

# 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  
68th Legislative Day  
Wednesday, June 28, 1995

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

Prayer by Honorable Marge L. Kilkelly, Wiscasset.  
The Journal of yesterday was read and approved.

**ENACTORS**  
**Bond Issue**

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$58,900,000 to Match up to \$138,000,000 in Federal Funds for Improvements to Highways, State and Local Bridges, Airports and Ports (H.P. 1133) (L.D. 1577) (Governor's Bill) (C. "A" H-627)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 97 voted in favor of the same and 0 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Address a Shortfall in the Ground Water Oil Clean-up Fund and Change the Financial Assistance Program for Owners of Underground Oil Storage Facilities (H.P. 1119) (L.D. 1563) (Governor's Bill) (S. "A" S-345 to C. "A" H-610)

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

**Emergency Measure**

Resolve, Urging Efforts to Enhance Opportunities for Businesses that Use Recycled Materials as Raw Materials (H.P. 805) (L.D. 1122) (S. "A" S-344 to C. "A" H-550)

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

On motion of Representative HICHBORN of Lagrange, tabled pending final passage and later today assigned.

**Emergency Mandate**

An Act to Strengthen the Governmental Ethics and Campaign Reports and Finances Laws (H.P. 1029) (L.D. 1444) (C. "A" H-572; H. "A" H-587)

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

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

An Act to Ensure That Rulemaking by Agencies Does Not Exceed the Intent of Authorizing Legislation (H.P. 806) (L.D. 1123) (C. "A" H-584)

An Act to Provide Retirement Benefit Options for Game Wardens and Marine Patrol Officers (S.P. 473) (L.D. 1269) (S. "A" S-346 to C. "A" S-327)

An Act to Change the Atlantic Sea Run Salmon Commission (H.P. 922) (L.D. 1298) (H. "A" H-615 to C. "A" H-607)

An Act to Transfer Oversight of Commercial Driver Education Programs to the Secretary of State (S.P. 477) (L.D. 1301) (C. "A" S-331)

An Act to Create the Propane and Natural Gas Professional Act of 1995 (S.P. 498) (L.D. 1357) (C. "A" S-302)

An Act to Streamline Permit Procedures for Freshwater Wetlands in the State (S.P. 570) (L.D. 1544) (Governor's Bill) (C. "A" S-336)

An Act to Create Uniformity in Laws Governing Various Professional Licensing Boards and Commissions (H.P. 1102) (L.D. 1549) (Governor's Bill) (C. "A" H-592)

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

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 Reform Campaign Finance (H.P. 322) (L.D. 443) (C. "A" H-520)

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

On motion of Representative BENEDIKT of Brunswick was set aside.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Benedikt.

Representative BENEDIKT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this bill has been debated, if it has I wouldn't speak again. Many of us campaigned for campaign and finance election reform. This bill has some interesting features but it has a serious flaw in it, that is that it has omitted any meaningful enforcement provisions. It basically depends on a handshake agreement. It is a feel good bill that if it was violated it could only reward the violator, because in a voluntary agreement it's easy to have a violation and as a matter of fact, the opponent, in the case of a conflict in agreement would probably not know that there has been a violation until after he or she has lost the election. I urge you to oppose this bill.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative LABRECQUE: Mr. Speaker, Ladies and Gentlemen of the House: We worked long and hard on the campaign finance bills that we had in Legal and Veterans Affairs Committee and one of the problems that exists is that there is a Supreme Court case which does not allow us a lot of leeway with regards to putting on stiff fines and having anything other than caps and as Representative Benedikt indicated, a handshake, a voluntary agreement. I will defer to the Chairman of the Committee.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I think it is safe to say that in most of everybody's campaigns last fall, one of the top three concerns brought up to you was, boy, this

campaign spending has just got to stop. You've got to put some kind of cap on it.

Our committee decided unanimously, although I realize unanimous reports seem to have no value this year, but anyway, we decided unanimously that you have to crawl before you walk. You have to walk before you run. We could have tried to do everything to address every conceivable problem, however, there are three major points that you need to keep in mind. One is, this little document called a Constitution, that limits you right there. I would like to be able to tell the wealthiest among us that, hey, you can only spend so much money, that's purely illegal, it can't happen. Freedom of choice, first amendment.

The second thing you have got to realize is what the reality is, what can pass. As some of you who have been around a couple of years realize over the past two, four, six, probably even longer than that, there have been attempts to bring in campaign finance reports, new laws and they were very broad in statute and inevitably, someone found something wrong with every provision so what happened, nothing, nothing really. Every bill died. Are the people happy with that? Absolutely not. Did they want us to take a first step? I think so.

The third thing you really need to think about is probably, if you are going to do something in this regard, there are two ways to go. One is public financing, but that has another little side piece to it, and that is, have you got any money? Can you actually, realistically do public financing? In the State of Maine in 1995, probably 1996, 1997, 1998, the answer is "No, we don't." You can go public financing or you can go voluntary. If you don't go voluntary, then you run into major Constitutional problems. We decided, as a committee, that we needed to take and I'm using an old cliché, but we needed to take one small step for man and hopefully it will become one giant step for mankind. We had to start somewhere and that's all this bill does. If in one year, two years, four years from now either folks who happen to be in this body think, now it's time to take a next step, there is no problem with that, but rather than trying to do everything that we could possibly think of, and possibly risking messing it up, we decided to do a little something and try to do it right. That's all this bill does. If in a couple of years, we realize that it really doesn't do a whole heck of a lot and we ought to put a little more into this, there is nothing to preclude that. You have to start somewhere, so I would urge you to enact this piece of legislation.

The Chair ordered a division on passage to be enacted.

Representative ROSEBUSH of Millinocket requested a roll call on passage to be enacted.

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

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

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support my

House Chair, Representative Nadeau. We worked a great deal on this bill, it isn't perfect but it's a step in the right direction. I'm sure it was mentioned earlier when we debated this weeks ago, but Vermont and New Hampshire have voluntary programs, such as this, I don't have the statistics on Vermont, but I'm aware that in New Hampshire the compliance rate for voluntary campaign spending is over 90 percent. Thank you.

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

#### ROLL CALL NO. 258

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Berry, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Johnson, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kerr, Kilkelly, Labrecque, Lane, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Madore, Marshall, Marvin, Mayo, McAtevey, Meres, Mitchell EH; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Paul, Peavey, Pendleton, Perkins, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, M.; Shiah, Simoneau, Sirois, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Winglass, Winn, Winsor, The Speaker.

NAY - Benedikt, Martin.

ABSENT - Brennan, Cloutier, DiPietro, Dore, Jacques, Joseph, Keane, Kneeland, Kontos, LaFountain, Layton, Look, McElroy, Mitchell JE; Ott, Pinkham, Poulin, Richardson, Rotondi, Saxl, J.; Spear, Tripp, Whitcomb, Yackobitz.

Yes, 125; No, 2; Absent, 24; Excused, 0.

125 having voted in the affirmative and 2 voted in the negative, with 24 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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An Act to Implement the Recommendations Resulting from the Study Concerning Parental Rights and Responsibilities When Domestic Abuse is Involved (H.P. 808) (L.D. 1125) (C. "A" H-621)

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

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An Act to Update and Clarify the Election Laws (H.P. 1042) (L.D. 1461) (H. "A" H-524 to C. "A" H-501)

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

On motion of Representative HICHBORN of Lagrange was set aside.

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

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

At this time, the Sergeant-At-Arms escorted the Governor of the State, the Honorable Angus S. King; the Executive Director of the Bath/Brunswick Chamber of Commerce, Wanda Plummer; Rear Admiral Harry Rich, U.S.N., Retired, who is Chairman of the Brunswick Naval Air Station Task Force; and members of the Greater Bath/Brunswick Legislative Area Delegation to the front of the Chamber.

SENATOR HARRIMAN: Good morning, Governor King, Mr. Speaker and Honorable Colleagues: Thank you for taking the time out of your intense and hectic schedule to listen to me. I do, however, bring positive, refreshing news. I have the honor of representing Senate District #23, in the Maine Senate, which has among its many unique characteristics, two are most note worthy.

First and foremost, it is the home of the Governor of the State of Maine and his wife Mary and second it is the home of Brunswick Naval Air Station, which is the heart and soul of Brunswick's regional economy and as you may know, when the most recent effort by the Base Area Closing Commission got underway, many of Maine's communities were concerned about the future, not only of Brunswick, but of Portsmouth as well. You'll be happy to know that the local community, the Governor's Office, and our Congressional Delegations worked diligently to prove that Brunswick Naval Air Station was worthy of staying open, but along the way, the community in the Brunswick area came to us and asked us for some help and many of my colleagues here, sitting in front, and many of you helped sponsor L.D. 2, and in that legislative document there was \$50,000 of funding that came from the legislature to help the Brunswick area prepare for the opportunity to correct errors, to be in front of the Base Closure Commission, to make sure that the case for Brunswick was made loud and clear and fairly.

That was back in December and today I am very honored and very pleased to tell you on behalf of all of my colleagues, in the Brunswick area delegation, that not only has Brunswick Naval Air Station remained open, but the money that you appropriated has been spent frugally and wisely and indeed it's now my pleasure to introduce Retired Rear Admiral Harry Rich, who would like to return a check to us.

Also with us is Wanda Plummer, who is the Executive Director of the Brunswick Bath Area Regional Chamber of Commerce.

WANDA PLUMMER: This is a real honor for me. I worked in this building for almost thirteen years and this is the first time that I have had the great pleasure to share the rostrum with the Speaker of the House and the Governor. Thank you all from the bottom of our hearts. This was a battle well fought and I believe in large part won because of the great unity of spirit evident at the local, the state and federal level, so without having anything more to say except thank you, I am pleased to return to the State of Maine \$41,000 out of the \$50,000 that was appropriated to the Brunswick Naval Air Station Task Force. Thank you.

GOVERNOR KING: I just want to accept the check on behalf of Sam Sharpiro. Do you think we can find any use for it in the next 24 hours? I don't think it will rest in the checkbook very long. I just want to

say that we are working hard on a lot of different issues, but Maine won a real victory last Friday and it is one that is going to mean a lot to the state in the future, not only was Brunswick saved, but Brunswick, as you may know, has apparently gained a new VP squadron which will give us more economic activity in that region, but also the Portsmouth Naval Ship Yard was saved in Kittery, a tremendous boost for the southern Maine economy and I want to acknowledge here before all of you, what was really an incredible team effort involving all the agencies of state government, the legislative delegations, the Governor's Office of both states, New Hampshire and Maine and particularly the Congressional Delegations of both states. Everyone in this room should be immensely proud of the work done by the Congressional Delegation and I can not let this opportunity go by without mentioning Bill Cohen, Senator Cohen who really lead the fight on behalf of both states. He made, what I consider, the most effective presentation in a public proceeding that I have ever heard in Boston to the Base Closure Commission, on behalf of the Kittery facility. The state was very, very fortunate to have a person of his stature and ability in that position. It was a great day for Maine on Friday and one that I think we can take some real pride in because the thing that kept these bases open was the skill and dedication of the people that work there. That was really what sold the Navy and in turn what sold the Commission and I also want the record to show that we people from Brunswick are frugal and we don't spend any more of the public's money than we have to and I will be delighted to deliver this check to Sam Sharpiro this afternoon. Thank you very much.

The Sergeant-At-Arms escorted the delegation from the House Chamber at this point.

#### 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 (5) "Ought to Pass" as amended by Committee Amendment "A" (H-417) - Committee on Human Resources on Bill "An Act Regarding Recovery from Members of the Tobacco Industry of Medicaid and Maine Health Program Health Care Costs for Tobacco-related Illness, Disease or Disability" (H.P. 331) (L.D. 452) TABLED - June 19, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative FITZPATRICK of Durham to accept the Minority "Ought to Pass" as amended Report.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I will not be brief but I will not be boring. We're finally addressing, having the opportunity to consider L.D. 452, also known as the full lobbyist employment act. I think it is single handedly responsible for injecting about \$100,000 into the Maine economy in the last few months.

What all the fuss is about is this. L.D. 452 is modeled on a piece of legislation passed in Florida last year and elsewhere since, which authorizes and this is an important point, authorizes, does not

require, but allows the state to seek to recover its expenses for the treatment of people with smoking related illness whose treatment was paid for by the Medicaid, Maine Health Program or State Employee Health Insurance Program. It is a new approach. It is not a radical approach. It's being done elsewhere in Florida, Mississippi, West Virginia, Minnesota among others, but it is a new approach, it differs from previous lawsuits against the tobacco industry in a very key way.

Prior to this point, litigation has been undertaken by smokers and consistently courts have ruled that smokers knew the risks when they took up smoking they disregarded the warning on the package and they must bear some responsibility for smoking. The difference in this case is that L.D. 452 and its companion, the law suits already are underway in other states, recognize that you and I and our constituents, the taxpayers of Maine, are bearing the burden of the costs of treating many, many smokers. Although none of us read the packet and disregarded the warning and assumed the risks, nevertheless we are bearing the burden. As I say, it is a new approach, it's a necessary approach because smoking is the most pressing public health issue of our time. Smoking kills annually more people, more Americans, than died in all of World War II. It kills annually more Americans than die from AIDS, alcohol, drug abuse, car accidents, murder, suicides and fires together. Four hundred and twenty thousand Americans die from tobacco each year.

Smoking is a particular problem in Maine, where we rank fourth in the nation for rate of smoking, sixth in the nation for rate of cancer, obviously, that's not a coincidence. It's a dreadful societal, fiscal problem, and it has an impact on all of us. Diseases caused by smoking, the list is as long as your arm, but I'll rattle off a few, cancers of the lung, mouth, larynx, esophagus, stomach, pancreas, cervix, kidney, urethra, bladder. We also have leukemia, stroke, heart attack, vascular disease, osteoporosis, the list goes on, pretty appalling and not surprising once you understand what's in cigarettes. There are traces so far discovered in cigarettes of 43 known carcinogens, known carcinogens, including cadmium, which is used to recharge batteries; butane, which is used in lighter fluid; polonium 210, a component of nuclear waste; arsenic, speaks for itself; hydrogen cyanide used in gas chamber executions; ammonia, found in toilet bowl cleaners; nicotine; cyanide; benzene; carbon monoxide. Those of you who thought RFG was unhealthy should have a look at cigarettes. The question that occurs to me, at this point, is why would anybody stick this stuff in their mouth? We all know the answer. There are two answers, really. The tobacco industry targets young people aggressively through ad campaigns, written ad campaigns, sale advertisements and heavy endorsement of sporting events. Consistently in these advertisements the message is that smoking is independent. It's rebellious. That is, you smoke you will be thin. You'll be stylish. You'll be sexy, happy, and above all else, you'll be cool, like Joe Camel.

Obviously this advertisement is effective, because across the country, the bulk of smokers begin smoking in their teens. In Maine this is particularly true, 91 percent of smokers in Maine begin smoking when they are teenagers. The second reason that people stick this substance in their mouth is obvious, it

doesn't take very many cigarettes to become addicted and once you're addicted it's a habit, which is very hard to give up.

Now there was a time when I thought that tobacco naturally contained nicotine, that they grew it, dried it, threw it in some paper and that was that, but in recent times, in the past year we have learned a great deal more about tobacco. Two weeks ago the New York Times got its hands on a study conducted by Phillip Morris over the course of fifteen years, which indicated that they have regularly studied the pharmaceutical logic aspects of nicotine, what it is about nicotine which makes it a drug and furthermore they had patterns. You were distributed, within the last few days, a number of the patents held by the tobacco industry, one of which I will briefly read from. The process is useful for transferring naturally occurring nicotine from tobacco having a generally high nicotine content to a nicotine deficient tobacco. They can move it from one kind of tobacco to another. They can make sure that the front of cigarettes have more nicotine than the last few puffs of cigarettes. The fact that tobacco is addictive is not an incidental occurrence, and furthermore, I just want to point out that this particular patents is held by Lowe's Theaters, which makes me wonder what's in the popcorn.

In Maine, as I said, a particular problem, smoking kills about 2,300 people per year in Maine and it costs us about 273 million dollars annually, so I have to concur with Commissioner Concannon, who said, "It's time to take the gloves off, it's time to fight this issue." I want to point out that two years ago in Maine we passed a policy called estate recovery, which under this policy if you're a Medicaid recipient, when you die the state seeks to recover its assets by making a claim on your estate. I see this law as very much consistent with that policy. As amended, it is pro effective only. It says that if you are going to manufacture cigarettes and sell them in the State of Maine from here on out you're going to have to take your share of the responsibility of the cost to the taxpayer. I want to point out that that particular ruling, that particular aspect of the bill has been ruled Constitutional in Florida. In spite of claims I expect you'll hear about constitutionality, there are already two rulings to say that this a constitutional concept.

You'll hear a lot about slippery slopes, nose under the tent and so forth. I just want to summarize by saying that tobacco is unique. It is the only product, which when used as intended is addictive. It is addictive because they want it to be addictive. They make it addictive and they sell it to children, with the result being, that you and I bear the expense of the health care costs for the many, many people in the State of Maine whose health treatment is covered by the Medicaid, Maine Health Program, and State Employees Insurance Program. I urge you to join with me in supporting the "Ought to Pass" Report. Thank you.

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

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House: I'm not particularly pleased to stand up today and proffer the argument that I'm about to, but the Constitution protects the black hats and it protects the white hats. I stood up here a couple of months ago and I argued that our move

toward some mobile home park that were seasonal, that were for migrant workers was unconstitutional, because it created a subclass. We're trying to point out one specific entity and say that we can treat you differently than everyone else. It's the same issue in this case. We're saying to the tobacco industry, the bill of rights does not affect you, the 14th amendment isn't going to protect you, 6-A of the Maine Constitution isn't going to protect you, because you have a black hat, you're bad people. I agree they are bad people. We should sue them right out of business, but we can't take this particular method and say we're going to single you out in Maine and say, "We can sue you, you don't have equal protection under the law."

Contrary to what you heard, the court in Florida did not say that this was constitutionally protected. They said that you could do this, but you had to treat all industries the same. Now if this bill said we could sue tobacco companies, people who made asbestos, any other of the black hats, everyone across the board could get sued, then it may be constitutional. It could only be that way. Now another problem with this bill is, I've learned in Judiciary this year and as an attorney, our courts are backloaded with cases. This bill would pull out one Superior Court judge full time, AG's full time, clerk's full time and what's that going to do? It's going to slow the civil docket down. It's going to preclude us from handling the huge amount of protection from abuse cases and protection from harassment cases. What I think we should do is bring this bill back at another time, after Florida has run its course in this law suit, so we have something to follow in court and know what all the rulings are going to be. Not what they are possibly going to be and make it a broad based program. Sue everyone, whoever is messing us up, sue them, that's fine, but we can't do it now because this is unconstitutional. I'd feel a little ideological spastic if I got up here today and said, "I want to protect the migrant workers, because they are the good guys, but I don't want to protect the tobacco company, because they are the bad guys." You have to treat everyone the same in this country. That's what the Bill of Rights is about. I urge you to support the "Ought Not to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Mr. Speaker, Ladies and Gentlemen of the House: This is bad public policy and I believe unconstitutional. Where are we going next, to Ben and Gerry's, because they put too much fat in their ice cream, or to BMW, because their cars go too fast, to Miller Breweries, because they cause cirrhosis of the liver. I don't think so. Rather, I think that we need to emphasize personal responsibility and I would like to read a quote to you from the Governor's Office. "L.D. 452 is not the proper tool for the job of discouraging the use of tobacco. This is an issue of personal responsibility for Maine citizens supported by the necessary education programs. L.D. 452 overreaches attempts to shift responsibility solely onto the tobacco companies, for the personal consumption of tobacco by Maine citizens, by means of changing the standard tort law for recovery of damages, statutes of limitations and apportionment of liability among tort seizures." The Governor's Counsel has advised that

the bill is seriously flawed, because it would impose strict liability upon parties who had no connection with the activity that led to the alleged damages at all, such as scientists or public relation firms that work for tobacco companies long after the person incurred the health damages. This approach is both bad public policy and quite likely unconstitutional as well. I strongly urge this body to vote L.D. 452 "Ought Not to Pass."

Representative MARVIN of Cape Elizabeth requested a roll call on the motion to accept the Minority "Ought to Pass" as amended Report.

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

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

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: Let me try to update you on information related to the amendment, because I think some of the comments that have been made on the floor are more related to the original bill, which all of us would admit had a fairly significant flaw in it. It's simply been amended in the mean time and is much narrower in terms of its implications. What this amendment will do is it will allow the state health insurance and individuals to sue tobacco manufacturers for economic loss and for related losses for injury, illness, disease or disability due to exposure of tobacco and tobacco smoke from tobacco manufacturers doing business in the state after December 31st, 1995. In essence it narrows the scope, gives warning to the tobacco manufacturers.

This bill contains a single uniform remedy, for the recovery of economic losses, either by entities or individuals, who have sustained losses as a direct result of tobacco injury or disease. This bill was derived in part from legislation that had been submitted in Florida and Massachusetts and this amendment again applies only to future costs and future sales. Remember, please, and when listening to the testimony from the Representative from Portland that tobacco use is a major risk factor in heart disease, chronic bronchitis, emphysema and cancer and as you've heard, it kills over 2,200 Mainers annually. The cost to the Medicaid program, for caring for smoking related illnesses, is high and getting higher. States all over the country are looking at the tobacco industry to recoup some of the costs brought on by smoking related illnesses to their Medicaid programs. So if this bill is passed, it will allow the Commissioner of Human Services, through the AG's Office, to recoup some of our Medicaid costs for smoking related illnesses. I ask you to support the Majority "Ought to Pass" Report.

Representative JONES of Bar Harbor moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I urge you not to support the pending motion to indefinitely postpone this bill.

Yesterday, I had the opportunity to read the Portland Press Herald, actually, it was about 11:30 last night when I got home. There was a really interesting ad in the newspaper and it said how to talk to your kids about smoking, before someone else does and it goes through and talks about the importance of talking to your children about the dangers of smoking and points out that often times children, or people in adolescents, start to smoke early and that leads to smoking in adulthood. It says in the ad, in talking about smoking you might begin by reminding your child that studies have identified smoking as a risk factor for certain diseases and then it goes on to talk about as a parent you have a responsibility to talk to your children about this. It also says if you want further information about how to talk to your child about these particular issues and about the diseases that you write to R.J. Reynolds Tobacco Company, in Winston-Salem, North Carolina.

I found this ad to be incredibly ironic, that in the ad it specifically says that studies have shown that tobacco use and smoking relates to diseases. It encourages parents to talk to their children about the dangers of tobacco and then says for further information about this write to R.J. Reynolds Corporation. I also would like to point out a couple of people have mentioned about constitutional issues related to this bill and it's bad public policy. The distinction I would make here, that unlike a lot of other industries, the tobacco industry has made a conscious decision to develop a product that is addictive and it does have severe, immediate and clear consequences to health and that is a distinction between the alcohol industry and a number of other industries and that this industry has made a clear and conscious effort to develop a product that is addictive and dangerous to your health. Thank you.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: It is with some hesitancy I jump into this argument, but I have been sitting here reading H-417, which is the amendment to the L.D., which the Minority Report has put forth. I would like to draw your attention, if I could, to section 4, called liability. It says the tobacco manufacturer, whose products are distributed, marketed, or sold to consumers of the state after December 31, 1995, is strictly liable for recovery, under subsections 2, 3 or 9, this is important now, and may not assert against any such claims the defenses of comparative negligence, contributory fault, or assumption of the risk, in other words, we're not going to let you defend yourself. We're going to find you guilty. Nevertheless, trials will go on. I have heard from some people who are more knowledgeable on this subject, the cost of discovery, which is that part before the trial, could reach a half million dollars. Undoubtedly there are some severe social prices, monetary prices, that we pay for the treatment of tobacco related illnesses. This bill would seem to just add to them. Strict liability, which is what this bill creates, does exist in other areas, but usually we allow the defendant to defend themselves and not just assume that they are guilty.

I'm also concerned as a member of the Judiciary Committee, where we fight the shortage of court and justices in this state, by the way, Maine has the lowest number of judges per capita of any state in the country. This bill could so tie up our courts, start taking away entire judges just to deal with these cases and could so tie up the AG's Office that some of the other pressing needs that we have will be left unmet. I would urge you to support the current motion to indefinitely postpone.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I'll be brief. Tobacco is unique. It is the only product, which when used as intended, is addictive. It's addictive because they mean it to be addictive. They market it to children and it's costing you and your constituents a bundle. Please vote against indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to indefinitely postpone the bill and all accompanying papers. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 259

YEA - Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Bigl, Birney, Bouffard, Buck, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Cross, Daggett, Damren, Davidson, DiPietro, Driscoll, Dunn, Farnum, Fisher, Gamache, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Jacques, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kerr, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Marvin, Mayo, Meres, Murphy, Nadeau, Nass, Nickerson, Peavey, Pendleton, Perkins, Pinkham, Plozman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rotondi, Savage, Saxl, J.; Simoneau, Spear, Stedman, Stevens, Strout, Taylor, Tripp, True, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Berry, Brennan, Bunker, Chartrand, Chase, Chizmar, Cloutier, Desmond, Dexter, Etnier, Fitzpatrick, Gates, Green, Heeschen, Hichborn, Johnson, Kilkelly, Lemaire, Lemke, McAlevey, McElroy, Mitchell EH; Morrison, O'Gara, O'Neal, Paul, Richardson, Rowe, Samson, Saxl, M.; Shiah, Sirois, Stone, Thompson, Townsend, Treat, Truman, Tuttle, Tyler, Volenik, Watson, Winn.

ABSENT - Donnelly, Dore, Joseph, Keane, Kneeland, Kontos, LaFountain, Mitchell JE; Ott, Poulin, Yackobitz, The Speaker.

Yes, 96; No, 43; Absent, 12; Excused, 0.

96 having voted in the affirmative and 43 voted in the negative, with 12 being absent, the Bill and all



accompanying papers were indefinitely postponed and sent up for concurrence.

Bill "An Act to Improve Highway Signing Information" (H.P. 691) (L.D. 942)  
 - In House, passed to be engrossed as amended by Committee Amendment "A" (H-491).  
 - In Senate, Bill and all accompanying papers indefinitely postponed in non-concurrence.  
 TABLED - June 20, 1995 (Till Later Today) by Representative O'GARA of Westbrook.  
 PENDING - Motion of same Representative to Adhere.  
 On motion of Representative O'GARA of Westbrook, the House voted to Insist.

The Chair laid before the House the following item which was tabled earlier in today's session:  
 Resolve, Urging Efforts to Enhance Opportunities for Businesses that Use Recycled Materials as Raw Materials (EMERGENCY) (H.P. 805) (L.D. 1122) (S. "A" S-344 to C. "A" H-550) which was tabled by Representative HICHBORN of Lagrange pending final passage.  
 Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 21 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

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

(After Recess)

The House was called to order by the Speaker.

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

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

#### ORDERS

On motion of Representative JACQUES of Waterville, the following Joint Resolution: (H.P. 1143) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING CONGRESS TO ALLOW ALL STATES EAST OF THE 100TH MERIDIAN TO REGULATE THE EXPORT OF UNPROCESSED LOGS

WHEREAS, We, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President and the members of Congress of the United States as follows:

WHEREAS, billions of board feet of unprocessed logs are exported annually from the United States to other nations; and

WHEREAS, it has been calculated these exports represent a substantial number of jobs lost from the domestic manufacturing economy; and

WHEREAS, unprocessed logs are being exported from Maine and other eastern states and it is projected that the volume of raw wood exports will continue to increase; and

WHEREAS, states west of the 100th meridian are authorized, under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended, to regulate the export of unprocessed logs from state, county or municipal lands; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Congress of the United States to authorize states east of the 100th meridian to regulate the export of unprocessed logs from state, county and municipal lands, pursuant to authority provided under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended, which now exists for states west of the 100th meridian; and be it further

RESOLVED: That We, your Memorialists, further urge the Congress of the United States to extend the ban that now exists on exports of unprocessed logs from federal lands west of the 100th meridian to federal lands east of the 100th meridian, also pursuant to authority under the Forest Resources Conservation and Shortage Relief Act of 1990, as amended; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate, the Speaker of the House of Representatives and to each member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

#### ORDERS

On motion of Representative WINN of Glenburn, the following Joint Order (H.P. 1144)

ORDERED, the Senate concurring, that the Joint Standing Committee on Education and Cultural Affairs report out the Bill, "An Act to Implement Recommendations of the Committee to Study Organizational and Tax Issues in Public Schools," S.P. 321, L.D. 902, to the House.

Was read.

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

#### CONSENT CALENDAR

##### First Day

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

(H.P. 712) (L.D. 969) Bill "An Act to Ensure the Continuation of Current Hospice Services" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-649)

On motion of Representative FITZPATRICK of Durham was removed from the First Day Consent Calendar.

The Report was read and accepted. The Bill read once. Committee Amendment "A" (H-649) was read by the Clerk.

On motion of Representative JACQUES of Waterville, tabled pending adoption of Committee Amendment "A" (H-649) and later today assigned.

#### ENACTORS

An Act to Modify the Licensure Act for Substance Abuse Counselors (H.P. 1008) (L.D. 1419) (S. "A" S-326 to C. "A" H-427)

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.

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

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

#### SENATE PAPERS

The following Communication: (H.C. 234)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

June 28, 1995

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

Please be advised that the Senate today Adhered to its former action whereby it Accepted the Majority Ought Not to Pass Report from the Committee on Utilities and Energy on Bill "An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission" (H.P. 676) (L.D. 927).

Sincerely,  
S/May M. Ross  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication: (H.C. 235)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

June 28, 1995

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

Please be advised that Jeffrey H. Butland, President of the Senate, today appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature 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):

Senator CARPENTER of York  
Senator BEGLEY of Lincoln  
Senator CLEVELAND of Androscoggin

Sincerely,  
S/May M. Ross  
Secretary of the Senate

Was read and ordered placed on file.

#### SENATE PAPERS

##### Non-Concurrent Matter

Resolve, to Allow Jose Gonzales to Bring an Action Against the State (H.P. 1077) (L.D. 1519) on which the Majority "Ought to Pass" as amended Report of the Committee on Legal and Veterans Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-523) in the House on June 27, 1995.

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

On motion of Representative NADEAU of Saco the House voted to Insist.

##### Non-Concurrent Matter

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1995 (EMERGENCY) (H.P. 1135) (L.D. 1579) which was passed to be engrossed as amended by Senate Amendment "A" (S-314) as amended by House Amendment "A" (H-641) thereto in the House on June 27, 1995.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-314) as amended by House Amendment "A" (H-641) thereto and Senate Amendment "B" (S-347) in non-concurrence.

The House voted to Recede and Concur.

#### ENACTORS

##### Emergency Measure

Resolve, to Reduce the Economic Impacts of the Clean Air Act on Maine's Citizens and Businesses (H.P. 459) (L.D. 625) (C. "A" H-608; S. "A" S-351)

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

Representative BENEDIKT of Brunswick moved that the Resolve and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Benedikt.

Representative BENEDIKT: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a resolve to get us out of the Ozone Transport Commission and Region and I feel that the Ozone Transport Commission was created to provide a forum for developing regional solutions that will be necessary to improve air quality. To withdraw from that commission as provided in this Resolve is to throw away the opportunity for Maine to have a voice and we hope to assume leadership in forming policies that affect the air we breathe. This issue of air quality is one in which we can least afford to become uninvolved and to imagine that our state can solve the problems without such regional cooperation as the Ozone Transport Commission provides. In fact, our state, in the work of the commission, is arguably greater than that of most other members' states because we are at the receiving end of the prevailing winds, which affect our health and the health of our children and because our environmental quality is such a vital factor to Maine's economic strength. I urge you to put this bill aside and postpone it indefinitely.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly, I would like

to point out that this Resolve does not petition to take Maine out of the Ozone Transport Commission. What it does ask is that we take the areas that are in attainment, petition EPA to get those areas out so that we do not have to worry about the areas that have already reached attainment. That's all that it does. It does not do anything but that, so I please urge you to oppose the indefinite postponement of this bill. Thank you.

Representative WHITCOMB of Waldo requested a roll call on the motion to indefinitely postpone the Resolve 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 SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Benedikt.

Representative BENEDIKT: Mr. Speaker, Men and Women of the House: I have the bill in front of me and I disagree with the good Representative from Greenville. It says that we are dropping out of the Ozone Transport Region completely.

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

Representative GATES: Mr. Speaker, Men and Women of the House: I have the committee amendment in front of me, which replaces the Resolve and I would concur with Representative Gould in terms of what it does. I urge you to oppose the current motion. Thank you.

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

ROLL CALL NO. 260

YEA - Benedikt.

NAY - Adams, Ahearne, Aikman, Ault, Bailey, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Barth, Dexter, Keane, LaFountain, Poulin, Richardson, Rotondi, Yackobitz, The Speaker.

Yes, 1; No, 141; Absent, 9; Excused, 0.

I having voted in the affirmative and 141 voted in the negative, with 9 being absent, the motion to indefinitely postpone the Resolve and all accompanying papers was not accepted.

The SPEAKER: The pending question before the House is enactment.

This being an emergency measure a two-thirds vote of all members elected to the House being necessary. 133 voted in favor of the same and 0 against, accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act Adopting the Uniform Health-care Decisions Act (H.P. 182) (L.D. 230) (C. "A" H-605)

An Act to Implement the Recommendations of the People with Disabilities Access Commission (H.P. 837) (L.D. 1168) (C. "A" H-604)

Were 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.

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

#### ENACTORS

##### Emergency Mandate

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997 (H.P. 516) (L.D. 706) (Governor's Bill) (H. "A" H-628)

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

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

Representative KERR: Mr. Speaker, Men and Women of the House: It's that time now, that most important vote that we'll probably be voting on this year and that's to enact a budget for the biennium. We've had quite a bit of debate on this issue, on this bill. I don't want anyone to think that it's a perfect document, because it's not.

We on the committee remain concerned about a number of areas that can lead to a supplemental budget next session, as I discussed before. Medicaid spending and the ability for the Productivity Task Force to achieve its savings are just two of those areas, but we must have some faith in the commissioners who told us if we enact the governor's recommendation in those problem areas, which far and away we have done, that they would live by a new motto, that their budgets are their contracts.

Yesterday, we voted overwhelmingly in support of L.D. 706, the same document you voted on yesterday is here before you today. I must thank this body for that support and it is this body that made it possible. We, the members of the Appropriation Committee, when we took our appointments, the responsibilities of that committee, we told you that we would bring you forth a budget that would meet the needs of the people of this state. We feel that we have done that. A budget that pays its bills. We

eliminated the furlough days, the payroll pushes, it is not balanced on the backs of the state employees.

You took your jobs on your committees very responsibly. You came back to the Appropriations Committee with recommendations. We took those recommendations and built this budget and we thank you for that.

Our leadership, Representative Whitcomb, Representative Carleton, Representative Jacques and Representative Mitchell, provided the leadership for us to reach a consensus and the Speaker has always been there. We couldn't have asked for more appropriate leadership in this body, they were there when we needed them and the same for the other body, when it come time for crunch time. I would only hope that we had a great vote yesterday, that we even have a stronger vote today, because it sends a message that we are back returning some trust into this process, back to the people, and I would urge you to support the pending motion for enactment. Thank you.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to this budget for one purpose. This budget has the school funding formula attached to it and the rural communities in this state are going to be devastated by this school funding formula.

I, in Washington County, represent a lot of small schools and this funding formula takes away monies from the majority of those schools so that most of those schools are going to have to do away with critical programs. I have sat here in this body since January and listened to bill after bill after bill go through here where we want to protect the children of this state and ladies and gentlemen, this school funding formula devastates the children of this state.

I want you to know that this is only going to confirm the fact that there are two states of Maine, because the northern part of this state is going to be devastated by the school funding formula and we say here that we're concerned about the welfare of our children. Believe me, you take away the education, you take away the hope of these children to go any further and you're only going to drive the northern part of this state into a more depressed economy. I urge you to defeat this motion to accept the budget so that we can separate the school funding formula and deal with that appropriately. We've added 38 million dollars to school funding in this state and believe me, adding 38 million dollars to the school funding of this state you wouldn't think that you would have to take away from the poor communities and ship and more and more down south, but that's exactly what's happened. I would urge you to defeat this so that we can separate the school funding formula and go on and come up with a flat funding and then if you want to take all of the extra money and give it to the communities that are receivers in this budget then go ahead and do that, but I urge you to defeat this so that we can correct this school funding formula. Thank you.

Representative GWADOSKY of Fairfield requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members

present and voting. All those in favor will vote yes; those opposed will vote no.

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

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: Rarely have I ever been accused of representing southern Maine, in the years that I have served in the legislature. I want to assure the Representative from Washington County that it is not a question of transferring money from northern Maine to southern Maine.

Part of our problem evolves around all kinds of issues and not necessarily the formula, even though the formula is one of the considerations that we deal with. Let me first indicate that the formula distribution is in this budget because that is where it has been over the years. The second point, I need to clarify, is that we are not spending 38 million dollars per se and we're taking that money in addition from northern to southern Maine. In reality in the first year of the biennium, this budget contains only 6 million dollars extra from last year that is going into the distribution method, and I repeat that's 6 million dollars. Now you might ask where does the rest of it go? In the first year the governor allocated roughly 2 percent, as did the Appropriations Committee, but part of that money, literally, is taken off from the top prior to distribution and the bulk of that off the top is what is known as out of district placement and state wards and in particular those are paid for entirely from state dollars and that money comes from dollars from above the top of the line. So that in the first year of the biennium we're only spending 6 million dollars more for distribution for education of students.

The problem that we face in northern Maine is not because we are simply taking money and giving it to another part of the state. There are some issues that compound our problem. In the 80's evaluations were being increased substantially in southern Maine, evaluations in northern Maine were steady. In the last 4 or 5 years, evaluations in southern Maine have remained constant or have dropped. Some, for example, in Portland by as much as 400 million dollars, in Berwick as much as 200 million and I can keep going. In the last 5 or 6 years the evaluations in northern Maine have been climbing, Fort Kent, for example, which I represent, has gone up close to 30 million dollars in a two-year period. My home town has increased by better than 20 percent. Take the valuation problem in my area and then compound that with the loss of students, which has occurred in northern Maine and you've got school districts that are losing as many as 10 to 15 percent of their student body in one year. Then go to southern Maine and find places where we have to constantly add mobile class rooms, because of the increase of the pupils within those communities.

Then I want you to add one other factor, and I don't want to bore you all day on this, but I do want to make it clear what the problem is. We haven't been putting any more state money in, and in the last four years statewide it has been a constant amount of money and the formula in 85 was devised to assume that we would be paying based on costs of two previous years ago and that you would simply continue

to increase that over the years and that meant more state dollars.

We had committed ourselves to fund education at the rate of 55 percent of what the cost of education based on two year old costs and guess what, members of this House? We're closer to 45 percent and what does that mean? It means we haven't got the money to properly fund education. We're about 200 million dollars short. That's our problem. I don't want anyone in this body, whatever position you take on school funding to ever assume it is because we're taking money from northern Maine and giving it to southern Maine. You can rest assured that as long as I am a member of this legislature, I would never ever take that position. We also have to be realistic, and to understand the problems of the other part of the state and I can tell you what northern Maine has to do, they have to eliminate superintendents. They have to combine districts. They have to combine positions. We can't continue to support administrators at the rate that we are doing for small districts. If the City of Bangor can have one superintendent, so can all of Piscataquis County and all of Washington County. When Lubec, for example, chooses to spend \$83,000 for a superintendent, it is too much money. I don't care how good the person is. So what northern Maine needs to do is to understand that they have to form districts. They have to consolidate their administration and they can save money so they can prevent loss of programs that they ought not to lose, but don't come crying to me and tell me it's because the state is stealing money from northern Maine. You may choose to vote against this budget but do so not on the basis that money is being stolen from one area of the state to the other.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: After I voted last night against the proposed budget, I drove home from here and I thought it over last night and I thought it over this morning as I drove down. What would I say today on the final enactment of this L.D.?

The reason I voted against the budget yesterday was, very simple I guess, I did have a problem with the school funding and primarily because the four districts I represent would have done better under the other formula. Tonight, though, I'm going to change my vote and I'm going to be voting for this budget and I'll tell you why.

Over the last ten years up in our area, back in the 80's, in fact, we had good times and we were building our school budgets around a good economy and I look back, in fact, ten years ago, I went to a school budget meeting on the local level and I made a pitch at that time, be careful what you're doing to increase your local school budget, because some day we may have to pick up some more of the tab. I was told by a school board member, at that time, and I never forgot it. He said to me, "Don, don't worry about it because the state is paying 80 percent of our costs." I said to him, that's very true now, but as time goes on. I look back our budget at that time was 3.2 million dollars, today we are 5.8 million but I remember back that year and I said to him, what if our percentage from the state should drop 10 percent? He said, "It would never happen." Well that's one of the things that's happened to districts like ours. It did start to happen 3 or 4 years ago and now that's the problem we're in. In

order to keep up with the times we've got to pick up some local dollars to do the programs that we need to keep in place.

You know in the past week, I've heard different people in southern Maine tell about, and I, kind of, have to agree with them to some degree. In fact, the other day in the joint caucus, I heard the good Representative from Westbrook, Representative O'Gara, ask the sponsor of the other school funding plan, "Why should I vote for this plan, when for years I supported helping out in northern Maine?" Today the other plan would help Westbrook. I've got to say to you tonight that he's absolutely right. I don't think any members of this body that served with me here for years have ever heard me say that I've appreciated the money that has come from southern Maine to help us out in northern Maine. Not one person has ever heard me say that I accepted it and I've been happy with it. Times are changing and the previous speaker is exactly right. Southern Maine during the 80's was having increases in valuations when we were staying constant and that did help us and about 4 years ago, we started to see it level off in southern Maine and in my area valuations started to increase.

Just to give you an idea, 10 years ago our little town was 22 million, it is now 65 million and that's what is starting to hurt us. I also have got to tell you about the good Representative from Berwick, Representative Murphy, for years has told me what York County does on sales taxes and ships up to northern Maine. I appreciate that, Representative Murphy, you've told me a good many times about that and to some degree you're absolutely right, but I'm standing here tonight telling you that I believe, in all the years I've been here, this budget has come together, in my opinion, the best that I have ever seen. The cooperation has been fantastic. I'll tell you tonight that there are things in this budget that I like. There are some things that I don't agree with, but in the spirit of compromise, I've got to tell you that I'm willing to look down the road and say to you that, hopefully, maybe our valuations for our area will level off so that things will iron out, where our rural areas won't be hurt in the future as much as they are right now, but I do agree with the previous speaker that one of the things that would help us is that the economy has got to turn around. I'll make a statement tonight. The economy in the State of Maine right now is not good, but I hope and I pray, that whoever is here two years from now that things will turn around and when it does, I hope those Representatives in southern Maine will give us consideration again.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: When you've been on earth too long you see a lot of history. When I was here in the legislature some years ago the state was contributing 30 million dollars a year to help towns with their schools. Today it's 500 million for the same period of time. Not many people tell me that schools are 37 times better today than they were then.

We had an education format class, it did make a lot of improvements in our program. There was one problem with it, it was expenditure driven. The more you spent the more you were suppose to get back and that set a tone that has led us to the point where we

are today. We had many programs that, perhaps, were not fully justified, but were started because the state was going to pay for it. We've reached the point now where we do not have the dollars to fully fund, according to the original plan. I can't speak with the eloquence of previous speakers who have explained very accurately the problem that we have and the solution that has been reached.

My late wife and I contributed 80 years to education and although I can't speak with the eloquence, I can certainly speak with as much sincerity as anybody in this room. I come from an area classified as underprivileged, depressed, economically disadvantaged and I know exactly what the good gentlemen from Washington County meant, because my towns are in the same category as his towns. I've decided that I will support the recommendation of this committee for the following reasons. The gentleman who represents the small towns such as mine and the good lady who represents the people in the more heavily populated areas are both equally determined. They're stubborn. They're dedicated and I am sure that both made very sure that they did all that they could for their constituents. When they started this debate and this discussion some 5 or 6 months ago, they were leading in two camps this far apart and during the next 5 and 6 months they came closer, and closer, and closer, each doing the best he or she could for his or her constituents, arrived at a compromise that they felt was acceptable, not entirely satisfactory to either one of them, but I have confidence in both of those leaders. I think both should be commended for the work that they have done and I think the result is as fair and as equitable as it could possibly be. While I understand the feelings of the gentleman from Washington County, I have no hesitation in saying that I think this is the best compromise that you and I can expect and I hope that you will support it when it comes time to pass. Thank you.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I'm preparing to vote for my first biennial budget. I voted no on the biennial budget two-and-a-half years ago, but before I do, I want to talk about what makes up over 50 percent of this budget and that is educational funding. I want to talk about the towns. I want to talk about the school boards. I want to talk about meetings with teachers and administrators and I want to talk about the fact that this is the end of June and we still, to this point, have not told anyone what they are going to get for an appropriation, what they are going to get for an allocation. There is something fundamentally wrong with our process.

I know we have all worked hard and, boy, I'll tell you, I worked on the Education Committee this year and I worked hard to come up with a school funding formula and I understand the problems that we talked about earlier in eastern and northern Maine and there are problems, but at this late date, if you were to make radical alterations to the school funding formula and substantially change the figures, the preliminary figures, that we gave to the schools in February, you would throw the whole system into chaos and it's bad enough as it is. We can't do that. So what I'm saying to you today is that we've got to come up with another way to handle the way we come up with our decision to fund the schools. I don't have

the answer, I've got some ideas, and I bet you do too, but we can not continue to hold the schools of this state hostage and have them not know whether or not they can employ teachers next fall. So I'm asking you, between now and next year when we come back, can we get together and figure out a way to better serve the people of Maine by getting the allocation to the schools by the statutory date, which next year will be March 15th. If we can do that, we will really be serving the public. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House: I was a little early the other day on my speech and I apologize for that. It'll be much shorter today. I don't stand here to encourage anybody to vote against this budget. You're going to see a red light up there next to my name, because I have to do that, but I don't encourage anybody else to do so. My fundamental problem with the school funding will not be fixed by Plan 8, or Plan 10, or by any quick remedies done here today, or this week and I encourage those people who aren't sitting on the fence to support this budget and I also make a commitment to this body that if my red light is the red light that is the two-thirds decision maker then I will change my red light at a later date to prevent that from happening. Thank you.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: I rise today to encourage you to support this bill, L.D. 706 and I would like to take this time to commend the Appropriations Committee for their hard work, their diligence, and their collaborative nature. It's incredible to have watched as this Appropriations Committee pulled together all the hard decisions that they had to make. It was very difficult, a tremendous collaborative effort. It's important that we show, as we did with our first vote, earlier in this body, that we are overwhelming supporting this committee. This committee is a great committee and I encourage you to support and pass into enactment L.D. 706. Thank you.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: It's been talked about losses to school districts and if you look just at the printouts, the blue printout for example, that shows the majority report of the Education Committee, if you look at that alone, that doesn't tell all of the story. You have to look, also, at the 8 1/2 x 11 yellow printout, which shows the change in student population and the change in valuation, because both of those factors influence, under any formula, how much a community receives. You also have a sheet on your desk about a Senate District, which under one plan, gains one million dollars. If you look at that, wow, that's a lot of money and maybe we should redistribute that, but keep in mind that same district has gained 251 and a half students and lost \$15,125,000 in valuation. Both of those factors will increase the amount going to that district under any formula. If you multiply 251 students by the average high school costs and elementary costs, I think you'll find more than a million dollars just for those 251 and a half students alone, so please when you look at your district,

compare not only just the amount, but the pupil loss or gain and the valuation loss or gain for your particular town, or for your particular school. Thank you.

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

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: I want to point out that I didn't bring up this issue. It's not my intention to try to amend the budget at this point in time. I fully realize that we're on a mission here. I'm not exactly sure why we're moving so quickly, but nevertheless, we have made a decision on how to spend this billion dollars. I am quite concerned about it, not just about the GPA portion of the education budget, but the rest of the budget. Frankly, we didn't discuss for 3 minutes what to do with the rest of the education budget. We never talked about the technical colleges, the universities, Maine Maritime, reading recovery, jobs for Maine graduates, that's another half of a billion dollars we never looked at. So in my mind's eye, at least half of this budget is not being necessarily allocated in the way it should be and that's why my light is red, although I do greatly appreciate all the other components, the welfare component and many other things. It's a really good budget in an awful lot of ways. I want to make sure that it is clear that I am pro education. I don't want anyone taking my red light and saying it's because I'm anti-education.

Since the issue was brought up, I am going to take a minute to explain some of my concerns. Some of you probably remember those private meetings that we had with the governor and the professional facilitator when the committee kept working for almost a month and there are very few fond memories I have of those moments, but one of them was when one of the members of the committee said, he asked a question, "What is it about being messed up that you don't understand?" Now I just want to make sure when you make this decision that you know what you are deciding upon.

When I was a legislator, my first term, last term, I made this decision about the school funding formula and I really didn't understand fully what I was doing. Fortunately, one of my seatmates was a highly respected member of the committee, former Representative Norton and I spoke with him all the time and attended a lot of the meetings and tried to get a good feel for it. Last year we didn't have much information and there wasn't a choice. We were told that it had to be distributed one way and that was the only choice we had. It's been my endeavor all along to try to make sure that those of you who are not on the Education Committee have been able to be as informed as possible when you make this decision. In my mind's eye, this portion of the budget, this billion dollars, is the single most important part of our entire budget. In my community roads and schools are the only things they care about and the few people who work at the liquor stores, they care about that, too.

That's why I took all the time to organize the information by district so that you could look at the changes and impact and make your own decision. This sheet of paper that I passed out a minute ago that says you have two school funding plans to choose from, there's a lot of rhetoric saying that the reason why the money is going to the south, which ever Senate District it happens to be is, because the valuation is changed and the student population is

changed, but that's not true. In the majority report and the minority report, Plan 10, the numbers of the students are the same. In both plans the property valuation is the same. In both plans the amount budgeted, the total cost, is the same. The significant difference between the two plans is that in the majority report only 63 school units benefit, comparatively speaking, and in the minority report Plan 10, there's 221 school units that benefit. That's 77 percent of the schools are better off under Plan 10, 24 Senate Districts improve under Plan 10 and there's 92 House Districts that benefit under Plan 10. Yes, there are a million differences between what goes to Senate District 30 under the two different plans.

What you need to bear in mind through all of this debate and all of this arguing is that after all the money is divided up among all the children, we are talking about a \$32 increase per child. After you take out the salaries and benefits for the teachers and administrators, it leaves you with about \$10 per child, to buy all the paper, all the new textbooks, all the computers, and everything else your school boards would desperately like to buy. Well under Plan 8, what we've decided to do is send \$150 per child to Senate District 30, which most people would consider to be one of the more affluent Senate Districts in our state. That's why I have a hard time with it. All we have is \$32 per child for an increase and we have gone and decided in our collective wisdom to send \$150 of it per child to Cape Elizabeth.

The reason why I am bringing this forward is so that you can make an informed, deliberate decision so that you know what you are doing and you don't say, "Well I was confused. No one told me. I didn't understand." Representative Desmond and I went and spoke with the Governor, Friday, and we showed him the printouts and again the Senate printouts are the most interesting, because you can then see how all the money is shifting through the state. So yes, the Governor does know what he is deciding to do and so does all his staff. One of my parting words to him was, "Do you remember what the last independent governor did to education in this state? You don't have to be party to that." So he knows.

I'm speaking tonight for three reasons. One, is to make sure that my conscience is clean and that I have done everything humanly possible to stop this from happening. The second, is for the historical record, for there are 215,000 children that were counting on us to do the right thing. For the two-thirds of the state that is losing more than its fair share. And most importantly the reason why I'm still speaking is because I hope that some of you will return again in the next session, in the 118th, and that some of you will be on the Education Committee and that somehow you will prevail better than I did and I wish you all the luck and if there is anything I can do to help you let me know.

Some of you have said, well this is a good plan, but it came out too late and I want you to understand why. I asked for these printouts and for information back in March and I was denied. I ended up having to file twice, under the Freedom of Information Act. I went to the Attorney General, I went to the Speaker of the House, I went to the Governor, and I went to the President of the Senate. It turns out my committee chair has decided to create a new policy, which says that unless both committee chairs okayed it, you



couldn't get any information run from the Department of Ed. Then they finally said, "Well, I could eventually get the information," and I said, When? And they said, "When we're all done." I felt just like the stepdaughter in the Cinderella story. After we're all done and dressed up and ready to go then you can get your printout.

Finally, I did get the printouts and by that time my committee was so exhausted, in my opinion, and so worn out and so desperate to come to some decision, any decision, no matter how bad it was that they landed on Plan 8 and I think it happened in about ten minutes or so. I know a lot of them didn't want to vote on it. I know that they never looked at the printouts and I know there never was a printout for year two. They made this decision in the dark. As I pointed out to you earlier, the formula is very fragile. For instance, before I added the 2 million dollar cushion into it, Portland was gaining \$18,000, under Plan 10, after I added the 2 million dollar cushion, Portland lost \$155,000. It's important to see the printouts so you can see the ramifications of what you're doing. To see if what you have done and your tinkering with the formula makes sense and to see if the money is landing where the money should go. It's important to know that the committee, in my opinion, settled for a lot of gimmicks, a compromise that is going to hurt two-thirds of the state and did it without even looking at the impact of their decision, let alone the ramifications.

Another issue I want to point out is that there was never any discussion in the committee about where the additional 2 million dollars was coming from. I don't know where they found it. I hope it wasn't from a program that's really important to you. The issue that concerns me the most in all this process was that the bill that was the vehicle for the school funding formula was locked in the committee. Representative Desmond and I both signed off on it last Thursday, saying Ought to Pass as amended and both my committee chairs, Representative Martin and Senator Small, refused and refused and refused to release it from the committee, so none of you even had a chance. You didn't have a choice and I think that's what bothers me most through all of this process, because when I decided to run, I like many naive people, thought that America was a place where you have freedom of expression and the capitol building was where you could put forward ideas and they could come and be listened to and argued for and against and live or die on their own merits. I have a hard time with all the games that were played about an issue that is so crucial to our children. I wouldn't care if you could go back and reeducate a child, but you can't. The damage that you do to them now you can never repair and that leads to increases in welfare and juvenile detention in the prison systems and all those other issues that we are fighting about from time to time.

I won't go into the details about the differences between the plans, but if any of you still have those yellow printouts from the school funding formula, I'd like to ask you to pull those out for a second. I want to make sure that you know what you're reading. A lot of people have been reading it backwards. All you need to do is look for your House District number, for instance 81, and you read across the columns. The first two sets show you what you lived on last year. The next two sets are what your superintendents were budgeting on. The first dark

gray column shows you what Plan 8 would do for your district and the last wide gray column shows you what Plan 10 would do for your district. At the bottom of the row of your schools, there's a line that says total gain or loss for this district by comparing Plan 10 to Plan 8. So all you need to do is look at that line that says total gain or loss for this district by comparing Plan 10 to Plan 8. You'll see a number there. Now 92 of you have a positive number and that shows you how much more your district should have. Some of you don't have a positive number and again I apologize. It's not my fault. My home town loses money under Plan 10. The point is that there are 92 of you that are better off. That's two-thirds of the state is better off under Plan 10 and I thought that was what we were striving for, what was in the best interest of the state. I just want to make sure you know tonight when you vote that at least in a few peoples mind's eye, you're making a mistake. That money should stay in your own district. Your constituents worked really hard for that. I've heard a lot of people say, "Well, it's only \$100,000. It's only \$200,000. I suggest you call home and ask your neighbor how they would feel about having an extra \$200,000. That could buy a lot of computers, a lot of teachers, a lot of paper. Most of all what bothers me is that this money is going to areas that are not the most needy of our state. It's going to a Senate District that's going to gain \$150 per child. That's going to leave a whole lot of kids without getting their \$32. I have a hard problem taking another 2 million dollars from who knows where and putting it into a formula that ends up sucking money from 24 districts, again without any legitimate reason. That's my main problem in this issue. I wouldn't mind if we had come up with a legitimate formula that took the money from the 24 districts and sent it to 11 others, but there is not rhyme or reason to what happened and I just want to make sure, for the record, that you know that and that you don't become confused by all the rhetoric that you hear. The data is the same and again, like I said, I hope in the future that someone will be there to carry this on and carry it forward and I wish them a lot more luck than I had.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Mr. Speaker, Ladies and Gentlemen of the House: Each year school funding is one of the most contentious debates. This is really not surprising, when you consider each one of us wants to live in a town with good schools. We want our children to have the opportunities to reach for the stars. It's easy for this to become an emotional issue, but I would suggest that we need to resist this temptation and instead look at the facts.

Yesterday we heard a presentation by the author of Plan 10. During her presentation, three times she said Cape Elizabeth would be getting an extra million dollars. Try as I might, the largest number I could find for Cape Elizabeth was \$187,735, even when I added the money for the Senate District, which contains Cape Elizabeth. That's Senator Amero's District. The largest amount I could find was \$569,819. That's \$187,735 for Cape Elizabeth, \$376,602 for South Portland, and \$50,482 for portion of Scarborough that is in Senator Amero's District. The total is \$569,819, not one million.



In other words, saying Cape Elizabeth would get an extra million is an obvious misrepresentation of the facts. This makes me wonder what else in Plan 10 is less than factual. The facts are this, property values in Cape Elizabeth went up in the 80's and down in the 90's. Student enrollment is up. In the north, the opposite is true. Property values are up. Student enrollment is down. In 1984, Cape Elizabeth was getting 39.53 percent in state aid, today it is 21.64.

The Rosser report requires cost of living to be one of the calculations used in determining school funding. Plan 8 uses the cost of living. Plan 10 does not. Today I received a sheet on my desk that contained a statement an extra one million dollars is going to the Senate District for no legitimate reason. It concerns me a great deal to think that this body would consider adopting a funding formula that was created by someone who is either unwilling or unable to accept some simple concepts. Those concepts are towns valuations that go down, and student enrollment that goes up, deserve more money in funding formula. Cape Elizabeth meets both those criteria and is therefore entitled to additional funding. It's that simple.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: I keep hearing stories about cutting programs in the north. SAD 35 is cutting a program that is over 50 years old. They're doing it for several reasons. One, there's rising cost. Two, is lack of classrooms and three, is there's no more room to build portable classrooms outside the school. Northern Maine is not the only place cutting programs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative DESMOND: Mr. Speaker, Ladies and Gentlemen of the House: I voted no on Plan 8 in committee. My conscience wouldn't allow me to vote for a plan that would not benefit most students in our state. If my district was the only one losing under Plan 8, I would accept the inevitable, but two-thirds of Maine school units fall behind.

Plan 10 is endorsed by most superintendents in this state. The basis for Plan 10 has been tossed about a few times, but the Education Committee actually did not see the printout. This plan is based on facts and figures used in the superintendent's plan for a compromise budget, but is fine tuned. Plan 8 leans in the right direction, but isn't as fair and equitable as it could be. Plan 10 is actually more like we had discussed in committee. I was not persuaded for or against Plan 8 by anyone. We got a printout on Friday. That night when I had time to study the proposal, work on the figures, and do a comparison check, I could see clearly that it was not acceptable for two-thirds of the school children in Maine, two-thirds of the school districts. I understand how student enrollment declining or increasing can affect the amount of money going to a school unit. However, most low receiver districts gain substantially in both plans. Most property rich, low receiving units gain substantially over what they received last year on the projected budget for 95/96 and gain on both Plan 8 and 10. Most high-receiver units lose substantially from what they received last year on the proposed budget for

95/96 and lose on Plan 8. They do lose some on Plan 10 but receive enough to keep running. Say what you will about enrollment gain or enrollment loss in a district, there is such a thing as taxpayer dollar equity. Plan 10 uses the same amount of money as Plan 8. Plan 10 has a \$3,400 per pupil guarantee, with an operating mil rate of 6.06, whereas Plan 8 lowers both the per pupil guarantee to \$3,067 and the mil rate to 4.90, which hurts small rural districts while giving a high percentage of the budget dollars to districts with a broad tax base. Plan 10 maintains the integrity of the funding formula discussed in committee using the proposed 85.15 distribution with the income factor and transportation fully funded. Cost of living would be added the second year. Plan 10 considers Maine as a whole state. This plan will make it possible to live anywhere in Maine and receive a quality education. This plan does not further divide Maine into the haves and the have nots. Thank you.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: The hour is getting late and we're going to be here real late this evening. I would like to see us, Mr. Speaker, vote on the budget, if we could please. Thank you.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: If I could read my own writing, I wouldn't be speaking a second time. I put this budget before the people in the town and I spoke to the school board members and what not and they said, "We can live with it." Thank you.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House: There once was a town built below sea level. It survived because it built and maintained a strong sea wall to keep out the ocean. One year the town elders decided to stop reinforcing the sea wall and spent the money on business development. This continued for years until one day a storm wiped out the sea wall and everyone drowned.

There once was a legislature that built up an effective tax system that automatically adjusted itself for inflation and adequately funded the needs of its people for roads, and schools, and health care. One year the legislature began to dismantle its tax system so that business would come into the state. The state filled with businesses, but all the people left because there was no longer a school system, or roads, or health care. Tax caps are fiscally irresponsible and I can't support them or this budget. Thank you.

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

Representative SHIAH: Mr. Speaker, Men and Women of the House: I'll be brief also. First of all, I think the Appropriations Committee did a wonderful job and 99 percent of this budget I have no problem with. It's just that little section Part VV, also known as the tax cap and I just want to quote a few sentences from two editorials in today's newspapers. Portland Press Herald, June 28, 1995, title, "Give Maine a Budget that Pays the Bills," I'm quoting now, "This state is in no position to undertake dramatic

tax cuts or restrictive tax caps, nor is it responsible action to obligate future legislatures to reductions for which today's lawmakers claim credit. The responsible course for lawmakers is clear: one, pay the state bills; two, fortify against fiscal disruptions; three, make progress in meeting unfunded obligations. Partisan claims can't achieve fiscal stability, these are days for prudent and responsible legislative action."

Another editorial from the Kennebec Journal, dated June 28, 1995, titled "Biggest Gimmick of Them All," a couple sentences, I won't read the whole thing, "Maine has a lot of experience with tax and spending caps at the local level and the strong consensus is that they are disastrous as fiscal policy. Setting a number in the budget two years in advance and predicating tax cuts on that basis is a procedure so foolish, it's amazing it's come up again so soon after the budget debacle of 1991. Even if one wanted to cut the income tax, this is not the way to do it. Capping any revenue source years in advance is folly, inflation continues and so do unexpected costs. If Maine faces another recession by 1997, the possibility that can't be discounted a tax cap looks even worse. Tax cuts are suppose to be good politics, but financial discipline is even better. Voters have learned this through hard experience and lawmakers should mark it well." Thank you.

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

Representative UNDERWOOD: Mr. Speaker, Men and Women of the House: The Representative from Buxton earlier mentioned that he'll be voting for his first biennial budget. I stand here today to tell you today that I'll be voting the first time against a biennial budget. The voters in my district sent me a clear message when they elected me to come to Augusta. That message was that they wanted a leaner, more efficient and a more responsible government. This budget before you provides us with none of this. This budget will not help the over taxed people of our state. This budget will do nothing to help stimulate the growth of our businesses in this state. This budget will increase state government by 233 million dollars and I'm not comfortable with that. The voters in this state also gave me a message that they wanted to get rid of the gimmicks of the past. Now this document leaves in place the biggest gimmick of all the gimmicks that I have seen come out of this legislature in the past four or five bienniums. In the 115th Legislature, they implemented a temporary sales tax increase. The 116th failed to live up to their promise and repeal it. Now four years later we will again leave our sales tax at 6 percent. I ask you ladies and gentlemen of the House to vote no on this budget. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: We have stood here today and we have listened to people pick this budget apart. Well, as in the past years, we get a budget and not one of us can say we got everything we wanted. No one stood here on this floor this year has fought for tax cuts any more than I have. I won some and I lost some. I take my losses and I'll be back. Well ladies and gentlemen, let's pass this budget so we can give the people of Maine a budget and the state workers will know that Monday morning they can get up

and they will have a job waiting for them and they won't have to wait for us. I hope that we will vote this budget out, Ought to Pass, now. Thank you.

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

#### ROLL CALL NO. 261

YEA - Ahearne, Aikman, Ault, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rotondi, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Spear, Stedman, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Vigue, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Adams, Bailey, Bunker, Chase, Heeschen, Look, Rosebush, Shiah, Underwood, Volenik, Winn.

ABSENT - Dexter, Keane, LaFountain, Poulin, Richardson, Yackobitz.

Yes, 134; No, 11; Absent, 6; Excused, 0.

134 having voted in the affirmative and 11 voted in the negative, with 6 being absent, and 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 necessary, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative JACQUES of Waterville, the House recessed until 7:15 p.m.

#### (After Recess)

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

Bill "An Act to Ensure the Continuation of Current Hospice Services"(H.P. 712) (L.D. 969) which was tabled by Representative JACQUES of Waterville pending adoption of Committee Amendment "A" (H-649).

Representative FITZPATRICK of Durham presented House Amendment "A" (H-652) to Committee Amendment "A" (H-649) which was read by the Clerk.

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: This is simply a technical change in this particular amendment, which puts us in a better position to anticipate federal block granting.

House Amendment "A" (H-652) to Committee Amendment "A" (H-649) was adopted.

Committee Amendment "A" (H-649) as amended by House Amendment "A" (H-652) thereto was adopted.

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

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-649) as amended by House Amendment "A" (H-652) thereto and sent up for concurrence.

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

#### SENATE PAPERS

The following Joint Order: (S.P. 601)

**ORDERED**, the House concurring, that Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 251) (L.D. 648), and all its accompanying papers, be recalled from the Engrossing Department to the Senate.

Came from the Senate read and passed.

Was read and passed in concurrence.

#### Non-Concurrent Matter

An Act to Change the Atlantic Sea Run Salmon Commission (H.P. 922) (L.D. 1298) (H. "A" H-615 to C. "A" H-607) which was passed to be enacted in the House on June 28, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-607) in non-concurrence.

Representative CLARK of Millinocket moved that the House Adhere.

Representative BAILEY of Township 27 moved that the House Recede and Concur.

On motion of Representative CLARK of Millinocket, tabled pending the motion to Recede and Concur and later today assigned.

#### ORDERS

On motion of Representative ADAMS of Portland, the following Joint Resolution: (H.P. 1145) (Cosponsored by Representative REED of Dexter, Senator RAND of Cumberland and Representatives: AHEARNE of Madawaska, BAILEY of Township 27, BERRY of Livermore, BUCK of Yarmouth, BUNKER of Kossuth Township, CAMPBELL of Holden, CHARTRAND of Rockland, CHASE of China, CHICK of Lebanon, CLOUTIER of South Portland, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DAVIDSON of Brunswick, DESMOND of Mapleton, DRISCOLL of Calais, ETNIER of Harpswell, FISHER of Brewer, FITZPATRICK of Durham, GAMACHE of Lewiston, GATES of Rockport, GERRY of Auburn, GIERINGER of Portland, GREEN of Monmouth, GREENLAW of Standish, HATCH of Skowhegan, HICHBORN of Lagrange, JOHNSON of South Portland, JONES of Pittsfield, JOY of Crystal, KILKELLY of Wiscasset, KONTOS of Windham, LAYTON of Cherryfield, LEMAIRE of Lewiston, LEMONT of Kittery, LOVETT of Scarborough, MARSHALL of Eliot, MORRISON of Bangor, NASS of Acton, O'NEAL of Limestone, PAUL of Sanford, POVICH of Ellsworth, RICHARDSON of Portland, RICKER of Lewiston, ROSEBUSH of East Millinocket, ROWE of Portland, SAMSON of Jay, SIROIS of Caribou, STEDMAN of Hartland, STEVENS of Orono, TAYLOR of Cumberland, THOMPSON of Naples, TREAT of Gardiner, TRIPP of Topsham, TYLER of Windham, VOLENBK of

Sedgwick, WATSON of Farmingdale, WHEELER of Bridgewater, WINGLASS of Auburn, Senators: FERGUSON of Oxford, LAWRENCE of York, MICHAUD of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

#### JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RECOGNIZE MERCHANT MARINE VETERANS OF WORLD WAR II WITH FULL VETERAN STATUS

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

**WHEREAS**, September 1995 marks the 50th anniversary of the end of World War II, the greatest armed conflict the world has ever known, in which the victory of the Allied united nations made possible the promise of peace, dignity and freedom for all peoples; and

**WHEREAS**, in that conflict some 250,000 Americans served in the United States Merchant Marine, which carried goods, grain, armaments, food, personnel and materiel to Allied forces in both the Pacific and the Atlantic theaters, in the great ocean convoys President Roosevelt called the "American bridge of ships"; and

**WHEREAS**, in that conflict 6,835 United States merchant mariners and over 1,800 United States Navy personnel on merchant ships gave their lives for their country, the highest casualty rate of any United States service in World War II; and

**WHEREAS**, in that conflict over 600 United States merchant mariners were incarcerated in Axis POW camps, suffering a casualty rate of over 10%; and

**WHEREAS**, in that conflict Mainers built and launched almost 270 Liberty ships at the Todd-Bath East and West Yards in South Portland, Maine and sent thousands of officers and enlisted personnel into the United States Merchant Marine, continuing the proud Maine tradition of "those that go down to the sea in ships"; now, therefore, be it

**RESOLVED**: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to provide that certain service of members of the United States Merchant Marine during World War II constitutes active military service as proposed in bipartisan bills S-254 and H-44, now before the 104th Congress, as just and due recognition of the United States merchant mariners' selflessness, sacrifice and service to their country and the Allied cause; and be it further

**RESOLVED**: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

#### ENACTORS Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$14,000,000 for Grants to Cities and Towns for the Proper Capping of Their Solid Waste Landfills, for Small Community Water Pollution Control Facilities and for the Removal of State-owned

Underground Storage Tanks (S.P. 147) (L.D. 333) (H. "A" H-635 to C. "A" S-306)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 109 voted in favor of the same and 5 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

Resolve, Establishing the Task Force on Alcoholic Beverage Sales (H.P. 1075) (L.D. 1514) (Governor's Bill) (H. "A" H-614 to C. "A" H-477)

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 25 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

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

An Act to Change the Atlantic Sea Run Salmon Commission (H.P. 922) (L.D. 1298) (H. "A" H-615 to C. "A" H-607) which was tabled by Representative CLARK of Millinocket pending the motion of Representative BAILEY of Township 27 that the House Recede and Concur.

-In House, passed to be enacted on June 28, 1995.

-In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-607) in non-concurrence.

Representative BAILEY of Township 27 withdrew his motion to Recede and Concur.

Subsequently, the House voted to Adhere. 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 Amend Laws Pertaining to On-premises Signs by Allowing for Changeable Signs" (H.P. 946) (L.D. 1335)

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-456) on June 14, 1995.

- In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-456) as amended by Senate Amendment "A" (S-349) thereto in non-concurrence.

TABLED - June 27, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative O'GARA of Westbrook, the House voted to Adhere.

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-564) - Committee on

Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Future Budget Fund (H.P. 760) (L.D. 1034)

TABLED - June 22, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

On motion of Representative KERR of Old Orchard Beach, the Bill and all accompanying papers were recommitted to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

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

#### SENATE PAPERS

The following Joint Order: (S.P. 599)

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 117th Legislature shall be extended in accordance with the provisions of said section.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-364).

Was read.

Senate Amendment "A" (S-364) was read by the Clerk and adopted.

The Chair ordered a division on passage.

A vote of the House was taken, 97 voted in favor of the same and 4 against, a two-thirds vote being necessary, the Joint Order (S.P. 599) was passed as amended in concurrence.

#### ENACTORS

##### Emergency Measure

Resolve, Requiring a Study of How the State Should Regulate Naturopaths (H.P. 1087) (L.D. 1532) (H. "A" H-613 to C. "A" H-508)

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

On motion of Representative ROWE of Portland, 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. 1532 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-508) was adopted.

The same Representative presented House Amendment "B" (H-647) to Committee Amendment "A" (H-508) 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 technical amendment to resolve an internal inconsistency regarding certain dates in the Naturopaths study bill. Thank you.

House Amendment "B" (H-647) to Committee Amendment "A" (H-508) was adopted.

Committee Amendment "A" (H-508) as amended by House Amendments "A" (H-613) and "B" (H-647) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (H-508) as amended by House Amendments "A" (H-613) and "B" (H-647) thereto

in non-concurrence and sent up for concurrence. Ordered sent forthwith.

#### Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1995 (H.P. 1135) (L.D. 1579) (H. "A" H-641 to S. "A" S-314; S. "B" S-347)

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. 120 voted in favor of the same and 1 against, and accordingly the Mandate was finally passed, signed by the Speaker and sent to the Senate.

An Act to Amend Certain Motor Vehicle Laws (H.P. 771) (L.D. 1045) (C. "A" H-637)

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.

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

Representative GATES of Rockport moved that the House extend until 10:00 p.m., pursuant to House Rule 22.

A vote of the House was taken. 76 voted in favor of the same and 29 against, the House extended until 10:00 p.m.

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

#### SENATE PAPERS Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-322) on Bill "An Act to Improve the AFDC Program" (S.P. 548) (L.D. 1496) (Governor's Bill)

Signed:

Senator:

Representatives:

PINGREE of Knox  
FITZPATRICK of Durham  
JOHNSON of South Portland  
SHIAH of Bowdoinham  
ETNIER of Harpswell  
MITCHELL of Portland  
JONES of Bar Harbor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-323) on same Bill.

Signed:

Senators:

BENOIT of Franklin

PENDEXTER of Cumberland

Representatives:

JOYNER of Hollis  
MARVIN of Cape Elizabeth  
WINGLASS of Auburn  
LOVETT of Scarborough

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee

Amendment "A" (S-322) as amended by Senate Amendment "B" (S-348) thereto.  
Was read.

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.

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

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

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

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

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

#### ROLL CALL NO. 262

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hartnett, Hatch, Heeschen, Hitchborn, Jacques, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kneeland, Kontos, Lemaire, Lemke, Lemont, Luther, Madore, Martin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Paul, Peavey, Pendleton, Perkins, Povich, Rice, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Strout, Thompson, Townsend, Treat, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Carleton, Clukey, Damren, Donnelly, Dunn, Gieringer, Gooley, Greenlaw, Guerrette, Jones, S.; Joy, Joyce, Joyner, Lane, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Marshall, Marvin, McElroy, Nass, Nickerson, Ott, Pinkham, Plowman, Reed, G.; Reed, W.; Robichaud, Savage, Simoneau, Stedman, Stone, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Dexter, Heino, Keane, Labrecque, LaFountain, Layton, Poirier, Poulin, Pouliot, Richardson, Rotondi, Tripp, Yackobitz.

Yes, 88; No, 50; Absent, 13; Excused, 0.

88 having voted in the affirmative and 50 voted in the negative, with 13 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-322) was read by the Clerk. Senate Amendment "B"

(S-348) to Committee Amendment "A" (S-322) was read by the Clerk and adopted.

Representative WINGLASS of Auburn presented House Amendment "A" (H-623) to Committee Amendment "A" (S-322) which was read by the Clerk.

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

Representative WINGLASS: Mr. Speaker, Men and Women of the House: What I really have to say is from the heart. Over the last several months, it seems like years at times, the Human Resources Committee has attempted, unsuccessfully as it turned out, to bring to this full chamber a unanimous report. The one thing that hung us up through all of this, it seemed to me, or one of the two stumbling blocks was something called time limits.

Now as we proceeded through the debate within the committee, and I think it's important for you to understand this, we in the minority here, offered, for example, a six month increment, we offered a twelve, a twenty-four and a thirty-six. None of those were found to be suitable or acceptable by the committee majority and so the bill that we now have in front of us contains no, so called, time limits.

While discouraged, I think all of us, and that's members of the committee on both sides, because we had hoped for resolution and completely all-hands-agreed-to report. We were unable to do that. So we set to work on what was a terrific foundation bill that had been presented to us by the Chief Executive and his people. They had given us one very, very, fine, terrific bill. You see that some of the major pieces of that bill in the amendment that is in front of us.

What I would like to do is suggest to you that there is a further opportunity. We have a target of opportunity here, which my amendment, that we have now discussed, gives us a chance to do something really dramatic. I would like to believe that this body is comprised of people who are bold and daring and willing to stand up to a test of unanimity. I think we can do that. I think we can do that if we will stand up to a time limit. The amendment that I gave you will, in fact, provide time limits of five years. Five years with a tremendous amount of discretion provided to the Chief Executive's operating officer, the Commissioner of Human Services. Five years to me seems like a long time, certainly it's a lot longer than six months, where we started some long time ago. It provides that kind of protection to those who receive these benefits along the trail and it is an opportunity for us, as a body, to show that we can work together and we can compromise and we can present the bill to the Chief Executive to sign that, in fact, reflects the views of the entire body, both sides of the aisle.

I won't say anything more about time limits. I will remind you that I passed a piece of paper around earlier today wherein at the national level, or in the U.S. Senate, the Democratic welfare position is, in fact, advocating a five year term limit. I think and I hope that that's persuasive to some of you who might wonder whether or not we would be first in line or some other sort of a thing. There's again both Republican and Democratic support around the country for this sort of thing and I hope we'll join and get caught up with this sort of fervor.

The same Representative requested a roll call on adoption of House Amendment "A" (H-623) to Committee Amendment "A" (S-322).

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

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

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: Let me take a second and talk a bit about time limits. As my good friend from Auburn said that it was something that was debated at some length in the Human Resources Committee and it certainly being, as he mentioned, debated in Congress. Let me talk a little bit about the Democratic National Committee Plan that my good friend spoke about. Yes, the Committee Plan from the Democratic Party in Congress does speak to five-year time limits, but there are substantial differences between the plan offered by my good friend from Auburn and the plan being offered in Washington by the Democratic Party. The plan being offered by the Democratic Party in Washington contains millions and millions of new dollars for the states, plus a much higher match rate, plus protection for children whose AFDC grants are cut off, as well as other exemptions for specifically the AFDC population, none of which are found in the amendment before you. It is a little bit of apples and oranges.

The media has focused very heavily on the time-limit debate and really what you need to know is time limits is very much in the research and gimmick stage. Only the state of Wisconsin, and my good friend from Auburn did pass out a handout that describes the Wisconsin experiment and it is very much that. Only two counties in the state of Wisconsin have been approved for a federal waiver. It only involves 1/72 of AFDC population in Wisconsin. In other words, a very small experiment in the state of Wisconsin. No where else in the country do they do drop-dead time limits. What I mean by drop-dead time limits is, after three years or five years, you fall off the cliff. You're vaporized. You're no longer part of the AFDC system and you're thrown into the general assistance system, or if not on the general assistance system in some secondary system, perhaps shelters. No where else in the country, ladies and gentlemen, do they do something like this. Maine should not be part of an experiment with at-risk population and children. It simply will be a shift onto our municipalities, onto the general assistance system. We were told before the committee by the commissioner of Human Services, "Please don't do this." We were told by the Maine Municipal Association that if we went for three year caps, that in 1999 we'd have a 5.6 million dollar fiscal note on the municipalities. A shift upon the municipalities, if you go to five years that appears in the amendment before you, that just shifts that hit out two more years. There's no way to avoid that, people don't vaporize, they don't disappear.

The program we're presenting to you in the majority report puts people to work. Everyone participates. It changes welfare as we know it in the State of Maine. We can't afford at this time to get diverted into expensive gimmicks that pass

expenses onto our municipalities. Again, the majority report, read it closely, it has tough work regulations, everyone participates, based on existing resources, everyone goes to work. Let me say also, briefly, that in the other body, they've placed an amendment on the majority report. It was voted 25 to 9 in the other body, that simply adds a study to the majority report to look at this time-limit issue. I'm comfortable supporting that. The other body was comfortable supporting that. I ask you to defeat this amendment.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: In response to a comment Representative Winglass made in terms of five years being a long time. I feel really compelled to respond. Five years is a long time to go to school, five years is a long time to do a number of things, five years is not a long time to raise children, however. One of the things that a lifetime benefit has, a lifetime benefit process does not address is the fact that it does take a long time to raise children and the circumstances that people find themselves in are very difficult and often situations that they don't have any control over. If a person were to find themselves on AFDC at one point in time and then go back to school and work and get a job and had collected AFDC for five years and the children are still quite young and you go back to work and you work for a number of years and find yourself getting laid off, then what happens to that person? That somebody, they'll get unemployment benefits for awhile possibly, but we've seen in recent recessions where people that are very skilled, people that have worked very hard, aren't able to find employment. A lot of it depends on child support enforcement. What if it's not there? There are a lot of what ifs. We can't possibly know what all those what ifs are going to be for each and every family. When we say five years, we're talking about the lifetime of a child from when they're born to when they start kindergarten. From fifth grade to tenth grade. We're not talking about a huge amount of time, but we're talking about parts of times that are absolutely critical. I believe that time limits will hurt children significantly.

I also went to speak to the general assistance person from the town of Wiscasset and one of the things that I find very difficult to understand about the cost shift that we keep bringing up on time limits, that if a person is receiving AFDC, it's a split between the federal government and the state government. If we put a time limit on that and move that person onto general assistance, it then becomes a cost shift between state government and local property taxes. I've heard some people say, "Well, we'll resolve that, we just won't let them get general assistance." Well fine, they're going to anyway so then it will be 100 per cent of property taxes. There are significant potentials in time limits to increase property taxes and to change the way we're able to function as communities responding in a positive way to the folks that are struggling within our communities. I would urge you not to adopt this amendment. Thank you.

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

Representative JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to talk to you about time from a different point of view than what we have for the last few minutes. I want you to look into your own life, into your own experience of time and how precious time is. Time to grow up. Time to develop. Time to overcome inexperience. For each person in this room, each one has his or her time mystery. Some of you are quick developers. Some of you are so quick in mind I sit down and listen to you and I'm overcome by your brilliance, by your intelligence and I say to myself, "Birger, why are you standing here? Why are you here with all these brilliant people." Because you're so so quick. That's why I sit around, I'm very quiet, when I open my mouth you'll know. Time differs with personalities. Time differs with experiences of people. If you've been brought up as I have learned to working with young people in the Youth Center, I've seen kids who have no sense of time, because for them time was always now. I can't wait, now, because when they were brought up, it was either grab the food on the table now or you don't get anything later on. This developed their sense of now, I've got to have it. But when you grow mature, you learn, when you grow up, you learn to balance your time to spread it out. Time is so precious. In everybody's life in this room, there were times in your life when if someone came along and said to you, "Okay, that's it, no more, you stop right there, you've got no more chances," and we wouldn't be here, half of us.

I think back on my own life and there have been great time periods when I've come to a certain point and someone or something happened which gave me another time. Another free gift. Ladies and gentlemen, we have just enacted a wonderful welfare reform. We tried to do something like this back in the 116th, it didn't work. We've got a marvelous gift here, to help people reconstruct their lives. But these are people, these are human beings and like with a child in your home, it's like just coming to someone and finding out. First of all, what is their time, not just your time, and if you find out what is their time, you work with their time. You do this with students. Many of you are teachers and you know that some students take forever, but they finally did get it, but if you put on them a hard time limit, they would have failed. You didn't fail them, you opened it up and said, "Take your time." Now in this bill that we have been working on, there are limits, but they are not ultimate limits. There are limits like in schools, yes, get the homework in and get it in and then if it fails, you'll try again to get the next one. There are limits, but you know what I'm talking about.

Ladies and gentlemen, let's not take away from the people in our state who are expendable, who think of themselves as expendable, who are very fragile and they need time. Be gracious. Thank you.

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

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

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

Representative PERKINS: If this amendment passes and these benefits are cut off under this provision, what protection is there for the children after this? Could somebody tell me that?



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

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: The way I read the amendment, I'm certainly open to correction by the good Representative from Auburn, is that after the three year period, then the possible two year extension beyond that, the family would simply lose their AFDC grant, so at that point, the children and the AFDC mother or the two-parent family would be on their own. In other words, they would not have access to the AFDC grant. There would be a shift onto the general assistance program and whatever existed at that time.

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

Representative WINGLASS: Mr. Speaker, Men and Women of the House: Representative Fitzpatrick explained that just as it is. I happen to believe that the Governor's program, as we now have in front of us, as the Democratic Plan, will, in fact, see to it that there are very few people at that point in time still around at five years, who have not gone to work and put their life on the right track. So there will be some and at the end of that five years who resist to the end and they will drop into the situation that Representative Fitzpatrick described.

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

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

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

Representative VIGUE: To anyone who may be able to answer it. If we have a situation where a woman is drawing AFDC and has two children and after four years she dies, what happens to the children if they are cared for by a grandmother, or aunt, or what have you? Is the payment made to the mother, or is the payment made to the children? What happens in this situation?

The SPEAKER PRO TEM: The Representative from Winslow, Representative Vigue has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sedgwick, Representative Volenik.

Representative VOLENIK: If a custodial parent dies, any relative with a direct relationship, a grandparent, a brother, or similar relative may apply for an AFDC grant and resume the grant for those children.

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

Representative VIGUE: Along that line, what happens after five more years when the kids are nine years old?

The SPEAKER PRO TEM: The Representative from Winslow, Representative Vigue has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: What tends to happen with this time limit proposals is people tend to propose five years, or three years as being your total

availability for the rest of your natural life, as long as you have children. In a sense, under the Representative from Auburn's program, and again I'm open for corrections, that you would have your initial three year period, the potential, again the potential, this isn't a done deal, of an extension for two years and then at the end of five years you would have used up your time on the AFDC program. As all of you can well imagine, given the shifts in the economy and what have you, that certainly can be problematic for the children.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: It seems to me that my good friend, Representative Winglass, more or less, gave quite a vote of approval for the executive and the majority plan. He said, if I wasn't mistaken, "At the end of five years, there should be very few people left on this." It seems to me that's a good vote of confidence in this. It looks to me like this is a fairly major reform, which a lot of people back in my area want and I'm hoping this is a fairly major reform package and if most everybody is going to be off welfare in five years, it seems to me we ought to give this a chance. Thank you.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: Just one comment, social security survivor benefits would be available for children whose parents have died, point one. Question, is this legislation prospective, persons on AFDC would have five years from this time? Thank you.

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

Representative WINGLASS: The answer is yes, Representative Plowman, and the answer to whoever asked this question about what happens at the end of five years. I refer you to paragraph 4-A, the last sentence in that indicates that the department shall adopt rules to finding extraordinary circumstances for the purposes of this paragraph, so that there will be latitude under the extraordinary circumstances proviso that would enable that situation that was described as a grandparent taking custody to continue to receive the AFDC.

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

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

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

Representative KILKELLY: The question has to do with social security. I'm wondering if children are eligible for social security benefits, if the parent at the time of death was not eligible for social security benefits? The person hadn't worked enough quarters, if the person was somehow employed in such a way that they were not eligible for social security?

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

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



Representative MITCHELL: Mr. Speaker, Men and Women of the House: I want to echo what Representative Perkins has said. We have just enacted, in fact, a state-of-the-art program based on the most trusted and proven programs in the country. We should really be proud of what we have enacted here. It took a lot of work by all the members of the Human Resources Committee and the administration. What is going to get people to work? It's not time limits, but the program that we have created. Giving people opportunities, giving people training and education when it's needed, giving people child care, transportation. We're going to remove the barriers to get people to work and that's what's going to get people employed. Not time limits. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-623). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 263

YEA - Aikman, Ault, Barth, Bigl, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gooley, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Lane, Lemont, Libby JD; Libby JL; Lindahl, Look, Lumbr, Madore, Marshall, Marvin, McAlevey, McElroy, Nass, Ott, Peavey, Pinkham, Plowman, Reed, G.; Reed, W.; Robichaud, Savage, Simoneau, Stedman, Stone, Taylor, True, Tufts, Waterhouse, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Kilkelly, Kneeland, Kontos, Lemaire, Lovett, Luther, Martin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, O'Neal, Paul, Perkins, Pouliot, Povich, Rice, Ricker, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

ABSENT - Bailey, Dexter, Heino, Keane, Kerr, Labrecque, LaFountain, Layton, Lemke, Nickerson, Pendleton, Poirier, Poulin, Richardson, Rosebush, Rotondi, Underwood, Yackobitz.

Yes, 55; No, 78; Absent, 18; Excused, 0.

55 having voted in the affirmative and 78 voted in the negative, with 18 being absent, House Amendment "A" (H-623) was not adopted.

Representative LOVETT of Scarborough presented House Amendment "D" (H-650) to Committee Amendment "A" (S-322) which was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative LOVETT: Mr. Speaker, Ladies and Gentlemen of the House: I'm presenting a very simple amendment that will help to prevent fraud in the welfare system. Let me explain. This amendment provides for home visits to new recipients of Aid to Families with Dependent Children in the Department of Human Services. This applies to regions two, four and five and those counties that those regions represent are York, Cumberland, Washington, Hancock, Penobscot, Piscataquis, Androscoggin, Franklin and

Oxford Counties. This would complete the family contract as it appears in the bill. This would reinforce reporting responsibility and this would also verify the social security numbers. We would also be requesting other additional information at the time. I ask your support in this amendment.

The same Representative requested a roll call on adoption of House Amendment "D" (H-650) to Committee Amendment "A" (S-322).

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

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

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: To be honest with you, this is kind of a late arriving amendment, the good Representative from Scarborough and I talked about a couple of days ago, and in terms of how the majority who worked on the bill feel about this, frankly we're much more opposed to time limits and the family cap than we are this proposal. The reality is that, if there were additional resources, we would prefer that they were used to expand the capacity of the Department of Human Services to do individual fraud investigations as opposed to doing home visits. But again, it is not as odorous as family caps, or the time limit and again if we had additional resources, we would prefer to spend it in other ways. Thank you.

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

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

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

Representative JOSEPH: Question to the Representative from Scarborough, could you tell me if there is a fiscal note on this amendment and what that might be?

The SPEAKER PRO TEM: The Representative from Waterville, Representative JOSEPH has posed a question through the Chair to the Representative from Scarborough, Representative Lovett who may care to respond.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative LOVETT: No this amendment does not have a fiscal responsibility. The one you're referring to is the one that I put in yesterday and I changed it so that it would have a fiscal responsibility. I feel, however, that this amendment will possibly save us a great deal of money as these inspectors go into the homes of new applicants, I think they're going to be able to ascertain whether the name and the address on the application is correct and I think they will be able to do a lot of verification for us right there. I'd appreciate your support. Thank you.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: I was interested in this amendment

when I first read it because I wasn't an auditor in a former life and this seemed to preform an audit function for a whole new approach to AFDC and I'm interested in that and not automatically opposed to such a thing.

Also, in a former, former life as a young person who participated in a program of what we called surplus food, I had inspectors in my home, looking in my refrigerator and looking at my living situation to make sure I was, in fact, the person eating that food. A recent experience which is involvement in the Productivity Task Force has made me rethink this amendment because the Representative who has sponsored it said there is no fiscal note and she is absolutely correct, the fiscal note on the bill says the additional cost will be absorbed by the Department of Human Services, but in my other life in this building, I'm charged with saving 45 million dollars through cuts in personnel. We have a hiring freeze on, so I don't know where the people are going to come from that are going to do this work. We could not use state employees, which is one possibility, but then, of course, there would be an all-other fiscal note, so I guess having said that, Mr. Speaker, I ask if I may pose a question through the Chair.

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

Representative CHASE: Either to the sponsor or anyone else who worked on this amendment. Have you discussed with the department, the personnel and the resources, how many people it would take to investigate the participants in the program and how the department plans to make that work?

The SPEAKER PRO TEM: The Representative from China, Representative Chase has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative LOVETT: Mr. Speaker, Men and Women of the House: If you'll all think back to the Healthy Start Program that the good Governor has sponsored. That program is going to put people into every home of a newborn and I feel that after talking with the department, we also could coincide this fraud inspection with that program also. I have talked to the department and the commissioner has assured me that they have the proper staff and they thought where it was new recipients that this would not pose any additional staffing. Does that answer your question?

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: In my role on Banking and Insurance, I happened to meet with Senator Cohen a month and a half ago and he was telling me that the fraud in this country in the last year was 217 billion dollars. Anything we can do, ladies and gentlemen, to try to help to keep things. I support this very much, I told the House Chair that I supported them on what has been done this year to make the people proud in what they're doing and trying to put them in the work force and I think with this it will help us to keep things a little more honest. I would urge you to support this amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldo, Representative McAlevey.

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

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

Representative McALEVEY: I had a constituent call me a few weeks ago because he had applied and had answered an advertisement for state employment concerning being an investigator for DHS and when I followed up, I think I spoke to a Mr. Winslow at DHS, and he indicated to me that they were in the process of hiring 50 investigators statewide over the next year. Is this something that is going on and perhaps is this where we can draw upon our pool of investigators?

The SPEAKER PRO TEM: The Representative from Waldo, Representative McAlevey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: To answer the question of the good Representative from Waldo, those positions which are in the budget we're enacting are for the support enforcement unit that essentially will help us chase down fathers who aren't paying child support. The Department of Human Services does have a discreet fraud unit, that's, frankly, much, much smaller than the support enforcement unit, but does track down individual reported cases of fraud and again as I said earlier, that would really be my preference, ladies and gentlemen, that if we're going to invest resources or energy, it be in the investigation of individual fraud cases to bring them to justice.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: If I could elaborate on that answer about the additional positions in Support Enforcement. Earlier this evening in adopting the budget for the next biennium, you've given these Support Enforcement people some rather unique powers. They may now look into the bank account of the so called dead beat parents. They may seize those assets, if this person is behind in their support payments. They may also issue orders to seize and sell the property of these individuals. Perhaps you didn't know that, now you do. I just wanted to let you know that, because in order to create responsibility we have given some enormous powers to go peeking around to other people.

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

Representative TOWNSEND: Mr. Speaker, May I pose two questions through the Chair?

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

Representative TOWNSEND: The first question is for Representative Lovett, the budget we just passed delays the implementation of Healthy Start by six months, would that impact the fiscal note for Amendment "D"?

The SPEAKER PRO TEM: The Representative from Portland, Representative Townsend has posed a question through the Chair to the Representative from Scarborough, Representative Lovett. The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative LOVETT: I don't believe so.

The SPEAKER PRO TEM: The Representative from Portland, Representative Townsend, may pose her second question.

Representative TOWNSEND: The piece of House Amendment "D" that makes me the most nervous is item D, which says that the fourth purpose for which one may pay a visit to the home is to request and to receive any additional information. Could you provide me with some kind of a scope as what exactly that could be? How personal are we going to be? Are we going to be looking in people's closets and under the bed? Are we going to be taking an inventory of their groceries? What exactly is going to be going on?

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

Representative LOVETT: Mr. Speaker, Men and Women of the House: I would believe that whereby they have a family contract, I would believe that anybody that was going to the home to make the check would also be checking on things in the family contract. This is what my intention was of that amendment, also, I think that is also referring back to the Healthy Start. The Healthy Start bill, the concept is to go into every home of a new baby if they feel upon the interview in the hospital, wherever the interview is going to take place, they are going to try to get into the homes to make sure that the child does have a healthy start and if there are any problems in the home, they're going to be able to try to help out right there, so I think that is going to be incorporated into that program. Does that answer your question?

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: To a degree it does, I have two questions remaining. Am I mistaken in my understanding that the Healthy Start Program is strictly a voluntary program? Secondly, since I have not carefully read the majority report, would you outline for us explicitly what the family contract does so that I can be confident in knowing what exactly these workers are going to be investigating for when they go into the home.

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

Representative LOVETT: Mr. Speaker, Men and Women of the House: I do not have that contract in front of me but I'm sure that someone here in this body can produce it. I believe that contract that we are talking about is going to ask the paternity, I believe there are quite a few other questions in that contract. Can anybody else help me with that?

The SPEAKER PRO TEM: The Chair understands that the Representative from Scarborough has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I'm squirming in my seat, but I have to get up and say a few words. I'm very much opposed to fraud, too, with DHS and these kind of people, but boy I'm telling you, why don't you just put a sign on

their forehead and put them out in the field, but you know half my time when I'm not calling DEP or LURC, I spend most of my time on the phone calling DHS. One of the things they tell me, they don't have the staff. They don't have the money. They haven't got the resource. I don't know how this amendment is going to work. I really don't know how it's going to work. Some of them tell me they have two or three hundred clients. I know this only has to do with new ones coming into the system, but I don't know how it's going to work. I really don't.

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

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

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

Representative PLOWMAN: Does not the DHS statutes already provide for home visits to ascertain some of this information, but the home visits require 24 hour notice?

The SPEAKER PRO TEM: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: There was a time 20/25 years ago and perhaps even longer than that, perhaps I'm dating myself, that DHS used to do home visits. This was simply part of the way they did business and they, frankly, haven't done that in recent history.

Now in discreet programs, whether it's child protective, or foster care, they do go into the homes and do home studies and what have you, but in terms of what Representative Lovett is describing goes back to another era. There was a time when DHS actually went into the home and that's how they did their business.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: To eliminate the fears that the gentleman from Millinocket has in regards to fraud, I'm not going to be concerned whether DHS has the staff or not, but I think any direction that we can take to move in this direction is the right way to go. I'm not going to worry about DHS having those people to go out there and do some investigations. This is one of the issues that concerns a lot of us on the local level. That when we are doing general assistance applications, what is going on in those homes? I think that there is no question, but this is the right way to go. I was opposed to time limits. I'm opposed to the cap, but I'll tell you this, I think this may help you more than any caps you could ever put on.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Men and Women of the House: My daughter has called on AFDC mothers for the last eight years, as an employee of indirectly the State of Maine and I'm convinced after listening for the last hour that not many people know what they are talking about.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House: As an ex-AFDC worker, I'd just like to give you a few basic facts. The average AFDC

worker has a caseload of approximately 150 to 200 cases, approximately five new cases per week. That means in an average office of 20/25 workers, approximately one-fifth of the time spent would be in investigating new cases and home visits. This would add approximately four to five new workers to each office involved, at a considerable expense to the state. If there is no fiscal note then it would imply that all of this work is going to be done by the existing structure and the existing workers. Now if that occurs, that means that those workers will have that much less time per week to do the rest of their duties, which means that if there is any possibility of fraud or mistakes it would be increasing under this system. I would urge you to defeat this amendment. Thank you.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I feel compelled to address the fiscal note on this bill. I saw it and was absolutely amazed. This legislature, three years ago, passed legislation that required a part-time intake worker in Lincoln County because right now people in Lincoln County have to drive either to Rockland, or sometimes they are given permission to drive to Augusta, to fill out an application. I have been working on that project for the last three years and every time we get near to having someone come to Lincoln County, two half days a month, I'm told that there isn't enough staff and there is not enough money and they can't possibly afford to do it. We've found free space, there is no cost for rent. We've found all kinds of support services and they still couldn't afford two half days in Lincoln County, so it is just astounding to me that this can not have an enormous fiscal note.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House: I can't believe what I'm hearing. I just can't believe it. I took care of general welfare for 14 years, I can't believe when somebody tells you that there is fraud out there, to the extent that you wouldn't believe and apparently you don't want them to correct the fraud. To me, to even consider that, why are you worried about nit picking whose going to do what? As far as I'm concerned, if they can cut the fraud, and I can name you a number of cases in my own town that I was in and I'm sure Representative Strout can do the same, that you are going to more than pay for, whatever it costs, for the inspector to put whatever time is necessary to sort these fraud pieces out. Stop and think of what you're doing. Fraud! Fraud! And it's costing you millions of dollars. You don't want to stop it. Don't!

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

Representative JOHNSON: Mr. Speaker, Men and Women of the House: In answer to the good Representative from Scarborough, there is in the paperwork of Committee Amendment "A" on page six, a description of the family contract in the top paragraph. I'll read it, "During the Aspire Job Program, referral process, a representative of the Department and each AFDC caretaker relative shall

sign a form, referred to as a family contract. The family contract must state the responsibilities of the parties to the agreement, including but not limited to cooperation in child support enforcement, determination of paternity, the requirements of ASPIRE Jobs Program participation, referral to parenting activities, and health care services. Refusal to sign the family contract or to abide by the provisions of the contract, except for referral to parenting activities and health care services, will result in sanctions against the caretaker, relative. Failure to comply with referrals to parenting activities or health care services, without good cause, will result in review and evaluation of the reason for non compliance and may result in sanctions." Thank You.

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

Representative HARTNETT: Mr. Speaker, Men and Women of the House: Earlier I was speaking to you about the four dozen positions in DHS, in the Bureau of Support Enforcement, and I said that the item was in your budget. Now the reason it was in your budget was because they were banking money on it. These additional positions, by creating greater support enforcement were, in fact, a net gain for the State of Maine. I'm beginning to think that these positions for rooting out fraud might have the same effect.

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

Representative STONE: Mr. Speaker, Ladies and Gentlemen of the House: As Representative Strout said earlier. We shouldn't be concerned about the available time that is required. We should be more concerned about the fraud. We can ask, what if, all night, but as my folks used to tell me it's better to try something and fail than to try nothing and succeed at it. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of House Amendment "D" to Committee Amendment "A." All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 264

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clukey, Cross, Damren, Davidson, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Jacques, Johnson, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kerr, Kneeland, Lane, Lemaire, Lemke, Lemont, Libby JD; Lindahl, Lovett, Lumbr, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell JE; Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Perkins, Pinkham, Plowman, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Rosebush, Savage, Saxl, J.; Saxl, M.; Simoneau, Spear, Stedman, Stone, Strout, Taylor, Thompson, Tripp, True, Truman, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Brennan, Clark, Cloutier, Daggett, Desmond, Gamache, Green, Heeschen, Joseph, Kilkelly, Kontos, Mitchell EH; Morrison, Rowe, Samson, Shiah, Sirois, Stevens, Townsend, Treat, Volenik.

ABSENT - Dexter, Heino, Hichborn, Keane, Labrecque, LaFountain, Layton, Libby JL; Look,

Luther, Nickerson, Pendleton, Poirier, Poulin, Richardson, Rotondi, Watson, Winn, Yackobitz, The Speaker.

Yes, 106; No, 25; Absent, 20; Excused, 0.

106 having voted in the affirmative and 25 having voted in the negative, with 20 being absent, House Amendment "D" (H-650) to Committee Amendment "A" (S-322) was adopted.

Representative WINGLASS of Auburn presented House Amendment "B" (H-624) to Committee Amendment "A" (S-322) which was read by the Clerk.

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

Representative WINGLASS: Mr. Speaker, Ladies and Gentlemen of the House: Finally, an opportunity has been presented to us. In the past few weeks we have devoted an inordinate amount of time and we have looked at an awful lot of paper that has snowflaked down on our desks. We've seen welfare quizzes in the form of the famous green hornets and we've seen the kaleidoscope cards that have been flashed at us. But now it's time to get really serious in this whole issue of welfare reform.

First of all, I'd like to call your attention to a publication, an excellent publication called, "Living on the Edge," in which two strikes and you're out, accounting for women's low earnings. Women face discrimination in the labor market, in addition women are segregated into occupations that pay low hourly wages. Women also earn less than men because they spend less time in paid labor. Clearly, the presence of children has an effect, and particularly young children, can have negative effects on income. Mona Sharon, a syndicated columnist, recently opined a view shared by many in our ever-changing society that we've successfully established that unwed parenting is often harmful and destructive. Please note she uses the word often, not always.

Now data collected by the Maine based Women's Development Institute on AFDC households, in just August and September of last year reveals to us that a staggering, a staggering 86.7 percent of all AFDC adult recipients are not presently married. Put these elements together and it seems to me that a reasonable person would reach the reasonable conclusion that it is unwise for additional children to be conceived and added while the prospective parent remains on the AFDC roles.

Now I've been told and I believe that the cost of raising an infant into adulthood is about 100 thousand dollars. This is a burden, which often proves overwhelming for the AFDC family, sometimes proves overwhelming for the, what you might term, regular family. I believe babies and children need lots of holding. They need smiles. They need talking and they need play. Babies, put it simply, need love. AFDC parents would love to give this love and share it but they are already under the strain and pressure stemming from financial difficulty and I think it would be unreasonable for us to believe that they are going to function more efficiently or effectively with more children.

Why then do they add to their families? Why? Who advocates that AFDC moms should have more children? I think our system itself does that disservice to them. Many of our fellow citizens contend that the considerable funding now being applied to the AFDC family size increases would be much better utilized in Maine for things like education, additional child

care, for things like the rape crisis center and domestic violence centers, or greater support for our elderly. There are better places simply to put dollars. Frankly, it's time we help those who make no excuses and take responsibility seriously instead of looking for those excuses to those who have excuses to increase their public service revenue.

Recently released statistics by the United States Department of Commerce, the Bureau of Census reveals the alarming fact that mothers on AFDC had an average of 2.6 children each. This is substantially more than the average of non AFDC mothers and I know somebody will chirp up and say, "That's not the way it is in Maine." That's true, these are national statistics. They should set off alarm bells for each of us in this hall.

I think back to the debate that surrounded Representative Ahearne's bills last week and I think some of those magnificent female members of this institution offered some very, very important information to us. The good Representative from China, for example, she said, "Women consider pregnancy from the time they are twelve years old." That good Representative also said, "Women consider pregnancy monthly." We had the Representative from Portland, Representative Mitchell, who said, "There's all types of information out there, all sorts, and women think a lot before making a choice." I think we should give our women credit. They can make choices and they do make sensible choices and then we have the Representative from Norridgewock who perhaps hit the nail right on the head when she said, "Knowledge is power and ultimate responsibility for decision making is with the decision maker." Put those facts together and you've got to be proud about the women who are not only on the AFDC roles but are elsewhere in the community. I think they were right on target.

Is AFDC an incentive for child bearing, regrettably, both I and I'm going to say this carefully, 85 percent of the voters in District 72, who responded to a recent questionnaire, which I passed around, 85 percent of those who responded said, "Yes, additional birthing is an incentive for some," an incentive that needs to be eliminated and fast." This Amendment "B" will do just that. The Amendment will certainly get the attention of those who reject the excellent welfare to work strategy, being advanced by our state chief executive and the majority members of the Human Resources, led by my outstanding partner up there, Representative Fitzpatrick. Amendment "B" says to the potential 500 AFDC family additions each year, "No, there will be no reward or additional bonus for an additional child." Maine has allocated to AFDC some 296 1/2 million dollars in the Part I, what used to be, the Part I budget. So mom's if you plan to add to your family size, plan on no assistance beyond food stamps, medicaid, and the other continuing services, which allow you, such as WIC eating subsidies and so forth. Maine has other, more compelling needs for the over \$600,000 in annual costs, 500 additional children will bring.

Amendment "B" is in cadence with the views of the majority of Maine citizens. It's good cause provision ensures that a birth resulting from rape, incest, and so forth is an exception. I implore you then to join me in eliminating the cruel and mean spirited incentive which appears to reward and therefore tricks,

and deceives those not astute enough to recognize that increased projectory of their descent into the oblivion of permanent welfare. Cast your vote with common sense and concern for those in ensnared in a life of handouts. I urge you to vote for Amendment "B." Thank you, Mr. Speaker.

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I hesitate to follow that. I thank the Representative from Auburn for his compliments. I have appreciated working with him.

Let me try to focus you on the amendment. This amendment would bar additional payments to welfare moms who have additional children. It's based on a policy that has been in place in the State of New Jersey since 1993 and has just been implemented in four other states and seven other states have submitted waivers to the federal government for permission to do the same. It's also being heavily debated in Congress. This policy has become popular, at least in part, because of statements made by bureaucrats from New Jersey, that birth rates because of a cap have declined 11 to 15 percent and by the Heritage Foundation that reported in January of this year that they projected that 29 percent decline in future illegitimate births in the State of New Jersey. Today, we have statements published in the Washington Post only last week that a study by Rutgers University backed up by the Department of Human Services in New Jersey, that to date, New Jersey family cap has had no effect on birth rates. Has had no effect on birth rates and last month, the Department of Human Services in New Jersey reported that the abortion rate among poor women has increased since the passage of this policy. Now to be fair, one of the things they are looking at, they are trying to figure out exactly why the abortion rate has spiked up in the State of New Jersey, but I would caution you, if this is one of the outcomes of the family caps and this is the only state that has actually attempted to move forth this family cap, we need to move very slowly on this. I'm not in favor of increasing abortions to diminish the size of AFDC families and I will say what the Representative from Auburn said, the size of the family in Maine is not 2.5, or 2.8, it's actually 1.8, and has been dropping.

I think one of the things we need to look at when we look at welfare reform is not to try to use gimmicks that have been tried in perhaps one other state in this country and try to transfer them to Maine. I will tell you, New Jersey is a very different state than Maine. Their welfare problems are very different than the welfare problems we have in the State of Maine. We've just passed a very powerful, comprehensive, progressive piece of welfare reform legislation. In that there are a couple of initiatives where we do aggressive outreach and target populations that are at risk for second birth, including teen parents. That's part of the reform you just passed. I would say to you that for us to take on an experiment that at this moment, the officials of the State of New Jersey, are fleeing from, they're saying very clearly that the numbers they reported a few years back and were promoting all over the country, to much of their own self interest, were wrong. Again the birth rates have not decreased

in the State of New Jersey and secondly the abortion rate has spiked up. It's a failed policy.

Men and women of the House, I'm asking you to not adopt failed policy in Maine, we've just adopted comprehensive welfare reform and we are in a situation where we know from experience that lives are at stake, we should know a lot more about our chances of success before enacting harsh measures.

Representative FITZPATRICK of Durham moved that House Amendment "B" (H-624) to Committee Amendment "A" (S-322) be indefinitely postponed.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The time to discourage pregnancy is before conception, before the fact, through adequate education, through access to birth control and other necessary supports.

By denying benefits to families, the only person being hurt is the child. There are going to be more children who have to live on less and these people are already living on very little. I don't think anyone in here wants to punish children for the actions of their parents. I also want to bring up the fact that up to 50 percent of pregnancies are unplanned and I would venture to guess that some of us have experienced that. By surprises, failures in birth control, just because these people are poor does not mean that we punish them for accidents. I also think that we need to venture somewhat outside of our own experience when we think about this issue. The women that we're talking about here are not living comfortable middle class lives, with comfortable homes, supportive families and stable conditions. I've talked to a lot of these women, a lot of them have to move in with boyfriends to maintain minimal economic security. Sometimes these women do things to make sure their kids have a place to sleep. There's a quote from a WIC provider, it was in our monthly paper on Munjoy Hill, and I don't have it in front of me, but it says that these women would let their kids eat cookies instead of vegetables, because that's the only way they'd be quite and their boyfriends wouldn't beat them up that night. We have to think about the very different living situations than you and I are enjoying. We have to think about very difficult situations these women are facing and not punish them further. They are already being very, very challenged.

Representative Winglass said that there are better places to put state dollars than children that weren't expected. I venture to say, that I can't think of any better place to put state dollars than in needy children in our state. Thank you.

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

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House: I'd like to give you a point of view from some of the Republican Senators, from the United States Senate. There's a letter to Bob Dole that I picked up the other day, it says, "Dear Bob, as the Senate prepares to consider welfare reform legislation, we are writing to express our concern about attempts to alter provisions in the State Finance Committee passed, Family Self Sufficiency Act, relating to teen pregnancy and out of wedlock births. The House passed Personal Responsibility Act includes a so called family cap and would deny benefits to children born to teenage women, that the children whose paternity can not be



established. Chairman Packwood wisely chose not to include these provisions in Finance Committee proposal. We applaud this decision and would strenuously object to their addition. Key Republican Governors have expressed their opposition to such mandates. These restrictions are inconsistent with the stated goals providing maximum flexibility to the states, moreover, there is no evidence that such provisions have any impact on the rate of out of wedlock pregnancies. As such, mandates of this kind will only appear punitive, because it is the children who will be denied much needed assistance through no fault of their own. We urge you to resist any efforts to add these provisions to the Senate bill and look forward to working with you to that end. Sincerely, Nancy Landon Kassebaum, John Chafee, Jim Jeffords, Ben Nighthorse Campbell, Arlen Specter, Mark Hatfield, and Bill Cohen." Thank you.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: First of all this amendment does not limit families going on AFDC who have already two children, three children. If you need to go on AFDC and you have three children, you will receive the benefits for three children.

Now the last time I checked, I never saw a .8 child walking around. There are people who have one child. There are people who have two children and that's how you get an average. There is no .8 in anybody's family. The decision, we are a choice state, with no restrictions, or very few restrictions for women regarding the choices that they make. A woman who ends up on AFDC is not unaware that she is on AFDC. She is very painfully aware of it. The responsibilities she must meet are already very clear to her. The further responsibility that we are looking to add, is that, she must care for the children she has the best way that she can without conceiving another child while she is on AFDC. That if she conceives the child, she has the choice, to continue the pregnancy, or not to continue the pregnancy. If the birth rates have not dropped in New Jersey, it's because the women there have considered their choice and continued their pregnancy, that's their choice. No one told them that they couldn't have children. They exercised the choice that they were given.

The contract is, I need your help to support my family. The contract that the woman should be making with the government is I will not increase the responsibility of the government for my family. I ask you to defeat the motion to indefinitely postpone.

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

Representative LUMBRA: Mr. Speaker, Men and Women of the House: I'd like to stand tonight and say that as a woman, I frankly find it insulting that there is some insinuation that a woman would abort her unborn child for approximately a hundred dollars a month. I don't believe that. I'd also like to pose a question through the Chair if I might, Mr. Speaker.

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

Representative LUMBRA: This question I'd like Representative Winglass to answer if he can. Does your amendment stop WIC for the new child, low income housing for the new child, food stamps for the new

child, utility cost subsidies for the new child, or free health care?

The SPEAKER PRO TEM: The Representative from Bangor, Representative Lumbra has posed a question through the Chair to the Representative from Auburn, Representative Winglass. The Chair recognizes the Representative from Auburn, Representative Winglass.

Representative WINGLASS: Mr. Speaker, Men and Women of the House: To the best of my knowledge, Representative Lumbra, the answer to all of those questions is none of those surrounding or adjunct services are terminated by this amendment.

Representative WINGLASS of Auburn requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-624) to Committee Amendment "A" (S-322).

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I have no doubt when Representative Winglass said that he did a survey and 85 percent of the people responded and said that they supported a family cap. I suspect if you surveyed all the people in the State of Maine and asked them if they supported a family cap, a substantial majority would agree, because, somehow, it's tied into a sense of responsibility.

However, when I've talked to people about the family cap, I also talk about the other side, and that's about the facts. The facts are that the family cap addresses a problem that doesn't exist in the State of Maine. Representative Fitzpatrick has already pointed out the average family size in Maine, of an AFDC family is 1.8. It also is true that the birth rate for women on welfare has been steadily declining over the past two decades from 2.7 to 1.8. It's also true that Maine and Vermont have the lowest number of large AFDC families in the nation. It's also true that women that are on AFDC that have an additional child comprise less than one percent of those that are currently on AFDC and lastly, what I tell people when I talk about the family cap, is that it doesn't save any money.

The fiscal note on this amendment is 16 thousand dollars the first and 28 thousand the second year. When I initially talked to officials from the Department of Human Services, they were even having a hard time figuring what fiscal note would be on this bill. I would submit to you that when most people in the State of Maine hear these facts, hear this information, they don't support family caps, because they do have a sense of fairness and they do have a sense of justice. What they do want is significant and meaningful welfare reform that's not symbolic gestures. The family cap is a symbolic gesture.

The other thing that is mentioned a number of times is that people go out to get pregnant in order to receive AFDC benefits. In 1987, and I'll admit that is a little bit dated, but not that dated, the State of Maine did the most comprehensive report that has ever been done on adolescent pregnancy and the

ramifications in the State of Maine. There's not been a report before this or a report after this that has been as comprehensive and looking at issues related to teen pregnancy and why teens get pregnant.

In this report, are welfare benefits an incentive to teens becoming pregnant? The suggestion is often made that welfare benefits, such as AFDC, serve as an incentive for teenagers to get pregnant and become single parents. There is no research evidence that this is the case. The report further goes on to say, "A major national study conducted by Harvard researchers found that AFDC really is not the primary cause, or influence on key family structure changes that are receiving attention in the media." I will admit that there is some difference between why teenagers get pregnant and why others may, but based on this research and based on this report, there is no evidence to indicate that teenagers make a decision to become pregnant or to have an additional child simply to receive AFDC benefits. However, the report does show why teens that do become pregnant and choose to have the child, why that occurs, and here's what they said, "Poor school performance or high school dropouts, low educational and occupational aspirations, low self concept and self esteem, less sense of control over their lives." I would submit to you that the tragedy in this state is when a teenager feels that the only way they can be recognized in the community, that the only way they can feel a sense of self esteem is to become pregnant.

We as a legislature should be leaders. We should educate the public, what we should be doing is stepping forward with legislation that deals with these issues about self esteem, self confidence, low school performance, and low aspirations. That would be the leadership position for us to take. The family cap is politics of symbolism. It does not have anything to do with the reality of the situation in Maine. I ask you to support the pending motion for indefinite postponement. Thank you.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I sit here and listen to this debate, I've given this a lot of thought over the past few weeks, brooding as I do about children. I wonder, when we say there is plenty of money out there to feed them, and I guess there is with food stamps, and there is plenty of money for the doctor if they have prolonged medical, but as I understand it, a mother who has another child gets \$109 a month, well you divide that by four, that's a little over twenty-five dollars a week.

Well there are many things with a new baby that will cost a lot more than twenty-five dollars and I'm talking just about the pampers, clothes, winter clothes, blankets and such things as that. That there isn't any money there to buy. Yes, they can go to the Salvation Army and they can to different places and I'm sure a lot of them do, but I have to agree with the people who say, "We can't punish the

babies." That's something I can't do and I can't vote to do.

If \$109 a month takes care of another child, and I'm not one who likes paying taxes, but I don't mind paying taxes to take care of the children of the world and the elderly. There's a few in between I have problems with, but as far as the children and the elderly, I have no problem of doing anything I can possibly do to take care of them. I would hope that you would support to indefinitely postpone this amendment.

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

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

The SPEAKER: The Representative may pose his question. If I heard you correctly, in the debate on the five-year time limit, you said that we just passed this majority report and there shouldn't be very many people on AFDC at the end of five years anyway, why the need for this amendment?

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 Auburn, Representative Winglass.

Representative WINGLASS: Mr. Speaker, Men and Women of the House: I want to remind my colleague from Penobscot that the first amendment failed and we've taken these in sequence, so if the first amendment had passed, my guess is that we'd be looking at this one a little bit differently, but the fact of the matter is, I don't think there is a correlation between the two per se, I think they stand on their own merits. On the one hand, we were looking for term limits for those who did or didn't elect to have a child while they were on AFDC and we would have terminated them at a point in time, as far as the total benefits package was concerned. Here what we are trying to do is remove an incentive for the creation of another child, for which the family is ill prepared financially and perhaps otherwise to raise that child in a healthy safe environment.

I don't dispute for a moment the parental love would be there, and the interest would be there, and the concern would be there on the part of the parent, however, how unfortunate their circumstances may be. Here we are trying to discourage those who basically can't afford the burden of another child, at that moment in their life. We would rather see them succeed, get through the wonderful project ASPIRE and get on with a new life, in which they become responsible parents and their children are raised in an environment that's very, very healthy and conducive to a great future.

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

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

The SPEAKER: The Representative may pose her question.

Representative KILKELLY: The question to the Representative from Auburn, is this a life time denial for the child that is born while the parent is on AFDC? One of the issues around AFDC is not the continuing the length of time on AFDC, but the fact that people go on AFDC and off AFDC, because of their employment situation and a number of other reasons. So if a child is born while a person is on AFDC and



that child is denied benefits, if the family then is off AFDC for a period of time and goes back on, is this a life time denial that follows that child as a stigma on that child for the rest of his life.

The SPEAKER: The Representative from Wiscasset, Representative Kilkelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Auburn, Representative Winglass.

Representative WINGLASS: To the Representative from Wiscasset, I would hope not. I would hope that the parent is able to avail herself to the opportunities of the program, that we all, I think, in this body support, and therefore the question is moot, but should the circumstances be what they are. I would hope that we can factor into the bill something like the exception clause that I tried to put in the first amendment, which would allow for good common sense and judgment on the part of case-managers, so that no child would be harmed in a cruel and unusual way.

The whole bottom line of all of this is, let's get people back to work and in an environment where they can raise their children in a way that will see to their kids launching off into a wonderful lifetime experience.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Mr. Speaker, Men and Women of the House: I just wanted to comment on the statement made by Representative Brennan. There was one lesson in his educational plan that I think he left out and that's the lesson of self-responsibility. I have a rhetorical question that I do not need an answer to, but only in the minds of the people. How many working families get a raise in income when they have a child?

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I would like to point out to you that on page 8 of the Committee Amendment, the piece of legislation we have already passed, is a subsection labeled family planning services. I want to point out to you that there is an alternative to this amendment, already contained in the bill we have already passed. It specifically says that the Department shall implement an intensive peer education project to increase the use of family planning services to recipients of Aid to Families with Dependent Children. Better yet, if funding should become available, this particular project could be used for permanent employment for AFDC recipients. So I want to be clear to you, that you do already have an alternative to the amendment before you. You have already passed it.

I want to say, you've already heard that the average size of the AFDC family, in Maine, is 1.8 children. I want to point out that the average number of children, of House members, in the 117th Legislature, is 2.75 and the average number of children, of Maine's Senate members is 3.7. I think that it's important that we pass public policy based on a fact, not assumptions. Not on judgments of other people.

I want to point out that one of the pieces of this amendment, which bothers me the most, in which is a holdover from other bills submitted are the three exemptions. The first, I find just plain weird. That says that you can adopt a child, you can take

someone into your house as long as they're not your biological child and I think that is bizarre. If we think that it is unwise to have another child in your house, because you don't have the money to support it. Why is it okay to take in a child that is not yours? I think that is really strange. Second, it says that if you were pregnant at the time that you got on AFDC, you're exempted. Now who is going to be determining that? It doesn't say specifically that we're going to do it by measuring months. Are DHS workers going to be performing examinations? How are we going to be pinning this down precisely? The third exemption is if the child is born as a result of a sexual intercourse that was the basis for a conviction of gross sexual assault and incest. We heard this morning that the courts are clogged. That's why we can not sue the tobacco industry, so I don't know how long it would take to get a conviction, but I certainly hope it's not more than nine months, or else we are going to have babies going hungry.

What bothers me a great deal about this amendment is that it does not acknowledge the possibility that contraceptives fail, and they do fail. It also does not acknowledge the option that a woman could be in an abusive relationship, and could be pregnant for reasons other than doing it for the money. I have two children, I adore my children, but I did not have them for \$109 a month that might have come to me through the state, further I did receive a tax credit from the federal government for both of them, so I find it odd to say that taxpayers can get more money per child, but not recipients of AFDC and finally, there is no question but that this bill promotes abortion. I am a pro choice legislator. I have voted consistently pro choice in this body since I was elected, but I think that when you have the state making that decision for you, you really have no choice at all. In New Jersey, it created an additional 300 abortions in the year since it was implemented, please vote to indefinitely postpone this amendment.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I've dealt with individuals who have been on AFDC for all the years that I have been in the legislature. I find it upsetting that we are talking about this very thing tonight, because I have seen many who were on AFDC who are excellent members of society and are productive members of society after they have left their homes. They've gone to college. They're producers. They are part of society.

Second point, I am a pro life legislator, always have been, my record demonstrates that, and I've been totally convinced that caps are going to lead to abortions. I don't see any way that that can be avoided.

Third point, I believe this legislation is discriminatory, because we are only talking about the impact on women. How do you think they got pregnant? How about the limits on men? What are we talking about here? I think we are missing the point entirely and I really think that this amendment, in my opinion, should find a quick and immediate death.

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

Representative GUERRETTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to speak about an issue that I haven't heard talked about yet, but is important to me and that's the working people who pay taxes to give these people money. As I knocked on their doors in my district, when I was running for the legislature, one of the most common things I heard people say to me was do something about welfare. I'm sick of working to pay for someone who isn't working.

I did a constituent survey, much like Representative Winglass', 74 percent of the people that responded to my survey said that people that have children while on AFDC should not be given additional benefits.

I have many friends, and those friends have one or two children, some of them have no children, and my wife and I happen to have three and as we speak to them about kids, they say we'd love to have more, but we can't afford it. They cost so much money, yet tonight, and every day in this nation we say to them, you can't afford to have any of your own to bring into your home and to love and to take care of, but we're going to make you pay for somebody else's and we're not going to give you a choice. I think we need to think about working people, who would like to be able to keep their money and maybe have one more of their own, instead of being forced by compulsion through taxation of paying for somebody else's. I urge you to think of working people and think of maybe their desire to have a bigger family. I urge you to vote against indefinite postponement.

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 her question.

Representative LUMBRA: To Representative Winglass, if he can answer this. Does this bill specifically say that there will be a cap on single women, or would this be affecting perhaps a father and mother living together?

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

Representative WINGLASS: The question raised by Representative Lumbra, it's nonspecific, it applies equally to both. A family with male and female, or just a female alone.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I was looking over some papers here this afternoon and I found a cute little quote. It said, "God gave us one tongue, gave us two ears," maybe we should spend a little more time listening than we do talking.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: This amendment tracks a separate bill, which I had introduced, which does the same thing. I would like to take a couple of minutes to address a couple of the things that I hope have not yet been addressed, my own unique prospective on this particular issue.

At the beginning, I would like to say, to me, it's a very complex issue. There are no simple answers. I know that when we talk here, we talk emphatically, and forcefully, without acknowledging, perhaps, that the issues are so difficult. We all know that in this country we have a social services net. We want to provide for people who are in need and we do it through a whole series of social programs, of which AFDC is one. On the other hand, we do worry about the results of all of this, because sometimes, and I think sometimes with good reason, we worry whether or not the help provided by the government is going to result in dependency, perhaps loss of self-esteem, as one person has indicated, and some other effects, which may not be so good.

The Representative from South Portland, Representative Brennan, said a very interesting thing, which I have heard in other places. He said that sometimes women get pregnant, because it's considered to be the thing to do, or words to that effect. In other words, the AFDC program results in cultural attitudes that are not very constructive. You can call them different things. You can call them loss of self esteem, which I think is part of it. You can call it lack of personal responsibility, which I think sometimes results and there are other terms that you could use. Now, I would like to focus in, a little bit, on something that a couple of people have mentioned. That is the issue of personal responsibility. The point has been made that most people who are not on AFDC, if they have an additional child, their employer does not automatically give them a raise and, of course, that is true. That being true, it seems to me that when you have somebody and, perhaps, it's only a small number of people, get rewarded for engaging in and conceiving a child, when they can not support it. That is a cultural norm, which most of us don't accept and, I think, that's the reason why this family cap issue is so popular with the public.

I've talked with several Representatives, seven or eight, who have surveyed their constituents and they find that it is a popular issue with the public. I would not support it, solely, on that issue, but I think there is a cultural expectation that people are going to be responsible and plan their lives. The biggest, perhaps, problem in this country, talked about by many social commentators, is, the fact, that we have an explosive increase in illegitimacy in this country and there are many commentators who talk about the welfare system as being a primary cause of this. In order to receive AFDC assistance, the man, sometimes, has to be out of the house and you get families, which have single parents. All the research indicates that children who are raised in such families have a more difficult time of it than other families.

Illegitimacy has been on the rise, explosively, all over the country. Maine may be behind in that respect, but I have no doubt that it's going to come here as well. So I don't see this bill as being about saving money, especially, although I think money might be saved. I don't think this bill is about punishing a parent who conceives a child that they can't pay for, although, I think, some will feel punished by it. It's not even about whether mothers on AFDC can have children, for this bill addresses only the question of whether or not you and I, through our government, are going to pay on account of that. I see it as a bill about, or as an

amendment, about personal responsibility. To me, it's about the proposition that it is wrong, both morally and in practical effect, for the government to encourage women to have illegitimate children without the reasonable prospect of having a father around, that it is wrong for men to father children and then abandon them, which I think this policy encourages and that it is wrong for men and women to bring a child into this world that they are not prepared to support that child. The current policies of the government, in this respect, of our laws, I think, encourage this conduct and, I think, it is right for us, through our laws, to express the notion that this cultural attitude, that the Representative from Portland, expressed, is something that we should not condone in our laws.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I've been sitting here listening to this debate for quite some time. As you know, I have the tendency to use the KISS principle. I try to do what I think is fair. I can't help but recall something I read once in the Old Testament and I believe it was Moses, the people are complaining about the cost of taking care of the orphans and the illegitimate children and they went to Moses and he said to them, "They are the children of the tribe and it's your responsibility to take care of them." That was several thousand years ago, we still have children of the tribe. We're a bigger tribe.

The SPEAKER: A roll call has been ordered. The pending question before the House is motion to indefinitely postpone House Amendment "B" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 265

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Daggett, Davidson, Desmond, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gould, Green, Hartnett, Hatch, Heesch, Jacques, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kneeland, Kontos, Lemaire, Lemke, Lemont, Marshall, Martin, Mayo, Mitchell EH; Mitchell JE; Morrison, Murphy, O'Gara, O'Neal, Paul, Perkins, Pouliot, Povich, Rice, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Underwood, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Birney, Buck, Campbell, Carleton, Damren, Dunn, Gerry, Gooley, Greenlaw, Guerrette, Joy, Joyce, Joyner, Lane, Libby JD; Lindahl, Look, Lovett, Lumbr, Madore, Marvin, Nass, Ott, Peavey, Pinkham, Plowman, Reed, G.; Robichaud, Savage, Stedman, Stone, Taylor, Tufts, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Barth, Cross, Dexter, Heino, Hichborn, Jones, S.; Keane, Labrecque, LaFountain, Layton, Libby JL; Luther, McAlevey, McElroy, Meres, Nadeau, Nickerson, Pendleton, Poirier, Poulin, Reed, W.; Richardson, Rotondi, True, Truman, Vigue, Yackobitz.

Yes, 84; No, 40; Absent, 27; Excused, 0.

84 having voted in the affirmative and 40 having voted in the negative, with 27 being absent, House

Amendment "B" (H-624) to Committee Amendment "A" (S-322) was indefinitely postponed.

Subsequently, Committee Amendment "A" (S-322) as amended by Senate Amendment "B" (S-348) and House Amendment "D" (H-650) thereto was adopted.

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

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-322) as amended by Senate Amendment "B" (S-348) and House Amendment "D" (H-650) thereto in non-concurrence and sent up for concurrence.

#### 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 continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-593) - Committee on Human Resources on Bill "An Act to Limit Aid to Families with Dependent Children Benefits" (H.P. 49) (L.D. 43) TABLED - June 26, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Acceptance of either Report.

On motion of Representative FITZPATRICK of Durham, 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.

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

#### SENATE PAPERS

The following Communication: (H.C. 251)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

June 28, 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 Judiciary, Jon D. Levy of York for appointment as Judge of the Maine District Court.

Sincerely,  
S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

#### Non-Concurrent Matter

Bill "An Act to Protect Constitutional Property Rights and to Provide Just Compensation" (H.P. 867) (L.D. 1217) which was passed to be engrossed as amended by Committee Amendment "A" (H-601) in the House on June 27, 1995.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-601) as amended

by Senate Amendment "B" (S-363) thereto in non-concurrence.

On motion of Representative JACQUES of Waterville, tabled pending further consideration and specially assigned for Thursday, June 29, 1995.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 515) (L.D. 1400) Bill "An Act to Amend the Adoption Laws" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-350)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objections, the Bill was passed to be engrossed as amended and sent up for concurrence.

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On motion of Representative DiPIETRO of South Portland, the House adjourned at 11:05 p.m., until 1:00 p.m., Thursday, June 29, 1995.