in awhile I would have a quick prayer. Help me succeed at this test. Help me get along with this person. Help me do my best. Help me treat my mom and dad better. This would be occasionally, maybe once a week or something at the most, that would happen but it gave me an opportunity to collect myself for the day. It gave me the opportunity to think about what was coming up. Once in awhile it gave me the opportunity to pray.

I can promise you that my friends that stood around me didn't know which days I prayed. They didn't know which days I thought about what was coming up. They had no idea what I might be doing during that time, nor did I expect that they cared a lot, but I had that opportunity to start my day on the right foot.

Ladies and gentlemen of the House, this is not a public prayer bill. I am not a Catholic and given that Maine is so predominately Catholic, I would not be for public prayer where they had vocalized outloud prayer, because it may not be the same prayer I would teach. I would not support a public prayer in school but a moment of silence is nondenominational. No one can argue that a Catholic prayer, or a Baptist prayer, or a Jewish prayer, or a Muslim prayer would be given during any time because no one would know if the kid did anything at all. The kid would just simply sit there and maybe think of the day and maybe if they have a particular religious persuasion, maybe they would pray. Ladies and gentlemen, it's simply an opportunity to start the school day, to start the school day right.

When I go home at night, I suspect tonight I will not have the chance to kneel with my children and pray, my wife will do the job tonight. I did it last

night, they were up late, my son had a baseball game. When they say prayers tonight, I hope they pray that soon they'll have a moment of prayer in their school, a moment of silence and during that time they'll have the opportunity to pray if they wish or maybe just plan for their test but whatever it is it will be available to them, like it's not today. Thank you.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: I too, was a school teacher, and I too remember the day they cut the Lord's Prayer out of school. I thought at that time the world was going to come apart, the country was going to go down, just go down. But we stopped the prayers in school. Three years later, in school, the VFW held a program and the chaplain got up on the stage and asked everyone to say the Lord's prayer with him. Three quarters of the kids in that school did not know the Lord's prayer. I thought many, many things at that time, but today, I give it another thought. It's not the Supreme Court's fault, it's not the State of Maine's fault, it's our own fault at home. If we had prayer at home, if we taught morals and prayer at home, a moment of silence in school would mean something, but I wonder right now, if a moment of silence would mean anything to three-quarters of those kids. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAleve.

Representative MCALEVEY: Mr. Speaker, Men and Women of the House: I agree with almost everybody tonight on both sides of this issue. It's a very difficult issue. Please extrapolate this out to the communities and the individual households across the State of Maine and this debate will go on continuously within our school districts. This is a local control issue for school boards, no need to go into my history of what it's like to be on the school board. Those of you who have served know what it's like. I can see a lot of parents coming forward, because they have grown up in generations not having school prayer, not experiencing themselves, arguing with school boards, arguing with administrators. I don't want my children involved. The debate we've had tonight is a healthy debate. I'm afraid if we enact this legislation we're going to present that debate, in our local communities, and we're going to tie up our school administrators fighting this issue. It belongs to be discussed and fought here. I don't think it's an issue we want to tie up our school administrators with. You are never going to satisfy everybody. As tough as I hate to say this, I'm going to support the Majority "Ought Not to Pass" and I respect everything I've heard tonight. Thank you.

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

ROLL CALL NO. 173

YEA - Adams, Ault, Barth, Benedikt, Berry, Bigl, Brennan, Carleton, Chartrand, Chase, Cross, Daggett, Damren, Davidson, Desmond, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gooley, Gould, Green, Heeschen, Johnson, Jones, K.; Joseph,

Kilkelly, Kontos, Lemont, Lindahl, Martin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Nadeau, Nickerson, O'Neal, Ott, Peavey, Pendleton, Perkins, Povich, Richardson, Rotondi, Rowe, Saxl, J.; Saxl, M.; Shiah, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, Tyler, Volenik, Watson.

NAY - Ahearne, Aikman, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Chick, Chizmar, Clark, Cloutier, Clukey, DiPietro, Donnelly, Driscoll, Dunn, Gerry, Gieringer, Greenlaw, Guerrette, Hatch, Hichborn, Jacques, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Libby JD; Libby JL; Look, Lovett, Lumbra, Luther, Madore, Marshall, Marvin, Meres, Murphy, Nass, O'Gara, Pinkham, Plowman, Poirier, Pouliot, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Samson, Savage, Simoneau, Spear, Stedman, True, Truman, Tufts, Tuttle, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Bailey, Dexter, Hartnett, Heino, Morrison, Paul, Poulin, Sirois, Strout, Winn, Yackobitz, The Speaker.

Yes, 63; No, 76; Absent, 12; Excused, 0.

63 having voted in the affirmative and 76 voted in the negative, with 12 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" Report was accepted. The Bill was read once. The Bill was assigned for second reading Friday, June 16, 1995.

Representative JACQUES of Waterville moved that the House extend until 10:00 p.m., pursuant to House Rule 22.

A vote of the House was taken. 83 voted in favor of the same and 49 against, the motion to extend until 10:00 p.m. prevailed.

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

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

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

TABLED - June 13, 1995 by Representative MURPHY of Berwick.

PENDING - Motion of Representative DORE of Auburn to accept the Minority "Ought Not to Pass" Report. (Roll Call Requested)

Representative DORE of Auburn withdrew her motion to accept the Minority "Ought Not to Pass" Report.

On motion of the same Representative, the House accepted the Majority "Ought to Pass" as amended Report.

The Bill was read once. Committee Amendment "A" (S-115) was read by the Clerk.

Representative DORE of Auburn presented House Amendment "B" (H-511) to Committee Amendment "A" (S-115) which was read by the Clerk.

Representative LIBBY of Buxton requested a roll call on adoption of House Amendment "B" (H-511) to Committee Amendment "A" (S-115).

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

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

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

ROLL CALL NO. 174

YEA - Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hatch, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Libby JL; Look, Lovett, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Peavey, Pendleton, Perkins, Pinkham, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Savage, Simoneau, Spear, Stedman, Stevens, Stone, Taylor, Thompson, Townsend, Tripp, True, Truman, Tufts, Tuttle, Tyler, Vigue, Watson, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Adams, Ahearne, Aikman, Ault, Birney, Buck, Clukey, Donnelly, Heeschen, Joy, Joyce, Lane, Layton, Libby JD; Lindahl, Lumbra, Luther, Nass, Nickerson, Ott, Plowman, Rice, Robichaud, Shiah, Treat, Underwood, Volenik, Waterhouse.

ABSENT - Bailey, Barth, Dexter, Hartnett, Heino, Paul, Poulin, Saxl, J.; Saxl, M.; Sirois, Strout, Winn, Yackobitz.

Yes, 110; No, 28; Absent, 13; Excused, 0.

110 having voted in the affirmative and 28 voted in the negative, with 13 being absent, House Amendment "B" (H-511) to Committee Amendment "A" (S-115) was adopted.

Committee Amendment "A" (S-115) as amended by House Amendment "B" (H-511) thereto was adopted.

The Bill was assigned for second reading Friday, June 16, 1995.

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

CONSENT CALENDAR

First Day

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

(H.P. 691) (L.D. 942) Bill "An Act to Improve Highway Signing Information" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-491)

(H.P. 909) (L.D. 1285) Bill "An Act to Clarify and Expand the Powers and Duties of Lake Arrowhead

Community, Incorporated, and to Change Its Name to Lake Arrowhead Community Municipal Services Corporation" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-490)

(H.P. 1090) (L.D. 1534) Bill "An Act to Establish the Board of Licensure of Water Treatment Plant Operators" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-489)

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.

SENATE PAPERS Divided Report

Majority Report of the Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-243) on Bill "An Act to Revise and Add to the Laws Regulating the Practice of Professional Engineering" (S.P. 475) (L.D. 1271)

Signed:

Senators:

Representatives:

CIANCHETTE of Somerset
GOLDTHWAIT of Hancock
ROWE of Portland
BIRNEY of Paris
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 to Pass" on same Bill.

Signed:

Senator:

HARRIMAN of Cumberland

Came from the Senate with the Reports read and the Bill and accompanying papers recommitted to the Committee on Business and Economic Development.

Was read.

On motion of Representative ROWE of Portland, the Bill was substituted for the Report.

The Bill was read once.

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

Representative ROWE of Portland presented House Amendment "A" (H-510) which was read by the Clerk.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: This is a little complicated, this is to correct an error. 12 or 13 members of the Business and Economic Development Committee voted to pass L.D. 1271 as amended. The 13th member was a member of the other body, reported out a separate amended Report and unfortunately the Reports got mixed up and rather than recommit the bill to correct the error. I am moving the original bill with the floor amendment, which is the majority amendment. The committee member who took out the Minority Report understands I'm taking this action and he will, of course, be able to offer his amendment in the other body, if he wishes. Thank you.

House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-510) in non-concurrence and sent up for concurrence.

Divided Report

Six Members of the Committee on State and Local Government on Resolve, Establishing the Maine Council on Privatization (EMERGENCY) (S.P. 81) (L.D. 169) reporting in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-254)

Signed:

Senators:

AMERO of Cumberland
CARPENTER of York
GERRY of Auburn
ROBICHAUD of Caribou
LANE of Enfield
SAVAGE of Union

Representatives:

Six members of the same Committee reporting in Report "B" that the same "Ought Not to Pass"

Signed:

Senator:

Representatives:

LONGLEY of Waldo
DAGGETT of Augusta
AHEARNE of Madawaska
SAXL of Bangor
ROSEBUSH of East

Millinocket

LEMKE of Westbrook

Came from the Senate with Report "A" "Ought to Pass" as amended read and accepted and the Bill Passed to be engrossed as amended by Committee Amendment "A" (S-254).

Was read.

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

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: As the cosponsor of this original bill, you'll find that it has been amended and one of the big objections that came about in the debate on this bill was the fact that it carried the word, privatization, when in fact the intent of the bill was to study all aspects, all phases of government and see where some cuts could be made, efficiencies could be found and if it was more advantageous to privatize, to recommend that. Every aspect of government was to have been looked at. In the mean time the Chief Executive has come out with a Productivity Task Force but I think that there are areas that this Council could investigate and perhaps come up with better recommendations than are going to be able to come through the Council on Privatization. The amendment changes this to a establishing the Maine Council on Competitiveness and the statement of fact on this one, the amendment removes the emergency preamble and the emergency clause changes the title, changes the date of convening on the first meeting, clarifies a reference, adds an appropriation and adds a fiscal note to the bill. I urge you to defeat the "Ought Not to Pass" motion and accept the "Ought to Pass" motion so that we can have another means of looking at the efficiency of state government and see if we can't reduce the cost of state government to the people. Thank you.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I'd just like to speak to you briefly about why this bill is in front of you. The committee had originally asked for a carry over on this, because we felt that it was, at the very least, quite redundant, considering the emergence of the Productivity Realization Task Force. We had requested a carry over, there was some interest in carrying it over to see, just hold onto it and see what happens with the Productivity Realization Task Force. The bill was not carried over by the Legislative Council and so it came back to committee and it was a divided vote. The bill has not been worked on. There has been no opportunity, the committee has not taken the time to go over it, to take a look at it, so you're seeing a bill that has not been worked.

I'd just like to remind you of what the Productivity Task Force charge is and that is the scope of study, position reduction through attrition to the extent feasible, changes in supervision and management roles, redundant tasks and functions, a look at position enlargements and restructuring, changes in agency and program mission, the relevance of programs to enabling legislation, alternative systems of service delivery, including the potential, when applicable, for privatization. Now ladies and gentlemen, we have already put a fiscal note of \$250,000 on the Productivity Realization Task Force and if you feel you're not getting your money's worth out of that task force, then perhaps you'd like to pay for another one that does exactly the same thing. I suggest that you accept the "Ought Not to Pass" Report and let the Productivity Task Force do what it's suppose to do.

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

Representative ROBICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: Considering the hour, I will try to keep my comments very succinct. I would disagree with the good Chair of the State and Local Government Committee, though her exclamation of the process of which this bill is before us is accurate and that we as a committee had requested the bill be held over. That request being denied by the legislative council. I do differ with the good Representative, in that this bill has not been worked. You do have an amended "Ought to Pass" in front of you that does make some changes that are important. The most critical change being, getting the buzz words that seems to get everybody very nervous out of the bill. It is now called the Maine Council on Competitiveness, which really truly reflects the content of the bill. The bill is designed to just take a look at the different methods of delivery of service, which the state can employ in achieving its individual missions. Included within the bill are several elements that would determine the best method of delivering service per agency, per program. It is very mindful of the fact, that of all the different methods of delivery, whether it's direct delivery, or delivery by the private sector, each has its place and each has its proper application. What this council would do is determine in which instances certain methods of delivery would apply and in which instances certain methods of delivery should be looked at. It also takes into account, when discussing the options of contracting out services, outside the direct delivery of state government, different shadings of that. Whether or

not state employees could be competitive as an individual group. I think this bill definitely has some merit, it does in some way parallel other entities that we have out there but it is not an identical force to anything we have currently. I would urge you to please consider opposing the "Ought Not to Pass" so we can go on to accept the "Ought to Pass."

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I'll be brief. As a member of the Productivity Realization Task Force, I beg you, please let us do our job. Exactly what has been described to you this evening is what I trust the Task Force will be doing. Representative Reed can correct me if he feels differently, I've been very impressed with the membership of that task force and I assure you, the member of it will leave no stone unturned. The members of that task force will be unturning stones that some of us didn't know existed. We will be looking at delivery of services, what the services are, how they are delivered, where there is redundancy, and I urge you to give that task force a chance to do its work before we duplicate its mission and the work that it is trying to do. Please accept the "Ought Not to Pass" Report. Thank you.

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

Representative SAVAGE: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to look at the amendment and see that the fiscal note on this is \$2,900. I, too, am on the State and Local Government, I'm on the "Ought to Pass" side of this issue and I oppose the "Ought Not to Pass" and consider this \$2,900 investment. Thank you.

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

Representative ROSEBUSH: Mr. Speaker, Men and Women of the House: I'll be brief. The good Representative, Representative Savage, the \$2,900 is a small figure, but we've got the task force in place. Let's let them do their work. Things need to be done after that, we'll do it after that, but let's let them do their work and not waste the time on the people with the \$2,900.

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

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

The SPEAKER: The Representative may pose his question.

Representative LOOK: My question is to anyone here who will answer this question. At the present time what provisions are there for the performance of the work being done by the State itself as to its efficiency and expense?

The SPEAKER: The Representative from Jonesboro, Representative Look has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: To answer the good Representative's question, to my knowledge, there are not performance standards in place. That is something that was talked about in Appropriations and putting performance standards in place, performance based budgeting, but at this point the only measures

we have to be sure of the type of job someone's doing are either you hear from your constituents that are affected by it or if there is any money left in the till at the end of the year.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I just can't bear to let this go without making one simple comment. If you believe that another study of privatization is going to be helpful, I really believe you're making a serious mistake. I'd urge you all to go to the State Library, one floor below and look at all the studies that have been authorized by past legislatures on privatization. The studies are all there, we spent better than a quarter of a million dollars in the last ten years. We don't need another study. We just need action.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: With all due respect to my colleague, Representative Donnelly, I disagree. We did discuss the issue of outcome based goals, etc. He knows that I'm a great believer in benchmarks. For some reason, we didn't discuss those in committee, however, when we created the Productivity Realization Task Force, we did specifically charge it with looking for efficiency and effective use of state money.

Representative LANE of Enfield requested a roll call on the motion to accept Report "B" "Ought Not to Pass".

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 Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: In keeping with the vein of this debate it will be brief. Representative from Eagle Lake mentioned that there were many things to read downstairs on studies that have been done, there's also a book by Osborn and Gabler, called Reinventing Government, it talks about many instances that were successful in privatization and actually public competition with private companies where the public sector outdid them, so it's not a one sided theory. I encourage you to also read that book. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Does this bill provide legislative per diem? I know this has a fiscal note \$2,900, where does that money go?

The SPEAKER: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I read from the fiscal note on the amendment. This Resolve includes a general fund appropriation of \$2,900 in fiscal year 95-96 for the legislature for expenses of members and miscellaneous costs of the Maine Council on Competitiveness. The additional cost to provide staff support to the Council can be absorbed by the legislature utilizing existing budgeted resources.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: We have unfortunately seen a number of bills that have requested money for legislative per diem. I would hope we would be consistent tonight, thank you.

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

ROLL CALL NO. 175

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Buck, Bunker, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gooley, Gould, Green, Greenlaw, Guerrette, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Joyce, Joyner, Keane, Kerr, Kilkelly, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Lindahl, Luther, Madore, Martin, Marvin, Mayo, McAlevey, Meres, Mitchell EH; Morrison, O'Gara, O'Neal, Ott, Pouliot, Povich, Reed, G.; Rice, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, M.; Shiah, Simoneau, Stevens, Stone, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winglass, The Speaker.

NAY - Aikman, Ault, Bigl, Birney, Cameron, Campbell, Carleton, Clukey, Cross, Damren, Donnelly, Gerry, Gieringer, Jones, S.; Joy, Kneeland, Lane, Layton, Libby JD; Libby JL; Look, Lovett, Lumbr, Marshall, McElroy, Murphy, Nass, Nickerson, Peavey, Perkins, Pinkham, Plowman, Poirier, Reed, W.; Robichaud, Savage, Spear, Stedman, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winsor.

ABSENT - Bailey, Barth, Dexter, Hartnett, Heino, Mitchell JE; Nadeau, Paul, Pendleton, Poulin, Saxl, J.; Sirois, Strout, Winn, Yackobitz.

Yes, 91; No, 45; Absent, 15; Excused, 0.

91 having voted in the affirmative and 45 voted in the negative, with 15 being absent, Report "B" "Ought Not to Pass" was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Law Relating to Municipal Service Fees and to Modify the Reimbursement Policy for Hospitals to Recover Service Fees Paid" (H.P. 550) (L.D. 746) which was passed to be engrossed as amended by Committee Amendment "A" (H-244) as amended by House Amendment "A" (H-407) thereto in the House on June 12, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-244) as amended by Senate Amendment "A" (S-258) thereto in non-concurrence.

The House voted to Recede and Concur.

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.

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-381) - Committee on Labor on Bill "An Act to Repeal Laws Regarding Minimum Wages on Construction Projects" (H.P. 673) (L.D. 924) TABLED - June 8, 1995 (Till Later Today) by Representative HATCH of Skowhegan.

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

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

Representative LOOK: Mr. Speaker, Men and Women of the House: Yes, this is L.D. 924, and if you'll give me a few minutes, I'll explain it to you, a little bit, the hour is late. It is a bill which will repeal most sections under Title 26, Chapter 15, of the Revised Statutes of Maine. Now this section is entitled, Preference to Maine Workmen and Contractors, and of course, some of those words are bad words around here. These sections identified provide for the establishment and implementation of what is referred to as "prevailing wages in construction law." Please don't confuse this with the federal wage law, the so called Davis-Bacon Act. That law which passed Congress in 1931, was to prevent the hiring of cheap imported labor and it applies only to construction contracts which are federally funded.

When this Maine law, which passed in 1965, as Chapter 406, of the Public Laws of that year, there was no history of a problem here in Maine relating to cheap imported labor. Over the objection of Maine contractors it became law. It requires minimum wages for each job classification be established and posted for each state funded construction project that is in excess of \$10,000. Because of the manner in which these wages are established, the construction industry has suggested that the law generates artificially inflated wages which result in higher construction costs.

Here's how this current law works. The Division of Research and Statistics of the Maine Bureau of Labor Standards each year requires contractors and subcontractors to submit payroll data for a two-week period in September. Why September? Because that's considered to be the highest employment time of the year. This time of the busy season is considered the peak employment period. This data is then compiled by trade classification, such as carpenters, bricklayers, truck drivers, etc.; and the median figure is computed for each classification and the appropriate wage determination is provided for each state financed construction project which is awarded during the following year. This median wage is then being called the required minimum wage for those various classifications. This process is clearly a process of inflating wages. We don't need, nor can the state afford any more deliberate inflation. Here we are facing severe financial shortfalls and much

needed work to be done and most of all, jobs for our workers. The repeal of these laws will allow for lower bidding proposals. Isn't it time to consider ways to reduce the state's costs in every way we can? I urge you to vote against this "Ought Not to Pass" Report. We need jobs. We need jobs at all these levels. We need to look at ways to create jobs, that's what many of us campaigned on. You may say this is not correct, but I think it's a beginning, folks, let's be serious about this, not just give it lip service. Let's do everything we possibly can to make jobs in the State of Maine for Maine people. We are here on serious business. It is late in the day, we are all tired, but this is serious. I agree we've had other bills here tonight that are serious. We need money, we need good business practices, even at state government level. Thank you.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: I am absolutely astonished that we would even consider repealing this bill. Let me give you a little history. In 1931, under Herbert Hoover, this was passed, it was adopted in 1931. In 1933, the same Davis-Bacon Bill, the mini-Davis was passed in Maine. In 1965 it was revised. Let me tell you what it does. On federal and state construct, on the state level it said state construction, what they do in the beginning of September as Representative Look says, for the year before, they set a prevailing or fair minimum wage for all trades working on a construction site. Now let me tell you what happened in Utah. Utah repealed this. When Utah repealed it, they helped drive down construction earnings, the state has lost substantial income tax and sales tax revenues. The same thing will happen in the State of Maine. What are we saying to our workers. We talk about quality jobs. We talk about giving them benefits, full-time jobs, these are seasonal jobs. People who are paid good wages. People who are treated well by the construction companies that they work for, come back year after year. These people are coming to the committee hearings and saying that. Let me tell you a little bit about something a construction firm from Bangor who came in opposition to the repeal. Our company pays solid wages and provides good benefits that allow our employees to support their families. Despite the fact that most of these jobs are seasonal. Since laws regarding minimum wages and construction projects were enacted, the wages we pay our employees have met the requirements of those laws. Aside from the effect this law would have on employees and their communities, there would also be a significant long-term impact on the construction industry in Maine. There is now and has been a significant shortage of skilled workers in construction in Maine. As recognized by contractors and the associations which represent them.

The low-income untrained, unsafe workforce that will be created will lead to higher costs for insurance and workers-comp claims. It will provide lower quality work for the State of Maine and it will take money out of the state coffers. Money saved at lower wages will not directly create low-bid prices. Over time it may only add to corporate profits. Less money in the hands of our employees will translate into fewer dollars spent in the local economy and less money in state income tax. When wages become

insufficient to support family needs, these families depend on social services and public programs. I don't think any of us in this room do not represent workers. We are talking about a skilled, trained workforce. We know what happens to workers comp with liability claims in this state when we bring in unskilled workers, working in unsafe conditions, with fly by night construction companies coming in and bringing people in who will work for anything to get a job, while our people don't have work. I urge you to support the Majority "Ought Not to Pass" Report. Thank you.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have seen the report from Utah. I, too, know where the information comes from. It is not from the construction world. It is from the union organizations. I do know the company very well that came in from outside the state of Maine and gave this testimony. I personally know the people and have known them for a long time who appeared at the hearing, who head that company up, and I respect them very much and I have. I'm talking about those people who can do work, who are capable of doing work, who work for Maine companies and that's what I'm looking at. I'm trying to keep people here in Maine in business. Small business needs help. All business needs help, but do we sacrifice small business for the sake of out-of-state companies. Thank you.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: I'll just be very brief. First of all I have the report in front of me from the University of Utah. As yet I don't know if the University of Utah is completely unionized but I just want to read a small section from this report. Construction work is the most dangerous when workers are untrained and inexperienced. If you do away with the minimum wage on construction projects, you will have workers that are inexperienced. Over the last several years, this state has suffered but we always promote an economic development and job training in this state and as a legislature, we've put a lot of money into those things, both of them. This goes hand and hand, a minimum wage is not a ceiling it's a floor, it's a starting place. Every contractor goes in and knows what they are going to need for a project. It isn't a basis, they have to cut costs, where will they cut the costs if you take this minimum wage off, it's on the worker's pay. They'll be paying less in taxes, there will be less revenue in this state. This is a bad bill. I ask you to vote for the "Ought Not to Pass." Thank you.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a little bit of confusion here. What we have is a double standard. This minimum wage as established is for state construction jobs, money that funds these jobs comes from the state coffers. In the private sector, they are not subjected to this, so let me give you an example. If you had a Wal-Mart store being built right along beside a school, the employees working on the Wal-Mart store would not be subject to that minimum wage. Those working on the school would. Now if you had the same size project involving the

same number of dollars for the package. The state funded project is going to cost you more because you're paying those minimums. Now we had a lot of testimony came from private contractors, contractors who work in the private sector and they pay their people a good living wage. They didn't have to go to those minimum wages that were established for the state contract but they pay their people a good sound wage because they know it's important to have people who are trained coming back again. I think what's happening anytime you come into this minimum wage business is you're taking competition out of it and I urge you to defeat the pending motion and accept the "Ought to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House: When I look at this bill, I see it as an anti-worker bill. Repeal of this, so called, mini-Davis-Bacon Act, would do one thing and that would be to lower the wages of the people who do the work on these state jobs. Currently, contractors compete fairly, because they have to pay a minimum wage for the jobs that are being done on these projects. Contracts are won because they have an efficient operation, they have a skilled workforce that's been well paid for a long time. We heard testimony from one particular individual who has worked for one of these companies for 30 years and he would leave the company if they paid less money, to be frank with you. He likes working with the people he's been working with for years because they know what they are doing. They work safe, they're efficient, sometimes gets the jobs done ahead of time. By repealing this, what you're going to be doing is causing companies to compete, not based on efficiency and having a skilled workforce by undercutting each others workers' wages. I don't think that's good for the State of Maine. I know it's not good for the people in my district and I urge you to vote the Majority 8 to 5 "Ought Not to Pass."

Representative MAYO of Bath 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 Norway, Representative Winsor.

Representative WINSOR: Mr. Speaker, Men and Women of the House: The interesting thing about labor contracts and bidding, as far as I can see, is that I truly believe that a well trained, well paid efficient workforce put together as a team can compete with anybody, wages are really secondary. I asked the man who represented the second company who testified before us, do you have different wage rates for the jobs that you undertake? In other words, do you pay people differently if you are bidding on a state job, or federal job or private job? He replied to me that he did not, nor did their companies fail to get their share of private contracts. He also told me that less than 20 percent of the cost of a job was the cost of labor and for that reason alone, I really couldn't see any need for this law. The bottom line for me is the law is not needed and that people will generally be paid in the construction business based on the production and quality of the work they do. I urge you to vote against the pending motion.

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

Representative HATCH: Mr. Speaker, Men and Women of the House: Just one other point of reference. Not all construction companies that came to the committee were in favor of the repeal of this Act. There's one that has been doing business here for 30 years. There's one construction company that showed up from Bangor, many of you will recognize the name, the name is Lane. They testified against the bill. It was interesting that an out-of-state company, they've been doing business here for many, many years and they testified that they had a lot of experienced workers and they wanted to keep those workers and they paid them well. I just want you to know that this is not all onesided with construction people against companies. There were companies there that did testify against this bill.

Representative Hatch of Skowhegan requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

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

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

Representative Winsor: Mr. Speaker, Men and Women of the House: You reminded me, the good Chairlady, and I want to thank you because the company that I was talking about was exactly the same company that she was. It was curious to me that a company that was asking for repeal seemed to negate the very argument by suggesting that their wages that they paid would be different when in fact they were not.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: I know the hour is late, but I would ask any of you to work construction for one day of your life and appreciate the difficult job and profession these people go through. When wages become insufficient to support family needs, those families must depend on social services and public programs. I think this is an issue of basic fairness and it defies comprehension why some of the industry proponents of this bill would initiate legislation for repeal of these laws, when on a national basis, the very same proponents have voted not to repeal these laws. I would urge this body to vote, "Ought Not to Pass" on this bill, this is a bad bill and I hope we give it a quick funeral.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: We heard something about the people who had lower wages and things and needed to be on welfare programs, etc. I think this is kind of welfare in reverse. By using an inflated price for state funded projects, we are in essence subsidizing the wages of those people. Thank you.

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House: Let's not kid each other,

construction firms who appeared before us, were doing it for one reason only, so they could pay lower wages. Thank you.

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

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look. 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 LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to point out one point here that I overlooked. In compiling this data of the years and the wage rates of the year to establish the rate for the following year, those employers who had 5 employees or less their data was discarded so you're not taking the data of the small employee. You're taking the data of the larger employees, the medium and high up to establish the wage rate for the following year.

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

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

The SPEAKER: The Representative may pose his question.

Representative JOYCE: Does anybody here know what the prevailing wage rate is, say, for a form carpenter on a concrete construction project?

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

Representative SAMSON: Mr. Speaker, Men and Women of the House: Give me a day and I'll get that information from the Labor Department.

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

Representative JOYCE: Mr. Speaker, Men and Women of the House: The last project that I worked on, that I ran, that I had to pay prevailing wage rates on, the prevailing wage rate for a form carpenter was \$13.50 per hour when the market value for that same work was about \$9.50 per hour and the funny thing about that job was that the different phases of the bridge project funded by the federal government and the state government and some local money and as soon as that same person with the same skills hoped across an imaginary line to work on another phase of the project, we had to pay him \$4.00 an hour more. He didn't do anything different and as soon as he hopped across another line to do another phase, we only had to pay him \$2.00 an hour more. Be that as it may, it's an accounting nightmare and when it says up there minimum wages, this isn't \$4.25 an hour. These are wages in excess of \$11.00 and \$12.00 an hour.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to answer Representative Joyce's question in as much as I have the data here as of 1994. I'm not sure what job position he said but I can give you some figures on what I have here. A backhoe operator is listed as

\$10.00 per hour, a bulldozer operator is listed as \$9.25, a front end loader operator is \$9.25, a crusher plant operator is \$9.50, a crane operator is \$13.00, carpenters were \$8.00, grader/scrapper is \$10.50, a rigger, which of course, is a much higher risk position is \$14.00 per hour, a pipe steamed/sprinkler fitter is \$15.00 per hour, a mechanic is \$10.50, a mechanic on refrigeration is \$14.50, a millwright is \$14.64, and truck driver, light and heavy, both are \$8.00.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

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

The SPEAKER: The Representative may pose his question.

Representative BERRY: I would like to pose a question to Representative Joyce, might I ask where you have a contracting company, maybe he could share with us his salary and the gross income of the company that profits from his wages, from his work?

The SPEAKER: The Representative from Livermore, Representative Berry has posed a question through the Chair to the Representative from Biddeford, Representative Joyce.

Representative JOYCE: I base my salary purely on the sales revenue of the company, which makes it very difficult in the winter time and the net profit of my company is none of your business, but I will give you the average net profit of all construction companies in New England which was about 1.3 percent of gross revenue.

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

ROLL CALL NO. 176

YEA - Adams, Ahearn, Benedikt, Berry, Bouffard, Brennan, Bunker, Campbell, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Luther, Martin, Mayo, Mitchell EH; Mitchell JE; Nadeau, O'Gara, O'Neal, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tufts, Tuttle, Tyler, Volenik, Watson.

NAY - Aikman, Ault, Bigl, Birney, Buck, Cameron, Carleton, Chick, Clukey, Cross, Damren, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Libby JD; Lindahl, Look, Lovett, Madore, Marshall, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Peavey, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Bailey, Barth, Dexter, Hartnett, Heino, Libby JL; Lumbra, Morrison, Paul, Pendleton, Poulin, Reed, W.; Saxl, J.; Sirois, Strout, Vigue, Winn, Yackobitz, The Speaker.

Yes, 72; No, 60; Absent, 19; Excused, 0.

72 having voted in the affirmative and 60 voted in the negative, with 19 being absent, the Majority

"Ought Not to Pass" was accepted and sent up for concurrence.

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

Representative Lumbra: My light did not work and I would like to be on the record as voting Nay on Roll call No. 176

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

Bill "An Act to Establish Tuition Rates for the Unorganized Territory Schools Based on a State Average" (H.P. 651) (L.D. 874) (C. "A" H-476) which was tabled by Representative JACQUES of Waterville pending passage to be engrossed.

On motion of Representative MARTIN of Eagle Lake the House reconsidered its action whereby Committee Amendment "A" (H-476) was adopted.

The same Representative presented House Amendment "A" (H-506) to Committee Amendment "A" (H-476) which was read by the Clerk.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: This sets the tuition rate that will be charged to the citizens of Dennyville by the state for the next year. The intent of the committee amendment was to take care of the problem next year because they have to go to school budget this year for next year. This will solve it and I would move adoption of House Amendment "A."

House Amendment "A" was adopted.

Committee Amendment "A" (H-476) as amended by House Amendment "A" (H-506) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-476) as amended by House Amendment "A" (H-506) thereto and sent up for concurrence.

An Act to Make Minor Technical Adjustments to Various Professional Licensing Boards (H.P. 933) (L.D. 1314) (C. "A" H-449) which was tabled by Representative ROWE of Portland pending passage to be enacted.

On motion of Representative ROWE of Portland, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1314 was passed to be engrossed.

The same Representative presented House Amendment "A" (H-503) which was read by the Clerk.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: This is another technical amendment, it incorporates additional technical changes to L.D. 1314. It also corrects format and internal reference problems that was suppose to be corrected in the errors bill, L.D. 648.

House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-449) and House Amendment "A" (H-503) in non-concurrence and sent up for concurrence.

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

Bill "An Act to Amend the Returnable Beverage Container Laws" (H.P. 956) (L.D. 1345)

TABLED - June 13, 1995 by Representative ROWE of Portland.

PENDING - Adoption of Committee Amendment "A" (H-450).

Representative ROWE of Portland presented House Amendment "A" (H-465) to Committee Amendment "A" (H-450) which was read by the Clerk.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I apologize for these technical amendments. This is another one, it corrects another inconsistency within the body of the bill and it replaces the Department of Labor with the Department of Agriculture, which it should have said, thank you.

House Amendment "A" was adopted.

Committee Amendment "A" (H-450) as amended by House Amendment "A" (H-465) thereto was adopted.

The Bill was assigned for second reading Friday, June 16, 1995.

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

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was tabled and today assigned:

Resolve, to Create a Task Force on Tax Increment Financing (EMERGENCY) (H.P. 858) (L.D. 1189) (C. "A" H-339)

TABLED - June 14, 1995 by Representative ROWE of Portland.

PENDING - Motion of same Representative to reconsider failing of final passage.

Subsequently, the House voted to Reconsider its action whereby the Resolve failed of final passage.

On motion of Representative DORE of Auburn, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1189 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-339) was adopted.

The same Representative presented House Amendment "A" (H-473) to Committee Amendment "A" (H-339) which was read by the Clerk and adopted.

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

Representative DORE: Mr. Speaker, Men and Women of the House: Just to inform the House, this is the result to create a task force on tax increment financing. It had overwhelming support in the House, over 90 votes, I can't recall the exact number, but the problem is it had an emergency on it. We have taken off the emergency and moved the initial date to October for the first meeting. This was the bill that was supported by the Maine Chamber, the Maine Alliance, several other organizations and had strong support. We just had to deal with the fact that we can't do it as an emergency.

House Amendment "A" was adopted.

Committee Amendment "A" (H-339) as amended by House Amendment "A" (H-473) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (H-339) as amended by House Amendment "A" (H-473) thereto in non-concurrence and sent up for concurrence.

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

TABLED - June 14, 1995 by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed in concurrence.

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

On motion of Representative FISHER of Brewer the House adjourned at 10:10 p.m. until 9:00 a.m., Friday, June 16, 1995.