

# 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  
38th Legislative Day  
Wednesday, April 3, 1996

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

Prayer by Reverend Calvin O. Dame, Unitarian Universalist Community Church, Augusta.

Physician for the day, Carol Ward, M.D., Portland.

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The following Communication: (H.C. 413)

**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333  
**JOINT STANDING COMMITTEE ON**  
**AGRICULTURE, CONSERVATION AND FORESTRY**  
April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Agriculture, Conservation and Forestry during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	18
Unanimous reports	16
Ought to Pass	1
Ought to Pass as Amended	11
Ought Not to Pass	3
Re-Referred	1
Pursuant to Joint Order	2
Divided reports	0

Respectfully submitted,

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

Was read and ordered placed on file.

The following Communication: (H.C. 414)

**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333  
**JOINT STANDING COMMITTEE ON BANKING AND INSURANCE**  
April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	32
Unanimous reports	22
Ought to Pass	0
Ought to Pass as Amended	12
Ought Not to Pass	10
Divided reports	10

Respectfully submitted,

S/I. Joel Abromson      S/Marc J. Vigue  
Senate Chair              House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 415)

**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333  
**JOINT STANDING COMMITTEE ON**  
**BUSINESS AND ECONOMIC DEVELOPMENT**  
April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Business and Economic Development during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	17
Unanimous reports	14
Ought to Pass	3
Ought to Pass as Amended	7
Ought Not to Pass	4
Divided reports	3

Respectfully submitted,

S/Philip E. Harriman      S/G. Steven Rowe

Senate Chair              House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 416)

**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333  
**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE**  
April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	17
Unanimous reports	12
Ought to Pass	2
Ought to Pass as Amended	8
Ought Not to Pass	2
Divided reports	5

Respectfully submitted,

S/John W. Benoit      S/Herbert E. Clark

Senate Chair              House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 417)

**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333  
**JOINT STANDING COMMITTEE ON**  
**EDUCATION AND CULTURAL AFFAIRS**  
April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Education and Cultural Affairs during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	24
Unanimous reports	18
Ought to Pass	5
Ought to Pass as Amended	11
Ought Not to Pass	2
Divided reports	6

Respectfully submitted,  
S/Mary E. Small S/Wendy L. Ault  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 418)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	25
Unanimous reports	23
Ought to Pass	1
Ought to Pass as Amended	17
Ought Not to Pass	4
Re-Deferred	1
Divided reports	1

Pursuant to Private & Special Law  
Respectfully submitted,

S/Joan M. Pendexter S/Michael J. Fitzpatrick  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 419)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Inland Fisheries and Wildlife during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	9
Unanimous reports	8
Ought to Pass	0
Ought to Pass as Amended	4

Ought Not to Pass

4

Divided reports

1

Respectfully submitted,

S/Stephen E. Hall

S/Ernest C. Greenlaw

Senate Chair

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 420)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON JUDICIARY**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Judiciary during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	33
Unanimous reports	29
Ought to Pass	4
Ought to Pass as Amended	18
Ought Not to Pass	7
Divided reports	4

Respectfully submitted,  
S/S. Peter Mills S/Sharon Anglin Treat  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 421)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON LABOR**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

The Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	19
Unanimous reports	13
Ought to Pass	2
Ought to Pass as Amended	9
Ought Not to Pass	1
Re-Deferred	1
Divided reports	4

Pursuant to Resolves  
Respectfully submitted,

S/Charles M. Begley S/Pamela H. Hatch  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 422)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON**

**LEGAL AND VETERANS AFFAIRS**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Legal and Veterans Affairs during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	21
Unanimous reports	13
Ought to Pass	0
Ought to Pass as Amended	7
Ought Not to Pass	6
Divided reports	8

Respectfully submitted,

S/Norman K. Ferguson, Jr.      S/Harry G. True  
Senate Chair                      House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 423)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	12
Unanimous reports	12
Ought to Pass	1
Ought to Pass as Amended	6
Ought Not to Pass	5
Divided reports	0

Respectfully submitted,

S/Jeffrey H. Butland      S/Theone F. Look  
Senate Chair                      House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 424)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Natural Resources during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	22
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**Unanimous reports**

Ought to Pass	15
Ought to Pass as Amended	1
Ought Not to Pass	3

**Divided reports**

Respectfully submitted,

S/Willis A. Lord                      S/Edward L. Dexter  
Senate Chair                      House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 425)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	32
Unanimous reports	24
Ought to Pass	3
Ought to Pass as Amended	15
Ought Not to Pass	6
Pursuant to Joint Order	5
Divided reports	3

Respectfully submitted,

S/Jane A. Amero                      S/Beverly C. Daggett  
Senate Chair                      House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 426)

**MAINE STATE LEGISLATURE**

Augusta, Maine 04333

**JOINT STANDING COMMITTEE ON TAXATION**

April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	39
Unanimous reports	31
Ought to Pass	2
Ought to Pass as Amended	18
Ought Not to Pass	10
Re-Deferred	1
Divided reports	8

Respectfully submitted,

S/W. John Hathaway                      S/Gary W. Reed  
Senate Chair                      House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 427)

**MAINE STATE LEGISLATURE**  
**Augusta, Maine 04333**  
**JOINT STANDING COMMITTEE ON TRANSPORTATION**  
 April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	20
Unanimous reports	17
Ought to Pass	1
Ought to Pass as Amended	13
Ought Not to Pass	3
Divided reports	3

Respectfully submitted,

S/Albert G. Stevens, Jr. S/Donald A. Strout  
 Senate Chair House Chair  
 Was read and ordered placed on file.

The following Communication: (H.C. 428)

**MAINE STATE LEGISLATURE**  
**Augusta, Maine 04333**  
**JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY**  
 April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Utilities and Energy during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	23
Unanimous reports	19
Ought to Pass	1
Ought to Pass as Amended	10
Ought Not to Pass	7
Re-Refered	1

Divided reports (1 Pursuant to Statute) 4

Respectfully submitted,

S/David L. Carpenter S/Carol A. Kontos  
 Senate Chair House Chair  
 Was read and ordered placed on file.

The following Communication: (H.C. 429)

**MAINE STATE LEGISLATURE**  
**Augusta, Maine 04333**  
**JOINT STANDING COMMITTEE ON**  
**APPROPRIATIONS AND FINANCIAL AFFAIRS**  
 April 1, 1996

The Honorable Jeffrey H. Butland, President of the Senate

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

Dear President Butland and Speaker Gwadosky:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the Second Regular Session of the 117th Legislature has been completed. The breakdown of bills before our committee follows:

Total number of bills	30
Unanimous reports	23
Ought to Pass	1
Ought to Pass as Amended	4
Ought Not to Pass	11
Re-Refered	7
Divided reports	6
Pursuant to Joint Order	1

Respectfully submitted,

S/Dana C. Hanley S/George J. Kerr  
 Senate Chair S/House Chair  
 Was read and ordered placed on file.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act Concerning Notice in Foreclosure Proceedings (H.P. 1315) (L.D. 1799) (C. "A" H-793)  
 - In House, passed to be enacted on March 25, 1996.  
 - In Senate, passed to be enacted on March 26, 1996, in concurrence.  
 - Recalled from the Governor's Desk pursuant to Joint Order (S.P. 774)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-793) and Senate Amendment "A" (S-571) in non-concurrence.

The House voted to Recede and Concur. Ordered sent forthwith.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Clarify the Sales Tax Law Applicable to Packaging (S.P. 207) (L.D. 550) which was passed to be enacted in the House on February 29, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (S-427)

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (S-427) as amended by Senate Amendment "A" (S-573) thereto in non-concurrence.

House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act Regarding School Facilities and Debt Service Limits (H.P. 807) (L.D. 1124) which was passed to be enacted in the House on April 1, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-882) as amended by House Amendment "A" (H-888) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-882) as amended by House Amendment "A" (H-888) and Senate Amendment "A" (S-574) thereto in non-concurrence.

House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act to Establish Limited Liability Partnerships (S.P. 499) (L.D. 1358) which was passed to be enacted

in the House on March 19, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-450))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-450) as amended by Senate Amendment "A" (S-575) thereto in non-concurrence.

House voted to Recede and Concur.

#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Establish the Penobscot County Budget Committee (S.P. 613) (L.D. 1617) which was passed to be enacted in the House on March 30, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-476))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-476) and Senate Amendment "A" (S-586) in non-concurrence.

The House voted to Recede and Concur.

##### Non-Concurrent Matter

An Act to Revise Certain Fish and Wildlife Laws (EMERGENCY) (S.P. 637) (L.D. 1645) which was passed to be enacted in the House on March 25, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-485) as amended by House Amendment "B" (H-813) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-485) as amended by House Amendment "B" (H-813) and Senate Amendment "A" (S-576) thereto in non-concurrence.

The House voted to Recede and Concur.

##### Non-Concurrent Matter

An Act to Ensure Proper Withholding of State Income Tax (H.P. 1249) (L.D. 1711) which was passed to be enacted in the House on March 28, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-735))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-735) as amended by Senate Amendment "B" (S-577) thereto in non-concurrence.

The House voted to Recede and Concur.

#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition (EMERGENCY) (S.P. 668) (L.D. 1730) which was passed to be enacted in the House on April 1, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-557))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-557) as amended by Senate Amendment "A" (S-578) thereto in non-concurrence.

The House voted to Recede and Concur.

##### Non-Concurrent Matter

An Act to Enable the Loring Development Authority to Establish the Loring Job Increment Financing Fund and to Impose Term Limits on Trustees of the

Authority (H.P. 1266) (L.D. 1741) which was passed to be enacted in the House on March 30, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-799))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-799) as amended by Senate Amendment "A" (S-579) thereto in non-concurrence.

The House voted to Recede and Concur.

##### Non-Concurrent Matter

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) which was passed to be enacted in the House on March 25, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-812))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-812) as amended by Senate Amendment "A" (S-580) thereto in non-concurrence.

The House voted to Recede and Concur.

#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Amend the Protection from Abuse and Protection from Harassment Statutes (H.P. 1279) (L.D. 1758) which was passed to be enacted in the House on March 19, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-751))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-751) and Senate Amendment "A" (S-581) in non-concurrence.

The House voted to Recede and Concur.

##### Non-Concurrent Matter

An Act to Ensure the Proper and Humane Care of Persons Requiring Mental Health Services (EMERGENCY) (H.P. 1284) (L.D. 1764) which was passed to be enacted in the House on March 20, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-769))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-769) and Senate Amendment "A" (S-582) in non-concurrence.

The House voted to Recede and Concur.

##### Non-Concurrent Matter

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) which was finally passed in the House on March 25, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-806))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-806) as amended by Senate Amendment "A" (S-583) thereto in non-concurrence.

The House voted to Recede and Concur.

#### SENATE PAPERS

**Non-Concurrent Matter**

An Act to Combine Certain Reporting Requirements for Employees (S.P. 738) (L.D. 1846) (Governor's Bill) which was passed to be enacted in the House on March 28, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-520))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-520) as amended by Senate Amendment "A" (S-584) thereto in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act to Authorize the Disposition of Property Interests at the Pineland Center (S.P. 749) (L.D. 1859) (Governor's Bill) which was passed to be enacted in the House on March 30, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-528))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-528) as amended by Senate Amendment "A" (S-585) thereto in non-concurrence.

The House voted to Recede and Concur.

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Decrease the Paperwork Burden on Maine Businesses by Decreasing the Number of Tax Filings for Retailers (S.P. 79) (L.D. 167) which was passed to be enacted in the House on March 5, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (S-431))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

Resolve, Establishing the Study Commission on Workers' Compensation Laws Relating to Small Business (EMERGENCY) (H.P. 664) (L.D. 887) which was finally passed in the House on February 27, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (H-689))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act to Exempt Goods Sold by Scouting Organizations from the Sales Tax (H.P. 776) (L.D. 1073) which was passed to be enacted in the House on March 5, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (H-706))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources to Research the Reinstatement of a State-operated Meat Inspection Program (H.P. 1050) (L.D. 1469) which was finally passed in the House on March 19, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-749))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

Resolve, to Reduce Reliance on the Property Tax for School Funding (H.P. 1112) (L.D. 1560) which was finally passed in the House on March 29, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-861))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act to Establish a Higher Education Tax Credit for Middle-class Families (H.P. 1171) (L.D. 1603) which was passed to be enacted in the House on March 26, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (H-772))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

Resolve, to Extend the Reporting Deadline of the Commission to Study the Growth of Tax-exempt Property in Maine's Towns, Cities, Counties and Regions (H.P. 1344) (L.D. 1839) which was finally passed in the House on March 29, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-870))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Reestablish the Tax Credit for Intrastate Airlines (S.P. 245) (L.D. 642) which was passed to be enacted in the House on March 5, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (S-428))

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who are Confined to Wheelchairs (H.P. 540) (L.D. 736) which was passed to be enacted in the House on March 5,



1996. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (H-705)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

#### **Non-Concurrent Matter**

An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties (H.P. 715) (L.D. 972) which was passed to be enacted in the House on March 5, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "B" (H-703) as amended by House Amendment "A" (H-715) thereto)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

#### **SENATE PAPERS**

#### **Non-Concurrent Matter**

An Act to Provide a New Jobs Tax Credit (H.P. 1039) (L.D. 1458) which was passed to be enacted in the House on March 25, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-783) and House Amendment "A" (H-797)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

#### **Non-Concurrent Matter**

An Act Regarding Municipal Penalties for Late Filing under the Maine Tree Growth Tax Law (H.P. 1271) (L.D. 1749) which was passed to be enacted in the House on March 28, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-764)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

#### **Non-Concurrent Matter**

An Act to Exempt Farms from the Sales Tax on Electricity (H.P. 1293) (L.D. 1775) which was passed to be enacted in the House on March 21, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-766)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

#### **Non-Concurrent Matter**

An Act to Increase the Reimbursement Levels for Forest Fire Suppression Costs (H.P. 1321) (L.D. 1808) which was passed to be enacted in the House on March 29, 1996. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-862)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

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

#### **UNFINISHED BUSINESS**

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

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-874) - Committee on Legal and Veterans Affairs on Bill "An Act to Authorize Video Gaming" (H.P. 296) (L.D. 400)

TABLED - March 29, 1996 (Till Later Today) by Representative TRUE of Fryeburg.

PENDING - Acceptance of Either Report.

Representative NADEAU of Saco moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of L.D. 400 and I realize that L.D. 400 is probably going to be vetoed by the Governor because it is a gambling bill. I would just like to give you a little background and a little history. L.D. 400 has been around for a couple of years. I put the bill in some time ago, the Committee decided that they wanted to study it so they had a study. What we are looking for here, what I would like to explain to you people about this bill, is that this is a bill that we never needed a task force to come in and tell us that we had to save 42.3 million dollars, nor would we had to let 850 people off so they would not have a job. All those people who contributed to the economy of this State are now looking for work, or are now being subsidized by the State. Our concern with this bill is that this is a fair bill. This is a bill that isn't going to be going to the race track. It isn't going to be going to the fairs. This particular bill is a bill that if you own a Class A restaurant, or you own a mom-and-pop store, or you have an area where you want to put a machine in, you can do this. This is not a bill that is designed for the off-track betting places. If you so desire that you want a machine you can put it in. If you don't you don't need to put the machine in. This is entirely up to the person who is interested in it. All I'm asking you people is that each municipality that you live in will also receive money for these machines because they have to license them. The State Police is also looking at this, and they feel that maybe with a little help from the State Police that we could probably organize this thing so that everybody could be happy with it.

There's an opportunity here for us to be taking in approximately 30 million dollars a year. These machines over a two-year period will bring in 60 million dollars. The 60 million dollars, I'm sure that everybody here has a program that they would

like to fund. I would just like to see us fund the programs that we have presently and not introduce any new funding. I think there is enough money here, and we all try to fund our favorite little program, and I think there is enough money here so that everybody can enjoy it. I will tell you that this particular bill will also employ a great many people. These machines have got to be distributed. These machines have got to be collected, and the way that this is set up is that the State will receive a third, the person that has the machine will receive a third, and the person that owns the machine will receive a third. I know that a lot of you have heard about the gambling bills. Here is a bill that I think can probably work in our favor. I think that some of you are death against it, and I respect your wishes, but I think there is an opportunity for us to do something in the State of Maine, so that the machines are out there now, and they are illegal, but the people are paying you off and the State of Maine is not receiving a penny. Here is an opportunity for us to get some money. So, I ask you to please support. L.D. 400. Thank you.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: We just heard a couple of noble concepts, but I don't think they necessarily should be looked at when you are looking at this bill. We heard there is going to be jobs. Yes, there probably will be. We heard something like 60 million dollars. I'm not really sold on that amount but there is significant money to be made. However, do we want to collect that kind of money from the poorest, most vulnerable people in the State? Statistics show that traditionally the people that aren't so well off do the most gambling. Why? Probably because they figure it is a quick way out of their status quo. Do we want to prey on that population? I don't think so. We are talking about expanding gambling into Class A restaurants, lounges, things of that nature. I must tell you that the licensing and the policing of this bill was very well constructed. However, I also need to tell you that I don't think we need to go on promoting gambling. I have used this in Committee and a couple of times on the floor, the whole theory about finite resources. Let's say that after you buy your groceries and pay the mortgage on the house and do whatever monthly expenses you do you have \$100 left. That's so-called play money. Well, you can either take your significant other to dinner, you can go to the movies, you can go to the track, you can basically do a whole number of things as entertainment. However, once you hit that \$100 limit per month that's it. There is no new money. So, I guess the point I am driving at is there is a saturation point here. Something else is going to suffer, it could be your kid's clothing allowance, it could be your food allowance, it could be a whole number of things. Do I think this is the proper way to go? Absolutely not. I urge you to really think twice about this and ask yourself is this the proper way to go? Do you think this makes the most sense? Socially, financially it sounds pretty good, social policy, is this the way you would like to collect your money? In this Holy Week the story that keeps coming back to me is 30 pieces of silver. Do you want to be associated with the way these 30 pieces of silver are

collected? I don't think so. I would urge you to accept the Majority Report. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I had to rise on this. There are points here that we have to make. Number one, the fact is there is gambling going on. Every day we have buses leaving our state. We have one in the Waterville area that goes to Foxwoods every single day, the cost is \$35. Lewiston has one going every single day. Portland has one going every single day. This is happening folks and the money is just leaving the state. It's not going only after the vulnerable, the people that least can afford it, they are still going to gamble. There is no changing that. Three miles off shore, ladies and gentlemen, they turn on the lights and they gamble all day long. This could happen, and probably will happen. It is happening presently right out of Portland, so there is nothing we can do. We are not getting a cent and the money is still being spent. Woodstock, New Brunswick, Montreal, it's happening. It's surrounding us. Pease Air Force Base in New Hampshire is considering setting this up, which means we are going to have the money from the southern part of the state, they won't have to take a bus, they can walk there. So, I ask you folks to be realistic about this. I would ask you to support Representative DiPietro's bill and to oppose the pending motion on the floor. Thank you.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House: I didn't intend to get up to speak on this, so I will be as brief as I can. I just flipped through this bill this morning, and was amazed at some of the language here and I have some serious questions about it. Specifically, page eight, at the top it says, "Eligible persons, the Chief of State Police may issue a license to operate a video lottery terminal to a person licensed to sell liquor for consumption on the premises," et cetera, et cetera. Why is it only those licensed to sell liquor can participate as video gambling licensees? As these machines proliferate are we establishing a correlation between drinking and gambling? Are we creating a highly profitable cottage industry to separate hard working people from their hard earned dollars?

Moving on to page 16, section 375, it lists license fees for video lottery terminal manufacturers at \$5,000, for wholesalers \$5,000, for distributors \$5,000, each terminal is \$500 per terminal. Since these license fees are high the profitability is going to be high. Does that mean that the potential for abuse and corruption is going to be high?

Moving on to page 18, section 3, line 9, time and money limits imposed by licensee. "A licensee may impose a daily limit on the amount of time or money spent by an individual playing the video lottery terminals on the licensee's premises." The licensee now has the power to determine who can play, when and how long. Is this fair? Down at the bottom of the page, allocation of net terminal income, the division is 40 percent to the State, 22.5 percent to the licensee, 37.5 percent to the distributor. The amounts don't matter, what does matter is section 3 below that, which is priority of payment to the State, "If funds collected from a video lottery

terminal are not sufficient to pay the amounts due the State, the distributor, and the licensee, the distributor shall reduce the amount allocated to the distributor, the licensee, or both. The distributor may not reduce the amount allocated to the State." The distributor now, in fact, has the power to determine the distribution of the revenue. There is no exact formula. The distributor now has financial power over the licensee. Is this fair?

This is just a quick flipping through this bill. I'm sure if I were an attorney and had more time I could find some more problems with it, but I would urge you to not pass this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I'll answer the first question because, frankly, I can't remember all of the others. We heard the sponsor say when he first spoke that these could be put in mom-and-pop stores, or anyplace else. According to the sponsor they don't have to be just where they sell and drink liquor. I'll let somebody else answer the rest of those questions. While I am still standing I would like to urge you to vote against L.D. 400, which has a ten-to-three Majority "Ought Not to Pass" from the Legal Affairs Committee, and I would like to clarify one thing before I go on. You may have got the impression from one of the speakers that the State Police think this can be worked out. I would like to assure you, I have been with the Chief of the State Police, and the Lieutenant in charge of gambling for the State Police in the last three or four days, talking about this, and I can assure you they are very much opposed to this bill.

Much of the language in this bill is the same as the language that was debated Monday night. For those of you who voted against that bill you have even more reason to vote against this particular bill because one of the things it does is it makes these gambling machines accessible to vast new numbers of gamblers. The other bill put these machines in places where people went to gamble anyway. This particular bill, which is wide open, as you heard them say at mom-and-pop stores and anyplace else, it makes them accessible to vast numbers of new gamblers and this is one of the main reasons why you should vote against it.

I would like to talk about the distribution. We have, again as with the other bill the other night, we have a problem with turf. The distributors of these machines are going to want to put them in places like Portland, Lewiston and Bangor and the possibility for turf battles, coercion and other forms that would arise as a result of that, is a good reason to vote against it. The distributor, as in the other bill, the person who distributes these machines is the person who collects the money. They get 37.5 percent of it, 37.5 percent of 60 million dollars according to the estimates, but this is a glaring problem with this bill, that the distributor is the one that collects this money and then deals it out to the people who are supposed to get it. This really provides a big opportunity for money laundering and other types of fraud.

I'm not going to speak further on this, but I would like to point out that the Bangor Daily News, the Waterville Sentinel, the KJ, the Portland Press Herald, the Maine Sunday Telegram, have all come out opposed to the expansion of gambling in this State.

I would just like to read to you from an article in the Portland Press Herald on the second of April. I will finish with that. It's just a short article. "Don't let the final hours clear the way to video gaming. Lawmakers need to outlaw it, period. Legislators should not let manipulation in the final hectic hours of the current session open the way to expanded video gambling in Maine. History tells stories of bad bills that have been orchestrated to pass as the Legislature whirls toward adjournment. None would be sorrier than legislation approving more and bigger video gambling, regardless of how damaging it may be for Maine and its people. Governor King pledged earlier to veto any expanded video gambling, despite a full-court press by powerful gaming interests, he has never wavered. The Legislature's responsible choice ought to be clear. Before they adjourn lawmakers should approve legislation supported by Governor King, and the Maine State Police to outlaw tournament video games before they proliferate all across Maine. That done, lawmakers should walk away from the game while they remain ahead. They should let die, now or later, legislation that would encourage video gambling in off-track betting establishments, social clubs, agricultural fairs and Indian lands. Lawmakers should not let gambling interests pick the pockets of the people in Maine, your constituents, people who can't afford it." Thank you.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House: If you want a brief speech here is one. In reference to an earlier comment, when the money goes out of state the attendant problems go with it. I would ask for a roll call.

Representative STEDMAN of Hartland requested a roll call on the motion to accept the Majority "Ought Not to pass" Report.

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

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

The 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. 386

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Brennan, Buck, Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Damren, Davidson, Desmond, Dexter, Donnelly, Driscoll, Etnier, Farnum, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Hatch, Heesch, Heino, Hichborn, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Morrison, Nadeau, Nass, O'Neal, Ott, Peavey, Perkins, Pinkham, Poirier, Poulin, Povich, Reed, G.; Rice, Richard, Richardson, Robichaud, Rosebush, Rowe, Samson, Savage, Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Strout,

Taylor, Thompson, Townsend, Treat, True, Tufts, Tyler, Underwood, Volenik, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor.

NAY - Bouffard, Bunker, Cameron, Cloutier, Daggett, DiPietro, Fisher, Gamache, Greenlaw, Jacques, Johnson, Joseph, Keane, Lemaire, Mitchell JE; Murphy, O'Gara, Paul, Pendleton, Pouliot, Reed, W.; Ricker, Saxl, M.; Tuttle, Vigue.

ABSENT - Birney, Carr, Dore, Dunn, Lemke, Nickerson, Plowman, Saxl, J.; Stone, Tripp, Truman, Watson, The Speaker.

Yes, 113; No, 25; Absent, 13; Excused, 0.

113 having voted in the affirmative and 25 voted in the negative, with 13 being absent, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence. Ordered sent forthwith.

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An Act to Repeal the Gross Receipts Tax (H.P. 1025) (L.D. 1440) (C. "A" H-837) TABLED - March 28, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

Representative WATERHOUSE of Bridgton requested a roll call on passage to be enacted.

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

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

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At this point the Speaker appointed Representative JACQUES of Waterville, to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I will be exceedingly brief, and I would urge you all to vote in favor of the bill before us, An Act to Repeal the Gross Receipts Tax, on enactment. I took a moment, for fear of what I said, as we come to a close of this session I think we have all tried to work pretty hard. We have tried to reach out. We have tried to find some mutual ground. We have tried to establish some trust between the parties, and I hoped that we had reached the point where we didn't trivialize the process, where we didn't minimize the process with what I would consider silly motion. It is not with a lack of disrespect for the Representative from Bridgton, Representative Waterhouse, that I suggest that this motion is trivial. The reality is the bill to repeal the gross receipts tax was in the budget that we all voted for. If people want to have a roll call in their pocket they certainly have one. I'm at a loss to understand why the good Representative from Bridgton needs to have another roll call on this particular issue. I can think of nothing that it could accomplish other than extended debate and or bad feelings and I'm sorry that it happened. I think

we have come a long way in the last couple of weeks and I think we could have a very long day, but I think we are moving in the right direction, and I would encourage you all to vote for this. I'm at a loss as to why we have to go through the exercise, but I hope that we can do it without debate, without a great deal of discussion, because we need to move on and deal with a lot of other issues that are before us. I would encourage you to vote for enactment. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House: My intent was not to slow the process or be disrespectful. I have a constituent back home that was very concerned about this issue for quite a long time. I wanted to get on record as voting for this. I'm sorry that this slowed down the process and I respectfully request to withdraw my motion for a roll call. Thank you.

Representative WATERHOUSE of Bridgton withdrew his request for a roll call.

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

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The Speaker resumed the Chair.  
The House was called to order by the Speaker.

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

#### ENACTORS

An Act to Facilitate Sewer and Water Main Extensions (H.P. 1123) (L.D. 1567) (Governor's Bill) (C. "A" H-796)

An Act Concerning Notice in Foreclosure Proceedings (H.P. 1315) (L.D. 1799) (C. "A" H-793; S. "A" S-571)

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

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

#### UNFINISHED BUSINESS

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

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

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Bill "An Act to Control Health Care Costs and Improve Access to Health Care" (H.P. 1277) (L.D. 1753) - In House, Minority **"Ought to Pass"** as amended Report of the Committee on Banking and Insurance read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-896) on March 30, 1996.

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

TABLED - April 1, 1996 (Till Later Today) by Representative JACQUES of Waterville.  
PENDING - Further Consideration.

On motion of Representative JACQUES of Waterville, the House voted to Insist. Ordered sent forthwith.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

#### ORDERS

On motion of Representative JOSEPH of Waterville, the following Joint Order (H.P. 1387)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, legislation concerning the Bureau of Employment Services within the Department of Labor.

Was read and passed and sent up for concurrence.

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

#### ENACTORS

An Act to Clarify the Sales Tax Law Applicable to Packaging (S.P. 207) (L.D. 550) (S. "A" S-573 to C. "B" S-427)

An Act to Establish Limited Liability Partnerships (S.P. 499) (L.D. 1358) (S. "A" S-575 to C. "A" S-450)

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

#### Emergency Measure

An Act to Revise Certain Fish and Wildlife Laws (S.P. 637) (L.D. 1645) (H. "B" H-813 and S. "A" S-576 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. 113 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Ensure Proper Withholding of State Income Tax (H.P. 1249) (L.D. 1711) (S. "B" S-577 to C. "A" H-735)

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

An Act to Establish the Penobscot County Budget Committee (S.P. 613) (L.D. 1617) (C. "A" S-476; S. "A" S-586)

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

On motion of Representative CLARK of Millinocket was set aside.

The same Representative requested a roll call on passage to be enacted.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call it

must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

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

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

#### ROLL CALL NO. 387

YE - Bailey, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Cameron, Campbell, Chase, Chick, Chizmar, Cloutier, Clukey, Cross, Damren, Davidson, Desmond, Dexter, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Goolley, Greenlaw, Guerrette, Hartnett, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Keane, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, Nass, O'Gara, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Richard, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Sirois, Spear, Stedman, Stevens, Taylor, Treat, Tripp, True, Tufts, Tyler, Waterhouse, Whitcomb, Winglass, Winn, Winsor.

NAY - Adams, Ahearne, Bunker, Chartrand, Clark, Daggett, Driscoll, Gould, Green, Kilkelly, Lemaire, Lemke, O'Neal, Paul, Povich, Saxl, M.; Thompson, Tuttle, Vigue, Volenik, Wheeler.

ABSENT - Aikman, Ault, Barth, Carleton, Carr, DiPietro, Donnelly, Dunn, Joseph, Kerr, Luther, Martin, Morrison, Nickerson, Ott, Poulin, Pouliot, Saxl, J.; Shiah, Simoneau, Stone, Strout, Townsend, Truman, Underwood, Watson, The Speaker.

Yes, 103; No, 21; Absent, 27; Excused, 0.

103 having voted in the affirmative and 21 voted in the negative, with 27 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition (S.P. 668) (L.D. 1730) (S. "A" S-578 to C. "A" S-557)

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.

An Act to Enable the Loring Development Authority to Establish the Loring Job Increment Financing Fund and to Impose Term Limits on Trustees of the Authority (H.P. 1266) (L.D. 1741) (S. "A" S-579 to C. "A" H-799)

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) (S. "A" S-580 to C. "A" H-812)

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

#### **Emergency Measure**

An Act to Ensure the Proper and Humane Care of Persons Requiring Mental Health Services (H.P. 1284) (L.D. 1764) (C. "A" H-769; S. "A" S-582)

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. 120 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.

An Act to Amend the Protection from Abuse and Protection from Harassment Statutes (H.P. 1279) (L.D. 1758) (C. "A" H-751; S. "A" S-581)

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 6 Locations (H.P. 1329) (L.D. 1821) (Governor's Bill) (S. "A" S-583 to 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 Combine Certain Reporting Requirements for Employees (S.P. 738) (L.D. 1846) (Governor's Bill) (S. "A" S-584 to C. "A" S-520)

An Act to Authorize the Disposition of Property Interests at the Pineland Center (S.P. 749) (L.D. 1859) (Governor's Bill) (S. "A" S-585 to C. "A" S-528)

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

At this point, the Speaker appointed Representative CLOUTIER of South Portland to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

#### **REPORTS OF COMMITTEES**

**Ought to Pass Pursuant to Joint Order (H.P. 1386)**

Representative KERR from the Committee on Appropriations and Financial Affairs on Bill "An Act

Concerning the Maine Rainy Day Fund" (EMERGENCY) (H.P. 1388) (L.D. 1890) reporting **"Ought to Pass"** Pursuant to Joint Order (H.P. 1386)

The Report was read and accepted. The Bill read once and assigned for second reading later in today's session.

#### **ENACTORS**

An Act Regarding School Facilities and Debt Service Limits (H.P. 807) (L.D. 1124) (H. "A" H-888 and S. "A" S-574 to C. "A" H-882)

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

An Act to Create the Maine Health Care Reform Act of 1996 (S.P. 769) (L.D. 1882) (H. "B" H-917; S. "A" S-553; S. "C" S-561)

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

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

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

#### **UNFINISHED BUSINESS**

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

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

An Act to Authorize a Bond Issue to Encourage and Support Economic Development (BOND ISSUE) (H.P. 1330) (L.D. 1822) (Governor's Bill) (C. "A" H-834)

TABLED - April 2, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

Subsequently, this being a Bond Issue, a two thirds vote being necessary, a total was taken. 116 voted in favor of the same and 4 against, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Encourage Enterprises Engaged in Agriculture and Aquaculture in Maine and to Amend the Maine Seed Capital Tax Credit Program (EMERGENCY) (S.P. 734) (L.D. 1843) (Governor's Bill) (C. "A" S-542)

TABLED - April 2, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

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

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

On motion of Representative PEAVEY of Woolwich, the House recessed until 2:15 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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

An Act to Create the Maine Health Care Reform Act of 1996 (S.P. 769) (L.D. 1882) (H. "B" H-917; S. "A" S-553; S. "C" S-561) which was tabled by Representative JACQUES of Waterville pending passage to be enacted.

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Repeal the Gross Receipts Tax (H.P. 1025) (L.D. 1440) which was passed to be enacted in the House on April 3, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-837) as amended by Senate Amendment "B" (S-570) thereto in non-concurrence.

The House voted to Recede and Concur.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Joint Order (H.P. 1387) relative to the Joint Standing Committee on Appropriations and Financial Affairs reporting out, to the House, legislation concerning the Bureau of Employment Services within the Department of Labor which was read and passed in the House on April 3, 1996.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

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

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**UNFINISHED BUSINESS**

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

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

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Expression of Legislative Sentiment recognizing the University of Maine Women's Basketball Team (HLS 1098)

TABLED - April 1, 1996 (Till Later Today) by Representative JACQUES of Waterville.  
PENDING - Passage.

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

Expression of Legislative Sentiment recognizing Joanne Palombo-McCallie (HLS 1097)

TABLED - April 1, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage.

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

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Expression of Legislative Sentiment recognizing Cindy Blodgett (HLS 1096)

TABLED - April 1, 1996 (Till Later Today) by Representative JONES of Pittsfield.

PENDING - Passage.

Subsequently, was read.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to briefly add to the words read by our Clerk. As Representative of District 104, which includes the Town of Clinton, it is a distinct pleasure and honor for me to have an active part in honoring a young lady who through hard work and perseverance has achieved national recognition. Cindy we congratulate you and wish you well.

The legislative sentiment was passed and sent up for concurrence.

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

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The SPEAKER: The Chair is delighted to recognize at this time, and the Chair will ask the Sergeant-at-Arms to please bring them forward, the coach of the University of Maine's Women's Basketball Team, Joanne Palombo-McCallie, players Cindy Blodgett, Andrea Clark, Kelly Bowman, Gabrielle Deshong, and tri-captains Catherine Gallant, Steph Guidi, Stacia Rustad. They are also accompanied by their Athletic Director Dr. Suzanne Tyler, Craig Turnbull, the Assistant Athletic Director, and John Diamond, the Director of Public Affairs. The Chair would ask you all to come forward and please accept the greetings of the Maine House of Representatives.

Let me introduce the Coach first, and certainly congratulate her for winning this award two years in a row now. The greatest investment I made last year was getting season tickets to watch the girls play. It is the best show in town. I have seen a lot of you at the games. I have been able to go to most of them and have only missed a couple, but it is absolutely worth your investment to go up. They are tremendous role models for young women across the State and tremendous ambassadors to the University of Maine system. They are the best and brightest that we have to offer, I think. We are so proud of them in terms of what they have accomplished in the last couple of years and what we know the future holds for you, as a team, and certainly what it means for the University. I do want you to know that the person in Section 0, Row 4, that has been screaming for the last year was not me, it was my seatmate, Professor Phil Watt, who is a great friend of the team and is very animated. I never wanted you to think it was me that was yelling at the referees. It was actually

Phil and his lovely wife Helen, who is almost as loud as Phil.

Let me, first of all, make one presentation. This was just read and it is for Joanne Palombo-McCallie, the Head Coach of the University of Maine Women's Basketball Team on being named the North Atlantic Coach of the Year for 1996. We offer this with our very best wishes and congratulations.

JOANNE PALOMBO-MCCALLIE: Thank you very much. I really want to compliment you all. You look like you have been through a double overtime victory. Thank you very much for recognizing us once again. It is a great honor to be here. We would like to make it a habit of coming every single year. I'm very proud of these young women and what they have accomplished. Certainly we would have liked to had the entire team, we did lose a few, actually they are taking exams and could not be with us, those that you do not see here today. We can't thank you enough for your support and what you do for the State of Maine. I'm very proud to say that our team has over a 3.0 grade point average as a group. The same team that in fact went to the NCAA tournament. We will keep going back. That's the only thing I'm going to tell you, we'll keep getting after it. It has been a great experience and I cannot tell you what it felt like to be in Charlottesville, Virginia, miles and miles away from our great State of Maine, and to walk out onto that court and hear those crazy Maine Yahoos, like I like to call them, make it feel like a homecourt advantage for us. There is no question in my mind that they were the reason, with the team and their hard work, why we came out so strong. Certainly we will continue to work on our goals of being successful in the tournament. Thank you so very much.

What I would like to do now is introduce the seniors who have served as tri-captains for us. They are just an amazing group. They are not from the State of Maine, which is unique, all three of them are from away, so they have a very interesting perspective on what they have achieved in Maine and the people and the support that they have had while they have been in Maine. I would like to introduce them and make a very small presentation.

STEPHANIE GUIDI: My name is Stephanie Guidi, senior tri-captain with Stacia Rustad and Catherine Gallant. I'm just going to reiterate what Coach said. I really think Maine is a very special place and it's because of all of you that make it so special. Coming from out of state, coming from New York, Rus is from Alaska and Catherine is from Montreal, it really does make it special. I have really seen a lot of college programs and there is no place like Maine. I think I speak on behalf of the team, it makes us really proud to play for the University of Maine and to have such community support like we do and to have the support from our families and our coaches and all of you. We are going to go back next year, less the three seniors, but they will do it. Keep the faith and keep up that support, we really do appreciate it. We would like to present this hat and T-shirt, for your daughter if you want.

JOANNE PALOMBO-MCCALLIE: Steph is a really great spokesperson for us, so we will let the other two seniors smile at you in appreciation. I think they would be a little bit more comfortable doing that. Again, I would like to thank you. You are an inspiration in terms of the work you put in. We are well aware of the hours you put in, well aware of the

bickering that takes place, thanks to the media, but I think that's all very productive and positive. We have a great State. I just want to say that I am very proud of the University of Maine. I'm very proud of the leadership, and I'm very proud of the people that are affiliated with the University. Again, I hope you feel that way. We feel that way and we will certainly do everything we possibly can to represent the State, the community, to the best of our ability and take it as far as we possibly can. Thank you so very much for honoring us here today.

The SPEAKER: Finally, the other sentiment that we just adopted that I will present to the captains, and once again this is a Joint Resolution recognizing the University of Maine Women's Basketball Team 1996 North Atlantic Conference Champions which finished the season with a school record of 27 wins, including a perfect record of 18 and 0 in this conference, and which participated in the NCAA Women's Division One Basketball Tournament for the second consecutive year, bringing pride to all the State of Maine. I am delighted to present this to you as a team, and we have individual ones for the senior captains who will be, unfortunately, leaving.

The Chair would ask the Sergeant-at-Arms to please escort them to the Senate at this time.

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

#### SENATE PAPERS

The following Communication: (H.C. 430)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

April 3, 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 Control Health Care Costs and Improve Access to Health Care" (H.P. 1277) (L.D. 1753).

Sincerely,  
S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

#### Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Reserve Fund (H.P. 630) (L.D. 855) (C. "B" H-913) which failed of final passage in the House on April 2, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-913) as amended by Senate Amendment "A" (S-590) thereto in non-concurrence.

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

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Richardson who wishes to speak off the record.



Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I will be very brief with this. Yesterday the Second District Court of Appeals in the State of New York declared that citizens have a right to control their ultimate destiny by ruling that there could be no limitations on gaining physician assistance at the time of death, to control that death. They have joined the Ninth District Court of Appeals in California which ruled the same way. That ruling, without putting it into legal issues involved, essentially means that Maine's laws governing this area and prohibiting it are moot. We aren't in the Second District, Vermont is, for instance, and theirs are formally moot. Ours clearly would be moot were anybody to bring an action. It means the prosecutors cannot enter this realm without essentially colliding with that legal reality. The only way that decision will be overturned is by the Supreme Court taking the case and overruling the two Circuit Court of Appeals, a highly unlikely eventuality. From my point of view, but perhaps from others who see the prevention of abuse in the exercise of this right to be a vital state interest, I would hope that those of you who are present in the 118th Legislature will quickly address what is clearly now a gap in our laws and bring a sense of coherence, thought and consideration to ensuring that this basic right is handled in an appropriate and legal manner. Thank you.

#### BILL HELD

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources to Research the Reinstatement of a State-operated Meat Inspection Program (H.P. 1050) (L.D. 1469)

-In Senate, Bill and all accompanying papers indefinitely postponed.

-In House, House voted to Recede and Concur  
HELD at the Request of Representative KILKELLY of Wiscasset.

On motion of Representative KILKELLY of Wiscasset, the House reconsidered its action whereby the House voted to Recede and Concur.

On further motion of the same Representative, the House voted to Recede.

The same Representative presented House Amendment "A" (H-918) to Committee Amendment "A" (H-749) which was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This amendment is the last in a line of disappearing fiscal notes on this particular bill. Originally the bill had a fiscal note of \$200,000, through the hard work of the Committee over the course of an entire year that was taken down to \$20,000, and that was not successful so there has been some negotiations going on in the last day or so in order to bring that down even further. The Maine Meat Act would provide an opportunity for small farmers to have custom meat inspections so that they could be selling their product, value-added products, nearer to their home, rather than having a lower price or needing to compete outside of the state with the larger folks. It's really rural economic development. It's job creation. It's an opportunity to provide some real opportunities for people to earn money from the land that they live on and maintain

open space and maintain family farms. This has been a top priority of a number of small farmers in the state and a number of small farm organization and the Maine Farm Bureau. As I said, we have reached a compromise and have determined that there are some ways that we can go through with this and have the pilot project something that we would put off until the 118th Legislature, and by doing that we have been able to remove the fiscal note. I would urge your support of this amendment. Thank you.

House Amendment "A" (H-918) was adopted.

Committee Amendment "A" (H-749) as amended by House Amendment "A" (H-918) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-749) as amended by House Amendment "A" (H-918) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph who wishes to speak off the record.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: This morning I asked to approve a Joint Order and it was indefinitely postponed in the Senate, therefore I wish to read a letter concerning employment services within the Department of Labor. This letter came from the Commissioner of Labor, Valerie Landry. "Dear Representative Joseph, As you know the Department of Labor is facing significant funding reductions, both at the federal and state level. We do not yet know the extent of federal cutbacks on our programs. As I stated to you, and legislators from other affected regions, we are working to minimize the impact of these reductions on the people and communities that we serve. Given projected estimates from the U.S. Department of Labor for the upcoming year, we believe that we can commit to maintaining services in existing communities, including Ellsworth, Houlton, Sanford and Waterville. We will achieve this primarily through restructuring efforts, such as co-locating with other service providers and/or reducing administrative costs. As we have discussed such restructuring efforts may result in modifications to the existing Job Service Office structures. I have also indicated to you that I could not support the use of the penalty and interest account, or the state contingency account, exclusively for the four offices of Ellsworth, Houlton, Sanford and Waterville that you have referenced, as doing so would reduce services or personnel in other regions of the state. I believe that we can achieve our mutual goals of providing services without limiting the use of these funds to just four areas. I look forward to working with you on this effort. Sincerely, Valerie Landry."

I offered this joint order for approval to you to assure that employment services will be available, not only in these four communities, but throughout the state. It's important that the same level of services that your communities and our communities receive today continue. It is extremely important for employers looking for employees, and for employees who are looking for jobs and an opportunity to work. Interestingly enough, as we look at those offices that have been scheduled for closure, in the City of Waterville the unemployment is 7.3 percent, and the state and national is 5.6 percent. It is inappropriate and not correct to close those offices at this time. There is, and was, available adequate

funding for this purpose to ensure continuation of these services. These services are critical not only to those four areas, but across the state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich who wishes to speak off the record.

Representative POVICH: Mr. Speaker, Men and Women of the House: Through the FUDA tax, paid by every Maine employer, which provides dedicated funds from the Department of Labor, Bureau of Employment Services, our Maine businesses must not be short-changed by Commissioner Landry's co-location plans. Services paid for by employers, but unavailable to those employers, is the wrong thing to do. The job service centers are cost efficient, necessary and soon to be out of business. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul who wishes to speak off the record.

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: Since last January I have been putting my case together, hoping that at some date in the future, in debate I could present what evidence that is being proposed here and the damaging effect it would have in the Towns of Sanford, Springvale and the surrounding communities. I just want to put this on record that the Sanford Job Service office is expected to close on or before June 30, 1996. I read this article in January in a very small newspaper while I was home. The closure of the office is a result of federal funding cuts and the State's Productivity Realization Task Force efforts to reduce State government. The closest service for Sanford-area businesses, and job applicants, will be located in Biddeford 18 miles away. The Unemployment Compensation Division of the Department of Labor will close all of their offices and will provide all unemployment compensation services by telephone from two telephone processing centers to be located in Bangor and Lewiston. The implementation date will be late 1996 or early 1997. Just to give you an idea of the level of service in the Sanford office alone, Sanford registered 7,000 applicants in 1995. They placed 921 applicants in jobs. They provided a service for 4,260 applicants, i.e. job referral, job counseling, resumes, labor market information, job seeking skills workshops. They produced 150 resumes and they provided service to 546 local employers. The funding source is a federal unemployment tax, which is \$56 for every employee making up to \$7,000. The area businesses in this tax they sent to Washington amounts to \$1,120,000. Currently there is a 10 billion dollar surplus in this tax account in Washington. In response to the federal budgetary shortfall, at this moment the employment and training systems of the state are being reorganized at the local community level by the Maine Department of Labor. This is being done without input from local employers who foot the bill in regard to what services should be provided. What is to be emphasized, labor exchange or training, and where offices should be located. The Sanford-area employers are asking what are they getting in return for their investment. I compiled a lot of information since January.

I have a letter here from the Sanford Board of Selectmen. I just want to quote one of the lines in here, because they object to these closings. "It is extremely difficult to encourage business to move here, or to expand, if there is not help forthcoming from the municipality or from the State of Maine." I have two letters from major employers in Sanford, and a couple of quick quotes on these two. This is the International Woolen Company in Sanford, they send the message to us, "If this closing goes through that it certainly sends an unfriendly message to the Sanford-area employers about the State's new economic development goals." The Goodall Hospital in Sanford tells me, "It will be a hardship for us at the hospital to not have the job service in Sanford. I sincerely hope that the Maine Department of Labor will reconsider their decision." I also have a quote from the Chamber of Commerce, "The loss of Sanford Job Service, with its multifaceted services to our businesses of all sizes will be sorely felt and will surely have a negative effect on the growth and stability of economic development in the Sanford and Springvale areas."

I sent, on February 8, a packet of information, everything that I had compiled which measured at least a quarter of an inch. I sent it to Congressman Jim Longley in Washington. Here it is today, April 3, I have not received any communication whatsoever from him. I feel like the little boy that had his finger in the dyke, waiting for a lot of people to come and help, but in this case the help never came. I rest my case.

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

#### ENACTORS

An Act to Repeal the Gross Receipts Tax (H.P. 1025) (L.D. 1440) (S. "B" S-570 to C. "A" H-837)

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

#### ENACTORS

##### Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Reserve Fund (H.P. 630) (L.D. 855) (S. "A" S-590 to C. "B" H-913)

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

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: In the last few days we have, correctly I think, decided to allow the people of Maine to express their opinion on managing their forests, on managing their campaigns, it seems to me that it is only reasonable and sensible that we would ask those same people if they would like to express their opinion on managing their money when they send us more of it than we even dreamed of and we have a surplus. Ladies and gentlemen, I urge you to vote in favor of this resolution. With respect I ask that the vote be taken by the yeas and nays.

Representative REED of Falmouth requested a roll Call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the

expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

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

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I would urge you to oppose enacting this amendment to the Constitution. It may sound like good fiscal sense, but in fact I believe that it ties the hands of future legislators and you must remember that each time that we amend the Constitution that it's forever. You rarely will see a Constitutional amendment repealed. I believe that if you want your government of the State of Maine to properly manage, in a good fiscal way, then in fact you will not tie the hands of future Legislatures and future Governors. I really feel very strongly that those decisions should be made upon the circumstances of the day and I think that we have to recognize that this year, just soon after we couldn't be paying our bills, that we have banked 29 million dollars plus. I think I would prefer to use 30 million dollars because it's something like 29.8 million dollars. Whatever the actual figure is, we show that we can be fiscally responsible, that we have money in the bank, that we are not spending every dollar that comes past the Appropriations Committee or the Maine House or the other body. I believe that is would not be prudent to amend the Constitution, in fact to restrict those decisions need to be made by the elected public officials of the people of the State of Maine. Thank you.

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

#### ROLL CALL NO. 388

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

NAY - Adams, Ahearne, Berry, Bouffard, Brennan, Bunker, Chartrand, Chizmar, Clark, Cloutier, Davidson, Desmond, DiPietro, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Luther, Martin, Mitchell EH; Morrison, O'Gara, O'Neal, Paul, Poulin, Pouliot, Richard, Ricker, Rosebush, Rowe, Samson, Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Winn, The Speaker.

ABSENT - Benedikt, Carleton, Carr, Chase, Daggett, Dore, Dunn, Heino, Libby JD; Mitchell JE; Nadeau, Nickerson, Pendleton, Povich, Richardson, Saxl, J.; Saxl, M.; Stone, Truman, Vigue.

Yes, 70; No, 61; Absent, 20; Excused, 0.

70 having voted in the affirmative and 61 voted in the negative, this being a Constitutional Amendment, and a two-thirds vote of the House being necessary, the Resolution failed passage to be enacted. Ordered sent forthwith.

#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act to Authorize Video Gaming" (H.P. 296) (L.D. 400) on which the Majority "Ought Not to Pass" Report of the Committee on Legal and Veterans Affairs was read and accepted in the House on April 3, 1996.

Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on Legal and Veterans Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-874) and Senate Amendment "A" (S-569) as amended by Senate Amendment "A" (S-592) thereto in non-concurrence.

Representative BUCK of Yarmouth moved that the House Adhere.

Representative CLUKEY of Houlton moved that the House Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: May I pose a parliamentary inquiry? Had the motion to adhere prevailed would that have killed the bill?

The SPEAKER: The Chair would answer if the House had adhered the Senate still would be in a position to take further action.

The Chair ordered a division on the motion to Recede and Concur.

A vote of the House was taken. 102 voted in favor of the same and 19 against, subsequently, the House voted to Recede and Concur. Ordered sent forthwith.

On motion of Representative POULIOT of Lewiston, the House recessed until 7:00 p.m.

(After Recess)

The House was called to order by the Speaker.

#### BILL HELD

Bill "An Act to Authorize Video Gaming" (H.P. 296) (L.D. 400)

-In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-874) and Senate Amendment "A" (S-569) as amended by Senate Amendment "A" (S-592) thereto.

-In House, the House voted to Recede and Concur. HELD at the Request of Representative TRUE of Fryeburg.

On motion of Representative TRUE of Fryeburg, the House reconsidered its action whereby the House voted to Recede and Concur.

On further motion of the same Representative, the House voted to Recede.

Senate Amendment "A" (S-569) was read by the Clerk. Senate Amendment "A" (S-592) to Senate Amendment "A" (S-569) was read by the Clerk and adopted.

Senate Amendment "A" (S-569) as amended by Senate Amendment "A" (S-592) thereto was adopted.

On further motion of the same Representative, Committee Amendment "A" (H-874) was indefinitely postponed.

The Bill was passed to be engrossed as amended by Senate Amendment "A" (S-569) as amended by Senate Amendment "A" (S-592) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

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

#### **BILLS IN THE SECOND READING**

Bill "An Act Concerning the Maine Rainy Day Fund" (EMERGENCY) (H.P. 1388) (L.D. 1890)

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

Representative MARTIN of Eagle Lake presented House Amendment "A" (H-919) which was read by the Clerk.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I ask you to take a look at L.D. 1890, which was distributed earlier this morning, concerning the Maine Rainy Day Fund, and ask you to go through it with me. I would like to just tell you what the amendment does and why I have offered the amendment. The amendment does basically two things. One is to transfer the available funds that are left over to the Rainy Day Account. The transfer of the 5.7 includes 1.8 that is being transferred from the GPA, the General Purpose Aid for Local Schools Account. In addition it also includes two other provisions that are located on page 2, year-end available appropriations and any monies that will be left over at the end of a fiscal year would also be transferred from the GPA Account and transferred to the Rainy Day Account. In addition, section three would take all other balances left in the Department of Education and also transfer that to the Rainy Day Account. The amendment that I have offered strips out the 1.8 million dollars and sections two and three. It was only yesterday that I heard that there was a proposal from the administration that 1.8 or so would be taken out of GPA to use to fund the Learning Results. I opposed that at the time and told the administration that that to me was not something that was the way I wanted to go, or I felt that the majority of the members of the House would want to go. Then, as a result of that having been sort of offered, the Appropriations Committee at that point basically said if it was being offered let's take it and put it over here into the Rainy Day Account. My concern about doing that is that it takes out of all of the monies that have always been left over at the end of any fiscal year, and stays in GPA, and stays in the balance of the construction monies, and stays in all of those and doesn't lapse into surplus but stays there in the event that you need it. Let me illustrate. A number of years ago, and some of you may remember, that a parochial school closed and another year a Christian school closed, and there was no money, in part because insufficient amounts were there, because you never know until the next year how many students you are going to have, so you are always going to have, hopefully, enough money left in that account that you don't have to come running to the Legislature in the middle of a year in order to

put in dollars to do that. In addition the other thing that transpires is that if you go out, for example, in debt service, and that's where the 1.8 comes from, then you could have a situation where debt service is because of construction of a school, you are going to need more. Again, that is the purpose of what this is for, and it is also, to my knowledge, the first time that we have ever drawn out those dollars in this fashion and transferred them before the end of a year. Finally, the thing, in part, was one of perception with the public of Maine that we were, in effect, taking money out of GPA. After what local towns are going through now, my concern, in part, was what would they say of us. So, after reviewing this L.D. I prepared this amendment today.

Again, just let me repeat, what it does is that it leaves those amounts in those accounts where they have always been. They are not expended. They cannot be expended without a two-thirds vote of the Legislature and they have always been used either for educational issues, for example, at any given time, or have simply been carried over to the following year to be used for that purpose. That's what I am doing. I hope, and I really urge you, to support adoption of House Amendment "A." Thank you.

House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-919) and sent up for concurrence. Ordered sent forthwith.

#### **SENATE PAPERS**

##### **Non-Concurrent Matter**

An Act to Clarify the Process for Referendum Recount (H.P. 1350) (L.D. 1851) which was passed to be enacted in the House on March 19, 1996.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-588) in non-concurrence.

The House voted to Insist. Ordered sent forthwith.

#### **SENATE PAPERS**

##### **Non-Concurrent Matter**

Bill "An Act to Reinstate the Maine Meat Inspection Act" (H.P. 1050) (L.D. 1469) which was passed to be engrossed as amended by Committee Amendment "A" (H-749) as amended by House Amendment "A" (H-918) thereto in the House on April 3, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-749) as amended by Senate Amendment "A" (S-593) thereto in non-concurrence.

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

##### **Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund (H.P. 630) (L.D. 855) (S. "A" S-590 to C "B" H-913) which failed of final passage in the House on April 3, 1996.

Came from the Senate finally passed in non-concurrence.

Representative REED of Falmouth moved that the House Recede and Concur.

Representative WHITCOMB of Waldo requested a roll call on the motion to Recede and Concur.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I ask, before we cast our final vote on this subject, that we take a minute and think about the logic behind the piece of legislation. I listened with interest to the Representative from Waterville talk about the arguments in opposition to this bill, and it struck me, in following up on the comments of the Representative from Falmouth, that we constantly hear in this body that we need to ask the people if we should spend. We continually argue, and it could be said from one side of the aisle in particular, that we need to ask the people to borrow money to spend on worthwhile projects. Yet in this instance where we are asking the people if it's alright to save we don't think it's a good idea. We are asking the public for their opinion on creating a savings account and we don't think it's a good idea. It seems to me that they strike very close to the arguments that we used in this body time and time again in defeating the piece of legislation, eventually approved by the voters, in regard to the mandate. When eventually the voters had the opportunity they said the Legislature will not be able to pass a mandate upon the local municipalities without overriding votes. I recall the arguments presented on this floor being so similar to what is presented today, that we should not curtail the power of the Legislature. We have to differ on that issue strongly, from two points. What is wrong with curtailing the power of the Legislature? But beyond that, what is wrong with asking the people? We have agreed quite unanimously this session to ask the people to borrow for worthwhile projects, so I ask you tonight, why not ask the people if it's alright to save? Are we afraid of their answer? Thank you.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I would just like to respond briefly to the arguments laid out by the Representative from Waldo. As you can see from the low L.D. number this is an L.D. which has now been held through the entire length of the Legislative session, with virtually no discussion in Committee. The problem that I have with proposing an amendment to such a significant piece of legislation so late in the session is that it certainly deserves a good, vigorous debate in Committee, which it did not receive, and furthermore, if we are going to take such a step, I feel we ought to do it in the context of discussing our Rainy Day Fund, as well as whether or not we want to keep in place the tax cap which we enacted last session. Without that discussion I think it's a feel-good bill and I'm going to continue to oppose it. 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 Recede and Concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 389

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

NAY - Adams, Ahearne, Berry, Bouffard, Brennan, Chartrand, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Driscoll, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Luther, Martin, Mitchell EH; Morrison, O'Gara, O'Neal, Paul, Poulin, Pouliot, Richard, Ricker, Rosebush, Rowe, Samson, Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, The Speaker.

ABSENT - Benedikt, Birney, Bunker, Carr, Chase, Dexter, Dore, Dunn, Heino, Kerr, Lemke, Libby JD; Mitchell JE; Nadeau, Nickerson, Pendleton, Povich, Richardson, Saxl, J.; Saxl, M.; Stone, Truman.

Yes, 68; No, 61; Absent, 22; Excused, 0.

68 having voted in the affirmative and 61 voted in the negative, with 22 being absent, a two-thirds vote being necessary, the motion to Recede and Concur was not accepted. Ordered sent forthwith.

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

Bill "An Act to Reinstate the Maine Meat Inspection Act" (H.P. 1050) (L.D. 1469) which was tabled by Representative JACQUES of Waterville pending further consideration.

Subsequently, the House voted to Recede and Concur. Ordered sent forthwith.

At this point, the Speaker recognized all members who have served as Speaker Pro Tem's during the 117th Legislature.

The SPEAKER: The Chair would like to take a moment to acknowledge some members who have been helpful to the Chair. We have a tradition of taking a moment to offer a commemorative item to those who have assisted the Chair as serving in a capacity of Speaker Pro Tem, and the Chair would like to take a moment to do this at this time, and offer these items as a token of appreciation and gratitude for your service in this capacity. Each year we have perhaps more requests than sometimes we can handle, but deeply appreciate the opportunity to provide this opportunity to so many and I appreciate your ability to come up here during those fabulously interesting bills, like lobster bills and some of the education bills, not that they all weren't interesting, because it helps a great deal, and I think it is good for the process as well.

The Chair would like to ask the Representative from Portland, Representative Rowe, to please come forward at this time. The Chair would ask the Sergeant-at-Arms to escort the Representative from Vassalboro, Representative Mitchell, to the rostrum.

We may have missed the engraving on a couple of these. If you get one that says somebody else's name don't worry about it, we will work it out. There are one or two of these that are still in the process.

The Representative from South Portland, Representative Cloutier. The Representative from Augusta, Representative Daggett. Bev says that all four people who were in the House that day really enjoyed her as pro tem. The Representative from Wiscasset, Representative Kilkelly. The Chair would ask the Sergeant-at-Arms to escort the Representative from Jonesboro, Representative Look, to the rostrum. The Chair would ask the Sergeant-at-Arms to escort the Representative from Falmouth, Representative Reed, to the rostrum. Unfortunately, this person would probably want to be here more than anybody, but he had to go back sick tonight. He is at his hotel. It would probably be pretty difficult to explain what this meant to Guy Nadeau, but I'm sure if you get a chance to ask him someday he will tell you and we will try to get this over to him either tonight or tomorrow, perhaps tomorrow morning. Guy Nadeau will be the other person receiving this. These next two are for members who haven't had a chance to get up here yet, but the night is still young. First, I would like to present one to the Dean of the House, the Representative from Lagrange, Representative Hichborn. The Chair would ask the Representative from Lagrange to please come forward at this time. Next I would like to present this gavel to a Representative who, once again, as Clyde hasn't had a chance to be up here as of yet, but is a person who has provided tremendous leadership to his caucus, a person that I have spent time in Japan with, not my honeymoon like Mary Small, but a person who has provided tremendous service to his district and to the State and that I have come to enjoy tremendously, particularly during the last couple of years as we have worked on a closer basis. I would like to ask the Sergeant-at-Arms to escort the Representative from Waldo, Representative Whitcomb, to the rostrum.

Well, I want to present this to my colleague. Someone I have spent a fair amount of time with in the Legislature over the last 18 years. We came in together in the class of '78. He did not spend his honeymoon with Mary and I. Some people don't know what I'm talking about and I shouldn't bring that up. It's a different story all together. Paul Jacques has been somebody that I have enjoyed working with as a Committee Chair, as a rank and file member, as a member of leadership, as a presiding officer. It is always a comfort to have somebody over here in the corner who is ready to defend the honor of one caucus or the other, or take on an issue, whether it be Fish and Wildlife, or Energy, or other issues. I kid him occasionally, in the midst of an explanation or a discussion on a particular bill, I will think to myself that this is a speech in search of a conclusion. Paul is always kind enough to tell everybody both sides of every issue and everything he has ever known about the issue, and how important it was to consider the little people back home. I can't think of anybody who probably represented the working people in our area than Paul Jacques. He is somebody who has a unique relationship with his constituency,

a very unique relationship. Few people can establish that, I think of Mona Hale and a few others who have had that type of a relationship. I am very happy for Paul and for the service that he has provided. We will miss our leadership breakfasts and his stimulating conversation at breakfast and explaining to us why coon hunting is a real sport. He mentioned it the other day and I said let me get this right, you get a dog and you run after a coon, it goes up a tree and they you put a flashlight on it and shoot it. He says, "That's right. Sometimes they trap them and shake the tree and stuff like that." It's been a great experience for me to be able to work with Paul. I appreciate being able to call on him on a day-to-day basis to come up here, usually at a last minute notice. He provided great leadership to his district and to the State and it's an honor for me to present this to Paul Jacques. Would the Sergeant-at-Arms please escort the Representative from Waterville, Representative Jacques, to the rostrum.

When I was first elected in 1978 and I was sitting in the back row, I sat in the back row because I figured out which one was Ed Muskie's seat and that's the seat I wanted. I was sitting with Jim Elias and some people from that area, and I noticed that in the middle of the Chamber there were two people who were always getting up and telling everybody what to do. One was Eddie Kelleher and the other one was Don Strout. They usually agreed, which was interesting in and of itself. They always seemed to have a way of providing their own spin and their own way to get to an answer. People who had been involved in Committees for a long time, people who knew how to work the process. Some would say people who knew how to manipulate the process from time to time, and did so shamelessly, from that context. Donny was never as bold as Eddie Kelleher, who fulfilled the role of Representative DiPietro by, instead of moving the question, he used to just kind of yell all the time, "Question! Question!" So you knew that it was about time to take things up. He didn't stand up, he just yelled from that area. If anybody had ever moved the question he would vote against it and defend everybody's ability to speak from time to time and was very strong from that context. Donny has served for 24 years. He told me as we walked over to the Blaine House last night that it seemed like the last five years had gone by pretty quickly. I think for those of us who perhaps were around in 1989 and 1990, we went through what seemed like one year, one bad dream to some extent, of some very difficult times, emotionally, for individual members, very difficult times for this institution. I appreciate the leadership that Donny has shown his caucus and this institution. We will miss his historical perspective that he is able to offer with the advent of term limits. I suspect some of you might see Donny back here in two years, I don't know, if he's not running for Governor, or some other capacity. He has been a rock in terms of someone who has provided institutional memory. He has been able to share that and I appreciate the friendship that I have shared with Donny and the loyalty and respect that he has shown to this institution. The Chair would ask the Sergeant-at-Arms to escort the Representative from Corinth, Representative Strout, to the rostrum.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker: It's my turn. It's my responsibility, my duty, this evening to make a presentation to the Speaker. I'm going to try to make it short because that's the best way I can do it, I guess. When the Speaker got elected Speaker, I think most people would have been very intimidated, because succeeding a Speaker that was known nationwide, as well as statewide, for being a skilled parliamentarian, a hard discipline-type of Speaker, recognized all across the country, I think would have been intimidating for even the best of us. Clearly, after the election of this Speaker as Speaker, I told him, just be you. You can't be somebody else, you have to do it your way. He has always been fair, sometimes too fair in my opinion, but always fair. He has been tough when he has had to be, most accommodating, I think, to the members of both caucuses in trying to accommodate their private lives as well as their lives in the Legislature. Having a young family, I think he has done an outstanding job of appreciating that family and has always put them first, and still lived up to every responsibility he had as Speaker of the House.

I do have just a few minor complaints. I have to present a gavel to the Speaker, and it's a real nice one, and I just got this little dinky thing that he just gave me. To add insult to injury, they came and took this away from me yesterday when I was Speaker Pro Tem and said they were giving it to the Speaker. They took it during a break and stuck this other one there. I was kind of getting fond of this one. It's really nice and look how big it is. I forgot how dinky those things really were until I saw this one. It is a tradition that we present the gavel to the outgoing speaker. This one says "Dan A. Gwadosky." Look how nice and big it is. "Speaker of the House. February 3, 1994 to December 4, 1996." Look how nice it is. I was really starting to like this thing too, and I get this little dinky thing over here. If Mike Cote would come over please, I would be most happy, or am supposed to be most happy, to present this to the Speaker. Mike, I would like to have you present that to the Speaker on behalf of the House, all its members and staff, I would really like to present this to the Speaker and hope that you will take it in the spirit that it was given and I will always remember that little dinky one you just gave me. Thank you Mr. Speaker.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Those of you who were here two years ago know that I was a little quick to catch on to what a good Speaker Dan Gwadosky would be, and is, but I want you to know that I have joined the fan club and I have never enjoyed an experience more than working as part of his leadership team. Dan, with your sense of humor you have kept tensions from becoming too great. With your spirit of civility you have made all like one another, whether we wanted to or not. As I talked to Don Strout's family over at the Blaine House, Don said with the greatest of glee, "See mom, the Democrats aren't so bad." That's exactly the kind of spirit that you gave us. So, we want you to take it a little bit easy for a while, so every member of this House decided that you should sit down and rest and enjoy that new gavel before Paul gets it back. Congratulations Mr. Speaker. Thank you.

Under suspension of the Rules, the Clerk of House was allowed to speak to the House.

The CLERK: Thank you, Mr. Speaker: Briefly and humbly, on behalf of the staff of the Office of the Clerk, it's my pleasure to give you a token of our esteem and affection. It has been a pleasure for me to serve in this Chamber with you for 13 years. It has been a pleasure for the staff of our office to serve you and to assist you. The Assistant Clerk and I now very humbly give our thanks to the House for allowing us to do this, and would like to present to you a memento, your notebook that you used in your service as Speaker of the House. Thank you.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: It is with great pleasure that I rise and offer as well my congratulations and best wishes and thanks from our caucus, as well as my own personal thank you. I have to tell the good Representative from Waterville that the Speaker did present me with a very large gavel at a roast we had here a couple of weeks ago. You got the better end of the deal, the one I got was broken. He called it an honor. I think it was actually one that John had left for him. In all seriousness, if there is such a thing on a night like this, we do appreciate the way in which the Speaker has worked with both caucuses, knowing full well that we were after his position every minute of the day, he has still managed to be cordial with us. He has continued to work hard to put the best interest of the State first. I think he has tried very hard to get all of us to work together. I think we will miss him. I think he set a tremendous example for those of you in this body who aspire to his position. I think that we have been fortunate in this period of time to be able to demonstrate to the state that we can differ with full vigor, put our whole hearts into it, and yet meet, agree and be cordial and leave this place feeling, when all is said and done, that we have achieved in the end result something better for the State of Maine. The person who has been our spokesman, and I think we are all quite proud of him, is the Representative from Fairfield, Representative Gwadosky. We thank you for this time. We thank you for the time that you have given from your family. When you sit in a leadership corner, occasionally we complain, mostly among ourselves, about the extra time we put in. We put half as much in as the Speaker does. We wish you well. In fact we wish you great success in the private sector. Thank you.

The SPEAKER: Thank you very much. I want to thank you all for the kind words, and as I indicated before, I think the last couple of days it has been probably the greatest single honor for me in my life to serve in this capacity. I am deeply honored to have served with you, and worked with you. I think we have done some really, really good stuff in the last couple of years, but we have done it in a manner that I think the people of Maine would be proud of. For that I am very proud. It has always seemed to me that the truest recognition comes from the hearts of your friends and colleagues, and I accept your warm thanks this evening. It means a great deal to me. Thank you very much.

Since we are in the mode at this moment, I would like to make two presentations if I could, in addition to some others. First, to the Assistant Clerk of the House. I have had the good luck of



knowing Millie almost as long as I have been a member of this Legislature. I knew her originally as somebody who was kind of behind the scenes in the Clerk's office. Everybody was behind the scenes when Ed Pert was Clerk, as you know. I found out that she was somebody who, as Assistant Clerk, really absolutely blossomed in that capacity. She has been a person who has taken over personnel functions in the Office of the Clerk. She handles that job day in and day out with an element of professionalism and certain grace, at a time when it is not easy to deal with the likes of us day in and day out, and the various requests we make on her very busy office. She has done it with professionalism and at the same time with the ability to show leadership and help, not only her immediate office, but the Chamber Staff and others. I appreciate her personal friendship, her advice, the hours that she works, and I know that it is people like Millie and Joe that really kind of drive the machinery of this institution, that allows us to consider the paperwork that we need to consider and do it in a timely fashion. It has been a great privilege and personal delight to be able to work with Millie. I would like to make this presentation to Millie at this time, to offer this small token of my appreciation for her dedication to this institution and for her friendship.

I would also like to take a moment to offer a token to the Clerk, the guy whose top of the head I know better than probably anybody in the State of Maine. It's not a pretty sight. Not that mine is any better. I have had the great luck of knowing Joe Mayo prior to his elevation to the position of Clerk. I served with him as a member of the Legislature. We participated in a leadership race on one occasion, I have a distant recollection of that point, and served in a leadership capacity. I think I have enjoyed him most, perhaps, in the last couple of years, working with him hand in glove as Speaker and Clerk. I can think of few people who are more dedicated to this institution, or feel more impassioned about the Legislature as an institution and its purpose than Joe Mayo. I have spent more lunches with him in the last month than I can possibly remember. I have had more meals with him, perhaps, in the last two years than I can possibly remember. He is to me not only a true state service employee, he is much more than that. He epitomizes, I think, what members of this legislative branch of state government should strive for. He does it in his own manner. He does it with a great sense of humor. He does it with a great sense of humility, but always the genuine love for the process, the genuine love for the institution. I have a good fortune to also consider him one of my best friends. I can't think of too many times in your life when you are able to work with somebody and also have them as a great friend. So, as a small token of appreciation I would like to present this to Joe at this time as well. Joe Mayo, the Clerk of the House.

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I'm a little more relaxed tonight, I guess, than I was yesterday. When you brought up some of the points about former Representative Kelleher and myself, you've got to remember I learned it from the former Speaker. He trained me well. You are right, Representative Kelleher sat over here, and I sat here, and we tried to control the vote. But if

you remember, Representative Kelleher would speak one way and vote the other. If I spoke, I would vote the same way I spoke. I've got to tell you something else, sometimes we break the rules, and I think maybe tonight we did too. If Representative Hichborn, I think, had been here yesterday he could have made my day a little easier because right after you gave me my gavel, Representative Hichborn gave me one of those sour balls. I know it's breaking the rules but I'll tell you it really brought the other side of me out a few minutes ago. I've got to tell you that I have never seen Representative Hichborn, really if he had done this yesterday it would have made my day a lot easier, I still don't know what it was, it did turn my tongue green I guess. Really, I have to say to the right hand corner, and the left hand corner, over the years I have been here I have been treated very well from both sides. I served my first term here, we were in the majority, and it was different, but you know my second term I was in the minority but I never felt, all those years, that I was speaking from a minority position. I always felt that when I got up and spoke on the floor of the House that I tried to relate to the membership what I thought was right for the State of Maine. I'll say again that the present leadership on both sides, including yourself Mr. Speaker, have been very good to me, and I appreciate that and I thank you all.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I have been here for ten years and it has gone by very rapidly. I guess time does go by rapidly when you are having fun. There has been one person here who I have really admired and respected down through these ten years, and I looked for something that I could find that would really stand out and show my true affection for him and what I think of him, and still be with class and dignity. I finally found what it was and Representative Hichborn this says "I'm not over the hill, I'm older than the hill." Thank you.

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

#### ENACTORS

##### Emergency Measure

An Act to Clarify the Laws Relating to Gaming and Harness Racing (H.P. 296) (L.D. 400) (S. "A" S-592 to S. "A" S-569)

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

Representative JACQUES of Waterville requested a roll call on passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

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

The SPEAKER: The Representative may pose his question.

Representative JACQUES: Having looked at this bill it seems that in our desire to deal with illegal gaming machines all across the state we have effectively taken away the ability to have these machines in all the fraternal, charitable and civic organizations across the state, such as the Elks, the Legions, the VFWs, Eagles. That's the way I read



this. Would somebody explain if that is not the case in this bill? Thank you.

The SPEAKER: The Representative from Waterville, Representative Jacques has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Men and Women of the House: It's my understanding that this bill will not affect any one of those devices that is licensed, and I understand that organizations such as the Elks and other nonprofits do have these machines in their establishments and they are licensed.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I don't mean to doubt the word of Representative Buck, but we have been looking at this and I don't believe that is exactly the whole case. I know that many of these organizations raise a lot of money through the use of these machines which they turn right back to the community in donations to charity and youth groups and activities like baseball, hockey, those types of things, and I can only speak for the organizations that I know and I don't want to point them out, just in case there is a slight problem with what is going on, but my understanding is that all of those machines would have to pay back in credit, not money, and dare say that probably their budgets are going to be severely impacted if that is indeed the case. May I pose another question through the Chair? My second question would be how many of these organizations have these licensed machines now that would be kept legal?

The SPEAKER: The Representative from Waterville, Representative Jacques has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Men and Women of the House: While I cannot specifically answer the second question posed by the good Representative from Waterville, I would like to clarify a little bit more on his first question, which was would this language in the Senate Amendment currently on the bill before us negatively impact those charitable organizations who have what we call gray machines. I would answer that this amendment would not because gray machines, by definition, are video machines that can only pay back in free replays. They cannot reward winners in a monetary way. They can only have free replays, so the charitable organizations who have these are able to retain all of the money that is put in with the play, and what this amendment is trying to address are situations which the State Police have identified are out there where monies are being given as a reward for successfully playing the games, instead of adhering to the law regarding these machines and only giving free replays. So, what this amendment does is it gives the State Police the ability to correct that when that is in error, but it would not prevent those charitable organizations who have these games, are utilizing them legally, and successfully for beneficial and benevolent purposes from continuing with that practice. I hope that clarifies the situation.

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative CAMERON: I apologize for seeming to be completely confused. We have two amendments to L.D. 400 and I can't seem to determine which one we are actually voting on. I apologize and I hope I am not the only one. We have (S-591) and (S-592) and I'm not sure which one we are discussing.

The SPEAKER: The Chair would respond to the Representative from Rumford, Representative Cameron, that the two amendments that are currently on the bill are Senate Amendment "A" (S-569), and Senate Amendment "A" (S-592). Those would be the two amendments that are currently on the bill at this time. The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Men and Women of the House: On 592, if you look at the amendment, under 17-A, the internal mechanism of components, what it does is says you cannot be giving cash premiums, merchandise, tickets, or something of value. I tell you, if this is the case, then all of the machines do become illegal. Either that or I don't know how to read. Can anybody answer that?

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

Representative TREAT: Mr. Speaker, Men and Women of the House: If you take a look at that section, section 5 of the amendment (S-592), each of those sections is read with an "and" after it, so you have to be doing all three things in order to meet the definition of illegal gambling. It's not read separately, so that you are focusing on the section, Representative Vigue of Winslow, section A, but they also have to be section B, which is that is used to advance gambling activity, as well as section C. I hope that answers your question.

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

Representative ROBICHAUD: Mr. Speaker, Men and Women of the House: To follow up on what Representative Treat just said, which is absolutely correct, you also look at section C right there, it references Title 17, Chapter 14, which does allow those machines to play legally for free replays only. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I think that's clarified for me a problem, here. I can't vote for this bill and I will tell you why, because we can talk about things in the abstract but the simple fact of the matter is

that if you force these pubs, we're not talking about organized crime, we are not talking about illegal gambling, we are talking about civic and fraternal organizations who donate, and I know I can only speak for the Elks Lodges across this state because I used to be the Government Relations Chairman, they contributed \$658,000 five or six years ago to youth, civic, and charitable organizations across this state. If they can't pay back in money, and I know that there are some questions about whether that is legal to do now or not, but the fact of the matter is many of them are doing it, and many of the funds that they raise and give are coming in that way. If you restrict them to just playing credits than you might as well take them out, because most people just aren't going to do it. It's just not the nature of the beast. It's not the reason that people play that, and clearly I think that they will go someplace else to play and leave their money there. In our attempt, our noble attempt to try to put controls on what is going on and get after the illegal activity of, as I said, organized crime and all these other things, I think you are going to have a major impact on the money that is raised and given out in the local communities by these fraternal, charitable and civic organizations. I'm talking about the VFWs, the Legions, the Club Calumets, those types of things, the Elks across the state, the Eagles, the Moose Lodges. I think you are punishing the little kids that are stealing the apples, but you are not punishing the guy who stole the brand new Cadillac. I can't support it.

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

Representative VIGUE: Mr. Speaker, Men and Women of the House: In answer to Representative Treat, "and" after every paragraph, there is no "and" after paragraph A. It seems to stand by itself. The second paragraph B does have an "and". I will go along with Representative Jacques, I will be opposing this and voting against it.

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

Representative TRUE: Mr. Speaker, Men and Women of the House: It seems to me that if we remember that 1303, in its original state, was turned down by the other body because of the reservations which have been stated by my good friend, Representative Jacques. This particular amendment, 592, which was presented by a member of the other body, and I would assume, whereby that has passed in the other body, that it had answered all of those questions. I can see that certainly some people still will feel it difficult to vote on this. However, I feel in listening tonight and so forth, and reading it, that we have taken care of that in a manner in which it will not do what Representative Jacques has said. I feel that strongly. I don't believe that other than one test case have those particular machines been taken away from any of these particular bodies.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: The language in the amendment to L.D. 400 is similar to the language that was proposed in L.D. 1218 which was defeated yesterday, and Representative Kerr talked at length about the need to control these illegal gray machines and have that language placed in 1218, which was defeated. The language in this amendment is

basically that same language. All we are doing here is making it illegal for people to gamble without a license, for people to gamble in this state. It's my understanding that there are several thousand of these machines throughout the state. It's my understanding that in the Portland area they are in practically every bar and restaurant. It is illegal gambling. We should not condone it. This amendment corrects that problem. This is the same amendment that the Representative from Old Orchard Beach was urging us to include in his proposal yesterday. So, I would urge you all to support L.D. 400 as amended.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: It's my understanding, in response to Representative Jacques' question, that those proceeds from those machines can be used to fund any activity of the clubs except pay prizes for the games that are played. So, the funds that they receive as proceeds can be used to fund the activities that Representative Jacques just talked about. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I will try again. Everything you say is true. What I want you to understand is the way this is worded now these clubs and fraternal organizations are not going to be making the money they are making now because the people who play right now, illegal, legal or whatever, are getting paid in cash if they win. We are lumping them together. The impact on those organizations is going to be acute and the money that they raise. I understand that the money they make, when they give you your credit, you can do whatever you want with the money. The problem is no one is going to play, or very few people are going to play, if all they get is a credit. I'm not talking about the beer joints and the bars and the motels and the hotels, I'm talking about the Legions, the VFWs, the Elks, the Kiwanis, the Eagles, whatever, Club Calumet. Right now, if we pass this, they are out of business because people are not going to play for a credit. With all due respect, it's just not the same thrill getting a bunch of credits in your hand that says you can come back and play until those are all gone. They do give money now. This says that once this becomes law that's done with. The financial impact on these organizations will be severe and you're still going to have the illegal ones out there in the back rooms of the bars and the beer joints, and all that, who are making the money and it's not going back to the communities. I would love to support what you are trying to do, but it seems to me that all the time and all the people that have been involved in writing this, that we would get it right sooner or later. I will repeat, what we are doing is we are punishing the kid for stealing the green apples, and the person that's stealing the Cadillac is still getting away. I understand that you can get the credits. I understand that you can spend the profits that you make on these machines for whatever you want. I understand that. The point I am making is if you

just go to credits the machines in these organizations are going to be gone and you are going to pull all that money that go to buying people eye glasses, helping people who are burned out of homes, sponsoring little league hockey teams, baseball teams, football teams, all across this state. That's my concern. No one speaking yet has allayed those fears for me.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: My understanding is this bill doesn't make anything illegal that already isn't illegal. It's already legal. We are not making anything illegal that isn't illegal already. It's just that when the State Police try to enforce the laws on these illegal machines, they take the machines, the vendor pays a small fine, and the State Police have to give the machines back to these people, along with the contents. What this bill does is says that the State Police, if they are prosecuting a case of illegal gambling with these machines, they can confiscate the machines and the contents.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late and I won't take long, but I want you to know that this bill, L.D. 400, was my bill. As far as I'm concerned everybody, either in this House or down at the other end of the building, decided to put amendments on it, so as far as I'm concerned I wish you would defeat the bill. Thank you.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I have read this amendment and I have also talked to the person who drafted the amendment. I have talked with the State Police about this. My understanding of it and my reading of it concur with what Representative Clukey has said. This only is an enforcement mechanism for activity that is currently illegal. If someone is operating an illegal facility then it will continue to be illegal under this amendment. However the State Police will have some tools with which to enforce the current law. It does not make anything illegal that now is not illegal. Secondly, I must beg to differ with Representative Vigue of Winslow, in terms of how this section is read. Our statutory construction laws in this Legislature, in terms of how the Revisor of Statutes drafts something, you infer an "and" after each of these. Each of these three lines must be met. One of them has to do with the method of payment. The second part has to do with the fact that an illegal gambling activity is being pursued, and the third part is that it is not a licensed activity. All three must be met. If they are not then it is an illegal activity for which the provisions of this bill come in. I urge that you vote in favor of enactment at this time. Thank you.

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

Representative LAYTON: Mr. Speaker, Men and Women of the House: I will make this very brief. I am an active member of the American Legion. I am an active member of the Veterans of Foreign Wars. I am an

active member of the Disabled American Veterans. I am an active of the Military Order of the Purple Heart. It just seems to me that if there was a lot of concern in these organizations I would have heard about it.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I do apologize, I have never done this before, but I want to make it perfectly clear, and I'm sorry that Representative Layton isn't here, you have gotten no reaction from the folks back home because they don't know about this. This was slapped on a little while ago down in the other body, and let me tell you something, I guarantee you as sure as I am standing here before you, when these organizations find out about this you will hear from them if this becomes law. What we ought to do is follow the lead of the Governor and establish a Gaming Commission, sit down in a calm, rational manner, and put these laws together and decide what we want to set for public policy in this State, because this piecemeal, mishmash stuff that we have gone through for the last four or five days is a disaster. It absolutely is. What we ought to do is consider licensing machines for nonprofit organizations, put a maximum on the amount of prizes that can be awarded, have them report to the State Police, as they do with Lucky Sevens, on a monthly basis and allow them to use this money for charities because they are doing it now men and women of the House. They are doing it now. I am not talking about the bars. I'm not talking about the strip joints. I'm not talking about all the other unseemly places that people don't want these machines. I'm talking about the VFWs, the Legions and the Elks Lodges. They are there. They make a big pot of money on it, and I've got to tell you, some of the ones I visit, the wives play the machines and the men go play cards or pool, they might win \$20 or lose \$30, or whatever, they go home at the end of the day and they all tell me they are very happy because they know the money is going to good causes. Yes, it's probably illegal under the technical interpretation of the law, but that's what is happening. If you pass this, that will all become illegal and it will have a major impact on these organizations. Bet on it, count on it, I don't care what anybody tells you. It's going to happen, and if they had the opportunity to respond to what is going on with these amendments, they would be telling you that. If we pass this, hurriedly this evening, I assure you that you will hear from them, they will be very concerned, and you are going to severely impact what they can do for their local communities with the money that they make off these machines. I understand that they are illegal now, if you follow the strict interpretation of the law, but I want to assure you, open your eyes, they are out there and they are doing it. Nobody has been bothering them because it goes to charitable causes. That's where we ought to be concentrating our efforts. If you want to control the machines, help control those machines, license them, do whatever you want to do, but the only point I am trying to make is that it will have an impact on these organizations. Take it to the bank. That's

all I'm going to say on the subject. Vote any way you want, but I think you should understand what the full, real impact of this is going to be.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I'm very troubled with what I am hearing here tonight. It seems to me we either have to make these things legal or we have to make them illegal. We cannot wink at the people who are using them, but they are illegal, but they are such nice folks that we are going to let them do it anyway. We are legislators and we are sworn to uphold the laws of the State of Maine. I don't know what a technical law is. Either make them legal or make them illegal for everybody. Thank you.

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

Representative FISHER: Mr. Speaker, Men and Women of the House: The good Representative Jacques makes a very good point. About ten days ago I sent a check off from the American Legion for Girls State and Boys State candidates from Brewer High School. One-third of the delegates, four out of twelve, were sent on money that was derived from these sources. Yesterday or the day before yesterday we had the perfect vehicle for this. We had a vehicle which provided for machines, made them legal for nonprofit organizations as well as a couple of other controlled places, the OTBs and the harness racing facilities. Unfortunately we allowed it to die.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This is reminiscent to me of a debate that was on this floor years ago and it had to do with changing the alcohol level for drunk driving. I remember hearing repeatedly people saying otherwise law abiding citizens who are drunk drivers, otherwise law abiding citizens who are drunk drivers, and that somehow the fact that someone was only breaking the law by drunk driving and not murdering or raping or pillaging, or whatever, made it okay. It seems to me that this is the same kind of thing. If people are breaking the law it doesn't really matter where the money is going, the fact is the law is being broken. If we have an opportunity here to clarify the fact that that law is being broken, and we have an opportunity to enforce it, from what I am hearing they are already illegal, and what we need to do is just clarify an enforcement process. It's like being a little bit pregnant. You're either breaking the law or you're not breaking the law. I think what we are hearing tonight is it's not legal, what's happening, and regardless of where the funds are going, I think we need to, now that that has come to the attention of some of us who haven't known about it before, I think we need to be very clear about the fact that that is the law and maybe we will be doing some changes in the future, but at this point in time we ought to be enforcing it. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: Now that I have caught up with everybody I have some idea what we are talking about. The good Representative from Mexico, Representative Luther, is exactly right, and it is a real dilemma for me to turn our heads and let these

things go on because they are doing good things. The good Representative from Waterville is right also. We need to do something about it. I'm afraid we have waited too long. My seatmate referenced a bill we had in the past, a couple of days ago, and we could have done something about it. I'm afraid we can't now. In reference to the comments from Representative Jacques about putting these clubs out of business, no, we are not going to put them out of business, but I wonder how many citizens of the State of Maine would buy lottery tickets if their million dollar winnings came in a million more lottery tickets. I rather doubt that we would sell many lottery tickets. People play these machines because they get money, not because they get credits. Representative Jacques I agree with 100 percent, although we will not put them out of business, the effect will be identically the same because we will take away the attraction to play the game. The cash money received from winning is the attraction, not a bunch of paper. So, I would urge you to defeat this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, Men and Women of the House: I am totally lost on this bill. It seems like we have taken bills and just kept putting them together, putting them together, putting them together. I have no idea if this is a good bill or a bad bill because of all the confusion. I have sat here, I have all the paperwork, but I can't tell. So, with this on my conscience, I am going to ask you to please vote this down and let the Task Force do its job. I don't personally like gambling, and I agree that a lot has got to be done, but this eleventh-hour bill making I cannot abide by. We were elected to make good laws for all people. How can we, in good conscience, enact a law that is just a conglomerate, conglomerate, conglomerate? So, I ask you to please vote this down. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

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

The SPEAKER: The Representative may pose his question.

Representative HEESCHEN: As I understand the criteria, and I'm reading from (S-592) Section 5-A, and we have A, B, and C, it was explained earlier by Representative Treat that all three of these have to be met for something to be illegal. I'm just laying out the groundwork for my question. Representative Jacques is implying that there are a whole lot of machines that are currently legal that are going to be illegal. As I understand it, and perhaps Representative Treat or someone else could correct me if I am wrong, it seems like if section C says it is not a machine that is lawfully operated pursuant to the license, and if the Elks, or the other service clubs or the bars have a machine that is licensed, then they aren't meeting section C, that is they're not running an unlicensable machine. It would seem to me that if, in fact, they are licensed, then they can still give cash as a prize. Maybe I am wrong on this, but it seems to me the three criteria are you have to give cash, you have to advance gambling, and you have to be unlicensable. If you are licensable, if you have a license for the machine, it seems to me you can give cash. Am I wrong?

The SPEAKER: The Representative from Wilton, Representative Heeschon has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I would be glad to answer that question. Based on the scenario you gave out Representative Heeschon, I think you are exactly right. You all can vote any way you want. The point I'm trying to make is that all of that aside, I'm not contending that these machines are legal now. I'm telling you that most of the places have them and nobody has bothered them for a large number of years, for the very reasons I stated, whether you want to talk about that or not, and that's because they looked at who had them and where the money was going. This law will make them all illegal in those organizations because to my knowledge none of the organizations that have machines have the ones that can be licensed under current law. The ones they do have are the ones that are going to be made illegal by this bill. Those are the organizations that I am aware of, the machines that I am aware of, and only the ones I have seen. So yes, what you are saying is true, but this is a major switch from what the policy has been and what has been going on. Just so you will know. I have seen liquor inspectors come into some of these places, check the bar over, check the booths over, and walk out the door. People said, "What about those machines?" They said, "Those machines really aren't hurting anybody, and besides they are none of my business, I'm here to check on the liquor laws." So this law will make them all illegal that are in the organizations now because they are illegal now, they are just overlooked now. This will mean none of them will be overlooked. That's all I'm saying. I don't want to debate the merits, the morality of whether you should have them or shouldn't, where the money goes or where it doesn't go, if it helps handicapped children or it doesn't, all I wanted to do was bring out a point of what you are doing with this bill in the eleventh hour, period. Vote any way you want, and when the organizations call you, you can give them any reason that you want, you have that right. I just want to make sure everybody understood exactly what we are doing here.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I have attempted up until tonight to follow this particular bill because I have had an interest in it, or these bills. As a former President for five years of an Elks Club, I am well aware of the machines, what they do, what they don't do, what they do for the community. At this point I completely agree with the Representative from Auburn. I am confused. I think it is unwise for this body to enact something that very few people in this body understand at the late hour that we are here on the last night of the 117th Legislature. I would strongly urge that you vote against the enactment and allow what the Executive has proposed, dated today, to study this issue and to come back to us with something that is logical and makes sense. What we have in front of us tonight does not make sense to many people. Thank you.

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

Representative ROBICHAUD: Mr. Speaker, Men and Women of the House: If I just may clarify a little bit, this is not exactly a new issue. It may be a new twist to the issue as far as our debate on the floor, but the Legal Affairs Committee has been discussing this issue for quite some time within the context of other bills. As a matter of fact, during my tenure on that particular committee in the 116th, we discussed this issue quite extensively. Yes, I will agree it is a bit confusing when you compare it to the original bill. However, we are having what I would consider a very thorough debate and I would hope that would start to clear things up for some people. With the greatest respect I must disagree with the good Representative from Waterville when he says that no one has bothered to go in and correct the activity that is going on in the clubs already. What is already going on is illegal activity, but the reason behind that is because the State Police don't have any back-up in law. There is a loophole in the law that prevents them. They can go in and if there is something operating illegally they can go in with just cause. They can take the machine. They can take the contents. As the scenario was presented to me, you could go into court, tag it as exhibit A, but then you have to turn around and put the entire machine and contents back into place, sometimes in less than 24 hours. There is no type of penalty. There is no way for the State Police to enforce this. It is not a case of overlooking because of charitable purposes. I don't think that that is at all the case. It's a loophole in the law.

Another thing, when we talk about liquor inspectors saying it's not their things, well it isn't their thing. That's not their jurisdiction. It falls under the jurisdiction of the State Police, not liquor enforcement. Again, I would urge you to think about a few things. One, this is currently an illegal practice. We are not taking issue and these amendments do not take issue with the charitable raising of money through this purpose. That is why we do have in law a section dealing with gray machines, so that charitable organizations, or nonprofit organizations can raise the money to put back into our communities. However, there is an illegal activity going on, and I do not feel comfortable considering the oaths I take very seriously to uphold the laws of this State. I cannot comfortably let this loophole exist and let this illegal activity exist. I will say I did, two years ago, I did talk to my VFW, my American Legion, when we were discussing this very issue of gray machines and licensing. They were very aware of it and they were very supportive in making sure that they could continue their activity legally, because it is important for them to keep the money they raise to put it back into the community. For them it was important to keep the machines, but it was also important for them to keep them and make sure they were operating legally. I'm sure, because of the benevolent nature of all of these societies, that they would wish for that legal activity to continue, and the people who play these games, knowing that it goes to charity, will also continue. I would urge you not to turn a blind eye, but please enact this legislation so that we can close the loophole. Thank you.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: As I indicated before, this L.D. 400 was my bill, so at this time I would like to say that I would like to have this bill and all of its accompanying papers postponed indefinitely.

Representative DiPIETRO of South Portland moved that the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't agree more and I hope you will follow my light. Thank you.

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

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Keane.

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: This is a very vulnerable time for us. It's late. We are ready to go home and close the session. We have legislation here that hasn't had a Committee hearing. It's an amendment that really is a bill that is going to do away with video gambling and video machines in all of our service organizations. Remember this is an election year. For me, I don't feel comfortable, in fact this is a very bad process and this is the only time I have felt uncomfortable in the legislature, when we get amendments at the last minute, no public hearing, no committee investigation, no testimony. It's very difficult to get a balanced view of the particular bill in hand at this last moment in the session when most of us are probably gray in our minds right now. So, think about it. It's an election year. You are going to have service organizations, as Representative Jacques said, that are very angry with this. It's going on now. You have all heard it before. This time we are going to give the police a little more authority and maybe they will try to enforce it more and when they do it certainly is going to pose a problem. It would seem to me that the most logical approach at this point would be to do a study on it, let things go. We haven't changed anything, yes, they are violating the law but they have been violating the law for how long now. Let's take a look at it, rational, and do it at a time when we all have a better circumspect on the whole situation. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRUE: If we are to take this to heart, is it true that all of our amendments have to have an opportunity to have the public come in to ask questions like a regular bill?

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

Representative MERES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say that it would be a lot easier to deal with this issue if we didn't have to discuss it. The problem comes in the knowledge and the knowing. When I was a child I learned in my church that once you knew something you were responsible for it and my reaction was when the Sisters told me that I wish I never came here because

now I've got to think about things and I have to make a decision. So, the problem I see is the fact we are openly and honestly talking about illegal activities that are happening in our communities and are telling ourselves as adults and responsible people to look the other way. The Sisters that taught me would just close their eyes and roll their eyes because that is not the moral and ethical thing to do. We have a responsibility here. We spent a whole lot of time talking about learning results, and learning about the state of our children's education, and about the wholeness and the goals that we have for our children. We want them to grow to be responsible citizens, lifelong learners and all the other things, and yet we are the role models. The people in our community that belong to all these fraternal organizations are the role models. Yes, they are doing wonderful things, but if we are to be a group or community that raises the children we have to be responsible, ethical, we have to make hard decisions, we have to do the tough love thing, which I have to do every day with my six children, and we have to be willing to stand up and do it with honor. So, I hold you all responsible, just the way the Sisters held me responsible when I was little and I was in church. I know you are not all there with me on that but that was a good lesson for me. We know now that there is a problem here, that there is illegal activity in our communities, and we are responsible for doing the right things under the premise that we are here as legislators, representing our constituents before God and before our Constitution. 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 indefinite postponement of the bill and accompanying papers. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 390

YEA - Ahearne, Aikman, Ault, Berry, Bigl, Bouffard, Cameron, Campbell, Carleton, Clark, Cloutier, Clukey, Daggett, Damren, Davidson, Desmond, DiPietro, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Greenlaw, Hatch, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joyce, Joyner, Keane, Kneeland, LaFountain, Lemaire, Lemke, Lemont, Libby JL; Madore, Mayo, McAlevey, McElroy, Mitchell EH; Murphy, O'Gara, O'Neal, Paul, Peavey, Perkins, Pinkham, Poirier, Poulin, Pouliot, Reed, W.; Richard, Ricker, Rosebush, Samson, Sirois, Spear, Stevens, Strout, Thompson, Tripp, Tufts, Tuttle, Tyler, Vigue, Volenik, Winglass, Winn.

NAY - Adams, Bailey, Barth, Brennan, Buck, Chartrand, Chick, Chizmar, Cross, Donnelly, Green, Guerrette, Hartnett, Heesch, Joy, Kil Kelly, Kontos, Labrecque, Lane, Layton, Libby JD; Lindahl, Look, Lumbra, Luther, Marshall, Marvin, Meres, Morrison, Nass, Ott, Plowman, Reed, G.; Rice, Robichaud, Rowe, Savage, Shiah, Simoneau, Stedman, Taylor, Townsend, Treat, True, Underwood, Waterhouse, Watson, Wheeler, Whitcomb, Winsor.

ABSENT - Benedikt, Birney, Bunker, Carr, Chase, Dexter, Dore, Dunn, Heino, Kerr, Lovett, Martin, Mitchell JE; Nadeau, Nickerson, Pendleton, Povich, Richardson, Saxl, J.; Saxl, M.; Stone, Truman, The Speaker.

Yes, 78; No, 50; Absent, 23; Excused, 0.

78 having voted in the affirmative and 50 voted in the negative, with being absent, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence. Ordered sent forthwith.

#### ENACTORS

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources to Research the Reinstatement of a State-operated Meat Inspection Program (H.P. 1050) (L.D. 1469) (S. "A" S-593 to C. "A" H-749)

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

#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Clarify the Process for Referendum Recount (H.P. 1350) (L.D. 1851) on which the House insisted on its former action whereby the Bill was passed to be enacted in the House on April 3, 1996.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "B" (S-588) in non-concurrence.

The House voted to Insist. Ordered sent forthwith.

#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Initiate Education Reform in Maine (S.P. 701) (L.D. 1791) (C. "A" S-549) which was passed to be enacted in the House on April 2, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-549) as amended by Senate Amendment "C" (S-589) thereto in non-concurrence.

Representative AULT of Wayne moved that the House Adhere.

Representative JOY of Island Falls moved that the House Recede and Concur.

Representative MARTIN of Eagle Lake requested a roll call on the motion to Recede and Concur.

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

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

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

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

The SPEAKER: The Representative may pose her question.

Representative WINN: I asked a few hours ago exactly what do I get for this 2 million dollars. I

didn't get a very satisfactory answer at the time. The response was something to the effect of they needed the money in order to explain the Learning Results to more teachers. I thought we had supposedly already involved 5,000 teachers in the process. Seeing as there is nothing in the law itself left to implement, I still am unsure as to why we need to spend 2 million dollars now. If somebody could explain that to me I would feel better.

The SPEAKER: The Representative from Glenburn, Representative Winn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: That's exactly why we want to adhere, because what the other body did by an amendment is to strike out the money and to postpone this for one year. So basically it is better to do nothing than to do what is being suggested. Basically we made the decision, for those of us who talked about it, that we would be better off to adhere and that would be the end of it. So we would ask everyone not to recede and concur. Thank you.

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

#### ROLL CALL NO. 391

YEA - Ahearne, Aikman, Bailey, Buck, Campbell, Carleton, Donnelly, Gerry, Gooley, Greenlaw, Guerrette, Jacques, Jones, S.; Joy, Joyce, Joyner, Kil Kelly, Kneeland, Labrecque, Lane, Layton, Lemke, Libby JD; Lindahl, Look, Lumbra, Luther, Marshall, McAlevey, Meres, Nass, Ott, Perkins, Pinkham, Plowman, Reed, G.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Tufts, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor.

NAY - Adams, Ault, Barth, Berry, Bigl, Bouffard, Brennan, Cameron, Chartrand, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Damren, Davidson, Desmond, DiPietro, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Hartnett, Hatch, Heeschen, Hichborn, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, LaFountain, Lemaire, Lemont, Libby JL; Madore, Martin, Marvin, Mayo, McElroy, Mitchell EH; Morrison, Murphy, O'Gara, O'Neal, Paul, Peavey, Poirier, Poulin, Pouliot, Reed, W.; Richard, Ricker, Rosebush, Rowe, Samson, Sirois, Stevens, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tuttle, Tyler, Vigue, Volenik, Watson, The Speaker.

ABSENT - Benedikt, Birney, Bunker, Carr, Chase, Daggett, Dexter, Dore, Dunn, Gieringer, Heino, Lovett, Mitchell JE; Nadeau, Nickerson, Pendleton, Povich, Richardson, Saxl, J.; Saxl, M.; Shiah, Stone, Truman, Underwood.

Yes, 49; No, 78; Absent, 24; Excused, 0.

49 having voted in the affirmative and 78 voted in the negative, with 24 being absent, the motion to Recede and Concur was not accepted.

Subsequently, the House voted to Adhere. Ordered sent forthwith.

#### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Clarify the Gambling Laws of Maine" (H.P. 1389) (L.D. 1891) (Presented by Representative BUCK of Yarmouth) (Cosponsored by



Representatives: CHIZMAR of Lisbon, CLUKEY of Houlton, Senators: CLEVELAND of Androscoggin, MILLS of Somerset, STEVENS of Androscoggin) (Governor's Bill)

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

Representative CLOUTIER: Thank you, Mr. Speaker. I would like to pose a parliamentary inquiry. Is this bill properly before the body? If so, it appears to be comprised of two bills previously defeated by this Legislature.

The SPEAKER: With respect to the request from the Representative from South Portland, Representative Cloutier, with regards to L.D. 1891 and whether or not this bill is properly before the body, the reference on point is Rule 217 that appears in our Joint Rules, which suggests that a bill, resolve, constitutional resolution, memorial or order that has been introduced and finally rejected in a regular or special session of the same legislature, except by a vote of two-thirds of both chambers. The key word is subsequent session. If, in fact, this item had been defeated in a subsequent session it would not be properly before the body, but because this bill, in a similar form, L.D. 1303, was rejected in this session, the Chair would rule that, indeed, L.D. 1891 is properly before the body at this time.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

Under suspension of the rules and without reference to a committee the Bill was read once.

Representative Cloutier of South Portland objected to the suspension of the Rules. The Bill was assigned for second reading later in today's session.

Representative TRUE of Fryeburg moved that the rules be suspended to take up the following item out of order.

A two-thirds vote of members present being necessary, a vote of the House was taken. 79 voted in favor of the same and 25 against, subsequently, the rules were suspended.

#### BILLS IN THE SECOND READING

Bill "An Act to Clarify the Gambling Laws of Maine" (H.P. 1389) (L.D. 1891) (Governor's Bill)

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

Representative KONTOS of Windham moved that the Bill and all accompanying papers be indefinitely postponed.

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

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

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

The pending question before the House is indefinite postponement of the bill and accompanying papers. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 392

YEA - Berry, Bouffard, Cameron, Campbell, Clark, Cloutier, Desmond, DiPietro, Fisher, Fitzpatrick, Gates, Gerry, Gould, Hatch, Jones, K.; Joseph, Joyce, Keane, Kerr, Kontos, Lemaire, Lemke, O'Neal, Paul, Pouliot, Richard, Rosebush, Samson, Sirois, Stevens, Thompson, Tuttle, Vigue, Winn.

NAY - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Buck, Carleton, Chartrand, Chick, Chizmar, Clukey, Cross, Damren, Davidson, Donnelly, Driscoll, Etnier, Farnum, Gooley, Green, Greenlaw, Guerrette, Hartnett, Heesch, Hichborn, Jacques, Johnson, Jones, S.; Joy, Joyner, Kilkelly, Kneeland, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lumbra, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Murphy, Nass, O'Gara, Ott, Peavey, Perkins, Pinkham, Plowman, Poirier, Poulin, Reed, G.; Reed, W.; Rice, Robichaud, Rowe, Savage, Shiah, Simoneau, Spear, Stedman, Strout, Taylor, Townsend, Treat, Tripp, True, Tufts, Tyler, Underwood, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winsor.

ABSENT - Benedikt, Birney, Brennan, Bunker, Carr, Chase, Daggett, Dexter, Dore, Dunn, Gamache, Gieringer, Heino, Labrecque, Lovett, Martin, Mitchell JE; Morrison, Nadeau, Nickerson, Pendleton, Povich, Richardson, Ricker, Saxl, J.; Saxl, M.; Stone, Truman, The Speaker.

Yes, 34; No, 88; Absent, 29; Excused, 0.

34 having voted in the affirmative and 88 voted in the negative, with 29 being absent, the motion to indefinitely postpone the Bill and all accompanying papers was not accepted.

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

Representative TRUE: Mr. Speaker, Men and Women of the House: I would like to read, for the record, an Executive Order, if I may. "An order to establish the Advisory Committee on Gambling. Whereas the Joint Standing Committee on Legal and Veterans Affairs has requested that the Governor convene an Advisory Committee to review the status of gambling in Maine, and whereas all parties agree that there is a need to conduct a comprehensive review of gambling laws of Maine in order to assure that the laws address modern developments in the gaming industry, include the advent of electronic gambling and provide for effective administration of gambling laws, now therefore I, Angus S. King, Jr., Governor of the State of Maine, do hereby establish, effective immediately, the Advisory Committee on Gambling as follows: the purpose and charge and the Committee shall review and assess the available information on the status of gambling in the State of Maine and the United States, as well as the social and economic impacts of such gambling on Maine; undertake a comprehensive review of all of Maine's laws on gambling including laws on beano and the State lottery and all legislative proposals presented in the 117th Legislature concerning gambling; examine gambling laws in other states, particularly states which have established gaming commissions and in the Canadian provinces, and the experiences of those states and provinces with gambling activities; develop proposals for amending, revising, and otherwise changing the State laws on gambling in order to produce a consistent and modern scheme for regulating gambling activities in this state that is in the best interest of the state; develop a proposal for a regulatory mechanism to review, oversee,



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develop, and coordinate gambling policies of the state and to coordinate and oversee gambling regulations in the state and examine the recommendations, if any, of the Maine Harness Racing Task Force created by Executive Order 6FY9596, pertaining to the most effective regulation, off-track betting and simulcasting. Two, Report: The Advisory Committee shall submit a final report to the Governor, President of the Senate, Speaker of the House, and the Joint Standing Committee on Legal and Veterans Affairs of the first regular session of the 118th Legislature. Three, the membership will be as follows: The Advisory Committee shall consist of eleven members including the following: A. two representatives appointed by the Speaker of the House of Representatives; B. two Senators appointed by the President of the Senate; C. two members to represent the public interest; D. the Chair of the Maine Harness Racing Commission; E. a representative of the Maine State Police; F. a representative of the State Lottery Commission; and G. two representatives of the gambling industry. Funding and staff: The Advisory Committee will be supported, staffed, and funded within existing resources by the State Planning Office and the Maine State Police. The Attorney General and the Office of Policy and Legal Analysis shall be invited to appoint a designee to serve as a resource to the Advisory Committee. Meetings: The Advisory Committee shall convene at the first meeting called by the Governor no later than May 1, 1996. The effective date of this Executive Order is April 3, 1996, signed this date by Angus S. King, Jr."

I thank you very much.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House: Several days ago we had before us L.D. 1303 which passed overwhelmingly. That particular bill failed in the other body. This bill is very similar to that. It binds games of chance and games of skill. The reasons we want this bill are the same reasons that I talked about two days ago and that is that under present law illegal gambling can exist in Maine. We need this bill simply to prevent that. In addition to the definition of games of skill and games of chance, this bill before you is different from 1303 in three respects. First, there is a section added here that allows the Chief of the State Police to provide a mechanism for individuals and businesses to request a determination from the State Police whether or not their game is legal or illegal. It's similar to a safe-harbor provision that we have in other laws and it allows an opportunity for individuals and businesses to find out, in advance before they purchase a machine, whether or not it is legal. The second major change in this bill is what the good Representative True described to you, the Governor's proclamation on a new task force to study the entire issue of gaming in the State of Maine. Finally, there is a third section that is new that requires notification by the Chief of the State Police that all games of chance license holders, clubs, anyone that would be involved in these kinds of activities will be notified about the availability of the passage of this act and the availability of licenses and so forth. I would urge you all to support this bill as it has been presented. It is absolutely needed if we want to prevent illegal gaming in Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Men and Women of the House: We absolutely need this bill. If we voted as you have been told, I think it was 130 to 5 or something like that the last time you voted. What this does is it overturns the Judge's ruling last September in which he said in looking at the law a particular kind of video gambling machine was a game of skill. In a later ruling based on the current law he said it would be unconscionable for these machines to spread throughout the State of Maine and he suggested that we come back to the Legislature and try to change the law so that it would prevent that. That's what we are trying to do here. If we don't pass this legislation these video gambling machines can go anyplace in the State of Maine. Anybody of any age could play them. There would be absolutely no controls or regulations on them at all. A ten year old could play one in the school cafeteria if someone would allow them to put it in there. We absolutely need this bill and I urge you to vote for it. Thank you.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended, and I certainly hope this is not the last time I ever speak on the floor of the House on this legislation, I hadn't intended to, but since we are waiting for two items to come down from the other body it seems to be an appropriate time. I had a question earlier today in the caucus, we talked about it, and notwithstanding the strong support for this legislation and I have every reason to believe people will be advancing their favorable consideration, I had concerns regarding the language of the bill and I think it had more to do with my less than familiar background with some of these areas in the games of chance and games of skill that we are talking about. On page one of the bill it talks about games of chance. One of the definitions, in C, is as follows, it says, "Chance enters as an element that influences the outcome in a manner that cannot be eliminated through the application of skill." I don't have any idea what that means, and I'm sure there is somebody here that does know what that means. I don't have a clue as to what that means and so it is difficult for me to know what kinds of games we are talking about, but I'm sure somebody here could help us with that. That appears in two sections of the bill. It appears in games of chance and it also appears in contests of chance. Once again, the relevant phrase here is section C, "Chance enters as an element that

influences the outcome in a manner that cannot be eliminated through the application of skill." Why is that important? It may not be important except that later on in the bill it says that, "the Chief of the State Police shall provide a mechanism for individuals and businesses to request a determination from the State Police as to whether a particular game, contest, scheme, or device qualifies as a game of chance or a game of skill." That may or may not be perceived as sweeping power for the Chief of the State Police. It may be entirely appropriate.

One of my concerns is that there appears, in this bill, to be no appeal from the decision of the Chief of Police as to what a game of chance is and to what a game of skill may be. I'm not sure, from a policy perspective, whether it's appropriate for us to not consider separating the policy-making aspect of law, determining a definition of games of chance, from the enforcement of law, in the terms of those responsible for carrying it out. It seems to me when we pass laws such as this that we want to be as precise as possible. We want to clearly define what these issues are before we give them to any, for lack of better words, Commissioner and/or Agency and member of the bureaucracy to interpret those. We certainly learned with CarTest and other types of situations what happens when you allow people to promulgate rules and regulations that may be less than consistent with legislative intent. My understanding is that the administration has not exercised its options to seek another court determination on this issue as to whether or not the term in video games in question is a game of skill and/or chance.

I don't know the answers to these questions. It was something that troubled me during our caucus. There didn't seem to be a lot of response and/or answers and people didn't frankly feel really strongly about this bill one way or the other. It may be entirely appropriate and I would imagine that we will probably proceed and favorably support the legislation. Those were issues that bothered me, just from a policy-maker, as I looked at it, and I toss those out just for your consideration on this early morning, at 12:10 on whatever day it is. Hopefully it's Thursday, since we changed the calendar. I offer those for your consideration and, once again, it may be entirely inappropriate and if so I am sure that we will move on and move to the next stage but I wanted to put those concerns onto the record because they were items that had been troubling me over the last couple of hours as I have been thinking about this bill and I didn't see those points being raised tonight and I wanted to offer them at this time. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: As far as appealing the State Police decision on this, this is why this is before us, because somebody did appeal one of their decisions to the Superior Court and the Court ruled, based on the current law, that it was, in fact, misinterpreted and it was a game of skill. The law does allow a person to appeal and that is why we are here. We are trying to redefine the games of chance and games of skill so that if it goes back to court again it can go back to a court again but the State can have a better basis to make their decision on. I do think that there is a chance to appeal it. I think as far as the skill and chance part of it, I

think what it is saying is that no matter how skillful you are you can't overcome the chance part of it.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: These same questions were raised by Speaker Gwadosky during the Democratic caucus and I took the questions to Colonel Skolfield and other members who had worked on this language and to basically reiterate what Representative Clukey has said, with regard to the question what does this language mean, "chance enters as an element that influences the outcome in a manner that cannot be eliminated through the application of skill," as it was explained to me, for example, you are playing golf, the wind comes up, that's chance that the ball can be blown away, but through the application of skill and practice you can take account of that and have some influence over it. That is different from chance being something that is integral to a game that is sort of programmed into the game. That's the difference that was explained to me and it made sense to me at the time that it was explained to me. In terms of an appeal, right now there is no appeal except going to court. All this does is track current language which would allow someone to go to court and, as has been pointed out, that may be a very effective way of appealing, since the appeal of the current law was successful. I feel quite comfortable since those questions were raised earlier, I went out and got the answers to them, and I think that they have been answered, at least to my satisfaction and I hope that you will support this legislation. Thank you.

Representative CAMPBELL of Holden requested a roll call on passage to be engrossed.

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

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

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

#### ROLL CALL NO. 393

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Berry, Bigl, Bouffard, Buck, Cameron, Carleton, Chartrand, Chick, Chizmar, Clark, Clukey, Cross, Damren, Davidson, Desmond, DiPietro, Donnelly, Driscoll, Etnier, Farnum, Fitzpatrick, Gates, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Heeschen, Hichborn, Johnson, Jones, K.; Jones, S.; Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Kontos, LaFountain, Lane, Layton, Lemaire, Lemont, Libby JD; Libby JL; Lindahl, Look, Lumbra, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Murphy, Nass, O'Gara, O'Neal, Ott, Peavey, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Robichaud, Rowe, Samson, Savage, Shiah, Simoneau, Sirois, Spear, Stedman, Stevens, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Gerry, Hatch, Keane, Paul, Richard.

ABSENT - Benedikt, Birney, Brennan, Bunker, Campbell, Carr, Chase, Cloutier, Daggett, Dexter, Dore, Dunn, Fisher, Gamache, Gieringer, Heino, Jacques, Joseph, Labrecque, Lemke, Lovett, Martin, Mitchell JE; Morrison, Nadeau, Nickerson, Pendleton, Povich, Richardson, Ricker, Rosebush, Saxl, J.; Saxl, M.; Stone, Truman, Winn, The Speaker.

Yes, 109; No, 5; Absent, 37; Excused, 0.

109 having voted in the affirmative and 5 voted in the negative, with 37 being absent, the Bill was passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

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The Speaker resumed the Chair.  
The House was called to order by the Speaker.

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#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act Concerning the Maine Rainy Day Fund" (EMERGENCY) (H.P. 1388) (L.D. 1890) which was passed to be engrossed as amended by House Amendment "A" (H-919) in the House on April 3, 1996.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-598) in non-concurrence.

On motion of Representative KERR of Old Orchard Beach, the House voted to Adhere. Ordered sent forthwith.

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#### ENACTORS

An Act to Clarify the Gambling Laws of Maine (H.P. 1389) (L.D. 1891) (Governor's Bill)

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

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#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Initiate Education Reform in Maine (S.P. 701) (L.D. 1791) (C. "A" S-549) on which the House adhered to its former action whereby the Bill was passed to be enacted in the House on April 2, 1996.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-549) as amended by Senate Amendment "G" (S-600) thereto in non-concurrence.

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

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#### SENATE PAPERS

##### Non-Concurrent Matter

An Act to Clarify the Laws Relating to Gaming and Harness Racing (EMERGENCY) (H.P. 296) (L.D. 400) (S. "A" S-592 to S. "A" S-569) on which the Bill and accompanying papers were indefinitely postponed in the House on April 3, 1996.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-569) in non-concurrence.

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

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

The SPEAKER: The Representative may pose her question.

Representative MITCHELL: If someone had an opportunity to determine the meaning of Senate Amendment "A", could they explain it to the body?

The SPEAKER: The Representative from Vassalboro, Representative Mitchell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I can understand why you would be confused.

On motion of Representative MITCHELL of Vassalboro, tabled pending further consideration and later today assigned.

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#### ENACTORS

An Act to Initiate Education Reform in Maine (S.P. 701) (L.D. 1791) (Governor's Bill) (S. "G" S-600 to C. "A" S-549)

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

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

An Act to Clarify the Laws Relating to Gaming and Harness Racing (EMERGENCY) (H.P. 296) (L.D. 400) (S. "A" S-592 to S. "A" S-569) which was tabled by Representative MITCHELL of Vassalboro pending further consideration.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I would move that we recede and concur. This particular amendment is the only thing that is left to L.D. 400. I want to make it clear that everything that you voted on before is not here in this bill. The only thing this deals with is the parlor in Presque Isle. The Representative from Presque Isle, Representative Donnelly is not in his seat, but it is his town, not mine. I am 50 miles away from there, but what it does is that it basically says that it changes the provisions from what the present law says, two years, and it changes it to one year. That's all it does. It is a technical amendment. We had changed the law, for those of you who may remember, as I recall in the last session, which applied to them for smaller operations and there was an error that was made in the drafting of it and that's what this is. It corrects that error. Thank you.

On motion of Representative MARTIN of Eagle Lake the House voted to Recede and Concur. Ordered sent forthwith.

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#### ENACTORS

##### Emergency Measure

An Act to Clarify the Laws Relating to Gaming and Harness Racing (H.P. 296) (L.D. 400) (S. "A" S-569)

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

Representative DONNELLY of Presque Isle requested a roll call on passage to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned. (Roll Call Requested)

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

An Act to Clarify the Laws Relating to Gaming and Harness Racing (EMERGENCY)(H.P. 296) (L.D. 400) (S. "A" S-569) which was tabled by Representative DONNELLY of Presque Isle pending passage to be enacted. (Roll Call Requested)

On motion of Representative DONNELLY of Presque Isle, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Senate Amendment "A" (S-569) was adopted.

The same Representative presented House Amendment "A" (H-922) to Senate Amendment "A" (S-569) which was read by the Clerk.

Representative CAMERON of Rumford requested a roll call on adoption of House Amendment "A" (H-922) to Senate Amendment "A" (S-569).

Less than one-fifth of the members present expressed a desire for a roll call, which was not ordered.

The Chair ordered a division on adoption of House Amendment "A" (H-922) to Senate Amendment "A" (S-569).

A vote of the House was taken. 43 voted in favor of the same and 40 against, subsequently, House Amendment "A" (H-922) to Senate Amendment "A" (S-569) was adopted.

Senate Amendment "A" (S-569) as amended by House Amendment "A" (H-922) thereto was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" (S-569) as amended by House Amendment "A" (H-922) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

In the absence of a printed supplement the following item was read by the Clerk in its entirety:

**SENATE PAPERS**

The following Communication: (H.C. 431)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

April 4, 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 on Bill "An Act Concerning the Maine Rainy Day Fund" (Emergency) (H.P. 1388) (L.D. 1890).

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

Was read and ordered placed on file.

**ENACTORS**

An Act to Clarify the Laws Relating to Gaming and Harness Racing (H.P. 296) (L.D. 400) (H. "A" H-922 to S. "A" S-569)

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

Representative CAMERON of Rumford requested a division on passage to be enacted.

The Chair ordered a division on passage to be enacted.

A vote of the House was taken. 42 voted in favor of the same and 35 against, subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative CAMERON of Rumford, the House reconsidered its action whereby An Act to Clarify the Laws Relating to Gaming and Harness Racing (H.P. 296) (L.D. 400) (H. "A" H-922 to S. "A" S-569) was passed to be enacted.

The same Representative requested a roll call on his motion to reconsider.

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

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

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

**ROLL CALL NO. 394**

YEA - Adams, Berry, Buck, Cameron, Chick, Chizmar, Damren, Davidson, Farnum, Fisher, Gates, Gerry, Goolley, Green, Greenlaw, Hartnett, Hatch, Heeschen, Hichborn, Joseph, Joyce, Joyner, Kilkelly, Kneeland, Kontos, Lane, Lemont, Lumbr, Marshall, Meres, Reed, G.; Richard, Rowe, Samson, Shiah, Simoneau, Stedman, Strout, Thompson, Townsend, Treat, Tripp, Waterhouse, Watson, Whitcomb.

NAY - Ahearne, Aikman, Bailey, Brennan, Campbell, Cloutier, Desmond, Donnelly, Etnier, Fitzpatrick, Johnson, Jones, K.; Joy, Keane, Kerr, Lemaire, Lemke, Madore, Martin, Mitchell EH; Nass, O'Neal, Ott, Robichaud, Rosebush, Sirois, Stevens, Taylor, Tuttle, Tyler, Volenik, Wheeler, Winsor.

ABSENT - Ault, Barth, Benedikt, Bigl, Birney, Bouffard, Bunker, Carleton, Carr, Chartrand, Chase, Clark, Clukey, Cross, Daggett, Dexter, DiPietro, Dore, Driscoll, Dunn, Gamache, Gieringer, Gould, Guerrette, Heino, Jacques, Jones, S.; Labrecque, LaFountain, Layton, Libby JD; Libby JL; Lindahl, Look, Lovett, Luther, Marvin, Mayo, McAlevy, McElroy, Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, W.; Rice, Richardson, Ricker, Savage, Saxl, J.; Saxl, M.; Spear, Stone, True, Truman, Tufts, Underwood, Vigue, Winglass, Winn, The Speaker.

Yes, 45; No, 33; Absent, 73; Excused, 0.

45 having voted in the affirmative and 33 voted in the negative, with 73 being absent, the motion to reconsider did prevail.

Representative CAMERON of Rumford requested a roll call on passage to be enacted.

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

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

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

ROLL CALL NO. 395

YEA - Ahearne, Aikman, Bailey, Berry, Campbell, Cloutier, Damren, Davidson, Desmond, Donnelly, Etnier, Gooley, Greenlaw, Hichborn, Jones, K.; Joy, Joyner, Keane, Kerr, Kneeland, Lemaire, Madore, Martin, Mitchell EH; O'Neal, Ott, Robichaud, Rosebush, Rowe, Samson, Simoneau, Sirois, Stedman, Stevens, Strout, Taylor, Thompson, Tuttle, Tyler, Wheeler, Winsor.

NAY - Adams, Brennan, Buck, Cameron, Chick, Chizmar, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Green, Hartnett, Hatch, Heeschen, Johnson, Joseph, Joyce, Kilkelly, Kontos, Lane, Lemont, Lumbra, Marshall, Meres, Nass, Reed, G.; Richard, Shiah, Townsend, Treat, Tripp, Volenik, Waterhouse, Watson, Whitcomb.

ABSENT - Ault, Barth, Benedikt, Bigl, Birney, Bouffard, Bunker, Carleton, Carr, Chartrand, Chase, Clark, Clukey, Cross, Daggett, Dexter, DiPietro, Dore, Driscoll, Dunn, Gamache, Gieringer, Gould, Guerrette, Heino, Jacques, Jones, S.; Labrecque, LaFountain, Layton, Lemke, Libby JD; Libby JL; Lindahl, Look, Lovett, Luther, Marvin, Mayo, McAlevey, McElroy, Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, W.; Rice, Richardson, Ricker, Savage, Saxl, J.; Saxl, M.; Spear, Stone, True, Truman, Tufts, Underwood, Vigue, Winglass, Winn, The Speaker.  
Yes, 41; No, 36; Absent, 74; Excused, 0.

41 having voted in the affirmative and 36 voted in the negative, with 74 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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

ORDERS

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 54)

ORDERED, that Representative Michael F. Brennan of Portland be excused February 27 and March 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused April 2 to 4 for personal reasons.

Was read and passed.

The Speaker appointed Representative JACQUES of Waterville on the part of the House to inform the Senate that the House had transacted all business before it and is ready to adjourn without day.

At this point, a message came from the Senate borne by Senator Amero informing the House that the Senate had transacted all business before it and is ready to adjourn without day.

Subsequently, Representative JACQUES reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon his Excellency, Governor Angus S. King, Jr., and inform him that the House has transacted all business before it and is ready to receive any communication that he may be pleased to make.

Representative JACQUES of Waterville  
Representative STROUT of Corinth  
Representative HICHBORN of Lagrange  
Representative GREENLAW of Standish  
Representative JOSEPH of Waterville  
Representative FARNUM of South Berwick  
Representative WHITCOMB of Waldo  
Representative REED of Falmouth  
Representative KILKELLY of Wiscasset

Subsequently, the Committee reported that they had delivered the message with which they were charged.

On motion of the Representative from Lagrange, Representative HICHBORN, the House Adjourned Without Day at 4:44 a.m. on Thursday, April 4, 1996.