

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

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
30th Legislative Day
Monday, March 25, 1996

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

Prayer by Reverend Douglas Trottier, Woodfords Congregational Church, Portland.

National Anthem by Jillaine Avery, Windsor.

Physician for the day, Paul A. Liebow, M.D., Bucksport.

The Journal of Friday, March 22, 1996 was read and approved.

SENATE PAPERS

The following Communication: (H.C. 396)

Maine State Senate
State House Station 3
Augusta, Maine 04333

March 22, 1996

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Insisted on its former action whereby it Indefinitely Postponed Bill and Accompanying Papers on Bill "An Act to Place Limited Rules on the Use of Personal Watercraft on Waters of the State" (H.P. 1365) (L.D. 1874).

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

The following Communication: (H.C. 397)

Maine State Senate
State House Station 3
Augusta, Maine 04333

March 22, 1996

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 on Bill "An Act to Improve the Hancock County Budget Procedure" (S.P. 685) (L.D. 1754).

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Non-Concurrent Matter

An Act to Amend the Laws Concerning Commercial Whitewater Rafting (EMERGENCY) (S.P. 719) (L.D. 1820) (C. "A" S-486) which failed of passage to be enacted in the House on March 21, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-486) as amended by Senate Amendment "A" (S-508) thereto in non-concurrence.

On motion of Representative GREENLAW of Standish tabled pending further consideration and later today assigned.

COMMUNICATIONS

The following Communication: (H.C. 391)

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

Tuesday, March 19, 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,

Speaker of the House

S/Dan A. Gwadosky

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

The following Communication: (H.C. 392)

THOMAS COLLEGE
180 West River Road
Waterville, Maine 04901-5097

March 17, 1996

Hon. Rep. Paul Jacques

House Democratic Leader

House of Representatives

Dear Rep. Jacques:

Since I now am a Democratic candidate for County Commissioner for Kennebec County, District 3, I am resigning as a member of the Commission on Governmental Ethics and Election Practices.

Thank you for your trust and confidence in appointing me to the Ethics Commission with the concurrence of the House of Representatives.

Sincerely,

S/Dr. Nelson Madore

Professor of History, Government, Management, and Ethics

Graduate Adviser

Thomas College

Was read and ordered placed on file.

The following Communication: (H.C. 393)

House Democratic Leadership
117th Maine Legislature
Augusta, Maine 04333-0002

March 22, 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 appointing Daniel J. Bernier of Waterville, to serve on the Commission on Governmental Ethics and Election Practices. He will be replacing Nelson Madore who has resigned. 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. 97 having voted in favor of same and 0 against, and accordingly the nominee was confirmed.

The following Communication: (H.C. 394)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY
March 21, 1996**

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

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 1819 An Act to Promote Forest Rehabilitation and Eliminate Clearcutting
Sincerely,

S/Sen. Vinton E. Cassidy S/Rep. Robert W. Spear
Senate Chair House Chair

Was read.

On motion of Representative SPEAR of Nobleboro, tabled pending placing on file and later today assigned.

The following Communication: (H.C. 395)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS
March 21, 1996**

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

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 1867 An Act to Establish a Review Process for Certification of Political Petitions

We have also notified the sponsor of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr.
Senate Chair

S/Rep. Harry G. True

House Chair

Was read and ordered placed on file.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the St. Dominic Regional High School 1996 "We the People" team, who captured first place in the "We the People...The Citizen and the Constitution" statewide competition. The "We the People" program is a national program to foster civic competence and responsibility by focusing on the historical and contemporary impact of the U.S. Constitution and the Bill of Rights. Team members include: Adam Feldman, Jay Fournier, Catherine Fredricks-Rehagen, Monique Gagnon, Nathan Hall, Rachel Lawrence, Carrie Luke, Jessica Morin, Peter Murray, Kathryn Piela, Jason Theriault and co-captains Paul Sheridan and Anne Theriault; and their coach Rosanne Ducey; (HLS 1051) by Representative BOUFFARD of Lewiston. (Cosponsors: Representative DORE of Auburn, Senator BERUBE of Androscoggin)

On objection of Representative BOUFFARD of Lewiston, was removed from the Special Sentiment Calendar.

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

**REPORTS OF COMMITTEES
Ought to Pass as Amended**

Representative REED from the Committee on Taxation on Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 1996-97" (EMERGENCY) (H.P. 1342) (L.D. 1837) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-831)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-831) was read by the Clerk and 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-831) and sent up for concurrence.

Divided Report

Majority Report of the Committee on Education and Cultural Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-824) on Bill "An Act Concerning Referendum Reform for School Budgets" (H.P. 657) (L.D. 880)

Signed:

Senators:

SMALL of Sagadahoc

ESTY of Cumberland

ABROMSON of Cumberland

Representatives:

CLOUTIER of South Portland

DESMOND of Mapleton

STEVENS of Orono

MARTIN of Eagle Lake

McELROY of Unity

BRENNAN of Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-825) on same Bill.

Signed:

Representatives: AULT of Wayne
BARTH of Bethel
LIBBY of Buxton
WINN of Glenburn

Was read.

Representative AULT of Wayne moved that the House accept the Minority **"Ought to Pass"** as amended Report.

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

Divided Report

Majority Report of the Committee on Banking and Insurance reporting **"Ought Not to Pass"** on Bill "An Act to Promote Additional Health Insurance Reform" (H.P. 1074) (L.D. 1513)

Signed:

Senators: ABROMSON of Cumberland

SMALL of Sagadahoc

Representatives:

MAYO of Bath

JONES of Pittsfield

VIGUE of Winslow

CAMPBELL of Holden

GUERRETTE of Pittston

LUMBRA of Bangor

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-820) on same Bill.

Signed:

Senator: McCORMICK of Kennebec

Representatives: GATES of Rockport

SAXL of Portland

CHASE of China

THOMPSON of Naples

Was read.

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

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

CONSENT CALENDAR

Second Day

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

(S.P. 735) (L.D. 1844) Bill "An Act Authorizing County Commissioners to Enact Ordinances Concerning Addressing Standards for Enhanced 9-1-1 Services in the Unorganized Territories" (EMERGENCY)

(S.P. 752) (L.D. 1865) Resolve, to Extend the Reporting Deadline of the Export Financing Services Study Group (EMERGENCY)

(S.P. 700) (L.D. 1790) Bill "An Act to Implement Performance Budgeting in State Government" (EMERGENCY) (Governor's Bill) (C. "A" S-502)

(H.P. 1177) (L.D. 1609) Bill "An Act to Provide a Retirement Benefit Option for Forest Rangers Equal to That Option Available to Game Wardens and Marine Patrol Officers" (EMERGENCY) (C. "A" H-817)

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

BILLS IN THE SECOND READING

Bill "An Act Regarding the Food Stamp and Low-Income Home Energy Assistance Program" (EMERGENCY) (H.P. 1366) (L.D. 1875)

As Amended

Bill "An Act to Clarify Certain Provisions Relating to Workers' Compensation Self-insurance" (EMERGENCY) (S.P. 635) (L.D. 1643) (C. "A" S-493)

Resolve, to Require the Study of the Medical Liability Prelitigation Screening Panels (H.P. 1257) (L.D. 1729) (C. "A" H-821)

Bill "An Act to Provide a Contingent Allocation to Establish a Federally Funded Military Rebuild Site to be Operated by the Maine National Guard at the former Loring Air Force Base" (EMERGENCY) (S.P. 716) (L.D. 1817) (Governor's Bill) (C. "A" S-496)

Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage" (S.P. 723) (L.D. 1825) (S. "A" S-503 to C. "A" S-495)

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

ENACTORS

An Act to Make Pet Dealers Liable for the Sale of Dogs and Cats That Have Health Problems (H.P. 53) (L.D. 47) (C. "A" H-779)

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

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

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

ORDERS

On motion of Representative SPEAR of Nobleboro, the following Joint Order (H.P. 1368)

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry report out, to the House, legislation regarding the Maine Potato Board.

Was read and passed and sent up for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, March 22, 1996, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

Bill "An Act to Establish a Higher Education Tax Credit for Middle-class Families" (H.P. 1171) (L.D. 1603)

- In House, Majority **"Ought to Pass"** as amended by Committee Amendment "A" (H-771) Report of the Committee on Taxation read and accepted and the Bill

passed to be engrossed as amended by Committee Amendment "A" (H-771) on March 20, 1996.

- In Senate, Minority **"Ought to Pass"** as amended by Committee Amendment "B" (H-772) Report of the Committee on Taxation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-772) in non-concurrence.

TABLED - March 22, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

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

TABLED AND TODAY ASSIGNED

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

Expression of Legislative Sentiment in memory of Rodney V. Bowers (HLS 1042)

TABLED - March 22, 1996 by Representative CARLETON of Wells.

PENDING - Adoption.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House: The events of the past month have certainly reminded me and I am sure has reminded many of you of the fact that we are all mortal and many of us have spent a great many hours in visiting people at funeral homes and so forth. I have had the personal misfortune of losing three close friends and my mother in the month of March. Rodney was the last in that succession. Notices that have come out since then certainly would indicate that there is no end to this type of thing.

I think in my acquaintance with Rodney Bowers, which extended over a period of 35 years, he was a very, very good friend. We often think of people as achieving greatness by holding high political office or some other such thing like discovering something in medicine, which goes on to help a lot of people. I think that greatness is often achieved in many circles by the love and admiration that a person earns from his friends, neighbors and people who knew him. I arrived at the funeral home at 8:00 on Thursday night and stood in line for about an hour and a half before I could make my way in to pay my respects to the family. There had been over a thousand people who had visited the funeral home on that day. The next day at the funeral, the church was packed and this was people of all ages. People who were still in school and many people who had hair that was much thinner than mine and much whiter than mine. They all came to pay tribute to Rodney Bowers.

I think this is a test for the greatness that he achieved in his lifetime. Many, many families in the area would never have had a Christmas if it had not been for Rodney Bowers carrying on a tradition that was started by his father before him. Mysteriously, gifts would show up for children in homes where there were very little resources. These children probably would never have had a Christmas. I think Shakespeare maybe was wrong when he gave us the words that were attributed to Mark Anthony in his eulogy for Caesar when he said, "The evil that men do lives after them. The good is often interred with the bones." That certainly is not true in the case of Rodney Bowers. He served in this House just one term. A very short span in his lifetime. Yet, I

think he made an impression on nearly everyone that he met.

Today, if Representative Clark were here, I am sure that he would stand and add to the remarks that I had to say about Rodney. As you probably know, Representative Clark lost his mother and cannot be here. Mr. Speaker, I think that knowing Rodney Bowers and since his friendship with Representative Clark was so important to him, I would request that when the House adjourns today, they do so in joint memory of Loretta Clark, Representative Clark's mother and Rodney B. Bowers, a former member of this House. Thank you.

Subsequently, the Legislative Sentiment was read and adopted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **"Ought to Pass"** - Minority (3) **"Ought Not to Pass"** - Committee on Appropriations and Financial Affairs on Bill "An Act to Clarify the Distribution of Funding for the Maine School of Science and Mathematics" (EMERGENCY) (H.P. 1255) (L.D. 1724)

TABLED - March 22, 1996 by Representative KERR of Old Orchard Beach.

PENDING - Acceptance of Either Report.

On motion of Representative KERR of Old Orchard Beach, the Majority **"Ought to Pass"** Report was accepted.

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

Under further suspension of the rules the Bill was passed to be engrossed and sent up for concurrence.

House Divided Report - Committee on Banking and Insurance - (8) Members **"Ought Not to Pass"** - (5) Members **"Ought to Pass"** as amended by Committee Amendment "A" (H-820) on Bill "An Act to Promote Additional Health Insurance Reform" (H.P. 1074) (L.D. 1513) which was tabled by Representative VIGUE of Winslow pending his motion to accept the Majority **"Ought Not to Pass"** Report.

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

Representative GATES: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion. L.D. 1513 is a bill brought forward on behalf of Blue Cross and Blue Shield. They asked for a number of things in the bill. The main thing that is before us now is they want to leave their current nonprofit status and become a for-profit mutual company.

Since 1939, when this Legislature created Blue Cross and Blue Shield, they have been a charitable organization. The legislative charter passed in that year states in section 15 that they are a charitable organization. When they become a mutual or a for-profit, obviously, they will not be a charitable organization anymore. They will be owned by the policyholders. This raises an issue that came up in our hearings that, I believe, is of tremendous importance. It hasn't gotten a lot of attention and I think it is sort of a sleeper, but it is a terribly important public policy issue, which is, who owns Blue Cross and Blue Shield? Who owns a nonprofit?

When we created Blue Cross and Blue Shield in 1939, they had to take all comers. They took all the

sick people. They provided health insurance for all those people. They have limped along. They have been sort of the ugly duckling of the insurance market. They have struggled over the years. Now, the health care market has totally changed with managed care. Blue Cross and Blue Shield as it was limping along has not acquired a 40 percent market share. They have a network of physicians unparalleled in the State of Maine. They now have a market value of somewhere between 100 and 500 million dollars. If, down the road, they become a stock company and they decide to merge with Blue Cross from another state, who gets the money?

My belief is that nonprofits have public ownership. If they are bought out for 250 million dollars, then that 250 million dollars, their market value over and above the reserves they have, needs to be used for charitable purposes. Every other state that has considered that issue, except for one, has found that there is a charitable interest and that a public charity needs to be set up under these circumstances. We raised this issue in the committee. Blue Cross and Blue Shield said not to worry about it because we are only going the mutual step right now. They aren't even thinking about the next step down the road going to a for-stock company or merging. Basically, don't worry your pretty little head, we will cross that bridge when we come to it.

The problem is that once they become a mutual company and once they are no longer a nonprofit, they can pretty much do what they want. They are not under the umbrella of the nonprofit anymore. We don't regulate them in the same way anymore. They don't have to come back to the Legislature before they become a stock company or if they decide to merge with Blue Cross and Blue Shield of Vermont or something like that. Really this is our last opportunity to say something about it and say we need to address this issue of the public interest in Blue Cross and Blue Shield. It got very complicated. We tried to do it in a way that was accessible to them. We tried to do it in a way that when they did go public down the road it wouldn't hold up that process.

Finally, we, as a committee, approached our deadline for reporting out bills and the Majority of the committee said, let's just worry about this later and vote it "Ought Not to Pass." Fine, the problem is if they go mutual between now and after the next legislative session, then we have lost our opportunity, perhaps, to do anything about it. It is very difficult to pass legislation while the application is pending. It is sort of changing the rules in the middle of the game. It requires an emergency vote and all those things. The reason I am not voting for the "Ought Not to Pass" report is because it lets them go forward. What I would prefer to do is not let them go forward until after the 118th Legislature. I might just tell you that that is what the Minority Report does.

I urge you to vote against this "Ought Not to Pass" report, because it allows them to go forward and it lets it go and we can't get back to this except through emergency legislation in the 118th Legislature. I think we all know how difficult that is to pass. I hope I have conveyed to you how important this is to me and to, I think, everyone in the state. I urge you to vote no on the pending motion and to go on to accept the Minority Report. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: This has been a very testing part of this legislative year. The assets, as were agreed upon by the whole committee, a portion of the assets we felt did belong to the public, because of the setup from 1939 to the present as a tax-free entity. The portion that troubles me is that the full amount is not, as I consider, totally owned by the people in the State of Maine.

They are not asking to become a for-profit. The move was a transition from the existing Blue Cross and Blue Shield setup to a mutual company. As we all know, mutual companies are still owned by the policyholders, by the people that pay the premiums. This has happened in many, many situations in the State of Maine. We have an insurance company in Portland, UNUM, that was a mutual company. We have People's Heritage that was a mutual bank. The members owned portions of the company. I think this should go beyond just this body. I think it deserves to be looked at by the courts.

What I am asking and what the Majority Report is asking is that they be allowed to do what has to be done to better serve the people of the State of Maine. I don't believe with the public exposure that we have seen with this bill to move to a profit company will come in the near future. They have to answer to us. It doesn't matter, they still have to answer to us. Believe me, what I have seen happen in this body, we can change things overnight. I don't believe that Blue Cross and Blue Shield is really anxious to take on our body. I think what we should do is go with the Majority Report and wait for what is going to happen or transpire in this situation. I urge you to support the Majority "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: The key issue that we have here is how are we going to protect what may be assets that belong to the public and the people of Maine.

Blue Cross and Blue Shield came before us and publicly stated in our hearings that they believe there are no portions of their assets which belong to the people of the State of Maine. As my good committee chair indicated, it was the belief of at least a major portion of the committee, if not all of the committee, that there is at least some portion of their assets which we believe belongs to the people of Maine. The problem is, how do we protect those assets?

Under the current law as it exists now, Blue Cross and Blue Shield can file a plan with the superintendent to mutualize. They can do that at any time. They have agreed not to do that until we come back into session next year. That doesn't protect us completely, because they could file a plan in January of next year, which the superintendent would have to consider before the Legislature can act. They then would be given an argument that since we filed the plan while the old laws existed, anything that the next Legislature does to set up a new process for determining the value of those assets could not be applied to them.

They have already gone on record saying there are no assets that belong to the public. We are saying it is not clear what portion of their assets belong

to the public and a process should be set up to determine that. Our committee, in this session, did not feel they had an adequate time to set up the proper process. We should not just ignore this problem. It would be a terrible situation for us to come back next year in the next Legislature, whoever happens to be here from this Legislature, and be faced with a situation where we have, because of our failure to act, put the fact that there is a public asset in jeopardy.

I would urge you to vote no on the pending motion and to support the Minority Report, which is a very short report. Take a look at it and see what it does. Thank you.

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 urge you to support the Majority "Ought Not to Pass" Report on this. I guess I would like to run through a little bit of what happened. Blue Cross and Blue Shield came to us at the beginning of this session looking to, as Representative Vigue said, mutualize their company, which means to turn it into a company owned by the members, those who had the insurance. They were looking for some regulatory relief. There have been practices going on in the insurance industry called dumping where they were basically getting all the highest risk and very, very costly insurance customers dumped on them by other insurance companies. They wanted relief from this and some other things that were causing them, as the insurer of last resort, to have a good deal of difficulty in their business.

This seemed at first to be a very good bill to me. As we got into this, we got into this whole issue of public assets, all of a sudden this bill that was simply a regulatory relief bill and looking to mutualize and take the 40 percent of the Maine people that have Blue Cross and Blue Shield insurance and turn it into a company owned by them, like other mutual insurance companies became, all of a sudden, a big pot of gold. I think a lot of people saw something and they wanted to get their hands on it. As it has been stated by Representatives Thompson and Gates correctly, most of the committee did feel that there was a piece of the assets of Blue Cross and Blue Shield that was, in fact, in the public interest and public assets and that a piece of that should, in fact, be used for the public good. I don't think there was a huge amount of disagreement on the committee about that. What percentage of that, rather it be 1 percent or 99 percent, was at great disagreement or somewhere in between.

We tried to come up with a mechanism through the Attorney General's Office and through the Commissioner of Insurance's Office to address this issue. There just simply wasn't enough time to do it this session. To determine what percentage of the assets of Blue Cross and Blue Shield might be held in public trust, if they ever became a for stock company somewhere down the road, was not an issue that could be decided last minute, right now, and the methodology that was come up with from the Attorney General's Office was very cumbersome and potentially very costly and would lead to a lot of lawyer fees for an awfully long time. That is something that the committee didn't really want to put on these people who buy insurance through Blue Cross and Blue Shield.

As the insurer of last resort, we want to do everything possible to keep their rates down for the people that have to buy their insurance to save the citizens of Maine money. Some of us decided that this just isn't working well now and let's put this off until the next Legislature. We received a letter from Blue Cross and Blue Shield saying they will not mutualize or go forward until the next legislative session. As a good corporate citizen, it is my belief that Blue Cross should be treated with respect. They have always been our insurer of last resort. They have taken all those that no one else would take. They have never shown any bad faith in the people of the State of Maine. Today, not to accept the letter from their president, saying that they will wait until you deal with this in the next session, from my perspective is the wrong thing to do.

I strongly urge you to support this "Ought Not to Pass." Let's give the next Legislature time to look at this issue to figure out this public asset issue and at that time Blue Cross and Blue Shield can address it again. It is not an issue for today. To put additional regulations on them, I believe, is not in the best interest of the people of the State of Maine. I urge you to vote "Ought Not to Pass" with the majority and Representative Vigue. Thank you.

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

Representative CHASE: Mr. Speaker, Men and Women of the House: It may seem confusing to you that we are all standing up saying that the committee was in total agreement on several points, given that this is a profoundly contentious issue that has received a lot of notice in the press. You may have heard from your constituents on the subject. Representative Guerrette is correct that the committee was in agreement on many points.

The initial bill did offer Blue Cross and Blue Shield rate-regulation relief. As a committee, we agreed to do that. The contentious piece was not a part of the bill that we got into, but an amendment to the bill that had, in fact, nothing to do with rate-regulation relief offered by Blue Cross and Blue Shield to make their job of converting to a mutual company easier. This is when, as you have heard, the whole issue of public assets was raised.

The committee was very strong in its support of Blue Cross and Blue Shield as an important business in the State of Maine. As you have heard, they have a terrific market share. They insure 40 percent of our citizens. I believe it is something like 90 percent of the providers and hospitals in the State of Maine are affiliated with Blue Cross and Blue Shield. In this state, health insurance and Blue Cross and Blue Shield almost have an equation between them. No one was interested in weakening that company.

As we were looking at the issue of public assets and hearing the company's position that there were no public assets in their company despite the charter that established them as a charitable organization and we were trying to craft a means of determining this, the committee agreed that it was not in a position to determine the percentage of assets or a dollar figure that belongs to the State of Maine. That was going to be done through the courts. Again, we were pretty much in agreement about that. We didn't want to come up with something. We had a method that would simply value the company and those assets. I would not take the money from the company

until such time as that company made a decision to be publicly traded to go on the market for sale as a stock company. All we were asking was that the formula be set up and that is where Blue Cross and Blue Shield balked. As I said, we weren't taking any assets from the company.

The problem with simply supporting the Majority "Ought to Pass" Report, because an agreement with Representative Guerrette was presented to us at the last moment and it was going to be an emergency bill, we didn't have the time to work such a complicated bill and bring it before you in agreement. The problem was simply accepting the "Ought Not to Pass" with the assurance from Blue Cross and Blue Shield that they will not act is not a matter of respecting them as a company and saying, "Fine, we will accept your assurance," the problem is that assurance had a date specific and that date was January of next year. That is that they could begin the process of becoming a mutual insurance company before the Legislature could act. If we managed to do it in the first day of session, before anything else we did, it would be law, in effect.

Interestingly, a letter was written to Blue Cross and Blue Shield saying, "In good faith, if you are willing to hold off until we can deliberate this issue, please hold off until such time as a law passed in the next session would, in fact, become law." That would be 90 days after the close of the session. The reply was, "No, we won't be able to do that. We can wait from March of this year until January 1 of next year. However, we cannot wait until October of next year." That, ladies and gentlemen, did not seem like good faith to me.

I agree that we should put this off until next year. I also urge you to reject the Majority "Ought Not to Pass" Report, which simply kills the issue entirely leaving the whole issue of public assets that is very unclearly dealt with in our law and leaves it still hanging. Please vote against this pending motion in order that you can support the Minority Report that gives a date certain to when Blue Cross and Blue Shield can or cannot mutualize. Thank you.

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

Representative LUMBRA: Mr. Speaker, Men and Women of the House: I just want to clarify a couple of things. I was in the same committee and I heard Blue Cross and Blue Shield say several times that they thought there were three interested parties, one, the subscriber, one, the policyholder and one, the public. I think they realize that the public definitely has an interest in this. The other thing that I want to clarify is just remember that the commissioner will still be the commissioner and everything must go through the commissioner even if it happens January of next year. This isn't like we are saying "Ought Not to Pass," Blue Cross and Blue Shield you can do anything you want. The commissioner will still have power. Mr. Speaker, I ask when the vote is taken that it be taken by the yeas and nays.

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

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Again, Blue Cross and Blue

Shield has served the people of the State of Maine very well since 1939. It has done practically every task asked of it. As we went into new areas, they would carry areas that had never been covered before. They took people that were not able to buy insurance elsewhere. I think they have earned the respect or support that we should be providing for Blue Cross and Blue Shield's request. I don't think that we should have a date certain. I think they have proven that they are worthy of trust. If proved otherwise, then we are capable of taking care of that. I urge you to support the Majority "Ought Not to Pass" Report. Thank you.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: L.D. 1513 is better renamed, "An Act for Full Employment for Lobbyists." Both sides of the isle and both sides of the issue have tried to decipher this very, very complicated issue, which has come before the House today. Insurance advocates are out there. Consumer advocates are out there, advocates, subscribers, and for all sides. What I think this legislation really comes down to today is time and timing.

Fifty-seven years ago, Blue Cross and Blue Shield was founded in the State of Maine as a charitable interest for the people of the State of Maine so that the people of the State of Maine would have insurance. A long time ago, in the last legislative session, Blue Cross and Blue Shield came forward with a proposal for regulatory relief and that is relief that this body and a majority of our committee was committed to finding for Blue Cross and Blue Shield.

Just 48 hours before this legislative hearing, Blue Cross and Blue Shield opened another issue of which none of us had the time to prepare or determine the scope. This other issue had to do with their mutualization. It was a quick education for many of the members of our committee. As we have heard from both sides of this argument, this is a serious public issue which deserves the work of the Legislature. My colleague, Representative Guerrette said, let the next Legislature decide this important issue. I say he is absolutely right.

What we are asking for you to do today is to defeat this Majority "Ought Not to Pass" Report and go on and support the Minority Report, which will do just that. It will give the Legislature the time to act with deliberation and certainty to determine whose assets are at stake with the conversion of Blue Cross and Blue Shield. Thank you.

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

Representative GATES: Mr. Speaker, Men and Women of the House: Just one or two last points. Representative Vigue is exactly right. Blue Cross and Blue Shield has done everything that we have required of them over the years. They have done a terrific job and we all have a good feeling about Blue Cross and Blue Shield and I certainly respect them as a company. That is exactly the reason why they are so valuable. The new managed-care organizations coming into the state would pay millions to acquire their market share. If they are allowed to go for-profit, they can then go public and it is hundreds of millions of dollars and if we do nothing, we won't be able to protect those assets. Representative Lumbra correctly stated that the Superintendent of Insurance will have to deal with

this issue. The Superintendent of Insurance has to apply the law as it is. If the application filed by Blue Cross follows the law in existence today, then, eventually, the superintendent just has to say fine. He doesn't have a tremendous amount of discretion. I urge you to give us the time to deal with this in the 118th and vote for the Minority Report. Thank you.

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

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

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

ROLL CALL NO. 328

YEA - Aikman, Ault, Bailey, Bigl, Birney, Bouffard, Buck, Cameron, Campbell, Carleton, Chick, Cloutier, Clukey, Cross, Damren, Dexter, DiPietro, Donnelly, Driscoll, Farnum, Gamache, Gieringer, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, LaFountain, Lane, Layton, Lemont, Lindahl, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nadeau, Nass, O'Gara, Paul, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Richard, Ricker, Robichaud, Rosebush, Savage, Simoneau, Sirois, Spear, Stone, Strout, Taylor, True, Tufts, Tyler, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor, The Speaker.

NAY - Adams, Ahearne, Benedikt, Berry, Brennan, Bunker, Carr, Chartrand, Chase, Chizmar, Daggett, Davidson, Desmond, Dore, Etnier, Fisher, Gates, Gerry, Green, Hatch, Heeschen, Heino, Johnson, Kilkelly, Kontos, Lemaire, Lemke, Libby JD; Luther, Mitchell EH; Mitchell JE; Morrison, O'Neal, Povich, Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Volenik, Winn.

ABSENT - Barth, Clark, Dunn, Fitzpatrick, Hichborn, Jones, K.; Labrecque, Libby JL; Look, Martin, Nickerson, Ott, Plowman, Stedman, Truman, Tuttle, Underwood, Watson.

Yes, 86; No, 47; Absent, 18; Excused, 0.

86 having voted in the affirmative and 47 voted in the negative, with 18 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

On motion of Representative KONTOS of Windham, the House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Joint Order: (S.P. 761)

ORDERED, the House concurring, that the Joint Rules be repealed and replaced with the following:

JOINT RULES - 117TH LEGISLATURE

Part 1

General Provisions

Rule 101. Scope.

These Joint Rules are adopted pursuant to the Constitution of Maine to assist in carrying out the responsibilities of the Legislative Branch. The rules govern the transaction of business by both chambers, between the chambers and by members of both chambers, including many of the activities of joint legislative committees. The business of the separate chambers and most actions of members are governed by chamber rules.

Rule 102. Amendment of Rules.

Joint Rules may be amended by a majority vote in each chamber on or before the 3rd Friday in January of the first regular session. After that, a vote of 2/3 of the members present in each chamber is required.

Rule 103. Suspension of Rules.

Except as provided in Joint Rule 308, a joint rule or order may be suspended only with the consent of 2/3 of the members present in each chamber.

Rule 104. Conflict of Interest.

A member may not vote on any question in either chamber of the Legislature or in committee when that question immediately involves that member's private right, as distinct from the public interest.

Rule 105. Payment of House and Senate Employees.

The Secretary of the Senate shall certify vouchers of the officers and employees of the Senate and the Clerk of the House shall certify vouchers of the officers and employees of the House to the Executive Director of the Legislative Council.

Salary and benefit information regarding employees and officers of the Legislature is public information and when requested must be provided within a reasonable time by the Executive Director of the Legislative Council.

Rule 106. Records of Certain Legislator Expenses.

Upon request, the presiding officer of each chamber shall provide to the Legislative Council or any council member the total monthly or annual cost of telephone expenses and of postage expenses for all members in the chamber. The presiding officers shall also provide monthly and annual telephone and postage expenses of individual members upon the request of any member of the council.

Rule 107. Notice of Legislative Council Meetings.

Meeting times of the Legislative Council must be publicized, at a minimum, by posting notice on the door of the meeting room in a timely fashion. When feasible, other advance notice of Legislative Council meetings must be given.

Part 2 Legislation

Rule 201. Prefiling.

A member-elect may file bills and resolves for introduction with the Revisor of Statutes prior to the convening of each first regular session.

Rule 202. Cloture for Legislators at the First Regular Session.

All requests for bills and resolves submitted by Legislators for a first regular session must be submitted in complete form, as provided in Joint Rule 208, to the Revisor of Statutes by 4:00 p.m. on the 3rd Friday in December.

Rule 203. Cloture for Legislators at the Second Regular or Special Sessions.

The Legislative Council shall set a cloture date and establish procedures for submission of legislation by Legislators to the Revisor of Statutes at a second regular or special session. Procedures established for each second regular session must ensure compliance with the requirements of the Constitution of Maine, Article IV, Part Third, Section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule must be taken by the yeas and nays, and that vote must be recorded and made available for public inspection.

Rule 204. Cloture for State Department, Agency or Commission Bills and Resolves.

1. **Deadlines for Requests.** A state department, agency or commission may not file a request for a bill or resolve after the first Wednesday in December.

2. **Deadline When Governor Newly Elected.** If the Governor is newly elected and the convening of the first regular session coincides with the beginning of the Governor's first term, then any bill or resolve submitted by a state department, agency or commission must be submitted within 30 days after the Governor is administered the oath of office.

3. **Identification of Agency.** Each bill or resolve submitted for preparation under this rule must clearly designate, under the title, the department, agency or commission on whose behalf the bill or resolve is submitted.

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator or a department, agency or commission after the cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 or 203.

Rule 206. Sponsorship.

1. **Number: Governor's Bills.** A bill, resolve, order, resolution or memorial may have up to 7 sponsors: one primary sponsor, one lead cosponsor from the other chamber and 5 cosponsors from either chamber. Each bill or resolve requested by the Governor or a department, agency or commission must indicate the requestor below the title.

2. **Duplicate Requests: Chamber of Origin.** For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors must originate in the chamber of the primary sponsor.

3. **Indian Representatives.** The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at each biennial Legislature may sponsor or cosponsor legislation specifically relating to Indians and Indian land claims and may sponsor and cosponsor

expressions of legislative sentiment in the same manner as other members of the House.

Rule 207. Disclosure of Titles of Bills and Resolves.

1. **Legislator and Department Bills.** The names of sponsors and the titles of requests for bills and resolves submitted by legislators or by departments, agencies or commissions become public information on the cloture date, and a list of titles and sponsors must be published as soon as practicable after cloture.

2. **Governor Bills.** The titles of requests for bills and resolves submitted by the Governor are considered public information upon filing. The Governor may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed.

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

Rule 209. Bill Titles and Summaries.

The Revisor of Statutes has authority to change the title of a bill or resolve to ensure that the title accurately and concisely reflects the content and scope of the bill or resolve. If the primary sponsor objects to the change, the President of the Senate and the Speaker of the House shall jointly decide what the title should be.

The Revisor of Statutes shall prepare and include a summary of each bill, resolve and amendment. The Revisor of Statutes has authority to ensure that the summary is concise and accurately reflects the intent of the bill or resolve.

Rule 210. Form.

All bills and other instruments, including bills proposed by initiative, must be allocated to the Maine Revised Statutes as appropriate and corrected for form, legislative style and grammar by the Revisor of Statutes before printing.

Rule 211. Signatures on Drafts of Bills, Resolves and Amendments.

The Revisor of Statutes shall notify the primary sponsor of a bill or resolve that the bill or resolve is ready in final form for signature. The primary sponsor is responsible for obtaining signatures from cosponsors. The primary sponsor shall sign the bill or notify the Revisor of Statutes of any changes that are necessary within deadlines established by the presiding officers. The primary sponsor shall present the signed cosponsor sheet to the Revisor of Statutes. If the primary sponsor does not contact the Office of the Revisor of Statutes within this period, the bill is void.

If changes are requested, the Revisor of Statutes shall notify the primary sponsor when changes have been made and the bill is available for signature; the primary sponsor and cosponsors shall sign the bill within the established deadlines. Further changes must be proposed to the committee of reference. If the primary sponsor does not sign the bill within this period, the bill is void. If cosponsors do not sign the bill within either period, their names must be removed from the bill.

Rule 212. Errors.

Clerical errors in bills and resolves may be corrected upon suggestion by the Revisor of Statutes without motion to amend.

Rule 213. Expressions of Legislative Sentiment.

All expressions of legislative sentiment must conform to guidelines issued by the President of the Senate and the Speaker of the House and must be presented in a manner standardized by the Revisor of Statutes.

The expressions of legislative sentiment may not be part of the permanent journal or the legislative record but must appear on the Advance Calendar and Journal of each body. The Secretary of the Senate and the Clerk of the House shall print the expressions in an appendix to the legislative record. When the Legislature is not in session, the President of the Senate and the Speaker of the House may authorize expressions of legislative sentiment at the request of legislative members.

Rule 214. Memorials.

A memorial is not in order for introduction unless approved by a majority of the Legislative Council.

Rule 215. Actions Relating to the United States Constitution.

All memorials, resolutions, applications and petitions that relate to the Legislature's functions under the United States Constitution, Article V are in order for introduction without approval from the Legislative Council. Passage of these items must be accomplished as follows:

1. **Calling of United States Constitutional Convention.** An item requesting the calling of a United States Constitutional Convention requires a 2/3 vote of the members present in each chamber;

2. **Ratification of Amendment.** An item requesting ratification of an amendment to the United States Constitution requires a majority vote of the members present in each chamber; and

3. **Any Other Action.** An item requesting any other action under the United States Constitution, Article V requires a majority vote of the members present in each chamber.

Rule 216. Claims against the State.

A claim of an amount of \$2,000 or less is in order for introduction only after the claim has been first disapproved or partially approved for payment under the Maine Revised Statutes, Title 5, section 1510-A. A claim of an amount greater than \$2,000 is in order for introduction only in the form of a resolve authorizing a suit against the State.

Rule 217. Measures Rejected at a Prior Session.

A bill, resolve, constitutional resolution, resolution, memorial or order that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent regular or special session of the same Legislature except by vote of 2/3 of both chambers.

Rule 218. Legislation Filed Pursuant to Law or Resolve.

Legislation filed pursuant to law or resolve must identify the source of the legislation and must cite the law or resolve that authorizes the filing. The legislation must be introduced in the chamber of the sponsor or the chamber of origin of the authorizing law or resolve.

**Part 3
Legislative Committees
Subpart A
Joint Standing Committees**

Rule 301. Joint Standing Committee Responsibilities and Jurisdiction.

Joint standing committees are formed to assist the Legislature in the performance of its constitutional duties and are vested with the general authority granted in the Maine Revised Statutes, Title 3, section 165 and certain other specific authority granted from time to time by the Legislature. The responsibilities of joint standing committees include, but are not limited to:

1. **Pending Legislation.** Considering and reporting to both chambers on legislation pending before the Legislature;

2. **Budget and Fiscal Policy Issues.** Reviewing and making recommendations on budgeting and fiscal policy issues concerning State Government;

3. **Actions of Departments and Agencies.** Conducting oversight and review of the actions of departments and agencies of State Government, including, but not limited to, review of agency rules under Title 5, chapter 375, subchapters II and II-A and agency evaluations under the State Government Evaluation Act;

4. **Gubernatorial Appointments.** Reviewing and making recommendations on gubernatorial appointments that require legislative confirmation under Title 3, chapter 6; and

5. **Other Tasks.** Performing other tasks assigned to them, including, but not limited to, reviewing specific provisions of law, conducting studies on assigned topics, issuing reports on policy and legal issues of interest to the Legislature, reporting out specific legislation pursuant to joint order and authorizing the annual budgets of certain counties.

As authorized by Title 3, section 165, there are 17 joint standing committees, which must be appointed at the commencement of the first regular session and which exercise jurisdiction in the following areas:

Agriculture, conservation and forestry
Appropriations and financial affairs
Banking and insurance
Business and economic development
Criminal justice
Education and cultural affairs
Human resources
Inland fisheries and wildlife
Judiciary
Labor
Legal and veterans affairs
Marine resources
Natural resources
State and local government
Taxation
Transportation
Utilities and energy

Rule 302. Membership.

Each of the joint standing committees consists of 13 members, 3 from the Senate and 10 from the House of Representatives. The first Senate member named is the Senate chair. The first House member named is the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each chamber in the sequence of their appointment to the committee. The sequence of appointment for the biennium is as announced by the presiding officers in each chamber. Every member of the Senate and the House of Representatives is entitled to at least one initial committee assignment.

Rule 303. Committee Clerks.

The hiring of all committee clerks must be mutually agreeable to both the Senate and House chairs. If not agreeable to both, the President of the Senate and the Speaker of the House shall decide. Committee clerks serve at the pleasure of the President of the Senate and the Speaker of the House. The salary of each committee clerk is established by the President of the Senate and the Speaker of the House, and the employment of the committee clerks terminates no later than the end of the session.

Rule 304. Procedures for Public Hearings and Work Sessions.

At the beginning of each legislative biennium, all committees shall adopt procedures that govern public hearings, work sessions and confirmation hearings. Copies of the procedures must be sent to the presiding officers, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council upon adoption and must be posted and made available upon request at all public hearings and work sessions.

The rules of procedure in committee are the same as the rules of the Senate and the House of Representatives to the extent applicable. Committee procedures must be consistent with these rules.

The presiding chair shall decide all questions of order, subject to appeal to the committee. The chair's ruling stands unless overruled by a majority vote of the committee membership.

Scheduling of bills to be considered in public hearings and work sessions must be arranged by the Senate chair with the agreement of the House chair; if agreement is not reached, the committee shall decide by majority vote of the membership.

At public hearings, the chair may limit testimony as necessary for the orderly conduct of the hearing. Members may question witnesses to clarify testimony and to elicit helpful and pertinent information. While aggressive and probing questions may sometimes be appropriate, members shall exhibit respect for the witnesses and for one another. Members shall refrain from interrogation that is argumentative, oppressive, repetitive or unnecessarily embarrassing to hearing participants. Advocacy and discussion among members are not appropriate at public hearings. A committee member who is the primary sponsor of a bill and any member who testifies for or against the bill should ordinarily refrain from questioning other witnesses.

Rule 305. Scheduling Public Hearings and Work Sessions.

At the beginning of each regular session, each committee shall recommend to the presiding officers specific days for its public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted.

Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions must be approved by both presiding officers.

The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

It is the intent of the Legislature that a person not be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings.

Rule 306. Quorum.

A quorum is 7 members, and a quorum must be present to start a meeting or to take a vote. A quorum is not required to continue a meeting. If a quorum is present, but there is not a Senator among those present, the committee may take a vote only with the authorization of the President of the Senate.

Rule 307. Testimony.

Testimony before a joint standing committee is not presented under oath, except that a committee is authorized to administer oaths in the case of legislative confirmation hearings under the Maine Revised Statutes, Title 3, section 157 and may be so authorized by the Legislature when the committee is acting as a special investigating committee under the Maine Revised Statutes, Title 3, section 165, subsection 7.

All written materials presented to the committee must bear the name, address and affiliation, if applicable, of the presenter and the date presented.

Rule 308. Reference of Bills to Committee.

All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote in each chamber.

1. **Legislature in Session.** When the Legislature is in session, the Secretary of the Senate and the Clerk of the House shall jointly suggest an appropriate committee reference for every bill, resolve and petition offered. The suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of reference must be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of suggested reference must be referred to the Legislative Council for resolution. Upon the decision of the Legislative Council, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber. Each suggested reference appearing upon the Advance Journal and Calendar of each chamber must contain a recommendation for the printing of the document being referred and may contain a recommendation on the number of copies of that document to be printed. Any member may move for reconsideration of a committee reference on the floor. Notwithstanding House Rule 53, Senate Rule 33 and Joint Rule 103, a majority vote is necessary to overturn the original committee of reference.

2. **Legislature Not in Session.** When the Legislature is not in session or is in recess for more than 4 days, the Secretary of the Senate and Clerk of the House may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the President of the Senate and the Speaker of the House.

Rule 309. Notice to Report.

A joint standing committee to which a bill or resolve has been referred shall, after receiving notice of the reporting deadline from the President of the Senate and the Speaker of the House, report

that bill out of committee to the floor for consideration in accordance with that deadline.

Rule 310. Reports of Bills from Committee.

1. **Deadline for Reports.** The joint standing committees shall report out every bill that has been referred to them in the manner prescribed in these rules and in accordance with deadlines established by the presiding officers.

2. **Committee Reports.** The report of the committee must include a recommendation. Recommendations that may be made are:

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft
- Ought Not to Pass
- Refer to Another Committee

When the committee recommendation is not unanimous, a minority report or reports are required. All reports on any legislative document must be submitted to the Legislature at the same time.

3. **Unanimous Ought Not to Pass Report.** When a joint standing committee votes unanimously to report a bill "Ought Not to Pass," the committee shall notify the presiding officers, the sponsor and the cosponsors of the bill of their action. This communication must appear on the calendar in each chamber, and the bill, upon notification of both chambers, must be placed in the legislative file and may be recalled only as provided in Rule 404.

4. **Ought to Pass in New Draft Report.** When the changes voted by the committee are major, the committee may elect to report the bill out "Ought to Pass in New Draft," with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. When the committee recommendation is not unanimous, a minority report is required. New drafts printed pursuant to these rules must include the legislative document number that the new bill replaces and the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies that must be printed of each new draft.

5. **Committee Voting.** The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the State House and the State Office Building at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote.

B. If any member is absent from the committee at the time of the vote but present in the State House or the State Office Building, that member's vote may be registered with the clerk up until 5:00 p.m. on the day of the vote.

A member may abstain from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum.

Rule 311. Errors and Inconsistencies Legislation.

Prior to reporting out any omnibus bill concerning errors and inconsistencies in the Laws of Maine, the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear

proposed amendments and determine which amendments should be included in the bill reported out. A floor amendment may not be entertained in either chamber unless the amendment is printed and distributed at least 24 hours prior to introduction.

Rule 312. Fiscal Notes.

Every bill or resolve that affects state revenues, appropriations or allocations or that requires a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues and that has a committee recommendation other than "Ought Not to Pass" or "Referral to Another Committee" must include a fiscal note. This statement must be incorporated in the bill before it is reported out of committee. Any amendment introduced that would affect the fiscal impact of the original bill must also include a fiscal note. The Office of Fiscal and Program Review has the sole responsibility for preparing all fiscal notes.

Rule 313. Confidentiality.

The committee shall protect confidential records, including those records excluded from the definition of "public records" under the freedom of access laws, the Maine Revised Statutes, Title 1, section 402, subsection 3, from public disclosure by holding executive sessions to discuss information contained in those records. Executive sessions must be held in accordance with the provisions of the freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I.

Before the committee files leave the custody of the committee, the committee chairs shall direct the custodian of the files to protect the confidentiality of the records in any appropriate manner, including returning the records to the person or department from which they came; destroying the records; or blocking out personally identifying information in the records and retaining them in the files, if the law declaring the records confidential permits disclosure in this manner.

The committee chairs shall also ensure that the files include a notation indicating what type of confidential records were reviewed by the committee.

Rule 314. Participation in Budget Hearings and Work Sessions.

As used in this Rule, "policy committee" means a joint standing committee or joint select committee of the Legislature having subject matter jurisdiction other than the Joint Standing Committee on Appropriations and Financial Affairs.

In regard to the Governor's biennial budget recommendations, the Legislature shall set priorities and implement policy as follows.

1. **Budget Recommendations.** Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be initially heard jointly by the Joint Standing Committee on Appropriations and Financial Affairs and the policy committee having jurisdiction over the subject matter presented.

2. **Subcommittee: Appointment.** Each policy committee shall appoint a subcommittee of at least 3 and not more than 5 of its members to serve as liaisons to the Joint Standing Committee on Appropriations and Financial Affairs. At least one member of the subcommittee must be appointed by the Senate chair of the policy committee and at least 2 members must be appointed by the House chair of the policy committee. This subcommittee must include

members of the 2 parties holding the largest number of seats in the Legislature. Whenever possible, the Joint Standing Committee on Appropriations and Financial Affairs shall notify each member of a policy committee in a timely manner of all subsequent deliberations on budget items relative to that policy committee's jurisdiction. Each policy committee through its subcommittee shall advise the Joint Standing Committee on Appropriations and Financial Affairs of its respective policy committee's recommendations regarding budget items relative to that committee's jurisdiction and through its subcommittee may participate in all subsequent deliberations of the Joint Standing Committee on Appropriations and Financial Affairs on these budget items.

3. Membership Published. The membership of each subcommittee must be published in the Advance Journal and Calendar.

4. Policy Committee Recommendations. Each policy committee shall provide the Joint Standing Committee on Appropriations and Financial Affairs with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period set by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs after consultation with the chairs of the policy committee, and in no case may the time period be less than 10 days following the initial joint hearing unless mutually agreed upon. The recommendations must be made within the budgetary constraints set by the Joint Standing Committee on Appropriations and Financial Affairs.

5. Additional Funds. Following submission of the policy committee's biennial budget recommendations within established budget constraints, each policy committee may recommend additional funds for program priorities that exceed the original budgeting constraints and if recommendations for additional funds are made, the committee shall explain those recommendations.

6. Decision-making Authority. The Joint Standing Committee on Appropriations and Financial Affairs shall consider the policy committees' budget recommendations during the deliberations of the Joint Standing Committee on Appropriations and Financial Affairs but retains sole decision-making authority on budget matters.

7. List of Priorities. Within 5 business days after reporting out all bills involving appropriations or revenues, the policy committees shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a list indicating these committees' priorities for final passage of these bills.

Subpart B

Special Legislative Committees

Rule 351. Joint Select Committees.

A joint select committee consists of 3 Senators and 7 members of the House of Representatives, unless the order creating the committee provides a different number.

When a select committee is appointed by both chambers the Secretary of the Senate and the Clerk of the House shall inform each other of the names of the members so that the names may be entered upon the Advance Journal and Calendar of each chamber.

Rule 352. Committees of Conference.

When the chambers do not agree on an action, a committee of conference is in order. A committee of conference consists of 3 members from each chamber who voted on the prevailing side. A committee of conference shall meet and submit a report within 10 legislative days to the chamber asking for the conference. The report must be agreed to by a majority of the members from each chamber. The committee report may be that it is unable to agree. The committee report may be either accepted or rejected, but no other action may be had except through another committee of conference. If necessary, a new committee of conference may be formed.

Rule 353. Study Committee Reports.

Committees authorized by the Legislative Council to undertake studies shall complete the studies, including reports and necessary implementing legislation, by the date established by the Legislative Council.

Any committee that finds that it is unable to comply with its deadline shall submit a written request for an extension to the Legislative Council prior to the deadline.

Part 4

Floor Action on Legislation

Rule 401. Printing of Bills.

Every bill or resolve submitted by a Legislator must be printed unless withdrawn by the sponsor before printing. After it is printed, a bill or resolve is considered to be in the possession of the Legislature and may not be withdrawn by the sponsor. Every bill presented for reference to committee or to be engrossed without reference to committee must be printed before appearing on the Advance Journal and Calendar of either chamber.

Every amendment must be printed and distributed before being taken up in either chamber. Every committee amendment must indicate the committee making the report.

The Secretary of the Senate and the Clerk of the House are responsible for the printing and initial distribution of legislative documents and amendments.

Rule 402. Consideration of Bills.

When a bill, resolve, order or memorial passes one chamber, if rejected in the other chamber, it must be returned by the Secretary or the Clerk, as the case may be, for further consideration.

Rule 403. Amendment of Bills.

A floor amendment may not be permitted on any bill or resolve until a favorable report of the committee to which the bill or resolve has been referred has been accepted and the bill or resolve is before the Senate in the 2nd reading or before the House in the 2nd reading.

Rule 404. Rejection of Bills.

A bill, resolve, constitutional resolution, resolution, memorial or order that is finally rejected may not be recalled from the legislative files except by joint order approved by a vote of 2/3 of both chambers.

Rule 405. Engrossing of Bills.

Notwithstanding Senate Rule 23 and House Rule 48, the President of the Senate or the Speaker of the House may order any bill or resolve to be engrossed upon its introduction to either the Senate or the House. Any bill or resolve engrossed pursuant to this Rule must be committed to the Committee on Engrossed Bills, whose duties are to examine the engrossed bills and resolves and to see that the

engrossed bills and resolves have been truly engrossed. Before any bill passed is to be enacted, or any resolve finally passed, it must be reported by that committee to be truly and strictly engrossed, and the title thereof read by the President or the Speaker.

Rule 406. Enactment of Bills.

Every bill that has passed both chambers to be enacted and all resolutions having the force of law that have finally passed both chambers must be presented by the Secretary of the Senate to the Governor for approval; and the Secretary of the Senate shall enter on the journal of the Senate the day on which those bills or resolutions are presented to the Governor.

Rule 407. Responsibility for Legislative Papers.

All endorsements on papers passing between the 2 chambers must be under the signature of the Secretary of the Senate or the Clerk of the House, respectively; but after the final passage of bills and resolves they must be signed by the presiding officer of each chamber.

When one chamber has passed upon a legislative paper and forwarded it to the other, the receiving chamber shall promptly, upon receipt, place that paper on its calendar.

Rule 408. Joint Conventions.

Business may be transacted in convention of the 2 chambers only by unanimous consent of the convention, except for such business as may be agreed upon by the 2 chambers before the convention is formed.

Rule 409. Communications.

Whenever a message is sent from the Senate to the House, the chair shall appoint a messenger who, after being recognized, shall announce the message respectfully to the chair.

In a like manner, messages from the House are communicated to the presiding officer of the Senate.

Part 5

Legislative Confirmations

Rule 501. Partisan Staff Assistants for Nominations.

The members of the Legislative Council representing each party shall, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations. Each of these assistants serves at the pleasure of the appointing authority during the biennium for which the assistant is chosen. A vacancy in either of these positions must be filled for the remainder of the biennium in the same manner as the original appointment. Partisan staff assistants for nominations shall provide all necessary assistance to each joint standing committee required by law to recommend action on a gubernatorial nominee.

Rule 502. Notice of Gubernatorial Appointments.

The procedures for legislative confirmation are established in the Maine Revised Statutes, Title 3, chapter 6. Upon receipt by the President of the Senate and Speaker of the House of notification from the Governor of the name of a nominee and of the office to which that person is nominated, the President of the Senate and Speaker of the House shall, without delay, forward that notice and copies of accompanying materials to the chairs of the joint standing committee that is charged by law with reviewing nominations to that office, to the Legislative Information Office and to the 2 partisan staff assistants for nominations. The Legislative

Information Office shall establish an official file for each nominee.

Rule 503. Committee Preconference Hearing.

The joint standing committee must hold a prehearing conference within 21 days of the notification from the Governor unless the committee decides otherwise. The prehearing conference must be consistent with the Maine Revised Statutes, Title 3, section 156.

Rule 504. Committee Public Hearing.

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public within 30 days, or 35 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House. At least 7 days before the hearing, the Legislative Information Office shall publish in the state paper and in a newspaper of general circulation in the area where the nominee resides a notice of that hearing, which must contain the time and place of the hearing, the name of the nominee, the office to which that person has been nominated and a general description of the duties of that office. The notice must also contain a statement that written comments relevant to the qualifications of the nominee together with supporting materials may be filed with the Legislative Information Office by 9 a.m. on the hearing date. At the hearing, the committee shall take written or oral testimony limited to relevant comments and questions regarding the qualifications of the nominee. Notwithstanding the Maine Revised Statutes, Title 3, section 157, for the purposes of reviewing nominations pursuant to this rule, the joint standing committee has the power to administer oaths and to take testimony under oath. All testimony taken at the hearing must be recorded and testimony and other materials received by the committee must be preserved according to the Maine Revised Statutes, Title 3, section 159. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Rule 505. Committee Vote.

Within 35 days, or 40 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee may be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee is considered a recommendation of denial. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless by agreement of all committee members present. The committee vote must be by the yeas and nays. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate.

Rule 506. Senate Vote.

Within 45 days, or 50 days for judicial officers, from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination and, after review, shall vote by the yeas and nays on that recommendation.

After vote by the Senate, the committee's recommendation becomes final action of confirmation or denial unless the Senate by a vote of 2/3 of those members present and voting overrides the committee's recommendation. If the committee recommends to deny confirmation and the Senate votes by a vote of 2/3 or greater of those members present and voting to override the committee's recommendation, the nomination is considered confirmed. Following Senate confirmation or denial, notice of the action taken must be given to the Speaker of the House.

Rule 507. Withdrawal of Nomination.

If the Governor withdraws a nomination at any time prior to the Senate vote by sending a written notice of withdrawal to the President of the Senate, the Legislature may not take any further action on that nomination.

Rule 508. Nomination Made Within 30 Days of Adjournment.

If the Governor posts a nomination within 30 days preceding the statutory date of adjournment, a legislative committee to which a nominee is referred for confirmation review may by 2/3 vote request the President of the Senate and the Speaker of the House to delay this review in order to complete the committee's legislative work. If the President of the Senate and the Speaker of the House approve the request, the time periods for legislative action begin on the date the Legislature adjourns.

Came from the Senate, read and passed as amended by Senate Amendment "A" (S-497).

Was read.

Senate Amendment "A" (S-497) was read by the Clerk.

On motion of Representative MITCHELL of Vassalboro, tabled pending adoption of Senate Amendment "A" (S-497) and specially assigned for Tuesday, March 26, 1996.

The following Joint Order: (S.P. 765)

ORDERED, the House concurring, that Bill, "An Act to Place Penobscot Land in Trust," H.P. 1306, L.D. 1787, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Repeal the Sensible Transportation Policy Act" (S.P. 29) (L.D. 59)

Signed:

Senators: PARADIS of Aroostook
CASSIDY of Washington

Representatives: RICKER of Lewiston
BOUFFARD of Lewiston
STROUT of Corinth
O'GARA of Westbrook
DRISCOLL of Calais
LINDAHL of Northport
CHARTRAND of Rockland

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

Signed:

Senator: STEVENS of Androscoggin
Representatives: HEINO of Boothbay
BAILEY of Township 27

FARNUM of South Berwick

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

Was read.

Representative STROUT of Corinth moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of Representative ROBICHAUD of Caribou tabled pending the motion of Representative STROUT of Corinth to accept the Majority "Ought Not to Pass" Report and later today assigned.

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

Senate Divided Report - Committee on Transportation - (9) Members "Ought Not to Pass" - (4) Members "Ought to Pass" as amended by Committee Amendment "A" (S-439) on Bill "An Act to Repeal the Sensible Transportation Policy Act" (S.P. 29) (L.D. 59) which was tabled by Representative ROBICHAUD of Caribou pending the motion of Representative STROUT of Corinth to accept the Majority "Ought Not to Pass" Report.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: I would like to speak to this bill. As all of us know, this was the tale that became law when we defeated the turnpike widening on the public referendum. This has been an issue that has been debated several times and has been in committee for some time. It is something that is near and dear to my heart and the people of my district. There are many people in my district who have expressed concern that they didn't even know that this was a component of that turnpike widening referendum. In the fall, I sent out a questionnaire and on it was a question concerning the repeal of the Sensible Transportation Act. Of the number of people who returned that questionnaire, only 40 percent even answered the question. That could be one or two things. Number one, they didn't have enough information to be able to express an opinion or they didn't even know what it was or how it got there.

There is a phrase in the Sensible Transportation Act that says alternative studies must be completed on all alternatives before any new infrastructure is completed. Not only do all the alternatives have to be explored, but there is language in there that says we must give preference to any alternatives before you can improve our infrastructure. At the very least, we should be repealing the give preference language. That means we have to explore the alternatives of planes, trains, bicycles, walking paths and anything before we can expand or build a new road. To me, this just doesn't make any sense. The fact that it was one of two questions on a single referendum tells me and the constituents that the expressed concern in my district that they only had one vote. They couldn't vote either to expand or deny the expansion of the turnpike or vote in favor of or against the Sensible Transportation Act.

Last session, the First Regular Session of the 117th Legislature, we passed a law that makes that illegal. There can only be one question on a referendum now. I guess I won't go on and on about this, but you can tell that I am a little passionate about this. There are some needs, road needs in my area and in all of your areas. It is very important that we create sensible expansion, but to explore all

alternatives and then give preference to them all before a road in a rural state is expanded. It just doesn't make any sense to me. Obviously, I would like you to vote against the "Ought Not to Pass" so we can amend it and at least remove the give preference language. 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 won't belabor the issue because we have a lot of divided reports ahead of us. I would like to just corroborate what the good Representative from Brewer has stated. There is no question that the Sensible Transportation Act is defeating its purpose. On Route 9 alone, we are rebuilding Route 9 and we are building in the same curves that had fatal after fatal after fatal deaths because we don't want to fight the Sensible Transportation Act to straighten the road out. We have spent over a million dollars, to date, creating wetlands on Route 9 for little sections of wetlands that we are using to build that highway. If you call that sensible, then this is the sensible transportation policy and you should stay with it. If you feel the way I do that we need to get rid of this unsensible transportation policy and create a policy that is sensible and affordable for the state, then I would urge to vote no on the "Ought Not to Pass" so we can do something with this policy. Thank you.

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

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: I would urge you to vote with the Majority "Ought Not to Pass" Report on this bill. This bill originated in the last session. We have heard a lot of testimony last year and again this year. What did become clear is that although a lot of projects may be delayed in Maine, many of them are not delayed for reasons of this act, but indeed other permits were required by municipalities, both federal and local permits. Very few projects can actually be blamed for delays on this passage of the Sensible Transportation Act. In fact, what it has allowed Maine to do is be ahead of the curve in terms of citizen participation in highway projects so that now we are ready to meet what are currently federal guidelines for that type of participation that require almost all the same requirements as our Sensible Transportation Act did when it was originally enacted.

In addition, there was a study committee organized after the first hearings on this bill, which had all parties involved in this debate, participate in discussions on how to improve the current operations of the department in relationship to the Sensible Transportation Act. A number of improvements have been made in that over the summer to speed up the action of the committees and to make minimal their effect on slowing down any projects. In the final analysis the Department of Transportation does have the final say so on any project. The Sensible Transportation Policy Act does not create a structure that is immovable or stops any projects from being completed. The process is in place.

I think it is the process that's now state of the art in terms of citizens of all types participating in highway decisions, which the rest of the country

is following and which I think we should stick to for the reason, not the least of which, is that the majority of our citizens voted for that act in 1991. Whatever second guessing we can do now about their motivations is it is clear that the newspapers at that time were filled with stories letting people know about the dangers of the Sensible Transportation Policy Act and how voting for that would slow down things. I don't really think that many people were unaware of that being attached to the turnpike referendum. In retrospect, looking at the newspapers of the time, it was well debated and even after that citizens passed it. I urge you vote with the majority on this bill. Thank you.

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

Representative FISHER: Mr. Speaker, Men and Women of the House: I agree with the gentleman from Holden that this should be taken care of. I happened to be at a meeting with him just last week where we were discussing road projects in the Brewer/Holden area. The Sensible Transportation Act study alone will cost 2 million dollars. Among other things we should keep in mind is the tremendous cost that this is adding to many of the projects that we have. We don't have the dollars to spend on those things.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: Millions of dollars worth of studies, empty buses and elaborate bike paths, please vote no on this motion so we can go on to pass the repeal. Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

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

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

Representative STROUT: Mr. Speaker, Men and Women of the House: The reason I signed this bill out "Ought Not to Pass" is because I feel, at this time, we are not in the right position to repeal the Sensible Transportation Act. The people voted in 1991, whether we like it or not, they set this in place. In my opinion, in March of 1996, is not the time to repeal it. The good Representative from Rockland has told you that it is working. They need more time to finish the studies. I believe that history will show that when they have finished this project that they have been working on that it will be the best for all the people of the State of Maine. I would urge you tonight to vote for the Majority "Ought Not to Pass" Report.

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: The good Representative from Rockland, Representative Chartrand is right. The best part of the Sensible Transportation Act is this citizen participation piece. Our federal regulations require this. We don't need a Sensible Transportation Act which requires us to give preference to have a citizen participation piece. The department can do that on its own. All the road technicians can be folded into the department and we can have the citizen participation and it is not going to cost us a road expansion. I think it is very important that we have citizen participation. I think it has been approved by the Sensible

Transportation Act, but we don't need this act to have the people speak out. Again, I will recommend and hope you follow that fact that we should vote against the "Ought Not to Pass" so we can amend this bill.

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

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

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

ROLL CALL NO. 329

YEA - Adams, Ahearne, Barth, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chase, Clark, Clukey, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Gamache, Gates, Gerry, Gooley, Green, Greenlaw, Guerrette, Hartnett, Hatch, Hichborn, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kontos, LaFountain, Lane, Lemaire, Lemke, Lindahl, Lovett, Luther, Madore, Mayo, Mitchell EH; Mitchell JE; Nadeau, O'Gara, O'Neal, Paul, Peavey, Perkins, Poulin, Pouliot, Povich, Richard, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor.

NAY - Aikman, Bailey, Birney, Buck, Cameron, Campbell, Carleton, Carr, Chick, Cross, Damren, Donnelly, Farnum, Fisher, Gieringer, Heino, Jones, S.; Joy, Joyce, Joyner, Keane, Labrecque, Layton, Lemont, Libby JD; Lumbr, Marshall, Marvin, McAlevey, Meres, Morrison, Murphy, Nass, Ott, Pendleton, Pinkham, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Waterhouse.

ABSENT - Ault, Chizmar, Cloutier, Dexter, Dunn, Fitzpatrick, Gould, Heeschen, Jacques, Kneeland, Libby JL; Look, Martin, McElroy, Nickerson, Plowman, Truman, Underwood, The Speaker.

Yes, 83; No, 49; Absent, 19; Excused, 0.

83 having voted in the affirmative and 49 voted in the negative, with 19 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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

Divided Report

Majority Report of the Committee on Education and Cultural Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-490) on Bill "An Act to Establish a High School for the Visual and Performing Arts" (S.P. 687) (L.D. 1756)

Signed:

Senators: SMALL of Sagadahoc
ESTY of Cumberland
ABROMSON of Cumberland

Representatives: AULT of Wayne
BARTH of Bethel
DESMOND of Mapleton
STEVENS of Orono

CLOUTIER of South Portland
MARTIN of Eagle Lake

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

Signed:

Representatives: LIBBY of Buxton
McELROY of Unity
BRENNAN of Portland
WINN of Glenburn

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-490).

Was read.

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

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

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: As a resident of Portland and as a person who has worked in the arts for more than 15 years now, it is extremely awkward for me to rise tonight to oppose this bill. I do feel very strongly about this bill and I would like to lay out to you why I feel that we ought to reject the Majority "Ought to Pass" Report. Let me say that I am truly sorry that we did not have a Minority Report out of committee. We are left with an all or nothing issue. I truly believe that we might have done something for the arts with a Minority Report, but that is not what is before us.

I am opposed to magnet schools on principle. They siphon resources, by which I mean mainly money, as well as motivated and high achieving students away from other schools. We have been presented with the argument that the budget for this magnet school would not come out of general purpose aid to education. Unfortunately, that is a terribly misleading argument. As you all know, there is one general fund and money spent for one purpose in the general fund is money not available for another purpose. Money spent for a magnet school is money not available for general purpose aid to education.

Second, you need to remember that if this bill were to pass and the school was to be developed, we would then have two magnet schools in this state with their attendant costs and their attendant drain of students and resources from other public schools. I predict that that cost would be a total of roughly 8 million dollars per biennium, 4 million dollars per magnet school. This represents an enormous amount of money spent on a very few students while others receive an inadequate exposure to the very same subject. The cost per student at magnet schools, we have just had a request from the one in Limestone saying that they would like to absorb the cost of room and board, which would drive the cost per student to roughly \$8,000 per year. That is more than twice the state average.

Meanwhile, many schools are foregoing good arts programs for lack of money. I know this personally because my son is now in school and just recently the school rejected the opportunity to bring in a wonderful play on a known piece of literature and have an author work with the students for an extended period of time. There was no money. That situation

cannot improve if we pour vast resources into a limited number of students.

I also want to say that we cannot reasonably expect to have high school age students with an interest in and a talent for arts, if we do not give all students the opportunities to have generous exposure to art at a young age.

Finally, on the issue of money, we have heard that those who are proponents of the magnet school say that not all the funding would come from the general fund, but it would be pursued also through private resources. Again, I work in the arts and I know better. Let me rattle off for you what is happening in the arts in Maine right now. The Maine College of Art is behind in its fund raising. The Portland Symphony Orchestra is suffering through a difficult year, again, behind in its fund raising. The problems in the state theater in Portland are well known, as are those at the Sterns Cultural Center in Waterville. L.A. Arts is behind in its fund raising this year. The American Renaissance Theater simply closed its doors earlier this year. The Mad Horse Theater Company has chosen to eliminate its children's theater ensemble and instituted a number of layoffs. Finally, the theater at Monmouth is going to have to embark on a fund raising effort because they have lost access to their dressing room space.

You can't tell me that there will be plenty of money out there to pick up the full cost of the magnet school. If it were strictly privately funded, I would not be standing tonight. I would applaud it. I have been fortunate enough this year to be working on and off at a private school. I must tell you that I am left with mixed feelings whenever I leave that space because the opportunities for those children are vast. I am left with a little heartache for the public school students who will not get the same.

That leads into my second argument against the issue of a magnet school. I want to say that I am simply tired to the bone of the idea that arts are something separate and apart and special that only a few can understand and should study. The arts are intricate to our everyday life. They determine the book you read or the film you watched last night. The clothes and the jewelry that you chose this morning. The music you listen to as you drove into work. They determine the architecture of this building, which reminds us daily of the importance of our work. For that reason, they should be taught to everyone. They should not be taught strictly for the purpose of developing artists.

I work in theater. My work is pretty pointless if nobody comes to see it. Studying the arts and exposure to the arts has another very, very important value, which has been beautifully laid out in a number of publications from the NCSL, among them, one called reinventing the wheel. The arts are a very, very valuable tool for engaging students who would not otherwise be engaged in public school and for teaching other subjects.

A number of legislators had the opportunity earlier this year to attend a school called the Sherwood School in Auburn. A school populated by a high number of at risk students coming from single family homes. The arts are used there everyday to teach math, science and geography. They engage students who might not be otherwise engaged. Just to wind up, I want to say that I am terribly

disappointed that we have an all or nothing choice before us tonight. Please, if you want to do something for the arts, if you want to do something for the students in this state, make the arts available to everyone. Thank you.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: A couple of years ago we had a bill to establish the Maine School for Science and Mathematics, the magnet school in Limestone. Part of that bill was also to establish the arts school in Portland. I kind of see this as pay back and as well as an obligation that was entered into, I know, by a different Legislature, but nonetheless entered into by us. The fact is that the initial appropriations, which is the fiscal note, will not be coming from this year's GPA. That money has already been allocated and no school is going to receive less than what they have already been allocated. The good Representative is right. There is not enough money and hasn't been enough money to fund adequately our schools and one of the first areas, which is cut, typically, by school boards is in the arts and music area.

I counter and say there probably never will be enough money to adequately fund the arts and music in our schools all across the state in such a way as to serve all of the students including the outstanding art students and music students that we have. Unfortunately, not everybody was there to listen to these students talk and give testimony in favor of establishing the magnet school for arts in Portland. These are truly, as are those in Limestone, outstanding students that have exhausted every possible course at their own schools and every possible resource in their own communities through ITV. They are not being served. Since we cannot have outstanding art facilities and music facilities at every school, I say this is an opportunity for those outstanding art and music students a chance to go where they can stretch their horizons and can truly become creative and become productive citizens in the arts and music area.

Remember, when you are casting your vote for this, please think what is best for the students. If that student can't get the types of courses he or she needs in their own school, let's give them an opportunity to get them somewhere else in the state. Thank you.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: Being a former Portland graduate and Portland resident, I think this would be a wonderful thing for the City of Portland. I also have to tell you that I have to face reality. There is no money at this time. Look at what we have done to our school systems in our own communities. We don't have enough money to take care of the University of Maine. We don't have enough money to take care of the Maine Maritime Academy. We don't have enough money to take care of our own local schools. What do we want to do? We want to put another burden on top of the burden we presently have. If we cannot afford what we have, let's not add anything more to it. Please, ladies and gentlemen, defeat this bill. Thank you.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: It is difficult splitting with my our delegation, but I, for one, support the arts school. When I was a student at Cony High School here in Augusta, I very much wanted to study in the arts. There was absolutely nothing available to me. I ended up going to North Carolina to their arts school, but the opportunity really wasn't there. At the hearing, in front of the Education Committee, there were over 100 young students, young ballerinas, musicians, composers and they all wanted this. They wanted an opportunity to pursue what they loved and what they were committed to.

The arts are struggling. I think we all know that. The arts are being cut from a lot of schools. I think we need to commit to them. Maybe this is the right way to do it. It is not the perfect way and it is not the only way, but it would serve a number of children. Do we tell them, the ones who are in school now, that we are sorry, you are not going to get your chance, but maybe in a few years we will figure out something that suits us all. These are kids who have talent and commitment.

I met with young teenagers in my district a couple of weeks ago and they talked about their friends who are dropping out of school because they weren't interested. They wanted to pursue something different, such as arts and literature. It wasn't there and they were dropping out of school. I think that we could make this commitment to our children. There are a lot of them out there who would really thrive from it. Thank you.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House: I would just like to ask a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Thank you Mr. Speaker. I have heard that an instructor at these magnet schools, if that person is outstanding in the field of arts, would be able to teach here without having taken education basic 1, 2 and 3 at the university or some such thing. Is that true?

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 Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Yes.

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

Representative TRUE: Mr. Speaker, Men and Women of the House: I don't have good manual dexterity when it comes to technical things. First of all, I want to say that this is a wonderful idea. It is an idea that certainly we should agree to. In response to the fact that we have spent or we do not have a lot of money for the University of Maine and some of the other things which were mentioned, I would like to propose to you that maybe we have provided enough money. However, perhaps they have not used the money wisely.

I have had the opportunity to visit many magnet schools around the country when I was in the field of education. I champion the one that we have here in

Maine for the reason that I felt strongly that visiting these schools that the individuals who were going to these schools seemed to feel that they were getting a very fine education and certainly was appropriate with the things which they could do. Very few students or schools, rather, do not have art. To what degree, is I believe, the question. This particular school will certainly have more things for the person who really has the proficiency in art.

Magnet schools are new to Maine and therefore, are looked at with a great deal of skepticism. I am sure all of you have read what a fine job the students in Limestone have done already and also read in the media how happy they are to be there. It is too bad that some of these students must leave their local schools. However, I would ask the House to remember that it is best in many cases for the young people to go to this type school to be successful in the future and that is what we are looking for in the students. I urge you to vote in favor of this Majority "Ought to Pass."

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

Representative MARVIN: Mr. Speaker, Ladies and Gentlemen of the House: As someone who had the opportunity to attend a fine arts high school, I am asking you tonight to vote in favor of this motion. I really have to wonder in response to all the conversation about money. If we were talking about putting together a really fabulous football team, we would find the money. Each of us is committed, as we should be, to special education. We want every child in the State of Maine to be all that they can be. Why, then, do we not want to give the same opportunities to our gifted and talented. For the life of me, I just cannot understand why we continue to discriminate against our very best and brightest.

The Maine Center for the Arts will offer a challenging curriculum for everyone. It is time that we, as a state, stood up and said, yes, we want every child to be the best that they can be. We want every child in Maine to have the opportunity to be exposed to the arts. I urge you to support the Majority "Ought to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Rosebush.

Representative ROSEBUSH: Mr. Speaker, Men and Women of the House: I think I have got up on this subject before. We want to talk about equitable and fair. I read an article in last week's paper in my home town's papers. In the 1990s, one of my schools in my district has lost \$500,000, that is a half a million dollars. Another in a different part of my district has lost over \$800,000. They don't have art anymore. They had art. I went through the art room and I think I spoke about this on the floor last session. They had an art room that the roof was leaking and they didn't have any money to fix the roof and since then they have lost money last year and now they don't even have art. You know, I don't have a problem creating the magnet schools, but my schools, in my area and I am not the only one, just keep losing money. You know, just educating the kids for the basics are getting tough. I don't mean to sound bad about it, but you know, I just got to let you know what is going on in my area. Those are the people I represent and I just don't think it is a

good time right now to have money going towards this when we can't even fund what we have, you know. I urge you to defeat the pending motion. Thank you.

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

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

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

ROLL CALL NO. 330

YEA - Ahearne, Aikman, Barth, Benedikt, Berry, Birney, Bouffard, Buck, Bunker, Campbell, Carleton, Carr, Chase, Chick, Clukey, Daggett, Damren, Davidson, Desmond, Donnelly, Dore, Driscoll, Farnum, Gates, Gerry, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Labrecque, Lemaire, Lovett, Madore, Marvin, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, O'Neal, Paul, Peavey, Perkins, Reed, G.; Richardson, Robichaud, Rowe, Samson, Saxl, M.; Shiah, Stevens, Taylor, Thompson, True, Tufts, Tyler, Volenik, Waterhouse, Wheeler, Winglass, Winsor.

NAY - Adams, Bailey, Bigl, Brennan, Cameron, Chartrand, Clark, Cross, DiPietro, Etnier, Fisher, Fitzpatrick, Gamache, Gould, Green, Hatch, Heeschen, Hichborn, Johnson, Jones, K.; Joseph, Joyce, Joyner, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lane, Layton, Lemke, Lemont, Libby JD; Lindahl, Lumbra, Luther, Marshall, Mayo, McAlevey, Meres, Morrison, Nass, Ott, Pendleton, Pinkham, Poirier, Poulin, Pouliot, Povich, Reed, W.; Rice, Richard, Ricker, Rosebush, Savage, Saxl, J.; Simoneau, Sirois, Spear, Stedman, Stone, Strout, Townsend, Treat, Tripp, Tuttle, Vigue, Watson, Whitcomb, Winn, The Speaker.

ABSENT - Ault, Chizmar, Cloutier, Dexter, Dunn, Jacques, Kneeland, Libby JL; Look, Martin, McElroy, Nickerson, Plowman, Truman, Underwood.

Yes, 65; No, 71; Absent, 15; Excused, 0.

65 having voted in the affirmative and 71 voted in the negative, with 15 being absent, the Majority "Ought to Pass" Report was not accepted.

Subsequently, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

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

ORDERS

On motion of Representative TRUE of Fryeburg, the following House Order: (H.O. 49)

WHEREAS, it appears to 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 important questions of law upon solemn occasions; and

WHEREAS, there is now before the 117th Legislature for its consideration Initiated Bill 6, Legislative Document Number 1827, "An Act to Seek Congressional Term Limits"; and

WHEREAS, the bill may have constitutional infirmities that can not be corrected by revision or amendment; and

WHEREAS, it is vital that the Legislature be informed as to the questions propounded in this order; now, therefore, be it

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

Question 1. If initiated bill 6 becomes law, would section 2 of the bill violate the constitutional principle that one Legislature may not bind future Legislatures?

Question 2. Is it within the constitutional authority of the Legislature of the State of Maine, or the electors of the State of Maine by means of initiated legislation, to direct the members of the State's congressional delegation, the Governor or members of the Maine Senate or Maine House of Representatives to use their powers to make application to the Congress of the United States for a Constitutional Convention, as proposed in sections 2, 3 and 4 of Initiated Bill 6?

Question 3. If the answer to question 1 is in the affirmative or the answer to question 2 is in the negative, must Initiated Bill 6 nevertheless be submitted in its current form to the voters at referendum pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 if the Legislature fails to enact it in its current form?

Question 4. In view of the fact that there is some concern that the question that appeared on the printed petition for Initiated Bill 6 does not accurately describe the content of Initiated Bill 6, particularly that portion of the initiative that directs the Legislature, the Governor and the State's congressional delegation to call for a Constitutional Convention, is it within the authority of the Legislature, pursuant to the Maine Constitution, Article IV, Part Third, Section 20, to reform the ballot question prepared by the Secretary of State for Initiated Bill 6?

Was read and tabled one day pursuant to House Rule #54.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative REED from the Committee on Taxation on Bill "An Act to Establish a Catastrophic Health Care Expense Program" (H.P. 1025) (L.D. 1440) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-837)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-837) was read by the Clerk and 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-837) and sent up for concurrence.

Ought to Pass as Amended

Representative SPEAR from the Committee on Agriculture, Conservation and Forestry on Bill "An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to the Animal Welfare Board, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council" (EMERGENCY) (H.P. 1159) (L.D. 1593) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-843)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-843) was read by the Clerk and 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-843) and sent up for concurrence.

Ought to Pass as Amended

Representative SIROIS from the Committee on Business and Economic Development on Bill "An Act to Amend the Petroleum Market Share Act" (H.P. 1355) (L.D. 1860) (Governor's Bill) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-839)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-839) was read by the Clerk and 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-839) and sent up for concurrence.

Ought to Pass as Amended

Representative HATCH from the Committee on Labor on Bill "An Act to Ensure That Employees Are Compensated for Accrued Vacation Time in the Event of the Sale of a Business" (H.P. 1357) (L.D. 1862) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-840)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-840) was read by the Clerk and 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-840) and sent up for concurrence.

Divided Report

Majority Report of the Committee on Utilities and Energy reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-832) on Bill "An Act to Provide Public Access to the Information Superhighway through Enhanced Library Telecommunications" (H.P. 618) (L.D. 828)

Signed:

Senators: CARPENTER of York
CLEVELAND of Androscoggin

Representatives: KONTOS of Windham
ADAMS of Portland

GIERINGER of Portland
O'NEAL of Limestone
LUTHER of Mexico
HEESCHEN of Wilton

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "B" (H-833) on same Bill.

Signed:

Senator: HARRIMAN of Cumberland
Representatives: TAYLOR of Cumberland
MARSHALL of Eliot
CAMERON of Rumford
STONE of Bangor

Was read.

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

On further motion of the same Representative, tabled pending her motion to accept the Majority **"Ought to Pass"** as amended Report and specially assigned for Tuesday, March 26, 1996.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-827) on Bill "An Act to Require That Diabetes Supplies and Self-management Training be Covered by Health Insurance Policies" (H.P. 1242) (L.D. 1702)

Signed:

Senators: ABROMSON of Cumberland
McCORMICK of Kennebec
SMALL of Sagadahoc

Representatives: GATES of Rockport
SAXL of Portland
MAYO of Bath
JONES of Pittsfield
VIGUE of Winslow
CAMPBELL of Holden
CHASE of China
THOMPSON of Naples

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

Signed:

Representatives: LUMBRA of Bangor
GUERRETTE of Pittston

Was read.

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

The Bill was read once. Committee Amendment "A" (H-827) was read by the Clerk and 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-827) and sent up for concurrence.

Divided Report

Majority Report of the Committee on Criminal Justice reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-828) on Bill "An Act to Prohibit Stalking" (H.P. 1286) (L.D. 1766)

Signed:

Senators: BENOIT of Franklin
HALL of Piscataquis
Representatives: GOOLEY of Farmington

PEAVEY of Woolwich
 CLUKEY of Houlton
 WHEELER of Bridgewater
 REED of Dexter

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "B"
 (H-829) on same Bill.

Signed:
 Senator: O'DEA of Penobscot
 Representatives: BUNKER of Kossuth Township
 JOHNSON of South Portland
 McALEVEY of Waterboro
 CLARK of Millinocket
 THOMPSON of Naples

Was read.

Representative CLARK of Millinocket moved that the
 House accept the Minority **"Ought to Pass"** as amended
 Report.

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

Divided Report

Nine Members of the Committee on Committee on
Appropriations and Financial Affairs on Bill "An Act
 to Authorize a Bond Issue to Encourage and Support
 Economic Development" (H.P. 1330) (L.D. 1822)
 (Governor's Bill) report in Report "A" that the same
"Ought to Pass" as amended by Committee Amendment "A"
 (H-834)

Signed:
 Senator: BERUBE of Androscoggin
 Representatives: SIMONEAU of Thomaston
 DONNELLY of Presque Isle
 MORRISON of Bangor
 TOWNSEND of Portland
 POULIOT of Lewiston
 KERR of Old Orchard Beach
 DiPIETRO of South Portland
 JOSEPH of Waterville

Three Members of the same Committee on same Bill
 report in Report "B" that the same **"Ought to Pass"** as
 amended by Committee Amendment "B" (H-835)

Signed:
 Senator: HANLEY of Oxford
 Representatives: AIKMAN of Poland
 OTT of York

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

Signed:
 Senator: BEGLEY of Lincoln
 Was read.

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

Divided Report

Majority Report of the Committee on **Legal and
 Veterans Affairs** reporting **"Ought Not to Pass"** on
 Bill "An Act to Reform Campaign Finance" (I.B. 5)
 (L.D. 1823)

Signed:
 Senator: STEVENS of Androscoggin
 Representatives: LABRECQUE of Gorham
 NADEAU of Saco
 CARR of Hermon

CHIZMAR of Lisbon
 GAMACHE of Lewiston
 TRUE of Fryeburg
 BUCK of Yarmouth
 LEMONT of Kittery
 MURPHY of Berwick
 FISHER of Brewer

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
 (H-836) on same Bill.

Signed:
 Senators: FERGUSON of Oxford
 MICHAUD of Penobscot

Was Read.

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

On motion of Representative MITCHELL of
 Vassalboro, tabled pending the motion of
 Representative TRUE of Fryeburg to accept the
 Majority **"Ought Not to Pass"** Report and later today
 assigned.

Divided Report

Majority Report of the Committee on **Criminal
 Justice** reporting **"Ought Not to Pass"** on Bill "An Act
 to Make All Cases of Vehicular Manslaughter Class A
 Crimes" (H.P. 1356) (L.D. 1861)

Signed:
 Senators: BENOIT of Franklin
 HALL of Piscataquis
 Representatives: GOOLEY of Farmington
 PEAVEY of Woolwich
 JOHNSON of South Portland
 CLARK of Millinocket
 CLUKEY of Houlton
 THOMPSON of Naples
 WHEELER of Bridgewater

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
 (H-830) on same Bill.

Signed:
 Representatives: REED of Dexter
 McALEVEY of Waterboro

Was read.

On motion of Representative CLARK of Millinocket,
 the Majority **"Ought Not to Pass"** Report was accepted
 and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 758) (L.D. 1870) Bill "An Act to Authorize
 Casco Bay College to Grant Degrees" Committee on
Education and Cultural Affairs reporting **"Ought to
 Pass"**

(H.P. 1310) (L.D. 1794) Resolve, Directing the
 Land and Water Resources Council to Take Steps Needed
 to Ensure Successful Implementation of State Land Use
 Law Reforms Committee on **Natural Resources**
 reporting **"Ought to Pass"**

(H.P. 212) (L.D. 271) Bill "An Act to Establish an
 Electronic Benefit Delivery Program for Aid to
 Families with Dependent Children, Food Stamp, Women,
 Infants and Children Special Supplemental Food and
 Medicaid Programs" Committee on **Human Resources**

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-842)

(H.P. 1311) (L.D. 1795) Bill "An Act to Clarify the Laws Pertaining to the Regulation of Narcotic Dependency Treatment Programs" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-841)

(H.P. 1337) (L.D. 1831) Bill "An Act to Create the Small Enterprise Growth Program" (Governor's Bill) Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-844)

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

The Bills were passed to engrossed as amended and sent up for concurrence.

ENACTORS

Emergency Measure

An Act to Revise Certain Fish and Wildlife Laws (S.P. 637) (L.D. 1645) (H. "B" H-813 to C. "A" S-485)

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. 118 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify Certain Provisions of Law Pertaining to Lobster Management (S.P. 673) (L.D. 1733) (C. "A" S-488)

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. 116 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Consolidate and Improve Delivery of International Trade Services in Maine (H.P. 1318) (L.D. 1802) (Governor's Bill) (C. "A" H-789)

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

Emergency Measure

An Act to Exclude Services Provided by Direct Sellers from the Definition of Employment for Purposes of Unemployment Compensation (H.P. 1320) (L.D. 1807) (Governor's Bill) (C. "A" H-781)

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. 117 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, to Require the Department of Agriculture, Food and Rural Resources to Take Various Actions in Support of the Dairy Industry (H.P. 1296) (L.D. 1778) (C. "A" H-801)

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. 119 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action (H.P. 1335) (L.D. 1829) (C. "A" H-788)

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

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

Mandate

An Act to Transfer Land from the Town of Brownfield to the Town of Hiram (H.P. 1333) (L.D. 1828) (C. "A" H-791)

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

An Act to Provide a New Jobs Tax Credit (H.P. 1039) (L.D. 1458) (C. "A" H-783; H. "A" H-797)

An Act to Allow the Removal from Public Office of Certain Elected County Officials (H.P. 1240) (L.D. 1700) (C. "A" H-803)

An Act to Develop the Maine Public Health Improvement Plan (H.P. 1253) (L.D. 1722) (C. "A" H-800)

An Act to Clarify and Improve the Governor's Authority to Ban Out-of-door Fires and Restrict Human Activity during Periods of High Fire Danger (S.P. 665) (L.D. 1725) (C. "A" S-504)

An Act to Implement the Recommendations of the Maine Task Force on Interstate Banking and Branching (H.P. 1272) (L.D. 1750) (Governor's Bill) (C. "A" H-812)

An Act to Standardize the Creation of Water Districts (H.P. 1288) (L.D. 1768) (C. "A" H-811)

An Act to Create the Motor Carrier Training Advisory Board (H.P. 1299) (L.D. 1782) (H. "A" H-807 to C. "A" H-748)

An Act Concerning Notice in Foreclosure Proceedings (H.P. 1315) (L.D. 1799) (C. "A" H-793)

An Act Strengthening the Laws That Prohibit the Drugging of Animals Competing in Pulling Events and Livestock Exhibitions (H.P. 1322) (L.D. 1809) (C. "A" H-802)

An Act Concerning the Treatment of Ocular Diseases by Optometrists (H.P. 1326) (L.D. 1814) (C. "A" H-790)

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 5 Locations (H.P. 1329) (L.D. 1821) (Governor's Bill) (C. "A" H-806)

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 Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies (H.P. 976) (L.D. 1385) (H. "B" H-810 and S. "A" S-469 to C. "A" H-707)

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

On motion of Representative MAYO of Bath was set aside.

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

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1385 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-707) as amended by House Amendment "B" (H-810) and Senate Amendment "A" (S-469) was adopted.

On further motion of the same Representative, under further suspension of the rules, the House reconsidered its action whereby House Amendment "B" (H-810) to Committee Amendment "A" (H-707) was adopted.

On further motion of the same Representative, House Amendment "B" (H-810) was indefinitely postponed.

The same Representative presented House Amendment "D" (H-822) to Committee Amendment "A" (H-707) which was read by the Clerk.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, House Amendment "D" consolidates a number of amendments that we have added to this bill over the last few days. The amendment clarifies that the annual woman's health exams allowed by this bill can be done by a certified nurse practitioner or a certified nurse midwife. This will assure that providers in two of Maine's important healthcare resources, rural health centers and family planning centers can provide these services under this bill. Just to be clear, this amendment does not require insurance companies to add all certified nurse practitioners or certified nurse midwives to their list of participating providers, as with the position with this amendment, on nurse practitioners and nurse midwives participating in the plan can perform exams covered by the bill.

I would further note that there is an error in the statement of fact for House Amendment "D." It says that all group plans must provide coverage. This is not what the bill says and I would like to place it on the record that only group managed care plans are affected. Thank you.

On motion of Representative LUMBRA of Bangor, tabled pending adoption of House Amendment "D"

(H-822) to Committee Amendment "A" (H-707) and specially assigned for Tuesday, March 26, 1996.

An Act to Revise the State Active Service Laws (H.P. 1269) (L.D. 1744) (Governor's Bill) (C. "A" H-784)

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

On motion of Representative Nadeau of Saco was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Tuesday, March 26, 1996.

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

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

House Divided Report - Committee on Appropriations and Financial Affairs - (9) Members "Ought to Pass" as amended by Committee Amendment "A" (H-834) in Report "A" - (3) Members "Ought to Pass" as amended by Committee Amendment "B" (H-835) in Report "B" - (1) Member "Ought Not to Pass" in Report "C" on Bill "An Act to Authorize a Bond Issue to Encourage and Support Economic Development" (H.P. 1330) (L.D. 1822) (Governor's Bill) which was tabled by Representative MITCHELL of Vassalboro pending acceptance of any Report.

Representative KERR of Old Orchard Beach moved that the House accept Report "A" "Ought to Pass" as amended.

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

Representative KERR: Mr. Speaker, Men and Women of the House: L.D. 1822 is a bond package, which is a bond issue to encourage and support economic development. What this would do is it would authorize an 11 million dollar bond issue to provide, I believe, and the committee felt a much needed capital to assist small businesses in resource based industries. In the bond issue, 5 million dollars would be allocated toward Small Business Enterprise Growth Fund. That bill was heard in Business and Economic Committee and that was then L.D. 1831. This will provide capital necessary to fill the capital access gap for small businesses. This fund will target some small businesses in targeted industries with employees less than 25 people or have less than 2 million dollars in sales. It will also provide up to \$150,000 for assistance. With the one-to-one matching funding required by the program, the investment in Maine small business sector will total approximately 10 million dollars for the Small Enterprise Growth Fund.

The other aspect of this bond package is 6 million dollars issued that will be allocated toward the Agricultural Marketing Fund. That bill was heard in Agriculture, Conservation and Forestry, which was L.D. 1843. This fund will provide assistance to the agriculture and aquaculture business for commodity and storage facilities, with packing, processing and marketing improvements. With these new funds, I believe, we will be able to expand the assistance offered other resources based industries which need

the capital. I believe that this bond issue is (-SOUTH-)ly needed for Maine's small businesses to continue to grow. I would urge your support.

I do know that I just saw an amendment to this bill and I believe that the only difference between the Majority and Minority Reports and I could stand corrected, is not whether or not the bond package will go out or whether it is incorrect on the funding, whether it be 6 million dollars for the agriculture and 5 million dollars for the small businesses, but the Minority Report is different than we discussed in committee and it is 4 million dollars for the Small Enterprise Growth Fund and 2 million dollars for the Agricultural Marketing Fund, which in a sense, pleases me because I think there is willingness and a need for the amount of money for this bond package, maybe the dollar amount is different, but I think we can all agree on the need. I would encourage you to support the Majority "Ought to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Men and Women of the House: Some of us felt on the committee that, yes, there was a need out there. However, I guess I personally felt that controlling our debt limit was important. Holding down how much we were bonding and off hand trying to think as to what our total bonded indebtedness is. Yes, we have reduced it a little over the years. I felt that by putting some money into the Agricultural Fund and the Enterprise Growth Fund was a start. I just couldn't support going the 11 million dollars. Mr. Speaker, I request a roll call.

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

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

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

The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Men and Women of the House: I, too, was concerned about the amount of bonding that we were putting before the Legislature this year. I did not know this was coming on the floor, so I did not have any specific figures. I generally support the comments by the previous speaker, Representative Aikman from Portland. I do embrace the fact that it is a needed effort by the Legislature. I don't object to some bonding and as has been pointed out, the Minority Report would provide some bonding, but not in the amount that was asked for in the Majority Report. I ask that you consider the alternative of voting for less than that proposed by the Majority Report and defeat the pending motion and go on to adopt the Minority Report.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: If I repeat anything that the good Representative from Old Orchard said, I apologize. I couldn't hear everything that he was saying. There are a couple of issues that I think

are very important to mention here. As I understand this, at least a portion of this will create a revolving loan fund. This is not like the jobs bond that we created a number of years ago and everyone was so concerned about and rightfully so. This is a self-perpetuating opportunity for small businesses to borrow money at a reasonable rate to get off the ground and to get started. As was said, 6 million dollars for this is for infrastructure work in the agricultural industry to build, for example, a blueberry processing plant. It is for a revolving loan fund. I believe the cap on an individual loan is \$150,000. That money has to be matched on a dollar-for-dollar basis by some other source of money. This isn't just a give-a-way program.

I think it is also important to mention that this 11 million dollar bond, in addition to all the other proposed bonds, would put our new bonding level at 83 percent of the number that is being retired. This is not increasing our bond indebtedness. We actually are going to go down 17 percent, which I think is fabulous. This is an opportunity, without an outright gift to somebody and use it inappropriately, to create a relatively reasonable interest loan that will be revolving and perpetuate itself, particularly for small entrepreneurial groups that are trying to get started in a small business. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Marshall.

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

The SPEAKER: The Representative may pose his question.

Representative MARSHALL: Thank you Mr. Speaker. To whomever on that committee, my concern is on this bill is, is this a straight loan that this money will be used for or will the loaning agency pick up an equity position or part ownership in the business and in order to pay this loan off, will they have to pay back a great deal more than what the loan's face value was rather than just simple interest?

The SPEAKER: The Representative from Eliot, Representative Marshall has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House: To answer that question, it is a loan program. This program, as the Representative from Rumford said, I am talking about the 5 million dollar bond issue. There are two, a 5 and a 6 million dollar. The 6 million dollar is agriculture and the 5 million dollar is the Small Enterprise Growth Program. It is a revolving loan fund, but it is going to fill a gap that needs filling. Currently, in this state there are adventure vapiot funds, but they just provide funding for those entrepreneurs and businesses that need a lot of money. There is nothing for the small entrepreneur. What this would do is fill a void. This would provide high-risk capital to entrepreneurs and business people who have good business plans. It is risky. Whether it is a loan, you will be able if the board which is overseeing this loan fund determines that it is in the best interest of the fund to take an equity position, there is a warrant that can be exercised and an equity position can be taken.

However, upon the initial issuance, these will be issued as loans and there will be a repayment schedule. The problem is, when I say the repayment

schedule, if you go to a bank and get a loan, you are expected to start repaying immediately. There won't be an immediate repayment schedule. Again, this patient capital, this will provide funding for those individuals who have great plans and great product ideas, but they need some funds to help market a product and get it off the ground. We have heard from the bank. This is not competing with the banks. The banks support this. There will be a one-for-one match that is required. I think it is absolutely necessary. I would ask you to support the Majority Report and send this out to the voters, a request for 5 million dollars for the Small Enterprise Growth Fund and 6 million dollars for the Agriculture Marketing Fund.

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

Representative SIMONEAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to repeat what has already been said, but I support this bond issue going out. We have made great strides in the last year with putting together a bunch of items that help small businesses and that is what this does. It is not a gift or a giveaway. In order to get it, they have to come up with some funds of their own. It is just one more item that is put out there to get our economy going. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to expand just a little bit on the answer to the good Representative from Eliot's question about taking the inequity position. In the unlikely event that the board determines that there is a loan that this needs to happen on, there is also a provision that provides for an exit procedure. In order for that loan to be completed, the exit process to get out of that equity position has to be in place before the loan is written. There is not a long-term position of equity and we would hope that it happens in a very rare occasion. The provision is there to allow the board to do it, but we expect it will happen very rarely.

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

ROLL CALL NO. 331

YEA - Adams, Ahearne, Bailey, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Bunker, Cameron, Campbell, Carleton, Carr, Chartrand, Chase, Chick, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Donnelly, Dore, Driscoll, Etnier, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Johnson, Jones, K.; Joseph, Joyner, Keane, Kerr, Kilkelly, Kontos, Labrecque, LaFountain, Lemaire, Lemont, Libby JD; Lindahl, Luther, Madore, Marshall, Marvin, Mayo, McAlevy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, O'Gara, O'Neal, Paul, Peavey, Pendleton, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richard, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Volenik,

Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

NAY - Aikman, Buck, Jones, S.; Joy, Joyce, Lane, Layton, Lumbr, Ott, Perkins, Pinkham, Stedman.

ABSENT - Ault, Chizmar, Cloutier, Dexter, DiPietro, Dunn, Farnum, Fisher, Gooley, Jacques, Kneeland, Lemke, Libby JL; Look, Lovett, Martin, McElroy, Nickerson, Plowman, Truman, Underwood.

Yes, 118; No, 12; Absent, 21; Excused, 0.

118 having voted in the affirmative and 12 voted in the negative, with 21 being absent, Report "A" "Ought to Pass" as amended was accepted.

The Bill was read once. Committee Amendment "A" (H-834) was read by the Clerk and 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-834) and sent up for concurrence.

Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action (EMERGENCY) (H.P. 1335) (L.D. 1829) (C. "A" H-788) which was tabled by Representative MITCHELL of Vassalboro pending passage to be enacted.

On motion of Representative CHARTRAND of Rockland, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 1829 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-788) was adopted.

The same Representative presented House Amendment "A" (H-851) to Committee Amendment "A" (H-788) which was read by the Clerk and adopted.

Committee Amendment "A" (H-788) as amended by House Amendment "A" (H-851) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (H-788) as amended by House Amendment "A" (H-851) thereto in non-concurrence and sent up for concurrence.

On motion of Representative JOY of Crystal the House adjourned at 6:25 p.m. in honor and lasting tribute to the memory of Rodney V. Bowers, a former member of the House of Representatives and Loretta Mary Clark of Millinocket.