

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

HOUSE ADVANCE JOURNAL AND CALENDAR
ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
9th Legislative Day
Tuesday, January 30, 1996

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

Prayer by Pastor Robert Crosthwaite, Ellsworth Baptist Temple.

National Anthem by Deer Isle-Stonington Junior/Senior High School Band.

Physician for the day, Robert E. McAfee, M.D., Portland.

The Journal of Thursday, January 25, 1996 was read and approved.

Oversight Committee on Performance Based Contracting pursuant to P.L. 1993, Chapter 737:

Representative David C. Shiah of Bowdoinham;
Representative Jean Ginn Marvin of Cape Elizabeth;
Representative Elizabeth Townsend of Portland;
Kim Johnson as a representative of a private agency that provides services under a state contract;
William McDonald of Waterville as a consumer of services; and

Ron Hebert of Skowhegan as a representative of a private agency that provides services under a state contract.

Sincerely,
S/Dan A. Gwadosky
Speaker of the House

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication: (H.C. 301)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

January 23, 1996

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

Dear Clerk Mayo:

Please be advised that I have made the following appointments:

Advisory Commission on Radioactive Waste pursuant to Title 38, Section 1453-A:

Dr. Joseph Blinick of Maine Medical Center as the person from an organization that holds a license issued by the state for the use of radioactive material.

Judicial Compensation Commission pursuant to P.L. 1995, Chapter 451:

Elaine D. Rosen of Falmouth.

Commission on The Economic Impact of Time-Limited Aid to Families With Dependent Children pursuant to P.L. 1995, Chapter 418, Part D:

Representative David Etnier of Harpswell; and
Monica McGlocklin of North Anson.

Commission to Study Poverty Among Working Parents pursuant to P.L. 1995, Chapter 418, Part B:

Representative Robert J. Winglass of Auburn;
Representative Edward J. Povich of Ellsworth;
Kathy Moore of Fairfield as the representative of a post-secondary institution that provides education and training services to low-income people;

Wayne Hollingworth of Freeport as the representative of organized labor;

Lisa Winfrey of Bath as the working single parent who has minor children and earns less than 150% of the federal poverty level;

Sharon Abrams of Waterville as the representative of a community agency providing non-traditional education or training for low-income people; and
Shelly Ingalls of Oakland as a recipient of aid to families with dependent children who is currently participating in an education or training program.

Oil Spill Advisory Committee pursuant to Title 38, M.R.S.A., Section 551-A:
Tracy L. Smith of Dennysville as the public member.

Maine Canadian Legislative Advisory Commission pursuant to Title 3, M.R.S.A., Section 227:
Rep. Lloyd P. LaFountain III of Biddeford.

The following Communication: (H.C. 302)

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE 04333

January 22, 1996

Members of the 117th Legislature,

I am pleased to submit to you the 1996 annual report of the State Nuclear Safety Advisor.

In previous years, my annual report to the Maine Legislature summarized the operation of the Maine Yankee Nuclear Power Station with respect to the plant's performance, inspections by the U.S. Nuclear Regulatory Commission, and monitoring activities of the State Nuclear Safety Inspection program. As is well known, Maine Yankee only operated the first two weeks in January 1995, and remained shut down for almost exactly one year to undergo a major repair, and to address technical issues on safety systems brought forth by an anonymous allegation. This report summarizes the activities and findings of the State with regard to these issues.

This report also briefly discusses the status of high-level and low-level radioactive waste management in Maine, and my activities associated with the Northeast High-Level Radioactive Waste Transportation Task Force.

Issues involving Maine Yankee as an energy source and the safe management of radioactive materials in Maine continue to be of considerable interest to the people of Maine. I am sure this report will aid in understanding nuclear safety issues, and will contribute to informed decision-making.

Sincerely,
S/Uldis Vanags
State Nuclear Safety Advisor

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 303)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

January 26, 1996

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

Please be advised that I am appointing Patricia A. Riley of Brunswick to the Commission on Governmental Ethics and Election Practices, pursuant to Title 1, M.R.S.A., Section 1002.

This appointment, as you know, requires concurrence of two-thirds vote of the House of Representatives.

Sincerely,
S/Dan A. Gwadosky
Speaker of the House

Was read and ordered placed on file.

In accordance with Title 1, Section 1002, of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 104 having voted in favor of same and 0 against, and accordingly the nominee was confirmed.

The following Communication: (H.C. 304)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
HOUSE DEMOCRATIC OFFICE
AUGUSTA, MAINE 04333

January 8, 1996

Hon. Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Mayo:

This is to notify you that pursuant to my authority under 1 M.R.S.A., Section 1002, I am reappointing Nelson Madore of Waterville, to serve on the Commission on Governmental Ethics and Election Practices. This appointment requires a two-thirds vote of concurrence by the House of Representatives.

Sincerely,
S/Paul F. Jacques

House Democratic Leader

Was read and ordered placed on file.

In accordance with Title 1, Section 1002, of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 117 having voted in favor of same and 0 against, and accordingly the nominee was confirmed.

The following Communication: (H.C. 305)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
HOUSE REPUBLICAN OFFICE
AUGUSTA, MAINE 04333

January 24, 1996

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

Dear Clerk Mayo:

This is to notify you that pursuant to my authority under 1 M.R.S.A., §1002, I am reappointing Robert E. Tierney of Camden, Maine, to serve on the Commission on Governmental Ethics and Election Practices. This appointment requires a two-thirds vote of concurrence by the House of Representatives.

Sincerely,
S/Walter E. Whitcomb

Republican Floor Leader

Was read and ordered placed on file.

In accordance with Title 1, Section 1002, of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 114 having

voted in favor of same and 0 against, and accordingly the nominee was confirmed.

The following Communication: (H.C. 306)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
HOUSE REPUBLICAN OFFICE
AUGUSTA, MAINE 04333

January 18, 1996

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

Dear Clerk Mayo:

This is to notify you that pursuant to my authority under 1 M.R.S.A., §1002, I am reappointing Peter B. Webster of Portland, Maine, to serve on the Commission on Governmental Ethics and Election Practices. This appointment requires a two-thirds vote of concurrence by the House of Representatives.

Sincerely,
S/Joseph G. Carleton, Jr.

Assistant Republican Floor Leader

Was read and ordered placed on file.

In accordance with Title 1, Section 1002, of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 121 having voted in favor of same and 0 against, and accordingly the nominee was confirmed.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Criminal Justice

Bill "An Act to Require Prisoners to Pay Their Fair Share of Victim Restitution" (H.P. 1263) (L.D. 1738) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator BENOIT of Franklin and Representatives: AHEARNE of Madawaska, BUNKER of Kossuth Township, CLARK of Millinocket, CLUKEY of Houlton, GOOLEY of Farmington, JOY of Crystal, LAYTON of Cherryfield, McALEVEY of Waterboro, O'NEAL of Limestone, PEAVEY of Woolwich, PINKHAM of Lamoine, REED of Dexter, ROBICHAUD of Caribou, WATERHOUSE of Bridgton) (Governor's Bill)

Human Resources

Bill "An Act to Establish Consistency between Federal and State Drinking Water Laws" (H.P. 1268) (L.D. 1743) (Presented by Representative ETNIER of Harpswell) (Cosponsored by Representatives: DAVIDSON of Brunswick, FITZPATRICK of Durham, TRUE of Fryeburg) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Judiciary

Bill "An Act Authorizing Officers of Closely Held Corporations to Represent those Corporations before Any Court" (H.P. 1264) (L.D. 1739) (Presented by Representative CARR of Hermon) (Approved for

introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Legal and Veterans Affairs

Bill "An Act to Amend the Definition of Outdoor Stadium in the Liquor Licensing Laws" (EMERGENCY) (H.P. 1267) (L.D. 1742) (Presented by Representative STONE of Bangor) (Cosponsored by Representatives: BARTH of Bethel, BUNKER of Kossuth Township, CAMPBELL of Holden, CARLETON of Wells, CARR of Hermon, CLARK of Millinocket, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DIPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, DUNN of Gray, FARNUM of South Berwick, FISHER of Brewer, GIERINGER of Portland, GREEN of Monmouth, GUERRETTE of Pittston, GWADOSKY of Fairfield, HARTNETT of Freeport, JACQUES of Waterville, JOSEPH of Waterville, JOYCE of Biddeford, KERR of Old Orchard Beach, LEMONT of Kittery, LUMBRA of Bangor, MORRISON of Bangor, NASS of Acton, O'GARA of Westbrook, O'NEAL of Limestone, PINKHAM of Lamoine, PLOWMAN of Hampden, POVICH of Ellsworth, REED of Dexter, RICE of South Bristol, ROSEBUSH of East Millinocket, ROWE of Portland, SAMSON of Jay, SAXL of Bangor, SAXL of Portland, STEVENS of Orono, TUTTLE of Sanford, TYLER of Windham, WHITCOMB of Waldo, WINN of Glenburn, WINSOR of Norway, Senators: AMERO of Cumberland, CAREY of Kennebec, CARPENTER of York, CIANCHETTE of Somerset, FAIRCLOTH of Penobscot, FERGUSON of Oxford, HALL of Piscataquis, LAWRENCE of York, O'DEA of Penobscot, PARADIS of Aroostook, PINGREE of Knox, RUHLIN of Penobscot, STEVENS of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Revise the State Active Service Laws" (EMERGENCY) (H.P. 1269) (L.D. 1744) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: AHEARNE of Madawaska, AULT of Wayne, DRISCOLL of Calais, O'NEAL of Limestone, TRUE of Fryeburg, Senators: MICHAUD of Penobscot, STEVENS of Androscoggin) (Governor's Bill)

Taxation

Bill "An Act to Enable the Loring Development Authority to Establish the Loring Job Increment Financing Fund and to Impose Term Limits on Trustees of the Authority" (H.P. 1266) (L.D. 1741) (Presented by Representative O'NEAL of Limestone) (Cosponsored by Representative TUTTLE of Sanford and Representatives: AHEARNE of Madawaska, CLUKEY of Houlton, DAVIDSON of Brunswick, DESMOND of Mapleton, LAYTON of Cherryfield, MITCHELL of Vassalboro, ROBICHAUD of Caribou, SIROIS of Caribou, WHEELER of Bridgewater, Senators: KIEFFER of Aroostook, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Exempt Working Rural Mail Carriers from the Seat Belt Law" (H.P. 1265) (L.D. 1740) (Presented by Representative STEDMAN of Hartland) (Cosponsored by Representatives: AHEARNE of Madawaska, AIKMAN of Poland, BIGL of Bucksport, BIRNEY of Paris, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CARR of Hermon, CHICK of Lebanon, CLARK of Millinocket, CLUKEY of Houlton,

CROSS of Dover-Foxcroft, DAMREN of Belgrade, DEXTER of Kingfield, DORE of Auburn, DUNN of Gray, GERRY of Auburn, GOOLEY of Farmington, GOULD of Greenville, HARTNETT of Freeport, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of Lagrange, JACQUES of Waterville, JONES of Pittsfield, JOSEPH of Waterville, JOY of Crystal, JOYNER of Hollis, KNEELAND of Easton, LABRECQUE of Gorham, LANE of Enfield, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, LOOK of Jonesboro, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, PEAVEY of Woolwich, PERKINS of Penobscot, PINKHAM of Lamoine, POIRIER of Saco, POVICH of Ellsworth, REED of Dexter, RICE of South Bristol, RICHARD of Madison, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, SAMSON of Jay, SAVAGE of Union, SIROIS of Caribou, SPEAR of Nobleboro, STROUT of Corinth, TAYLOR of Cumberland, TUFTS of Stockton Springs, VIGUE of Winslow, VOLENIK of Sedgwick, WHEELER of Bridgewater, Senators: HARRIMAN of Cumberland, MILLS of Somerset, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reported Pursuant to Resolve

Representative JACQUES for the Commission to Study Trespass Laws pursuant to Resolve 1995, chapter 53 asks leave to submit its findings and to report that the accompanying Bill "An Act to Improve the Ability of Potential Users of Private Land to Seek Permission from Landowners" (H.P. 1262) (L.D. 1737) be referred to the Joint Standing Committee on Inland Fisheries and Wildlife for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Inland Fisheries and Wildlife, ordered printed and sent up for concurrence.

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

ORDERS

On motion of Representative KERR of Old Orchard Beach, the following Joint Order (H.P. 1270) (Cosponsored by Senator HANLEY of Oxford)

Joint Order Propounding Questions to the Justices of the Supreme Judicial Court

WHEREAS, it appears to the Senate and the House of Representatives of the 117th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3, provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

WHEREAS, L.D. 1003 from the First Regular Session of the 117th Legislature proposed amending the Constitution of Maine to provide a line-item veto power to the Governor; and

WHEREAS, L.D. 1003 was passed by the Legislature and sent to the people of Maine as 1995 Constitutional Resolution, chapter 1, who passed the measure by referendum vote at the statewide election in November 1995; and

WHEREAS, there exists some ambiguity and confusion as to the operation of the Constitution of Maine,

Article IV, Part Third, Section 2-A and the relationship between the line-item veto power articulated in Section 2-A and the more general veto power of the Governor articulated in Article IV, Part Third, Section 2; and

WHEREAS, in each session of the Legislature there are many legislative documents with an appropriation section, an allocation section or both and the current session is no exception; and

WHEREAS, it is critical to have these outstanding issues resolved in advance of the exercise of the line-item veto; and

WHEREAS, unless the questions of law posed at this solemn occasion are answered, the ability of the Legislature and the Governor to carry out their constitutional duties and responsibilities may be severely compromised; and

WHEREAS, it is important that the Legislature be informed as to the questions raised in this Order; now, therefore, be it

ORDERED, that in accordance with the provisions of the Constitution of Maine, the Senate and the House of Representatives respectfully request the Justices of the Supreme Judicial Court to give the Senate and the House of Representatives their opinion on the following questions of law:

Question No. 1. Once the Governor has exercised the line-item veto power under Section 2-A, if the Legislature overrides any dollar amount vetoed, is the Legislature required to return the document to the Governor to allow the Governor to use the more general veto power under Section 2 to veto the entire document, even though Section 2-A by its own terms provides that any part or parts of the legislative document not specifically revised become law?

Question No. 2. If the answer to question 1 is yes:

A. Does the 10-day limitation imposed on the Governor by Section 2 begin to run upon the initial presentation to the Governor regardless of whether the line-item veto power is used or does it begin to run when it is returned to the Governor again?

B. Within what time frame must the Legislature return the document to the Governor?

C. If the Governor were to attempt to return the document with a second or subsequent exercise of the line-item veto power, must the Legislature continue to reconsider the returned document under Section 2-A?

Question No. 3. For emergency legislation, what is the effective date for any dollar amount revised by the Governor through the use of the line-item veto power in Section 2-A on which the Legislature fails to take action, fails to override or overrides?

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

Representative **KERR**: Mr. Speaker, Men and Women of the House: The purpose of this order is simply for clarification. There has been some concern about the interpretation of the bill that was passed and voted on by the people of this state on this Constitutional Amendment. What this will simply do is articulate the three questions that are being posed to the Supreme Court and they will come back with their interpretation. I think it is important that we do this now before this Governor or the next Governor exercises this line-item veto. Again, it is only for interpretation purposes. Thank you.

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

CONSENT CALENDAR

Second Day

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

(H.P. 1184) (L.D. 1622) Bill "An Act to Promote Parity Between State and Federally Chartered Credit Unions" (C. "A" H-683)

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

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

SENATE PAPERS

Bill "An Act to Encourage High-quality Maine Jobs through a 21st-century Maine Program" (EMERGENCY) (S.P. 680) (L.D. 1746)

Came from the Senate, referred to the Committee on **Business and Economic Development** and Ordered Printed.

Was referred to the Committee on **Business and Economic Development** in concurrence.

Bill "An Act to Establish the Boundary Line between the Town of Cornville and the Towns of Solon and Athens" (S.P. 679) (L.D. 1745)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Was referred to the Committee on **State and Local Government** in concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, January 25, 1996, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

Resolve, Regarding Legislative Computer Information Systems (EMERGENCY) (H.P. 1226) (L.D. 1679)

(Committee on **State and Local Government** suggested)
TABLED - January 18, 1996 by Representative **JACQUES** of Waterville.

PENDING - Reference.

On motion of Representative **MITCHELL** of Vassalboro, tabled pending reference and later today assigned.

Bill "An Act to Protect Sources of Drinking Water in the Towns of Searsport, Stockton Springs and Prospect" (H.P. 1218) (L.D. 1668)

(Committee on **Utilities and Energy** suggested)
TABLED - January 18, 1996 by Representative **WHITCOMB** of Waldo.

PENDING - Reference.

Subsequently, the Bill was referred to the Committee on **Utilities and Energy**, ordered printed and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT AMENDMENTS TO THE EMPLOYEE RETIREMENT AND INCOME SECURITY ACT (H.P. 1260)

TABLED - January 25, 1996 by Representative MITCHELL of Vassalboro.

PENDING - Adoption.

Representative CARLETON of Wells requested a roll call on adoption of the Joint Resolution (H.P. 1260).

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 Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I appreciate the opportunity to explain the issue before you. First of all, we are not changing any laws. Second, we are expressing the opinion of the commission that we created, recommendations for health system reform and their final report. You probably don't have it on your desk anymore, but I am sure when you get a chance to read it you will understand that the Resolution before you, which basically sends a letter to Congress telling of our concerns. It simply reflects the work of this joint commission to reform health care.

Very briefly, what we are asking Congress to do is to look at ERISA, the Employment Retirement Income Security Act. We have asked them to make some modifications, should we pass this letter to Congress, to say that all companies operating under ERISA, basically those companies who are self-insured for health insurance of major employers who would have to have at least a minimum standard benefit package. The reason for that request, as you read the data that this commission looked at, is that the large companies who don't cover those things when their employees need that care, either don't get it or the cost is shifted to other people, because emergency care is going to be provided and it is a cost-shift issue. We also know as you are trying to make decisions in this place, one of the most frustrating things to me is not having adequate data. We have instinctive feeling that something should be done, but it is very hard to have adequate data. Companies who are insured under ERISA do not have to collect the data in the same way. We need standard consistent data from all companies or insurance entities offering health insurance so we will know who is being served and who is not and what is working.

Finally, we talk about some consumer protections. We are talking about an improved grievance procedure and the ability to carry your insurance from insurer to insurer. Companies under ERISA are exempt from all of those laws that we passed as well. We talk about their playing on the same playing field as companies offering insurance being capped at the same rate, not being-tax exempt. It is very simple. It is very straight forward.

I suspect based on the request for the roll call that there are some political implications that are, frankly, beyond me. I would hope that you would give this your fair consideration and if you think it is best for the constituents that you represent that you will think about your vote and vote accordingly. If you believe that Congress should look at ERISA, make sure that the people who are using self-insurance play by the same rules that everybody else does and that they don't cost shift to private people. That is all this does. I would request your support.

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

Representative BUCK: Mr. Speaker, Men and Women of the House: I have two concerns about this proposed Resolution. The first one is we are asking Congress to eliminate or at the very least reduce ERISA legislation, because we are concerned about providing universal health care at least at the state level.

My concern is that number one, we really haven't had a debate in this House on universal health care for the State of Maine. For that reason, I think that this Resolution is premature. The other concern that I have is if we send that Resolution to Congress and indeed, although I suspect they wouldn't, but if they agreed with us and did something to eliminate or reduce ERISA legislation, it is my understanding that about 44 percent of the employees in Maine fall under ERISA or self-insured programs. My concern is what effect it would have on those programs and those employers who are presently struggling to provide health insurance policies for their employees.

If ERISA was suddenly eliminated or reduced and it fell under the jurisdiction of Maine alone and we decided to pass those policies as we do others, what effect will this have on those companies in Maine being able to afford to provide present health insurance policies. Thank you.

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

ROLL CALL NO. 292

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

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

ABSENT - Aikman, Farnum, Gamache, Nickerson, Ott, Simoneau, Truman, Winn.

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, the Joint Resolution was adopted and sent up for concurrence.

Expression of Legislative Sentiment relative to the death of Nancy Sewall Cunningham of Island Falls (HLS 815)

TABLED - January 25, 1996 by Representative JOY of Crystal.

PENDING - Adoption.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to share a few thoughts of a grand lady of Island Falls and the State of Maine. This lady's lifetime spans well over 100 years, because anything over 100 years, I think, is well over. She passed away this last month at the age of 101 years. She touched the lives of so many people in the Town of Island Falls and everywhere that she went throughout the country.

She had the distinction of attending the inauguration of Theodore Roosevelt and her father was a guide for Theodore Roosevelt, in fact, her family kind of had him as a second family member because he came to Maine to recover from health problems and spent a great deal of time with the Sewall family, residing at their camps on Hook Point. I can personally vouch for the fact that she didn't just live, she touched people's lives.

I remember her first act of kindness for me was before I actually was acquainted with her in the blizzard of 1963. Everybody in town was recruited to try to move the snow and I inherited the job of driving the bulldozer. I had been there many, many hours and finally I saw one of her nephews coming out on snow shoes and she had sent me out some sandwiches and a cup of hot chocolate, because she had noticed that I had been there for a considerable amount of time without any breaks. I thought that was very, very generous of her. It was typical of her nature.

In 1969, I had the privilege of moving next door to Nancy and her husband Morris and I just can't begin to relate the greatness of this lady. She recalled many things and to talk to her was actually to feel that you became a part of history. In 1972, she and her husband being senior citizens in the town when the Town of Island Falls celebrated its centennial, we had asked them to lead the grand march. Now, for many of you who are young probably the grand march doesn't ring too many bells. It is a type of social dance that usually ended with four hands around and quite a lively finish. She requested that, first of all, we finish with a waltz rather than the four hands around and also the first time I ever detected any shyness on her part, she asked my wife and I if I would lead in their stead and indicated that they could have just as much fun being number two as they could be out in front leading at number one.

A few years ago they had a chimney fire in their home and I lived next door to one of her grand nephews and we scurried over. I had been out of Island Falls for about eight or nine years and hadn't seen a great deal of them in that time. When her

nephew and I went over to try to help out and kind of calm things down, we carted the fire out that was causing the problem and managed to get that out and buried in the snow. When we came back in afterward, as I said, I hadn't seen her for some time, to show her faith in people, she said, "Henry, I knew that if you knew of our troubles, you would be over to help us out." I thought that right there to show that somebody has that much faith in their friends and neighbors, even if they haven't seen them for a long time, certainly means a very, very great deal to, not only me, but to the community.

Her passing is a loss not only to the Town of Island Falls, but also to the state of Maine. I feel a terrible loss that so many things that she had in her mind with regard to the history of that area and also the state of Maine are not necessarily going to be available to everybody from here on out. I will bring my remarks to a close now in favor of the gentlemen that I consider the historian of the 117th Legislature, Representative Adams, but before I do, Mr. Speaker if it is appropriate, I would request that when we adjourn today we do in memory of Nancy Sewall Cunningham. Thank you.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I join my good friend the Representative from Crystal, Mr. Joy in speaking about a friend of both of us. For I too had the great good fortune to know Nancy Sewall Cunningham who died earlier this month at the age of 101 in Island Falls, Maine in the very house where she was born, near the very room in which she was born and in the bed in which she had been born.

Her father was William Wingate Sewall and to that house in the year 1879, her father had brought to board one summer the person he called the greenest greenhorn he had ever seen. A skinny teen-age Harvard student who is named Theodore Roosevelt. That very year, William Wingate Sewall guided Theodore Roosevelt to the top of Mount Katahdin. It was the beginning of a lifelong friendship that lasted through Roosevelt's presidency and beyond the lifetime of both the President and William Wingate Sewall and into the lives of both of their sets of children.

When Nancy Sewall Cunningham was born, Grover Cleveland was President of the United States. Henry Cleaves as Governor of the State of Maine and the Statute of Liberty was only eight years old. To one of my age it is astonishing that Nancy Sewall Cunningham could remember clearly the Spanish American War. She could remember that adventure that had launched our country and indeed her father's great friend into prominence in the 20th century, the turn of which she could remember. She could remember the cold winter morning when her father had bundled her into a buffalo robe in an open sleigh and under the starlight began a long trip to Bangor and then by train to Washington, D.C. to attend Theodore Roosevelt's inaugural as President of the United States.

This was in 1905, 91 years ago and she was telling me about it just last summer. She told me that the inaugural parade was all right, as she remembered it, but everything stopped when one of the very first Wright airplanes sputtered overhead down the parade route. Everything stopped in the middle of the street as it coughed by above them. She said it

looked like a great crane in flight. Later that day Theodore Roosevelt stopped her in front of a bench before the Smithsonian Institution and introduced her to Geronimo. She told me last summer that his hand was soft as a babies. He hadn't been doing much fighting recently. I doubt that ever again in my lifetime, I shall meet a person who was introduced to Geronimo by Theodore Roosevelt.

As long as her life was she would often reflect that life itself was a short thing. She herself pointed out to me that should we lay her life down end to end with that of an average 75 year old, almost everyone in this room knows someone 75 years old, those two combined life times took us back in time before Maine was a state, when we were still a district of Massachusetts with barely 100 incorporated towns. I asked her often about her girlhood at the turn of the 20th century. What about her fathers great friend who's Maine connections stayed with him all his life and which he carried in his heart all his days and wrote about with great fondness.

I asked her what her father called him. He had known him all his life. Did her call him Mr. President? Did he call him Mr. Roosevelt? Did he call him Teddy? She looked at me, her eyes shining with pride and tears and said, "Oh no, it was Theodore, always Theodore. Teddy was too small for him." Roosevelt died when she was 25 years old. Theodore Roosevelt, her friend, died when she was 25. She remembered standing with her father inside the small enclosure at Oyster Bay where Roosevelt was laid to rest. She remembered to her own dying day was the only time she ever saw her father cry.

Nancy Sewall Cunningham was born before our century was born, but she told me many times that she was glad to have lived through the tumultuous and troubled 20th century and, in fact, to have lived to see almost all of it with all its tremendous changes, those changes brought about by people much like her father and her father's great friend, Mr. Roosevelt. She was proud to have lived that century as a Mainer and an American and to be part of that country which for all of its short comings in one lifetime achieved greatness. She would wish, I suppose, for our children and grand children 100 years hence that they may be so fortunate as to say the same.

Mr. Speaker I join with my friend, Mr. Joy in requesting that when the House adjourn this day we do so in honor and in remembrance of a great daughter of the state of Maine, Nancy Sewall Cunningham.

Subsequently, was read and adopted and sent up for concurrence.

At this point, the Speaker appointed Representative JACQUES of Waterville, to serve as Speaker Pro Tem on Thursday, February 1, 1996.

On motion of Representative JOY of Crystal, the House adjourned at 11:25 a.m. until 9:00 a.m., Thursday, February 1, 1996 in honor and lasting tribute to the memory of Nancy Sewall Cunningham of Island Falls.