

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
60th Legislative Day
Friday, June 16, 1995

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

Prayer by Father Gilbert Patenaude (Retired), Augusta.

The Journal of yesterday was read and approved.

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

Representative GIERINGER: Mr. Speaker, Ladies and Gentlemen of the House: It is an honor and privilege to eulogize a very special person in our lives - a person of unchallenged integrity and courage - Senator Margaret Chase Smith.

Her achievements and contributions to our country and the State of Maine will leave an indelible mark in our history books that we the people of Maine can always take great pride in. She will always be my hero, a part of my life and a legend in the State of Maine. Yesterday we talked about a period of silence or reflection. Indeed I was proud of the outcome of our vote as I'm sure Senator Smith would have felt the same.

Over the years, forty plus, at regular meetings, periodically at our visits, our regular correspondence reflected her strong belief in prayer. She really believed that way. She had much faith in prayer. She had much faith in the people of this great nation. Whenever she mentioned solving the problems of our great nation she noted the need of our leaders and people to meditate and pray for success.

I'm sure that many of the major decisions made in this chamber can be attributed to prayer.

Let us always remember this great lady of courage in our hearts and prayers for she will always be with us in spirit.

The SPEAKER: Will the members of the House, please, at this time, stand and rise for a moment in a moment of silence in honor of the memory of the Honorable Margaret Chase Smith of Skowhegan.

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-266) on Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1996" (EMERGENCY) (S.P. 198) (L.D. 541)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-266).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-266) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 19, 1995.

Non-Concurrent Matter

Bill "An Act Regarding Cable Television" (H.P. 831) (L.D. 1162) on which the Majority "Ought to Pass" as amended Report of the Committee on

Utilities and Energy was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-289) in the House on June 15, 1995.

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

Representative TAYLOR of Cumberland moved that the House Recede and Concur.

On motion of Representative HEESCHEN of Wilton, tabled pending the motion of Representative TAYLOR of Cumberland that the House Recede and Concur and later today assigned.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Authorizing the Sale of Certain Property in Connor (H.P. 1129) (L.D. 1574) (Presented by Representative SIROIS of Caribou)(Governor's Bill)

Reference to the Committee on State and Local Government suggested.

Under suspension of the rules, and without reference to a Committee, the Resolve was read once.

The Resolve was assigned for second reading Monday, June 19, 1995.

ORDERS

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 29)

ORDERED, that Representative Gerald N. Bouffard of Lewiston be excused June 7 to 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John T. Buck of Yarmouth be excused June 12 to 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sumner A. Jones, Jr. of Pittsfield be excused June 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative June C. Meres of Norridgewock be excused June 12 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative LABRECQUE from the Committee on Legal and Veterans Affairs on Bill "An Act to Strengthen Maine's Live Harness Racing Industry" (EMERGENCY) (H.P. 619) (L.D. 829) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-500)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-500) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 19, 1995.

Ought to Pass as Amended

Representative HATCH from the Committee on Labor on Bill "An Act to Expand Elevator and Tramway Inspection Services" (H.P. 862) (L.D. 1193) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-504)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-504) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 19, 1995.

Ought to Pass as Amended

Representative ROSEBUSH from the Committee on State and Local Government on Bill "An Act to Update and Clarify Administrative Procedures" (H.P. 907) (L.D. 1283) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-496)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-496) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 19, 1995.

Ought to Pass as Amended

Representative DAVIDSON from the Committee on Business and Economic Development on Bill "An Act to Prevent Master Electrician License Fee Payment Duplication" (H.P. 1044) (L.D. 1463) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-497)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-497) was read by the Clerk and adopted and the Bill assigned for second reading Monday, June 19, 1995.

Divided Report

Eleven Members of the Committee on Natural Resources on Bill "An Act to Abolish the Maine Waste Management Agency" (H.P. 181) (L.D. 229) reporting in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-487)

Signed:

Senators:

LORD of York

RUHLIN of Penobscot

Representatives:

GOULD of Greenville

POULIN of Oakland

SAXL of Bangor

BERRY of Livermore

MERES of Norridgewock

GREENLAW of Standish

DAMREN of Belgrade

NICKERSON of Turner

MARSHALL of Eliot

One Member of the same Committee on same Bill reporting in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-488)

Signed:

Senator:

HATHAWAY of York

One Member of the same Committee on same Bill reporting in Report "C" that the same "Ought Not to Pass"

Signed:

Representative:

SHIAH of Bowdoinham

Was read.

Representative GOULD of Greenville moved that the House accept Report "A" "Ought to Pass" as amended.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I stand to support the Majority "Ought to Pass" Report. To thank the good committee chair and the members of that committee for working so long and hard on the piece of legislation that I submitted originally. This is, as you noted on your desk, a 40-page amendment that, in effect, in 14 days, ends the Maine Waste Management Agency as we know and reassigns the tasks to two other divisions of government. Although I am not entirely pleased with everything that happened in the process, this represents a reasonable compromise and I think it deserves our support. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I really didn't think I was going to get one more chance at this. If you will notice, you have Report "A," "B" and "C." Believe me, the title of this would make one think that we were acting to abolish the Maine Waste Management Agency as of July 1, 1995, this is not so. We are abolishing the title and that is what we should say. We are not abolishing the fees. We are not taking the tax off our constituents out there and that is my problem.

If you look at Committee Amendment "B," you will notice that the fees come off your refrigerators, white goods, bath tubs, furniture and mattresses all on January 1, 1996, instead of spreading it out another year. I don't believe if they are spread out, they will ever come off because everybody will forget it and you will say we need the money because we need these positions here in state planning and everywhere else. I have a problem with not taking off the fees when you do away with an agency, so I can go home and say yes, we did away with an agency. I am going home and say, "We did away with a title, we kept the fees."

We all believe that the fees should be kept on tires and batteries. We have had fees on tires and batteries in my town for a long time and it is no problem. Refrigerators, stoves, washing machines, bath tubs, mattresses and furniture, furniture that you probably will never throw away and you are in hopes your kids aren't going to throw them away, because they will become antiques. Some of the antiques you have you hope will never be thrown away. That is what this bill does, it just gets rid of a name. It does nothing else.

Please vote against Committee Amendment "A" so we can go on to accept Committee Amendment "B." I request a division.

Representative MURPHY of Berwick requested a division on the motion to accept Report "A" "Ought to Pass" as amended.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I do hesitate to get up to speak because some of you may think I am an antique myself. I will get up and speak anyway.

I am not sure if you call removing 16 positions retaining a title or not, but it would seem to me in any way that I calculate anything, removing 16 positions, getting rid of an agency and taking what is remaining of good services to municipalities and to the state and putting them in other areas, is getting rid of an agency. It is doing something good. It is saving about 1.2 million dollars. I wish I had that because I would like to be able to save 1.2 or 1.5 million dollars very frequently. If we did, we would solve all the state's problems. I think this is an excellent step. It doesn't solve all the problems, as the good Representative said, but it does make a good start. I hope that you will continue to support our efforts to help cut state government. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I am on the Minority Report "C." My basic concern with this bill

is I have yet to hear a good reason to do away with this agency. Its work is far from finished. It has had an admirable start in the six years it has been in existence. I think the focus of this agency is still needed and we are going to, if the Majority Report is accepted, disperse the tasks throughout state government. I think it will not only tend to lose its focus, but in future years, with potential budget cuts again, I just worry that these services that are so valuable will be on the chopping block first.

I also just want to go on record as saying I want to thank the staff of the agency. I know it is probably going to be history in a few weeks, but for the fine work that they have done for all the towns of Maine, even those that haven't directly benefited from the grants. It has helped build the recycling efforts in this state. I know now the market is driving a lot more of the recycling efforts in Maine, that is wonderful, but we still, I believe, have a long way to go. I wish we could keep the agency together. I know it is going to be difficult with this report and the Executive's Office behind this report, but I would urge you to vote against this and to keep the agency. Thank you.

Representative UNDERWOOD of Oxford requested a roll call on the motion to accept Report "A" "Ought to Pass" as amended.

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

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

The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I don't know where on the lists of those lists this is. I didn't intend to speak on this this morning, but I find myself speaking. I support the Committee Chair, Representative Gould on Committee Amendment "A." We put a lot of time in it. I agree it is not perfect, but not many of us have seen anything perfect around here. I thank you.

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

ROLL CALL NO. 177

YEA - Ahearne, Aikman, Ault, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Bunker, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevy, McElroy, Meres, Mitchell EH; Morrison, Nadeau, Nass, O'Gara, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rotondi, Rowe, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor,

Thompson, Townsend, Tripp, True, Tufts, Tyler, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

NAY - Buck, Cameron, Dunn, Heeschen, Johnson, Jones, K.; Joyce, LaFountain, Look, Murphy, Samson, Saxl, M.; Shiah, Stevens, Treat, Tuttle, Underwood, Volenik, Watson.

ABSENT - Adams, Bailey, Farnum, Fisher, Fitzpatrick, Mitchell JE; Nickerson, Paul, Plowman, Poulin, Richardson, Rosebush, Saxl, J.; Sirois, Truman, Winsor, Yackobitz.

Yes, 115; No, 19; Absent, 17; Excused, 0.

115 having voted in the affirmative and 19 voted in the negative, with 17 being absent, Report "A" "Ought to Pass" as amended was accepted.

The Bill was read once. Committee Amendment "A" (H-487) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, June 19, 1995.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-492) on Bill "An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone" (H.P. 609) (L.D. 819)

Signed:

Senators:

LORD of York

RUHLIN of Penobscot

HATHAWAY of York

Representatives:

GOULD of Greenville

SAXL of Bangor

BERRY of Livermore

MERES of Norridgewock

SHIAH of Bowdoinham

GREENLAW of Standish

DAMREN of Belgrade

NICKERSON of Turner

MARSHALL of Eliot

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

Signed:

Representative:

POULIN of Oakland

Was read.

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

The Bill was read once. Committee Amendment "A" (H-492) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, June 19, 1995.

Divided Report

Majority Report of the Committee on Legal and Veterans Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-477) on Resolve, Establishing the Task Force on Alcoholic Beverage Sales (EMERGENCY) (H.P. 1075) (L.D. 1514) (Governor's Bill)

Signed:

Senators:

STEVENS of Androscoggin

MICHAUD of Penobscot

FERGUSON of Oxford

Representatives:

BUCK of Yarmouth

LABRECQUE of Gorham

NADEAU of Saco

TRUE of Fryeburg

GAMACHE of Lewiston

FISHER of Brewer
CHIZMAR of Lisbon
LEMONT of Kittery

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "B"
(H-478) on same Resolve.

Signed:

Representative: MURPHY of Berwick
Was read.

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

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

Representative NADEAU: Mr. Speaker, Men and Women
of the House: You may have heard for a while that
there was going to be a Governor's task force on the
whole issue concerning, should we or should we not
get out of the liquor business? If we do, does that
mean retail or wholesale distribution and what
components and things of that nature? This bill
responds to that. This is, in fact, the commission
bill.

There will be 11 members on it. There will be
four members from the Legal and Veterans Affairs
Committee, two will be my appointments. Two will be
my Senate Co-Chair's appointments. There will be a
few folks from the administration. There will be a
state employee, who happens to work in the liquor
store and that is the bill. You will hear comments
shortly that maybe the Christian Civic League or
maybe other groups ought to be involved. Quite
frankly, if I or if our committee entertains every
request for somebody who showed some interest, we
would end up with a 25 member committee, which is
totally unworkable. We thought this mechanism that I
just outlined to you was workable and probably in the
best interest of us all. I would urge you to accept
the Majority "Ought to Pass" Report. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and
Gentlemen of the House: The problem that I have with
Committee Amendment "A" is the only members on this
task force are bureaucrats. There is no one out
there in the public sector. I believe that we have a
social entity in this state, that has been here daily
almost on all liquor issues. I believe they should
be at the table. I believe that the businesses who
are involved in this should be at the table.

It deals with the privatization of liquor in the
State of Maine. I think a lot of members should be
present. I think they should have another member
from the State Liquor Stores, the workers whose jobs
are going to be at stake. I think they should have
more than one person there. I don't think it should
be just members of this legislature and the
bureaucrats from the Governor's Office. I have added
Committee Amendment "B." What this does is remove
the language that requires the task force on alcohol
to specifically study a third discount liquor store
and increases the membership of the study task force
from 9 to 15. I am doing this by replacing the
membership of the Division of Financial and Personal
Services and the Department of Administration and
Financial Services with a member who is a state
employee, who is currently working at a state
operated liquor store.

I know there is a liquor store in Kittery and the
people there are very concerned about this. I have
been in and talked to them many times. This also

increases the number of members from the Joint
Standing Committee on Legal and Veterans Affairs from
two to four. Actually, one of the problems I have
with Committee Amendment "A" is that the members of
the legislature are appointed by the Chairs of the
committee. I may be off, but I don't seem to recall
other task forces where the members are being
appointed by the committee. I have always thought
they were appointed by the Speaker of the House and
the President of the Senate, but this is different.
They chose to appoint them themselves.

I also added a member for the non-profit social
services organizations with a long history of
interests and active participation in alcohol related
matters. We all know who that organization is. They
would like to be at the table. They have had a long
history of working with us, especially on Legal
Affairs Committee in the early 80s when we wanted to
get the age up to 21 and we wanted to get it to .08.
They were there strong, helping give us support out
in the community to get that done. Also I have added
three members who represent three business
organizations that have a direct interest in the
alcohol business. I believe that the task force that
I have come up with, these are plus what the
committee has come up with.

I believe that by doing this that we are having
all interested people at the table. Everybody will
have their say and we should come out with a better
report from the task force than just the legislature
and a few bureaucrats here in Augusta who are going
to control the liquor industry in the State of
Maine. I am sorry. I believe the businesses out
there should be in it. I certainly believe the
social organizations should be there, too.

I kind of did this at the last moment, but I feel
very strongly about this. I would request a roll
call on this. I hope that you would vote against
Committee Amendment "A" so we can go on to accept
Committee Amendment "B" and give everybody in this
state a fair shake on what we are going to do with
our liquor industry in this state. Thank you.

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

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

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

The pending question before the House is
acceptance of the Majority "Ought to Pass" Report.
All those in favor will vote yes; those opposed will
vote no.

ROLL CALL NO. 178

YEA - Ault, Barth, Bigl, Bouffard, Brennan, Buck,
Bunker, Campbell, Chartrand, Chase, Chizmar,
Cloutier, Clukey, Damren, Davidson, Desmond,
DiPietro, Dore, Driscoll, Etnier, Fisher, Gamache,
Gates, Gerry, Gooley, Green, Hartnett, Hatch, Heino,
Jacques, Johnson, Joseph, Kilkelly, Kneeland,
Labrecque, LaFountain, Lane, Lemaire, Lemont, Libby
JL; Mayo, Mitchell EH; Mitchell JE; Morrison, Nadeau,
O'Gara, O'Neal, Peavey, Pendleton, Plowman, Reed, G.;
Rice, Ricker, Rowe, Saxl, M.; Shiah, Simoneau, Spear,
Stevens, Stone, Taylor, Thompson, Treat, Tripp, True,

Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

NAY - Ahearne, Aikman, Benedikt, Berry, Birney, Cameron, Carleton, Chick, Clark, Cross, Daggett, Dexter, Donnelly, Dunn, Farnum, Gieringer, Gould, Greenlaw, Guerrette, Heesch, Hichborn, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kontos, Layton, Lemke, Libby JD; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Perkins, Pinkham, Pouliot, Povich, Reed, W.; Robichaud, Rosebush, Rotondi, Samson, Savage, Stedman, Strout, Townsend, Tufts, Underwood, Waterhouse, Winsor.

ABSENT - Adams, Bailey, Fitzpatrick, Paul, Poirier, Poulin, Richardson, Saxl, J.; Sirois, Yackobitz.

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

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

The Resolve was read once. Committee Amendment "A" (H-477) was read by the Clerk and adopted. The Resolve was assigned for second reading Monday, June 19, 1995.

CONSENT CALENDAR

First Day

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

(H.P. 489) (L.D. 670) Bill "An Act to Extend the Medical Liability Demonstration Project Deadline by 3 Years" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-502)

(H.P. 1042) (L.D. 1461) Bill "An Act to Update and Clarify the Election Laws" Committee on **Legal and Veterans Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-501)

(H.P. 1053) (L.D. 1482) Resolve, Directing the Department of Education to Develop a Statewide Plan for a Skills Development Program for Teachers Committee on **Education and Cultural Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-499)

(H.P. 1078) (L.D. 1520) Bill "An Act to Amend the Earnings Limitations under the Disability Plan" (EMERGENCY) Committee on **Labor** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-495)

(H.P. 1087) (L.D. 1532) Bill "An Act Requiring Doctors of Naturopathic Medicine to Be Licensed by the Naturopathic Board of Examiners and Regulating Naturopathic Health Care Practice" Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-508)

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.

(S.P. 530) (L.D. 1447) Bill "An Act to Create the Hebron Village Water District" (EMERGENCY) Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-267)

On motion of Representative UNDERWOOD of Oxford was removed from the First Day Consent Calendar.

The Report was read and accepted. The Bill was read once. Committee Amendment "A" (S-267) was read

by the Clerk and adopted. The Bill was assigned for second reading Monday, June 19, 1995.

CONSENT CALENDAR

Second Day

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

(H.P. 691) (L.D. 942) Bill "An Act to Improve Highway Signing Information" (C. "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) (C. "A" H-490)

(H.P. 1090) (L.D. 1534) Bill "An Act to Establish the Board of Licensure of Water Treatment Plant Operators" (C. "A" H-489)

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

BILLS IN THE SECOND READING

Bill "An Act Concerning a Moment of Silence in Maine Public Schools" (H.P. 656) (L.D. 879)

As Amended

Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation" (H.P. 100) (L.D. 135) (C. "D" H-462)

Bill "An Act to Create an Income Tax Stabilization Program" (EMERGENCY) (S.P. 98) (L.D. 238) (H. "B" H-511 to C. "A" S-115)

Bill "An Act to Amend the Returnable Beverage Container Laws" (H.P. 956) (L.D. 1345) (H. "A" H-465 to C. "A" H-450)

Bill "An Act to Improve Bicycle Safety in This State" (S.P. 580) (L.D. 1557) (C. "A" S-256)

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

ENACTORS

Emergency Measure

An Act to Improve Maine Students' Preparedness for the Global Economy by Enhancing Opportunities for Global and Geographic Education (H.P. 716) (L.D. 973) (C. "A" H-396)

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

On motion of Representative MARTIN of Eagle Lake, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 973 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-396) was adopted.

The same Representative presented House Amendment "A" (H-507) to Committee Amendment "A" (H-396) which was read by the Clerk and adopted.

Committee Amendment "A" (H-396) as amended by House Amendment "A" (H-507) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-396) as amended by House Amendment "A" (H-507) thereto in non-concurrence and sent up for concurrence.

An Act to Expedite the Hearing Process Relating to the Uniform Classification System Used in Workers' Compensation Insurance (S.P. 157) (L.D. 419) (C. "A" S-233)

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

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (S.P. 365) (L.D. 991) (H. "B" H-367 to C. "A" S-116)

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

On motion of Representative CLOUTIER of South Portland 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. 991 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-116) as amended by House Amendment "B" (H-367) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" (H-367) to Committee Amendment "A" (S-116) was adopted.

On further motion of the same Representative, House Amendment "B" (H-367) was indefinitely postponed.

The same Representative presented House Amendment "C" (H-482) to Committee Amendment "A" (H-482) which was read by the Clerk.

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

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: All we did was insert into this particular amendment the Chair of the Legislative Council shall convene the first meeting. Thank you.

House Amendment "C" (H-482) to Committee Amendment "A" (H-482) was adopted.

Committee Amendment "A" (H-482) as amended by House Amendment "C" (H-482) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-482) as amended by House Amendment "C" (H-482) thereto in non-concurrence and sent up for concurrence.

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

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

ORDERS

On motion of Representative BUNKER of Kossuth Township, the following Joint Resolution: (H.P. 1126) (Cosponsored by Senator: MICHAUD of Penobscot)

JOINT RESOLUTION RECOGNIZING THE 150TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF CARROLL

WHEREAS, in the year of 1830, Mr. Luke Hastings felled the first trees and built a cabin on the bank of the Mattagordus Stream in the region of land that 15 years later would become the Town of Carroll; and

WHEREAS, since the time of the first settler, the region has been home to generations of farmers and lumberjacks who made their homes along the old stage line; and

WHEREAS, the Town of Carroll was named in honor of Daniel Carroll, a statesman from Maryland who was a member of the Continental Congress and was a delegate to the convention that framed the Constitution of the United States; and

WHEREAS, the citizens of Carroll, now pause to reflect upon the community's heritage and to commemorate the town's sesquicentennial anniversary; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, extend our congratulations and best wishes to the citizens of Carroll as they celebrate this special occasion; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of the proud community of Carroll.

Was read and adopted and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Further Extend the Workers' Compensation Deficit Evaluation Proceeding" (EMERGENCY) (S.P. 588) (L.D. 1573) (Governor's Bill)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed.

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

Under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in concurrence.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-383) - Minority (4) "Ought Not to Pass" - Committee on Education and Cultural Affairs on Bill "An Act to Make Changes in the Law Establishing the Maine School of Science and Mathematics" (H.P. 1035) (L.D. 1454) TABLED - June 8, 1995 (Till Later Today) by Representative MARTIN of Eagle Lake.

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

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

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

Representative MARTIN: Mr. Speaker, Members of the House: Before everyone gets too excited, this is not funding for the school. You should not get excited and say this is the vote and get all juicy about it and say this is what we have to fight on. All this particular bill does is to amend what the past legislature did and basically to make corrections into what the past legislature did, nothing more than that.

I hope I make myself clear because there were some provisions that were made and most of the recommendations in this particular bill are the results of bond counsel after reviewing the legislation. They said that these changes had to be made. There was some question as to whether or not this would be handled at the time that we would deal with the funding question and decided that the proper way was to deal with the issue. The question of funding, of course, will come at the appropriate time. I would urge everyone to vote for this. It is not of the issue that some of you may think it might be.

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 acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 179

YEA - Ahearne, Aikman, Ault, Barth, Berry, Birney, Bouffard, Bunker, Campbell, Carleton, Chartrand, Chase, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kerr, Kneeland, Kontos, LaFountain, Lane, Layton, Lemaire, Lemke, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Nadeau, O'Gara, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stevens, Stone, Strout, Taylor, Thompson, Treat, Tripp, True, Truman, Tufts, Tyler, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

NAY - Benedikt, Bigl, Brennan, Buck, Cameron, Chick, Chizmar, Cloutier, DiPietro, Fisher, Heino, Joseph, Keane, Kilkelly, Labrecque, Lemont, Marvin, McAlevey, McElroy, Morrison, Murphy, Nass, Nickerson, Rotondi, Stedman, Townsend, Tuttle.

ABSENT - Adams, Bailey, Fitzpatrick, Paul, Poirier, Poulin, Sirois, Underwood, Yackobitz.

Yes, 115; No, 27; Absent, 9; Excused, 0.

115 having voted in the affirmative and 27 having voted in the negative, with 9 being absent, the Majority "Ought to Pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-383) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, June 19, 1995.

SENATE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (S-213) - Committee on State and Local Government on Bill "An Act to Encourage the Training and Hiring of Resident Workers" (S.P. 432) (L.D. 1200)

TABLED - June 8, 1995 (Till Later Today) by Representative JOYCE of Biddeford.

PENDING - Acceptance of Committee Report.

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

Representative JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: The amendment to this bill (S-213), not only replaces the bill, but it gives it a new title. The new title is "An Act to Establish Reciprocity in Determining the Lowest Responsible Bidder." What this bill does is enable the state to give preference to Maine contractors on bids, even though they may not be the lowest bidder on that project or the product they are selling.

I have three pretty serious concerns with this type of bill. One, this bill leaves out a very important definition and that is the definition of a resident or nonresident contractor. There are a number of firms in this state, that are based in this state and they do most of their work in the state, but they are incorporated in another state. It is not clear at all whether this firm would be considered a resident or a nonresident contractor.

The second problem I have is I have worked with small and large contractors from Presque Isle to Kittery for the last 9 years, I have never met one that is dissatisfied with the current competitive field bid process. There was a letter passed out last night from the AGC. They expressed that same sentiment.

The third problem with this bill is we received a very similar bill from the same author in the labor committee and she mentions that the intent of this bill is to make Maine firms more competitive, but I don't think that does it. This doesn't address the reasons why Maine firms are not competitive for reasons such as worker's comp, unemployment, tax regulations, environmental regulation and labor laws. The list goes on and on. I think the only thing this bill does is create an exception or a subsidy for the non-competitive firms at the expense of consumers and taxpayers as a whole. Therefore, for those reasons, I would move indefinite postponement of this bill and all accompanying papers. Thank you.

Representative JOYCE of Biddeford moved that the 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 would like to tell you, for a moment, exactly what this bill does. I would remind you that it is an unanimous committee report out of the State and Local Government Committee. This is an

effort for Maine to join with 31 other states to attempt to eliminate resident contractors getting preference.

There are certain states that allow their own contractors to have preference in bids in their own state. This amendment simply says that if you give a preference to your contractor in your state, you will have to suffer the negative consequences of that in our state. The entire point of it is to bring pressure to bear on those states that give preference to their own bidders and to level the playing field and that is what this does. It is an effort to get rid of preferences. I hope that you will pass it, because I think it is an appropriate thing. Most of us agree that it is inappropriate to give preference and we feel that if your state allows you to have preference there that the playing field should be equal here.

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

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

The SPEAKER: The Representative may pose his question.

Representative STONE: Thank you Mr. Speaker. I am wondering if somebody could explain to me what a nonresident contractor is. If you employ 200 people and your Main office is in some other state, but you have an office here that has a secretary and a telephone, does that make you a resident bidder? Thank you.

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

Representative STONE: Thank you Mr. Speaker. I guess if nobody can respond to the question of what actually is a resident bidder and isn't a resident bidder, I would go along with the motion to indefinitely postpone and kill this. Thank you.

The Chair ordered a division on the motion to indefinitely postpone the bill and all accompanying papers.

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

Representative CAMPBELL: Mr. Speaker, Ladies and Gentlemen of the House: As I recall a few years ago, we had a bill before us signed into law which would give special treatment to in-state bidders. I believe that was called Hussey Bill. It was a bill that would allow an in-state contractor that preference. That was repealed within a very short time because it was good for in-state contractors, but when they competed in other states, they began getting the same language in their legislation which would prevent them from bidding and securing that low bid as well. If I might pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMPBELL: Thank you. Could I ask the Chair of the committee if this addresses that issue and how this affects the situation taking that past legislation into consideration?

The SPEAKER: The Representative from Holden, Representative Campbell has posed a question through the Chair to the Representative from Augusta, Representative Daggett. The Chair recognizes that Representative.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: It is my understanding that currently Maine does not give preference to in-state bidders. There is no preference. There are a number of states that do give preference to in-state bidders.

I would love to be able to address the question of residency and whether they are a resident or non-resident, but that is not my area of expertise. However, it is hard for me to imagine that that is something that would be difficult to decide. I would think where you file taxes and where you are incorporated would make it fairly simple to decide whether you are a resident bidder or not. If you have an auxiliary office in some other state or location, seems to me to be not appropriate. I think that is perhaps a side issue.

There are, as I said, 31 other states who try to level the playing field by trying to put pressure on those states that do have an in-state preference to get rid of that and this is what this is about. Trying to allow all the states and all bidders to be bidding from equal playing fields. To not allow other states to show preference to their bidders and not have some kind of penalty when they come bid in our state. That is what this does. It does not show any preference. It says, if your state gives your bidders preference, then that is going to have a negative influence and you will be penalized by that in our state.

I am holding the State of Oregon's reciprocal preference law and the materials from it simply because it lists the states that do have a preference. There are a variety of them and they have a variety of preferences. Alaska, for example, applies 5 percent to state purchases from Alaskan vendors. New Mexico, for example, has a law which gives preference to material grown, produced, processed or manufactured solely in New Mexico. This is an attempt to level the playing field. It makes things equal for all states. It is simply the pressure that we can help to provide by joining with those 30 other states who have a law like this and that is all it is.

Representative STONE of Bangor requested a roll call on the motion to indefinitely postpone the Bill and all accompanying papers.

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

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

The Chair recognizes the Representative from Bangor, Representative Stone.

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: When I was on the City Council in Bangor, we tried to pass legislation very similar to this by suggesting that contractors in Bangor would get preferential treatment and it opened an incredible box of worms. What the good Representative spoke of earlier wasn't necessarily preferences in terms of getting the dubs to a contractor, but that they were preferences in terms of purchasing material. It is an entirely different situation. Since there is no criteria to determine who is a local contractor and who isn't a local contractor, I don't see how we can possibly pass a

bill that is only going to open up this issue to litigation. Until that issue is decided, I think that the motion before us is appropriate to indefinitely postpone. Thank you.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would like to remind you that this is not a bill that gives someone preference. It says that if you give your own state preference, that you will take that as a penalty in our state. It is an effort to get rid of and put pressure on other states that allow their state to have preference in their own state. It puts our contractors who are looking for business out-of-state in an uncompetitive position, because if their bidder gets a preference, then we get penalized. I would ask you to really take a look at this. If our contractors want to bid on an out-of-state job, in another state, and their state gets a preference, then we have a penalty.

This is an attempt to join 31 other states to put pressure on those states that allow a preference in their own state, to get rid of it. This makes it so all of us are on an equal playing field. It is not a bill that allows preference. The original bill, yes, did call for that, but that has been changed. The amendment changes it. This was a unanimous committee report to allow Maine bidders to be on level playing field when they bid out-of-state and to eliminate any preference for someone who shows preference to their own in-state when they come into Maine and that does. It does not allow anyone to have a preference.

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

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

The SPEAKER: The Representative may pose his question.

Representative TAYLOR: Thank you Mr. Speaker. If this bill does not please the Associated General Contractors of the state who represent our contractors, who does it please?

The SPEAKER: The Representative from Cumberland, Representative Taylor 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 would suspect that the AGC is commenting on the original bill as presented. I am sure they would be opposed to the original bill as presented.

Representative WATERHOUSE of Bridgton moved to table one day.

The Chair ordered a division on the motion to table one day.

A vote of the House was taken. 65 voted in favor of the same and 26 against, subsequently, the Bill was tabled pending the motion to indefinitely postpone the Bill and all accompanying papers and specially assigned for Monday, June 19, 1995.

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

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order (H.P. 1130)

ORDERED, the Senate concurring, that Bill, "An Act to Establish the Maine Judicial Compensation

Commission," S.P. 536, L.D. 1474, and all its accompanying papers, be recalled from the Engrossing Department to the House.

Was read and passed and sent up for concurrence. Ordered sent forthwith.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-217) - Minority (5) "Ought Not to Pass" - Committee on Banking and Insurance on Bill "An Act to Authorize Participation by the Public Advocate in a Regulatory Proceeding Concerning the Residual Market Mechanism for Workers' Compensation" (S.P. 532) (L.D. 1470) - 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-217).

TABLED - June 8, 1995 by Representative VIGUE of Winslow.

PENDING - Acceptance of either Report.

On motion of Representative VIGUE of Winslow, tabled pending acceptance of either Report and specially assigned for Monday, June 19, 1995.

An Act to Increase the Minimum Wage in Maine (H.P. 108) (L.D. 143) (C. "B" H-67)

TABLED - June 8, 1995 by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to reconsider Passage to be Enacted.

Representative ROBICHAUD of Caribou requested a roll call on the motion to reconsider.

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

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

The pending question before the House is to reconsider Passage to be Enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 180

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

NAY - Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, DiPietro, Donnelly, Dunn, Farnum, Goolley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce,

Joyner, Kerr, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Adams, Bailey, Dexter, Heino, Kneeland, Paul, Poirier, Poulin, Sirois, Yackobitz.

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

71 having voted in the affirmative and 70 voted in the negative with 10 being absent, the motion to reconsider did prevail.

On motion of Representative HATCH of Skowhegan, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 143 was passed to be engrossed.

Representative Robichaud of Caribou requested a division on further suspension of the rules.

Representative JACQUES of Waterville requested a roll call on further suspension of the rules.

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 the motion to suspend the rules. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 181

YEA - Ahearne, Aikman, Benedikt, Berry, Birney, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Joyner, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Look, Lovett, Lumbra, Luther, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Pendleton, Perkins, Pouliot, Povich, Rice, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Ault, Barth, Bigl, Buck, Carleton, Cross, Damren, Donnelly, Dunn, Gooley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Labrecque, Lane, Layton, Libby JL; Lindahl, Madore, Marshall, Marvin, McAlevey, McElroy, Nass, Nickerson, Ott, Peavey, Pinkham, Plowman, Reed, G.; Reed, W.; Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Adams, Bailey, Dexter, Heino, Kneeland, Paul, Poirier, Poulin, Sirois, Yackobitz.

Yes, 94; No, 47; Absent, 10; Excused, 0.

94 having voted in the affirmative and 47 voted in the negative with 10 being absent, the motion to suspend the rules did prevail.

On motion of Representative HATCH of Skowhegan, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" (H-67) was adopted.

The same Representative presented House Amendment "C" (H-512) to Committee Amendment "B" (H-67) 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 wanted to thank you for that vote. I realize we are getting testy and you must realize that all my life the one thing that I have always done is no matter what the goal of the tour is, I have always seen it to the finish. I am not saying this bill is going to be passed. I only ask that you bear with me for a few minutes and I will explain this amendment.

The amendment that you have before you is exactly the opposite of the original bill. What it does is put this issue out to the very people who would have some reason to want a wage increase. It puts it out to referendum. There is a fiscal note on this bill of \$95,000, unless there is more referendums. There will also be a fiscal note on this bill for \$11,000 plus change to allow the department to print posters. The original bill was only the \$11,000.

I want you to know that the people of Maine and I won't go over all the statistics. You have heard them all before and I am going to be as brief as possible. The people of Maine are a funny lot. They don't want emission control. They don't want anything to do with reformulated gas. I think they have told us that. The people in my area are against seat belts. We voted time and time again against the helmet law. The people in my area don't want gun control. I say this is one time we ought to let the people decide. The very people who's wages depend on what they earn and their family. Some things do get better with age and those things are marriage, women, men and wine. This bill is one of those.

This is not a novel idea, but think about it, the original bill wanted to put it up to the federal government to decide. They don't know a thing about our working men and women in this state. They are just a national statistic. Our Labor Department doesn't even know how many people are actually working under minimum wage. This is why you had a bill before you the other day asking that we set up an advisory committee on part-time, seasonal and temporary employees. We have done just about everything to find out what it is that the people need in this state. What they need is a decent living. You want to get people off social services, then give them a decent living. I request that when the vote is taken that you will vote yes to 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: The last thing that I wanted to do on a Friday morning when we are getting close to adjournment is to stand and debate with the good Chair of the Labor Committee on the minimum wage issue. We were told that many states were considering increasing the minimum wage. In Rhode Island, in the Senate Labor Committee, the minimum wage proposal was killed by a 10 to 4 vote. There is another state that will not be having an increase in

their minimum wage. In Minnesota they also killed a minimum wage increase.

The proposal carries three 25 cent per hour increases on a three year basis. As has been shown every time there is an increase in minimum wage, there is a corresponding increase in unemployment. Maine's own survey in 1984 showed that every 30 cent increase brought about a loss of about 6,000 to 7,000 jobs. I suppose if we are only increasing it 25 cents an hour, we could probably round it off to 5,000. That means 15,000 jobs over a three year period that this is phased in. I don't think that Maine can afford to lose any jobs, let alone 15,000.

I urge you to defeat the motion to adopt this amendment and let's send the bill out the way it is which ties our minimum wage to the federal wage. Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: I would like to speak to the House very briefly. The arguments against minimum wage in 1995 are the same as they were in 1930. Opponents' predictions of gloom and doom have never materialized and economists agree that they will not now. In December 1994, the Wall Street Journal poll showed that 75 percent of American people supported an increase in minimum wage. I would agree with the Representative from Skowhegan, Representative Hatch. We had set a precedence sending controversial issues and important issues to the people of this state out to referendum. I would ask that while the people of this state can decide this important issue once and for all.

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

Representative SAMSON: Mr. Speaker, Men and Women of the House: I also urge you to allow this to be sent to referendum. I spoke at length about this several weeks ago and I won't today. I want you to remember that it will have been five years since a minimum wage worker has received an increase in pay. In this day and age, \$4.25 an hour is not very much, believe me. Most of the people that earn this very extremely low wage are adults and most of these adults are women.

I urge you, for the benefit of the people of the State of Maine, the 20,000 plus people that earn this low wage, to vote to send this to referendum. I say that the last word in any law in the State of Maine should be the people of the State of Maine and allow them their input to decide whether our lowest tier of workers should receive a raise in pay after five years. Thank you.

The Chair ordered a division on adoption of House Amendment "C" (H-512) to Committee Amendment "B" (H-67)

Representative CAMPBELL of Holden requested a roll call on adoption of House Amendment "C" (H-512) to Committee Amendment "B" (H-67).

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 "C" (H-512) to Committee Amendment "B" (H-67). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 182

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

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

ABSENT - Adams, Bailey, Dexter, Heino, Kilkelly, Kneeland, Paul, Poirier, Poulin, Sirois, Yackobitz.

Yes, 67; No, 73; Absent, 11; Excused, 0.

67 having voted in the affirmative and 73 voted in the negative, with 11 being absent, House Amendment "C" (H-512) to Committee Amendment "B" (H-67) was not adopted.

Subsequently, Committee Amendment "B" (H-67) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "B" (H-67) and sent up for concurrence.

On motion of Representative GIERINGER of Portland the House adjourned at 12:05 p.m. until Monday June 19, 1995 in memory and honor of U.S. Senator Margaret Chase Smith.