

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST SPECIAL SESSION
20th Legislative Day
Tuesday, May 6, 1997

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

Prayer by Reverend Wayne R. Porter, First Baptist Church, North Berwick (retired).

Pledge of Allegiance.

Doctor of the day, Myron K. Krueger, M.D., Brunswick.

The Journal of yesterday was read and approved.

SENATE PAPERS

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act to Continue and Expand the Duties of the Productivity Realization Task Force by Creating a Permanent Productivity Realization Council" (S.P. 406) (L.D. 1301)

Signed:

Senators: NUTTING of Androscoggin
GOLDTHWAIT of Hancock

Representatives: AHEARNE of Madawaska
BUMPS of China
FISK of Falmouth
BAGLEY of Machias
LEMKE of Westbrook
KASPRZAK of Newport
SANBORN of Alton
DUTREMBLE of Biddeford

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-179) on same Bill.

Signed:

Senator: LIBBY of York

Representatives: GERRY of Auburn
GIERINGER of Portland

Was read.

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

On motion of Representative AHEARNE of Madawaska the Majority "**Ought Not to Pass**" Report was accepted in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 642)

118TH MAINE LEGISLATURE

May 2, 1997

Senator John Nutting
Representative Douglas Ahearne
Chairpersons
Joint Standing Committee on State and Local Government
118th Legislature
Augusta, Maine 04333

Dear Senator Nutting and Representative Ahearne:

Please be advised that Governor Angus S. King, Jr. has nominated Susan M. Pinette and Charles R. Weeks for reappointment and Anthony Monfiletto and J. Thomas Accomando for appointment as members of the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA Section 151, these nominations will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate
S/Elizabeth H. Mitchell
Speaker of the House

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Judiciary

Bill "An Act to Protect Victims of Domestic Violence" (H.P. 1317) (L.D. 1867) (Presented by Representative SAXL of Portland) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: DAVIDSON of Brunswick, DONNELLY of Presque Isle, ETNIER of Harpswell, McALEVEY of Waterboro, SAMSON of Jay, Senators: AMERO of Cumberland, BENOIT of Franklin, CATHCART of Penobscot)

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Allow the Town of Old Orchard Beach to Operate High-stakes Beano" (H.P. 10) (L.D. 7)

Signed:

Senators: FERGUSON of Oxford
CAREY of Kennebec

DAGGETT of Kennebec

Representatives: BELANGER of Wallagrass
LABRECQUE of Gorham
BIGL of Bucksport
CHIZMAR of Lisbon
FISHER of Brewer
GAMACHE of Lewiston
TUTTLE of Sanford
GAGNE of Buckfield
TESSIER of Fairfield

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-338) on same Bill.

Signed:

Representative: TRUE of Fryeburg

Was read.

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

Divided Report

Six Members of the Committee on Committee on **State and Local Government** on Bill "An Act to Reduce the Meal

Allowance for Legislators from \$32 to \$16" (H.P. 59) (L.D. 84) report in Report "A" that the same **"Ought to Pass"** as amended by Committee Amendment "A" (H-329)

Signed:

Senators: NUTTING of Androscoggin
LIBBY of York

Representatives: AHEARNE of Madawaska
GIERINGER of Portland
SANBORN of Alton
DUTREMBLE of Biddeford

Five Members of the same Committee on same Bill report in Report "B" that the same **"Ought to Pass"** as amended by Committee Amendment "B" (H-330)

Signed:

Senator: GOLDTHWAIT of Hancock

Representatives: BUMPS of China
BAGLEY of Machias
LEMKE of Westbrook
KASPRZAK of Newport

One Member of the same Committee on same Bill reports in Report "C" that the same **"Ought to Pass"** as amended by Committee Amendment "C" (H-331)

Signed:

Representative: GERRY of Auburn

Was read.

Representative AHEARNE of Madawaska moved that the House accept Report "A" **"Ought to Pass"** as amended.

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

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Prohibit the Gathering of Signatures at a Polling Place" (H.P. 64) (L.D. 89)

Signed:

Senator: DAGGETT of Kennebec

Representatives: FISHER of Brewer
TUTTLE of Sanford
CHIZMAR of Lisbon
GAGNE of Buckfield
TESSIER of Fairfield
BIGL of Bucksport
BELANGER of Wallagrass

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-339) on same Bill.

Signed:

Senators: CAREY of Kennebec
FERGUSON of Oxford

Representatives: GAMACHE of Lewiston
TRUE of Fryeburg
LABRECQUE of Gorham

Was read.

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

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

Divided Report

Majority Report of the Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-30) on Bill "An Act to Designate Square Dancing as the Official Folk Dance of Maine" (H.P. 111) (L.D. 135)

Signed:

Senators: NUTTING of Androscoggin
LIBBY of York

Representatives: BUMPS of China
LEMKE of Westbrook
GIERINGER of Portland
KASPRZAK of Newport
DUTREMBLE of Biddeford
BAGLEY of Machias

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

Signed:

Senator: GOLDTHWAIT of Hancock

Representatives: AHEARNE of Madawaska
GERRY of Auburn
SANBORN of Alton
FISK of Falmouth

Was read.

Representative AHEARNE of Madawaska moved that the House accept the Minority **"Ought Not to Pass"** Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I rise to speak in opposition to the pending motion so that we can move on to vote "Ought to Pass" on this piece of legislation which, frankly, shouldn't still be before us. This is the square dancing bill folks. As you may recall we expended about 35 to 40 minutes of debate on the floor on this bill several weeks ago. We also heard testimony in the State and Local Government Committee which I believe went maybe an hour, maybe an hour and half. There were a large number of people who testified on behalf of the bill. There was no significant opposition, if any, to it at the time we held the original hearing.

Subsequent to the votes in the committee and then on the floor, and when this bill had been voted in both Houses and went to the Governor's desk the committee was then asked to recommit the bill so an amendment could be presented via the Governor's Office. That is essentially why we are still dealing with this issue, which we dealt with several weeks ago.

The amendment that was presented essentially make no qualitative change. The committee did accept an amendment that further clarified square dancing and that's where we're at today. Quite frankly, I don't think there's a need for an extended debate on this particular issue. We've already voted on it once. I ask you to confirm your prior vote so that we can move on to more important issues and I urge you to vote against the pending motion and I request a roll call.

Representative LEMKE of Westbrook requested a roll call on the motion to accept the Minority **"Ought Not to Pass"** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the "Ought Not to Pass" Minority Report. I like square dancing, I even know how to square dance and I have no problem with square dancing as the Maine state dance. What I have a problem with is amendment (H-30), if you want to take a look at it it says for the purpose of this section the term square dancing includes contra dancing, which is not square dancing; round dancing, which is not square

dancing; line dancing, which is not square dancing; and clogging, which is not square dancing.

I think we set ourselves up to make a mockery of what square dancing is when we do this and I think it sounds fine to say square dancing is the state dance but I don't think that's what we're doing here.

Massachusetts recently had a debate on what was going to be their state cookie and they were arguing between two kinds of cookies. I don't remember what they were, one was tollhouse and one was something else. But let's say we did that and we are talking about the chocolate chip cookie or the oatmeal raisin cookie or the peanut butter cookie. So we said for the purposes for this, we will say that a peanut butter cookie includes chocolate chips and includes oatmeal raisin, then I would invite you say that what Massachusetts would want to do in that case is say that our state dessert is cookies. What we're doing here then, why don't we make dancing Maine State recreational Saturday night activity? Then we would be consistent. Thank you very much. And I urge you to support the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative BERRY: Madam Speaker, Men and Women of the House. As Representative Lemke has reminded all of you, we have been here, we have done this. We've talked about the issues involved here and I do not want to get into a long dissertation about the values where and how these things all came about.

Square dancing is New England, it is not West. We were here before the West and the earlier settlers of this State were the people who developed these original dances. In response to the other Representative, the Square Dance Society of the United States recognizes the dances that she discussed as part of square dancing. It would be enlightening to go on the Internet and look up their home page and find that information.

I would urge you to support square dancing as the folk dance of Maine and defeat the motion that's on the floor. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. Yes, this was once before this Chamber and it is back again. We thought we could work out an agreement, an amendment, possibly a compromise but that was not them doing. I cannot seem to elevate a dance to a state wide dance. Just accepting that as the state dance while there is obviously concern within our population about what this could mean. It is part of a heritage of a minority in our State and I think it's ultimate disrespect to them, the fact that we're saying that this one dance is going to be the official state dance. A dance that was brought overseas, whatever, however you want to say it it is not a western state or it's not a southern thing or whatever. But the fact is it came over overseas on the very same ships as the settlers.

The fact is, Ladies and Gentlemen, we shouldn't elevate this to a point, while there is obviously dancing and a certain mountain dancing is considered to be part of a heritage even to some groups to being a part of a religious exercise and I think it would be a sad day to have this elevated to a point of which we are trying to do. So I ask you to accept the "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Bisulca.

Representative BISULCA: Madam Speaker, Men and Women of the House. We do not need an official Maine dance. If we need an official Maine dance, and I apologize for not rising earlier, I generally as you know, don't rise very often and

normally for those things which are of importance to the welfare of the tribe, and on this issue although I was irritated by it the first time around, I didn't rise but I am now.

We were here before New England. If the criteria is the oldest dance in Maine than I would recommend the "to to wa". If the criteria is that it originate in Maine, well, that originated in Maine and long before the square dance. The point, though is that we don't need to impose our cultural views or practices on other people in this State. Native people in Maine have fought a lot of wars for this country, were a part of this country or part of this State and to impose a cultural aspect upon other people I don't think is proper and I find it offensive and I find it culturally arrogant. Thank you.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. What's next? Will we have an official modern dance? Will it be the Martha Graham style of modern dance? Will it be the Mary Wigman style of modern dance? What will be the official belly dance of Maine? What will be the official tap dance of Maine, the official ballroom dance, the official jazz dance, the official aerobic dance, the official Native American dance, the official African dance, etc., etc.?

We don't need so many official items; the official musical instruments; the official paper company; the official noxious odor; the official tool. What we really need are an official health care delivery method in Maine and an official education commitment in Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. It's true that we have a number of official items designated and I understand the concern of the good Representative from Bremen about a state cookie and I'm certainly intrigued with the proposition of an official belly dance.

Nevertheless, when you hear the argument made again and again that although we have these things we should not have an official dance. I would point out that there is a basic difference between state trees, state mammals, even a state fossil, and that is what we're talking about now is something that is intricate to the culture of the people of the State of Maine for these last 300 years. It is a living thing. Tens of thousands of people participate in. It is part of their life. It's not a fossil, it's not a mammal, it's not a tree. Absolutely no disrespect was meant to Native Americans or any particular minority group when this was brought before the Legislature, when the State and Local Government Committee voted it or, for that matter, when we previously voted it. That would be the last thing I would do as an individual representative since my wife is of part Native American heritage, and, by the way, has no problem with this bill.

The question is raised, why should we have a state dance? Well why not? Thirty two states already have done so. Apparently it was no problem in those particular states. The point was made by the good Representative from Madawaska that to adhere with this particular dance, would be disrespect because it was brought from overseas. Ladies and Gentlemen, we all came from overseas; some of us came earlier, none of us are, technically speaking, Native American; whether we came across the Atlantic from Europe, whether we came across the Middle Atlantic from Africa or whether we came from the land bridge between Siberia and Alaska some 32,000 year earlier.

I will concede, that obviously those who came from Asia came first but we are all immigrants here. We have that together and unfortunately when we make issues of things like this we split ourselves apart and we forget the motto "E Pluribus Unum". And finally about that ship that the good Representative

mentioned. He said the same ship that brought us all over. Actually a large number of ships came from many different ports to this area and I will admit that my poor bearers with a name like Lemke didn't come over on the Mayflower. Came over at the turn of the century quite closely packed, so to speak, like cattle to work in the mills along the Androscoggin and elsewhere. So we have all of this in common and what we should be looking at is what we have in common and how that celebrates our common culture, which does allow for diversity. We should treat this seriously and we should vote it and once again I urge you to vote against the pending motion so that after, I wasn't keeping track Madam Speaker, but at least a half an hour to 40 minutes, we can move on.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. Yes, 22 states have a state dance, but at one point in our country's history half the states in this country wanted slavery but I didn't see any big push for any of those states. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I believe the point is we have spent a great deal of time debating this bill. We said, a majority of us in the House, that we agreed with this bill. We sent it off to the Senate they agreed. It went to the Governor's desk and he decided that it was not a good idea because certain groups came to speak with him. I think we ought to stick to our guns, we made a good decision to begin with. Let's let him take the heat whether he likes it or not. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Minority "Ought Not to Pass" Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 140

YEA - Ahearne, Bagley, Baker CL, Berry RL, Bodwell, Bolduc, Bouffard, Brooks, Bruno, Bull, Bunker, Cameron, Carleton, Chick, Chizmar, Clark, Clukey, Davidson, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Gooley, Green, Hatch, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr, Kontos, Lemaire, Lemont, Mailhot, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Muse, Nickerson, O'Neal, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Tessier, Thompson, Townsend, Treadwell, Tripp, Tuttle, Underwood, Volenik, Watson, Wheeler EM, Madam Speaker.

NAY - Baker JL, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Buck, Bumps, Campbell, Cianchette, Colwell, Cowger, Cross, Desmond, Dexter, Donnelly, Foster, Gieringer, Honey, Jones KW, Joy, Kasprzak, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Marvin, McElroy, Murphy, Nass, O'Brien, O'Neil, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Savage, Stedman, Taylor, Tobin, True, Usher, Vedral, Vigue, Waterhouse, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Barth, Brennan, Chartrand, Jabar, Madore, Plowman, Stevens, Wright.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, with 8 being absent, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Resolve, Authorizing Robert O'Malley to Sue the State (H.P. 201) (L.D. 254)

Signed:

Senator: DAGGETT of Kennebec

Representatives: GAMACHE of Lewiston

CHIZMAR of Lisbon

FISHER of Brewer

TRUE of Fryeburg

BIGL of Bucksport

BELANGER of Wallagrass

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-337) on same Resolve.

Signed:

Senators: FERGUSON of Oxford

CAREY of Kennebec

Representatives: TUTTLE of Sanford

GAGNE of Buckfield

TESSIER of Fairfield

LABRECQUE of Gorham

Was read.

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

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

On motion of Representative KONTOS of Windham, the following item was removed from the Tabled and Unassigned matters:

Expression of Legislative Sentiment recognizing Thomas Santaquida of Kennebunk (SLS 89)

- In Senate, Read and Passed.

TABLED - April 15, 1997 by Representative KONTOS of Windham.

PENDING - Passage in concurrence.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. As we discuss issues in this House, especially Fish and Game issues, we may differ on some of the issues, mechanical decoys, antlers, deer, coyotes and so forth. But one area that we agree, that we come together is catching the poacher and we have in the Gallery today Thomas Santaquida, whose has been recognized as Warden of the Year for not only his efforts in catching poachers but prosecuting them and convicting them and I think it was very important today that we recognized this Warden of the Year. We all agree that they protect the resource, enforce the laws, they can help us get from here to there and they're extremely effective in finding lost sports and pilgrims in the woods. We all agree that our warden service is the best in the country. I would like to have the House today recognize one of the best of the best. Thank you.

Subsequently, was read and passed in concurrence.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act to Require Legislators to Pay a Portion of Their Health and Dental Insurance Premiums" (H.P. 389) (L.D. 534)

Signed:

Senators: NUTTING of Androscoggin
GOLDTHWAIT of Hancock
Representatives: AHEARNE of Madawaska
BAGLEY of Machias
LEMKE of Westbrook
SANBORN of Alton
DUTREMBLE of Biddeford
FISK of Falmouth

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-326) on same Bill.

Signed:
Senator: LIBBY of York
Representatives: BUMPS of China
GERRY of Auburn
GIERINGER of Portland
KASPRZAK of Newport

Was read.

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

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

Divided Report

Majority Report of the Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-323) on Bill "An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvements or Structures" (H.P. 577) (L.D. 768)

Signed:
Senators: JENKINS of Androscoggin
MacKINNON of York
RAND of Cumberland
Representatives: VIGUE of Winslow
BODWELL of Brunswick
MURPHY of Kennebunk
FARNSWORTH of Portland
CAMERON of Rumford
SIROIS of Caribou
WRIGHT of Berwick
SHANNON of Lewiston

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-324) on same Bill.

Signed:
Representatives: MACK of Standish
MacDOUGALL of North Berwick

Was read.

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

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. LD 768 is "An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvement or Structures." It's simply a clarification of a law that has been on the books since 1993. Since that time there have been no complaints lodged with the Real Estate Commission regarding broker abuse of this law. This technical amendment simply clarifies the rights which came into question when a Portland broker attempted to use the land law. Without this law in place, real estate brokers would not be afforded the same protections

that surveyors, plumbers, electricians are afforded under Maine law.

I urge your support of the pending motion, "Ought to Pass" as amended by Committee Amendment "A."

The Bill was read once. Committee Amendment "A" (H-323) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, May 7, 1997.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Repeal the Presidential Primary" (H.P. 645) (L.D. 898)

Signed:
Senators: CAREY of Kennebec
DAGGETT of Kennebec
Representatives: TUTTLE of Sanford
GAMACHE of Lewiston
CHIZMAR of Lisbon
GAGNE of Buckfield
TESSIER of Fairfield

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-336) on same Bill.

Signed:
Senator: FERGUSON of Oxford
Representatives: FISHER of Brewer
TRUE of Fryeburg
LABRECQUE of Gorham
BIGL of Bucksport
BELANGER of Wallagrass

Was read.

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

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

Divided Report

Majority Report of the Committee on **Health and Human Services** reporting "**Ought Not to Pass**" on Bill "An Act to Repeal Medicaid Estate Recovery Laws" (H.P. 696) (L.D. 960)

Signed:
Senators: PARADIS of Aroostook
LONGLEY of Waldo
MITCHELL of Penobscot
Representatives: MITCHELL of Portland
FULLER of Manchester
KANE of Saco
PIEH of Bremen
QUINT of Portland
LOVETT of Scarborough
BRAGDON of Bangor
SNOWE-MELLO of Poland
JOYNER of Hollis

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-283) on same Bill.

Signed:
Representative: BROOKS of Winterport

Was read.

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

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

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act to Implement a Sliding Scale Salary Plan for Legislators" (H.P. 866) (L.D. 1183)

Signed:

Senators: NUTTING of Androscoggin
LIBBY of York
GOLDTHWAIT of Hancock

Representatives: AHEARNE of Madawaska
BUMPS of China
FISK of Falmouth
BAGLEY of Machias
GERRY of Auburn
GIERINGER of Portland
KASPRZAK of Newport
SANBORN of Alton
DUTREMBLE of Biddeford

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-327) on same Bill.

Signed:

Representative: LEMKE of Westbrook

Was read.

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

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

Representative PERKINS: Madam Speaker, Colleagues of the House. This is my bill so I thought I should give it at least the respect of a few words. I believe its a good idea, whose time clearly has not come. What I'm trying to get to with a lot of these bills of mine, this is about the third or fourth one, is to try to change the makeup of this body. Not to change whom people can vote for, but make sure that public policy, does not impact the makeup of this House. Such that, as I pointed out the other day on another issue, I think only about one-third of this body you could say are representative of the majority of the voting age populous, that is people who work in small business or who are self-employed, only about one-third. This may not be the right bill for addressing that but I think we've got to keep it in mind. Thank you.

The Chair ordered a division on the motion to accept the Majority "**Ought Not to Pass**" Report.

A vote of the House was taken. 95 voted in favor of the same and 16 against, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Banking and Insurance** reporting "**Ought Not to Pass**" on Bill "An Act to Require Banks to Forward Copies of Mortgages to the Municipalities in Which the Property Is Located" (H.P. 1087) (L.D. 1530)

Signed:

Senators: LaFOUNTAIN of York
MURRAY of Penobscot
ABROMSON of Cumberland

Representatives: MAYO of Bath

DAVIDSON of Brunswick
CARLETON of Wells
WINN of Glenburn
BRUNO of Raymond
JONES of Pittsfield

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-325) on same Bill.

Signed:

Representatives: PERRY of Bangor
SAXL of Bangor
O'NEIL of Saco
STANLEY of Medway

Was read.

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

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

Representative SAXL: Madam Speaker, Ladies and Gentlemen of the House. Since this bill was voted on in Committee, it has come to my attention that there have been legislative administrative remedies found for it so that the legislation is no longer necessary. So that's why I move the "Ought Not to Pass" Report.

The Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-328) on Resolve, to Establish a Commission to Designate Outstanding Maine Citizens Whose Portraits Are to Be Displayed in the State House (H.P. 1145) (L.D. 1610)

Signed:

Senators: NUTTING of Androscoggin
LIBBY of York

Representatives: AHEARNE of Madawaska
BUMPS of China
FISK of Falmouth
BAGLEY of Machias
GERRY of Auburn
LEMKE of Westbrook
GIERINGER of Portland
KASPRZAK of Newport
SANBORN of Alton
DUTREMBLE of Biddeford

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

Signed:

Senator: GOLDTHWAIT of Hancock

Was read.

On motion of Representative AHEARNE of Madawaska the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-328) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, May 7, 1997.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 228) (L.D. 797) Bill "An Act to Create Equity in the Taxation of Special Fuels" Committee on **Taxation** reporting "**Ought to Pass**"

(S.P. 484) (L.D. 1492) Bill "An Act to Provide Recipients of All Assisted Living Programs and Services Residents' Rights and Equivalent Reporting and Enforcement Opportunities" Committee on **Health and Human Services** reporting "**Ought to Pass**"

(S.P. 125) (L.D. 404) Bill "An Act to Amend the Laws Regarding Snowmobile Registration" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-175)

(S.P. 229) (L.D. 798) Bill "An Act to Protect the Department of Inland Fisheries and Wildlife from Unfunded Mandates" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-176)

(H.P. 120) (L.D. 144) Bill "An Act Regarding the Duties of Guardian Ad Litem" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-345)

(H.P. 303) (L.D. 367) Bill "An Act to Provide That the Operator of a Limousine Is Not Responsible for Securing in a Seat Belt a Passenger Transported for a Fee" Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-334)

(H.P. 382) (L.D. 527) Bill "An Act to Strengthen the Mandatory Child Abuse Reporting Laws" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-346)

(H.P. 504) (L.D. 695) Bill "An Act to Amend Security Deposit Provisions for Residential Rental Units" Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-333)

(H.P. 569) (L.D. 760) Bill "An Act to Increase Penalties for Subsequent Violations of the Laws Prohibiting Indecent Conduct" Committee on **Criminal Justice** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-341)

(H.P. 858) (L.D. 1163) Bill "An Act to Amend Child Protective Laws" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-344)

(H.P. 888) (L.D. 1205) Bill "An Act to Amend Certain Provisions Regarding the Presumption of Negotiating a Worthless Instrument" Committee on **Criminal Justice** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-342)

(H.P. 967) (L.D. 1347) Bill "An Act to Require a Vehicle to be Registered in the Town in Which the Owner Resides" Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-335)

(H.P. 998) (L.D. 1390) Bill "An Act to Protect the Voting Rights of Stalking Victims" Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-332)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 7, 1997 under the listing of Second Day.

CONSENT CALENDAR
Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 128) (L.D. 407) Bill "An Act to Revise Judicial Separation" (C. "A" S-171)

(S.P. 257) (L.D. 826) Bill "An Act to Amend the Adoption Laws Relating to Consent and Forms for Surrender and Release" (C. "A" S-170)

(S.P. 287) (L.D. 938) Bill "An Act to Include Incorporated Fire Departments Recognized by Any Authority Created by Statute within the Protection of the Maine Tort Claims Act" (C. "A" S-172)

(S.P. 348) (L.D. 1167) Bill "An Act to Clarify the Timber Trespass Laws" (C. "A" S-173)

(H.P. 1197) (L.D. 1697) Bill "An Act to Encourage Employee Stock Ownership"

(H.P. 1210) (L.D. 1710) Bill "An Act to Provide for the 1997 and 1998 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(H.P. 28) (L.D. 53) Bill "An Act to Allow Bow Hunters to Take a Deer during Bow Hunting Season in Addition to the Deer Allowed during Firearm Season" (C. "A" H-318)

(H.P. 144) (L.D. 187) Bill "An Act to Provide That Students Receiving Any Services from a School Be Counted as Full-time Students for Purposes of State Aid" (C. "A" H-321)

(H.P. 199) (L.D. 252) Bill "An Act Regarding Destruction of Fish Populations" (C. "A" H-314)

(H.P. 242) (L.D. 306) Bill "An Act to Guarantee That Real Estate Taxes Are Paid" (C. "A" H-311)

(H.P. 274) (L.D. 338) Bill "An Act Regarding the Funding of Search and Rescues by the Department of Inland Fisheries and Wildlife" (C. "A" H-315)

(H.P. 686) (L.D. 950) Bill "An Act to Amend the Hunting Laws As They Pertain to Antlerless Deer" (C. "A" H-317)

(H.P. 771) (L.D. 1048) Resolve, to Establish a Task Force to Review the Regional Applied Technology Centers (C. "A" H-320)

(H.P. 999) (L.D. 1391) Bill "An Act to Reestablish the State Compensation Commission" (C. "A" H-309)

(H.P. 1051) (L.D. 1468) Bill "An Act to Amend the Maine Veterinary Practice Act of 1975" (C. "A" H-322)

(H.P. 1193) (L.D. 1692) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1997-98" (EMERGENCY) (C. "A" H-312)

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

(H.P. 729) (L.D. 993) Bill "An Act to Prohibit the Stocking of Alewives in Trip Lake" (EMERGENCY) (C. "A" H-316)

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

On further motion of the same Representative, tabled pending acceptance of the unanimous Committee Report and specially assigned for Wednesday, May 7, 1997.

BILLS IN THE SECOND READING
As Amended

Bill "An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents" (S.P. 47) (L.D. 157) (C. "B" S-94)

Bill "An Act Regarding the Harvesting of Periwinkles in the Unorganized Townships" (H.P. 359) (L.D. 482) (H. "A" H-319 to C. "A" H-252)

Bill "An Act to Label All Eggs Produced in the State by Source" (H.P. 425) (L.D. 575) (C. "A" H-264)

Bill "An Act to Waive the Fees for the Removal and Transportation of Certain Hazardous Waste" (H.P. 465) (L.D. 636) (C. "A" H-276)

Bill "An Act to Amend the Laws Regarding Scallop Harvesting" (EMERGENCY) (H.P. 531) (L.D. 722) (H. "A" H-257 to C. "A" H-210)

Bill "An Act to Permit the Public Utilities Commission to Suspend Rate Regulation of Certain Telephone Utilities" (H.P. 544) (L.D. 735) (C. "A" H-291)

Bill "An Act to Make Allocation for Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1998" (H.P. 744) (L.D. 1008) (C. "A" H-261)

Bill "An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations" (EMERGENCY) (H.P. 953) (L.D. 1316) (C. "A" H-270)

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

Bill "An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State" (S.P. 294) (L.D. 945) (C. "A" S-98)

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

On motion of Representative BUCK of Yarmouth, was set aside.

The same Representative presented House Amendment "A" (H-313) to the Bill, which was read by the Clerk.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. House Amendment "A" simply extends the purpose of this bill to include any new hires in any state agency or any expansion of a state agency so that the original purpose of the bill can be provided for anytime that state government expands its employee work force. The purpose of this is so that we can determine whether or not it would be more cost effective to have any new expansion of state government be privatized.

There are provisions in the bill that when people are being hired because of retirements or resignations that this provision of the law would not kick in. The only purpose of this amendment is for expansions of an existing government agency or the expansion of the work force. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. I move that House Amendment "A" be indefinitely postponed. This amendment is both unnecessary and in reality it's a bad business proposition. This amendment would mandate contracting out in any state agency where the services being provided require an additional position. The amendment is unnecessary because we, as legislators, already have a final say over the creation of any new State positions. New State positions must be identified as specifically funded in a regular or supplemental budget. The proposed amendment is also a bad idea from a business standpoint. An agency would be forced to contract out any new position regardless of the cost or type of the program. So I ask you join me and vote to indefinitely postpone. Madam Speaker I request a roll call.

Representative AHEARNE of Madawaska moved that House Amendment "A" (H-313) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "A" (H-313).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I rise to support the motion to defeat the amendment "B" to this L.D. As a former State agency director, I can tell you that this amendment would create major problems in operating programs. The reality is we may need to create some new state lines to keep up with work load with changed programs and to require that those be contracted out would make it administratively very difficult to manage. I urge that this amendment be defeated.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. Contrary to some of the previous speakers, this is not an extraordinary thing that will be placed on new agencies. As you know, as we all know, that there is a committee right now working on performance based budgeting. Part of performance based budgeting is going to be justification of new expenditures and expansions and, actually, current expenditures and how we do that and what process we go through to justify those expenditures to the benefit that the taxpayers will get from them. Representative Buck's amendment only tries to continue to put apples and apples up against one another. If it does not make sense for an agency to expand through privatization or through contracting out, it also does not make sense for an agency to expand internally. As a matter of fact, it seems as though we will be putting a special criteria on those who decide to go out and contract a service to do a temporary job or a partial job or anything that might be a short term service that you don't need to hire a new agency for. It seems to add an extra step.

To go back to the Representative from Madawaska's point earlier, if we follow that argument one step further that says we do not need to do this because we already as legislators have the authority. Invite the Representative to sit in the Appropriations Committee when one of these departments try to contract out a service. When I was on the Committee in the last session, when these talks came through, I never saw a Department come in and say we're going to contract out the service and get away with just saying that and doing that. We put them through the ringer and I can't imagine that that Committee was any better than the one we have today as far as making sure that taxpayer expenditures may be more scrutinized as far as contracting out goes.

So if you carry the Representative from Madawaka's argument just one step further the motion should have been to indefinitely postpone the entire bill because it's not needed. But if we are going to go to the step of setting up this criteria, then why doesn't it make sense for the State to apply the same criteria to itself that it does to everybody else? Hardly anything makes taxpayers more angry when you apply something to them that we leave ourselves out from. Be it Americans with Disabilities Act, be it workers comp, be it any other law that this body and this State exempts itself from but implies on everyone else. This is just another step in that direction and Representative Buck's amendment merely points out that if we're going to do that for outside the Capitol we need to do it inside. Thank you.

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. Over the past weeks there have been several bills that have come to our attention that we have emphasized the importance of not micromanaging state agencies. In the wisdom of the body we've generally been able to maintain a balance between appropriate oversight and not over emphasizing micromanagement. This is a classic case of micromanagement. The two largest state agencies in government, Department of Human Services and the Department of Mental Health, already contract out a very substantial amount of services and as Representative Ahearne identified earlier, this body already has very substantial oversight in the control of the establishment of new positions and I urge the body's support for the Indefinite Postponement of the amendment. Thank you.

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

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. If indeed my amendment is a classic example of micromanaging the state agency then I would submit to you that the original bill LD 945 is indeed an example of micromanaging an agency and so if we're going to take the step to micromanage an agency when they want to attempt to contract out to the private sector, it only seems reasonable to me that we would take that same step when an existing agency wants to expand its own bureaucracy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. I would agree that LD 945 is a bill that would basically micromanage a state agency. However, I did call the director of the agency that would be directly affected by that bill and he will go along with the bill and Committee Amendment "A." However, what House Amendment "A" says, in case everybody hasn't read it, is that any time you must hire additional labor that creates a new position, you must contract it out. I would ask, do you want your state police, when they need additional state troopers, to contract out for state police services? Do you want them to contract out for things that are clearly a State responsibility? I continue to urge your defeat of House Amendment "A".

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-313). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 141

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bull, Bumps, Bunker, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Madore, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Bruno, Buck, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD,

Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Chartrand, Nickerson, Saxl JW.

Yes, 86; No, 62; Absent, 3; Excused, 0.

86 having voted in the affirmative and 62 voted in the negative, with 3 being absent, House Amendment "A" (H-313) was indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Ladies and Gentlemen of the House. Having been moved by some of the arguments to indefinitely postpone the amendment, let me restate them the best I can. We do not need this the Legislature already scrutinizes these things and another one it would make it difficult to manage departments its micromanagement apply to the entire bill; so I would move we Indefinitely Postpone LD 945 and all accompanying papers.

Representative DONNELLY of Presque Isle moved that the Bill and all accompanying papers be indefinitely postponed.

On motion of Representative KONTOS of Windham, tabled pending the motion of Representative DONNELLY of Presque Isle to indefinitely postpone the Bill and all accompanying papers and later today assigned.

Bill "An Act to Allow Partially Consumed Bottles of Wine to be Taken from Restaurants" (H.P. 997) (L.D. 1389) (C. "A" H-308)

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

On motion of Representative GAGNE of Buckfield, was set aside.

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

ENACTORS

Emergency Measure

An Act to Bring Certain State Retirement Laws into Compliance with Federal Laws (S.P. 132) (L.D. 411) (C. "A" S-134)

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

Emergency Measure

An Act Concerning Sea Urchin Management (H.P. 362) (L.D. 507) (C. "A" H-233)

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. 112 voted in favor of the same and 11 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning Applied Aquaculture Research in the Coastal Waters of the State (H.P. 584) (L.D. 775) (C. "A" H-249)

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

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

Emergency Measure

An Act to Amend the Charter of Foxcroft Academy (H.P. 608) (L.D. 833) (C. "A" H-223)

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. 121 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Maximize the State's Processing of Aquaculture Fish and to Extend the Salmon Aquaculture Monitoring, Research and Development Fund (H.P. 687) (L.D. 951) (C. "A" H-251)

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

Emergency Measure

An Act to Transfer Funds from the Maine Forest Service to the Waldo County Soil and Water Conservation District (H.P. 823) (L.D. 1128) (C. "A" H-220)

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

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

Emergency Measure

An Act to Eliminate the Need for a Retail Seafood License to Sell Prepared Seafood (H.P. 920) (L.D. 1263) (H. "A" H-259 to C. "A" H-234)

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

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

Emergency Measure

Resolve, to Establish a Commission to Study Insurance Fraud (H.P. 681) (L.D. 933) (C. "A" H-238)

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. 111 voted in favor of the same and 18 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act Relating to the State Valuation of the Town of Corinna (H.P. 253) (L.D. 317) (C. "A" H-245)

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

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

Mandate

An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions (S.P. 258) (L.D. 866) (C. "A" S-129)

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

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

An Act Concerning the Taxation of Manufactured Homes That Are Stock-in-trade (H.P. 72) (L.D. 97) (C. "A" H-244)

An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage (H.P. 138) (L.D. 180) (C. "A" H-218; H. "A" H-258)

An Act to Create the Position of Director of Econometric Research within the Bureau of Taxation (S.P. 74) (L.D. 213) (C. "A" S-141)

An Act to Allow Property Tax Credit to Lessees of Motor Vehicles (H.P. 211) (L.D. 275) (C. "A" H-242)

An Act to Continue the State's Dixon Monitoring Program and Consolidate Reports to the Legislature (H.P. 220) (L.D. 284) (C. "A" H-225)

An Act to Modify Waiver of a Defense in the Criminal Law (H.P. 228) (L.D. 292) (C. "A" H-254)

An Act to Clarify the Provisions that Implement Performance Budgeting in State Government (S.P. 151) (L.D. 430) (C. "A" S-124)

An Act to Establish a Tuition Rate for Education in the Unorganized Territory (H.P. 360) (L.D. 505) (C. "A" H-229)

An Act to Provide Municipal Notification of Utility Services (S.P. 183) (L.D. 601) (C. "A" S-146)

An Act to Provide for an Additional Staff Member for the Business Enterprise Program (S.P. 187) (L.D. 605) (C. "A" S-145)

An Act Relating to Value of Property Held by Portland Yacht Club (S.P. 210) (L.D. 669) (C. "A" S-149)

An Act to Amend the Laws Relating to Auctioneers (S.P. 219) (L.D. 678) (C. "A" S-107)

An Act to Amend Procedures Relating to Extradition Proceedings (H.P. 502) (L.D. 693) (C. "A" H-255)

An Act to Amend the Penobscot County Budget Committee Process (H.P. 511) (L.D. 702)

An Act to Permit the Temporary Removal of Gravestones from Cemeteries for the Purpose of Repair (H.P. 549) (L.D. 740) (C. "A" H-224)

An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System (S.P. 270) (L.D. 878) (C. "A" S-136)

An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds (S.P. 278) (L.D. 886) (C. "A" S-151)

An Act Relating to the State's Deferred Compensation Plan (H.P. 685) (L.D. 937) (C. "A" H-232)

An Act to Protect the Confidentiality of Financial Records (S.P. 295) (L.D. 946) (C. "A" S-148)

An Act to Ensure the Accurate Collection of Excise Tax on New Motor Vehicles (S.P. 303) (L.D. 1011) (C. "A" S-140)

An Act to Allow Foam Food and Beverage Containers in School Cafeterias under Certain Circumstances (S.P. 310) (L.D. 1019) (C. "A" S-123)

An Act to Amend the Maine Probate Code (H.P. 751) (L.D. 1028)

An Act to Implement the Recommendations of the Family Law Advisory Commission Concerning Parental Rights and Responsibilities (H.P. 776) (L.D. 1053)

An Act to Ensure Fair Pricing for Consumers of Health Care Services under Managed Care Plans (H.P. 794) (L.D. 1082) (C. "A" H-236)

An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation (H.P. 795) (L.D. 1083)

An Act Regarding the Enforcement of the Motor Vehicle Laws (H.P. 809) (L.D. 1097) (C. "A" H-230)

An Act to Increase Access to Education, Training and Employment for Displaced Homemakers (S.P. 328) (L.D. 1106) (C. "A" S-142)

An Act to Make Technical Corrections in the Maine Administrative Procedure Act (S.P. 337) (L.D. 1115)

An Act to Ensure Enforcement of Protection from Abuse Laws (S.P. 387) (L.D. 1272)

An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates (S.P. 401) (L.D. 1296) (C. "A" S-150)

An Act to Remove the Sunset for the Employment of an Owner's Representative (H.P. 960) (L.D. 1323)

An Act to Clarify Reimbursement by Responsible Parties to the Maine Coastal and Inland Surface Oil Clean-up Fund (S.P. 463) (L.D. 1435) (C. "A" S-128)

An Act to Increase Access to and Affordability of Mental Health Services (H.P. 1062) (L.D. 1500) (C. "A" H-237)

An Act to Promote Adult Education (H.P. 1095) (L.D. 1538) (C. "A" H-246)

An Act to Assist the Maine Potato Industry (S.P. 516) (L.D. 1600)

Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities (S.P. 293) (L.D. 944) (C. "A" S-152)

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 Require That Headlights Be on during Inclement Weather (S.P. 144) (L.D. 423) (C. "A" S-137)

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

On motion of Representative BOUFFARD of Lewiston, was set aside.

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

An Act to Amend the Veteran's Estate Tax Exemption (H.P. 312) (L.D. 434) (C. "A" H-243)

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

On motion of Representative KONTOS of Windham, was set aside.

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

An Act to Clarify the Jurisdiction of the Public Utilities Commission over Telecommunication Utilities' Special Rate Contracts (S.P. 399) (L.D. 1294) (C. "A" S-130)

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

On motion of Representative KONTOS of Windham, was set aside.

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

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

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

Emergency Mandate

An Act Relating to the State Valuation of the Town of Corinna (H.P. 253) (L.D. 317) (C. "A" H-245) which was tabled by Representative KONTOS of Windham pending passage to be enacted.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 5 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

Divided Report

Divided Report - Committee on **Legal and Veterans Affairs** - (8) members "**Ought Not to Pass**" - (5) members "**Ought to Pass**" as amended by Committee Amendment "A" (H-339) on Bill "An Act to Prohibit the Gathering of Signatures at a Polling Place" (H.P. 64) (L.D. 89) which was tabled by Representative TUTTLE of Sanford pending his motion to accept the Majority "**Ought Not to Pass**" Report.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. LD 89 is "An Act to Prohibit Gathering of Signatures in a Polling Place". The bill prohibits petitioners and survey takers from conducting an election day activity inside polling places but is not intended to affect the monitoring of voters or exit polls. The proponents of the bill feel that the initiative petition collection should not happen at the polls. Petition drives, political activities, citizens say they do not want to be approached at the voting place and people should be able to vote without being inhibited by the influence of the voters.

The opponents of the bill feel that these bills destroy the petition process. Inconvenience is not too high a cost to pay for democracy. It is also important to our citizens to express themselves and bring these issues to a vote. Now this is a very difficult issue, it's one that I had agonized on substantially. As most of us are aware, over the last few years, the petition process and how these signatures are got and brought a number of issues before this Legislature and the State so it is a very difficult issue for me. I did decide that I would come down on the Majority "Ought Not to Pass" Report. I think essentially the arguments against the bill for the Majority would be that prohibiting collection at the polling place destroys the initiative process, that most voting places as we heard in public hearing, there aren't problems. If there are problems under present laws the wardens have the power to keep order at the polling place.

As I mentioned before, the petition process is an important process for the citizens to voice their opinions, although it may

be inconvenient for some people and they may feel uncomfortable, in all honesty inconvenience is not a too high price to pay for democracy. As I said before the Committee, thought long and hard on this issue, this is not a partisan issue and I would ask that you would vote your conscience on this bill, listen to debate that is before us today and Madam Speaker when the vote is taken I would ask for the yeas and nays. Thank you.

Representative TUTTLE of Sanford requested a roll call on his motion to accept the Majority "**Ought Not to Pass**" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative LAVERDIERE: Madam Speaker, Men and Women of the House. I rise to ask that you defeat the pending motion. I brought forth this bill at the request of a constituent who has had some very bad experiences at polling places. I've asked the Clerk's Office to distribute to everyone in the House a copy of the layout for the Town Office in the Town of Wilton and I'd ask you take a minute and look at that. As you can see down at the bottom of that diagram, the only entrance and exit to this polling place is a door that enters right by what I've marked as a storage area. All of the petitioners that ask for signatures gather in the area immediately adjacent to that door. As a result of that, what happens is that individuals are subjected to a gauntlet of individuals asking them to sign petitions. Now, lest you think that this is unique to this particular town, I want to tell you that I represent six towns and this is true in all six towns and I would suggest that you check with the clerks in your various towns and you will find that many occasions, particularly in small towns, that is also true.

I want to make sure that everyone understands what this bill does. The bill does not prohibit the gathering of signatures outside the polling place. It merely prohibits the gathering of signatures inside the polling place. I'm not against people exercising their right, their constitutional right, to petition their government. In fact, I for one feel very strongly that people should have the opportunity to petition their government. But it is very important that you understand that some people are not going to the polling place and voting because they fear the gauntlet that they'll have to walk through. That didn't come home to me until my own mother told me that in the last election she went to the polling place, she saw what she would have to walk through turned around and walked back out. Now that's the first time that I know of that my mother has not voted in an election. I suggest to you that that is not uncommon.

I will tell you that the Secretary of State's Office supports this legislation. They have significant amounts of correspondence from individuals that are asking that something be done about the number of petitioners gathered inside the polling place and I would tell you that it is important that you understand that if, in fact, we are allowing people to gather signatures inside the polling place, I think that there is a good argument that could be made that we need to let the other side of that particular issue into the polling place to tell people why they shouldn't sign the petition. Where does it end? Where do we stop this? I suggest that the place that we stop, that is to say, folks are more than welcome to stand outside the building and to gather signatures if they wish but inside the polling place is a sacred place where people come to cast their ballot and it should remain that way. I urge you to vote against the pending motion and to vote in favor of LD 89. Thank you.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. As you will note I am on the other side of the "Ought Not to Pass" and I'm certainly not against democracy. Not as in any type of thing of this nature and even democracy itself. I'm sure all of you know about the song that says I didn't promise you a rose garden and you don't get that if you want a democracy and there are going to be people on one side or the other and disagreements but this has got out of hand and has been already said that many of our polling places it causes problems. I know in my particular area in two of my polling places that we just have one door that is normally open and certainly they are placed right there as you go in. So, therefore, they are going to approach you both going and coming and I've heard people speak to the committee and say we train our people. Well I say to you that I think they do a good job but if you were going out would you want to bring a petition with two signatures on it or many and I think that is where the problem arises and I would ask you to defeat the "Ought Not to Pass" and go along with the Minority Report of "Ought to Pass". Thank you.

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

Representative PERKINS: Madam Speaker, Men and Women of the House. I think this is a good bill. I put in a companion bill to this asking for people to be 250 feet away. I think that's what we as politicians have to be but that's probably extreme. That one didn't get very far and this is a better bill.

The Town of Blue Hill, the biggest town in my district, they vote up on the second floor of the Town Hall, halfway down the landing, halfway down the stairs there's a landing, and the last time I was there for the voting, there were four tables and when people came out of the polling place came down there and they'd say, oh deary, what do we have here now? And I too love dearly the process whereby citizens can petition but they ought to be out of the building. Several people later told me they weren't sure what they voted on after they voted but that's another matter. But to amplify that one person, one time a few years back in the Town of Penobscot had a table in the polling place, she was petitioning for a ban on the flying of cruise missiles, do you remember that one - cruise missiles; this woman, elderly nice old lady over there says no I guess I won't and she came over to me and she said you know I didn't sign up for that cruise because even if I won I wouldn't have time to go.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Ladies and Gentlemen of the House. I request permission to ask two questions through the Chair.

The SPEAKER: The Representative may pose his questions.

Representative LEMKE: How many polling places are there in the State of Maine? Number one. And number two, at how many of those polling places are there records of problems that necessitate this bill?

The SPEAKER: The Representative from Westbrook, Representative Lemke has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. I guess the answer to the Representative's questions would be I would assume it would be the same number as we have municipalities in the State. I don't have that right now, I believe it's beyond 300 and something and, as far as the complaints, we noticed that essentially the representatives that presented bills to use, namely Representative True and representatives of various districts primarily had problems in this area.

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

Representative LAVERDIERE: Madam Speaker, Ladies and Gentlemen of the House. In answer to the question; I have a letter here from the Bureau of Corporations, Elections and Commissions, Department of the Secretary of State, which indicates that they have had numerous complaints over the years from a fairly sizable number of communities. They have listed here and they have indicated several specific letters they have received from individuals. The one in front of me right now is from an individual in Augusta who wrote a very well written letter as to why it's very important that we encourage this bill. I also have other indications here from the Secretary of State's Office that this is fairly common.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I have a question to anyone that may want to venture the answer. Is there a specific distance away from the building or outside of the building that's included or requested from the bill? Can we tell them that they have to be outside the building?

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 Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. Representative Vigue, you are correct. There is no distance, it just says they have to be outside the polls.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Ladies and Gentlemen of the House. I appreciate Representative Tuttle and LaVerdiere's response but I just wanted to point out in terms of those questions. First, the number of municipalities doesn't translate into the number of polling places. In Westbrook for example, we have five wards and there are five polling places, same thing is true of Portland and other areas. The second thing and I don't wish to push it but I would like to know specifically in terms of numbers how many specific complaints there were.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Gamache.

Representative GAMACHE: Madam Speaker, Ladies and Gentlemen of the House. The actual number of polling places per se approaches 700 within the State and I would add that about 94.8 percent of them report problems relating to this matter.

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

Representative UNDERWOOD: Madam Speaker, Ladies and Gentlemen of the House. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative UNDERWOOD: Madam Speaker, Ladies and Gentlemen of the House. The way that I understand the present laws the Clerk of the municipality has the right to decide where a person will set up to get these petitions signed. My question is are we passing a law that really is unnecessary? The Clerk's I believe already have the jurisdiction to make this decision. Thank you.

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

Representative JONES: Madam Speaker, Ladies and Gentlemen of the House. I'll put another hat on today; I've been a deputy clerk in my public service and I have set up many

elections with the Town Clerk in the Town of Greenville and I also represent eight other towns and any unorganized territories who come to those towns to vote I would really like to support Representative LaVerdiere's report. I wish I had put the bill in. Several of the Clerk's, said do you realize how difficult it is and how confusing it is at the time of voting to have this activity going on? And yes they have the right to set them up but as you know in these rural towns we don't have a great deal of space and it's a real problem for people at the polling booths and it's also a problem for the ballot clerk. Often times there's independent conversations going on people can't hear whether you're a D whether you're an R or whether you're an Independent or what you are. So I am all in favor of helping those town clerks out. Thank you.

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

Representative TUTTLE: Madam Speaker, Ladies and Gentlemen of the House. In reference to Representative from Oxford's question, it also clearly defines in Maine State law that the warden of the district can enforce those laws.

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this motion of "Ought Not to Pass." As many of you know, I have helped many groups collect signatures to help put initiatives on the ballot. When this bill came up in front of Legal and Veterans Affairs there was so many people that came up to testify against these bills, that takes away the people's right to petition at the polls, that they had to move the committee from Legal and Veterans to State and Local Government. The public hearing started about 1:15 and continued until well after 5:30, almost 6:00. The only one's testifying in support of this bill were either the sponsors or the cosponsors of this legislation. What this bill proposes to do is to put the people that want to collect signatures outside. Out of the sight of the wardens, the clerk and the poll workers. Outside, the clerk will have to keep coming out to check on people and there is no way to stop petitioners collecting signatures from interrupting people going into the polls instead of exiting. Right now the current law is you cannot approach a person to sign your petition until after they had voted. At least inside, the warden can keep better track of making sure that the people aren't approached coming in, but rather out.

On the matter of the size of a voting place, a warden or the one in charge of the voting place has the right to limit the size of either the table, whether it is a six foot table or a card table. If there is no room for card tables, clip boards. I ask you to please vote in support of this "Ought Not to Pass."

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I also was going to put in a bill that did this very same thing and found out that not only this one, but a number of others and Representative Gamache had one and I signed on to his as well. This is an issue that I believe is a problem throughout the state and the information that you just heard about the testimony coming from those in opposition, being concerned about their being able to pass a petition. While I have all the respect in the world for the people that come before us with information, quite frankly, my decisions are based more on the people that I talk to at home. The people that I talk to at home can't afford to give up a day's work to come down here and testify on an issue like this. It doesn't mean that they are not concerned about it. They are very concerned about it. I hear them say that I don't want to be harassed in the polling place anymore. I hear them say that I am sorry that I signed that

because I didn't understand what I was signing. You all know that we have 2,300 bills here and we see a title and sometimes it is a one page bill and sometimes it is a 25 or 30 page bill. You know very well that there is absolutely no way that these people, leaving the polling place that have no way to escape from these folks that want them to sign the petition, don't have any possible chance of reviewing what this issue is about, when these bills turn out to be 20 and 30 pages long.

I used this example earlier this year, the turnpike is an example, when we voted on the turnpike widening, unbeknownst to 99 percent of the people in the State of Maine, we created the Regional Transportation System. We have seven groups around the State of Maine who now have to review transportation issues and whether you agree with that or not is not the point. The point is something was created that people didn't know about. There is not time to review what is in these bills and that is what we are paid to do. I am not saying for the people not to do it, but I am asking, give the people an opportunity to have a choice of whether they go see what the petitions are about or they go home and go back to work. When they are placed the way they are now, there is no choice. They feel compelled. They feel harassed and I think it is a very inappropriate way to allow signatures to be gotten. Signatures certainly need to be gotten and petitioning our government is one of our basic rights, but petitioning our government does not give people the right to harass someone else in order to do it. I would urge you to vote against the pending motion so we can pass the bill. Thank you.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. We no longer have any village greens, town parks, main streets or any other public places where the public used to gather for shopping, recreating or public discourse. Now we have shopping centers and Wal-Marts and malls where the public gathers simply to shop. These are private properties where the owners can and do turn away petitioners. The polling place is one of the last public gathering places where sufficient people are present for petitioning. I am sorry if some people are uncomfortable with petitioners, but democracy is sometimes uncomfortable. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Shannon.

Representative SHANNON: Madam Speaker, Men and Women of the House. As I go door to door to gather signatures, I see no reason why those who wish to change laws should not go door to door to gather theirs. In a polling place, where someone goes to vote, I think they are entitled to some sanctity while they exercise their franchise. I think this is a good bill and will vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Madam Speaker, Men and Women of the House. I voted "Ought Not to Pass." I would like to tell you why. We were listening to a lot of comments about what had happened to past. We were listening to comments concerning the Green Party. We were listening to comments concerning some of the war stories that you have heard here, such as the cruise missiles and so on. There were a large number of war stories. Back in my district there were a few war stories. There were people in one of my towns that have a small room and they felt that they were a little bit squeezed in, but they really weren't concerned that petitioners were there. I ask myself, now, what about the future? Let's just say that I feel uncomfortable with the state government and I want to put in a petition. I want to have a citizen's referendum and I want to go out and get signatures. That convinced me that I want to leave it the way it is. I want to

be able to get into that polling area and I want to be able to talk to the people that are there. My behavior there is another thing. I can mislead you. I can try to mislead you. I can give you information that is good information, but that is my personal behavior. The wardens have the right to step into that personal behavior. I want to go back and ask you to think about the future and put yourself in the position where you might want to have a citizen's referendum. That is why I voted "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. I would like to quote from the Constitution, Amendment I, which I think is germane. Freedom of religion, speech and press, peaceful assembly, petition of grievances." I am a little short of breath. At my age running up and down stairs is not the greatest recreation. Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or the press or the right of people peacefully to assemble and to petition the government for an address of grievances. We have to be awful careful if we start restricting that basic right. I urge you to vote for the pending motion please.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I guess that it all depends where you live because some of the comments that I heard from the various people speaking on this issue said they had a lot of complaints in their towns. I have never ever heard anyone in my district or in my home town ever mention that this was a problem. In fact, a great many people enjoy going to the voting booth and seeing the various issues that the citizens have brought up. As far as what my good friend, Representative Cameron said about not having time to read these things, this is true. A lot of these things that come through, the referendums, as far as the forestry compact one that went out to referendum, had 27 pages. I am sure a great many people didn't take time at the voting booth to read that whole thing. The other thing is that if we believe in the citizen's initiative, if we have them required to have these signatures gathered outside the building, are people going to take more time to read them then they would inside the building? I doubt that very much. I urge you to vote for the pending motion.

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

Representative GERRY: Madam Speaker, Men and Women of the House. One more point I would like to bring up is if we take the right of the citizens to petition at the polls, what I am afraid of it is going to amount to somebody who has more money to help get an initiative on a drive. I have been in many drives. The citizens in some groups don't have the funds to push for an initiative. If we take away the right to go to the polls and collect the signatures, it is going to drive up the cost of doing an initiative. Citizens are going to give up their right to petition at the polls and the only ones you will see at the polls is groups and organizations that want to get their legislation across. Please, vote this down so the regular citizen can initiate legislation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevy.

Representative MCALEVEY: Madam Speaker, Men and Women of the House. If I wish to vote, I go to a poll. I don't go to a parking lot. I don't go to a supermarket and I don't go door to door. I think asking them to stand outside is not taking away any of their rights to solicit signatures. I can't vote at a

supermarket. I can't vote door to door nor can I vote in a parking lot. Thank you.

The SPEAKER: A roll call has been 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. 142

YEA - Ahearn, Bagley, Belanger DJ, Bigl, Brennan, Buck, Bumps, Carleton, Chartrand, Chick, Chizmar, Donnelly, Dunlap, Fisher, Foster, Fuller, Gagne, Gerry, Gieringer, Goodwin, Green, Jones KW, Kasprzak, Kerr, Lane, Lemke, MacDougall, Mack, Marvin, McKee, Mitchell JE, Nass, Ott, Peavey, Pendleton, Perry, Plowman, Poulin, Powers, Quint, Rowe, Saxl MV, Shiah, Skoglund, Snowe-Mello, Stedman, Tessier, Thompson, Tobin, Townsend, Tripp, Tuttle, Underwood, Usher, Volenik, Waterhouse, Watson, Winn, Winsor.

NAY - Baker CL, Baker JL, Barth, Belanger IG, Berry DP, Berry RL, Bodwell, Bolduc, Bouffard, Brooks, Bruno, Bull, Bunker, Cameron, Campbell, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dutremble, Etnier, Farnsworth, Fisk, Frechette, Gagnon, Gamache, Gooley, Hatch, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemont, Lovett, Madore, Mayo, McAlevey, McElroy, Meres, Morgan, Murphy, Muse, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Perkins, Pieh, Pinkham RG, Pinkham WD, Povich, Richard, Rines, Samson, Sanborn, Savage, Saxl JW, Shannon, Sirois, Spear, Stanley, Stevens, Taylor, Treadwell, True, Vedral, Vigue, Wheeler EM, Wheeler GJ, Madam Speaker.

ABSENT - Bragdon, Dexter, Driscoll, Lindahl, Mailhot, Winglass, Wright.

Yes, 59; No, 85; Absent, 7; Excused, 0.

59 having voted in the affirmative and 85 voted in the negative, with 7 being absent, the Majority "**Ought Not to Pass**" Report was not accepted.

Subsequently, the Minority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-339) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, May 7, 1997.

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

On motion of Representative LEMKE of Westbrook the House recessed until 5:00 p.m.

(After Recess)

The House was called to order by the Speaker.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (11) "**Ought Not to Pass**" - Minority (2) "**Ought to Pass**" - Committee on **State and Local Government** on Bill "An Act to Amend Certain Benefits Offered Legislators" (S.P. 139) (L.D. 418)

- In Senate, Majority "**Ought Not to Pass**" Report read and accepted.

TABLED - May 5, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - Motion of same Representative to accept the Majority "**Ought Not to Pass**" Report.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. I am pleased to have been the only House member on the Minority Report on this bill to give all of my colleagues this opportunity to join me in taking the only responsible position on LD 418. This legislation is exactly the type of proposal that my constituents have asked for as I have visited and spoken with them over the past year. By defeating the pending motion and moving on to accept the Minority Report, we will, as public servants, be bringing our own health insurance benefits into line with those offered the majority of private sector employees. I can tell you that even in my previous employment with the federal government, I was required to pay a portion of the cost for my health insurance coverage. As part-time legislators it seems to me that we should, at the very least, align our commitment to these benefits with that of full-time private sector employees across this state. By paying for 20 percent of our own health benefits costs, we will also be reminded monthly of the constantly increasing premium costs that are constantly imposed on the majority of our constituents.

Serving in the Legislature is a public service. While I don't expect anyone to be forced into bankruptcy in order to be here, I do expect that we would do what is right for the people of Maine and not collect benefits that are out of line with those afforded many of our constituents. As a side note, I trust that most of you have had an opportunity to review the fiscal note with this bill and that you will also recognize that the fiscal note reports a savings to the state of \$255,000 in fiscal year 97-98 and an additional \$369,000 in fiscal year 98-99.

Men and women of the House, I urge you to take this very small step of restoring faith with the people that we were sent here to represent and join them in contributing a copay for health benefits. I urge you to vote against the pending motion so that we can go on and accept the Minority Report. Madam Speaker, I would request when the vote is taken, it be taken by the yeas and nays. Thank you.

Representative BUMPS of China requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearn.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. These benefits that are in question are optional. You can choose to take this or not. It is not required and there are some members of this body and of the other body that do not. We are not asking so much, ladies and gentlemen. Yes, we are public servants, but I believe that we should be adequately compensated. A lot of us have second jobs or primary jobs that make great sacrifices to be here and great losses. Our salary, we are not being paid a whole lot because we are a part-time Legislature. I cannot see that this would be right, opposed to the exact type of issue to continue to live up to what a citizen's Legislature is. It is an opportunity for everyone, regardless of who you are, the opportunity to serve as a member of this body or the other body, regardless of your background and be adequately compensated for it. It is not too much to ask. If we were to enact such legislation, it would come to the fact that some people will not run for this position and we may have a very elite group of members of this body and other bodies making decisions upon the majority of the people who otherwise

could not leave their jobs and come and serve in the Legislature. I ask you to join me and accept the Majority "Ought Not to Pass" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. First I want to suggest that I take offense at the fact that folks might consider running for this very distinguished body based on the benefits that might be afforded to one once they were elected. Certainly, I hope that wasn't the intent of Representative Ahearne's comments because I am sure that most of us make the decision to come here based on how well we think we can serve our constituents. I would like, Madam Speaker, if I could to pose a question through the Chair to anyone who might choose to answer it.

The SPEAKER: The Representative may pose his question.

Representative BUMPS: Thank you Madam Speaker. I was wondering how many legislators in both bodies, who are offered the benefit of health insurance coverage, refuse that coverage? Thank you.

The SPEAKER: The Representative from China, Representative BUMPS has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative KERR.

Representative KERR: Madam Speaker, Men and Women of the House. I didn't rise to talk on this issue, but I think the Representative posed a nice question. I don't know how many there are, but I am one of those that doesn't and that is my choice. I have that opportunity to choose whether I want to accept those benefits and I have chosen not to.

The SPEAKER: A roll call has been 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. 143

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brooks, Bull, Bunker, Chartrand, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, LaVerdiere, Lemaire, Lemke, Lemont, Marvin, Mayo, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Stanley, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Underwood, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Dexter, Donnelly, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, McAlevey, Murphy, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Winglass, Winsor.

ABSENT - Belanger IG, Brennan, Desmond, Fuller, Kontos, Labrecque, Lane, Mailhot, McElroy, Nass, Plowman, Shannon, Skoglund, Stedman, Stevens.

Yes, 86; No, 50; Absent, 15; Excused, 0.

86 having voted in the affirmative and 50 voted in the negative, with 15 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane who wishes to speak on the record.

Representative LANE: Madam Speaker, Men and Women of the House. Having just come in from a hearing and not being quick enough to push my button, could I be recorded as voting yea.

The SPEAKER: The record will show that if you had voted, you would have voted yea.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond who wishes to speak on the record.

Representative DESMOND: Madam Speaker, Men and Women of the House. I would like to be recorded as yea.

The SPEAKER: The record will indicate that you will be recorded as voting yea.

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

Divided Report

House Divided Report - Committee on **State and Local Government** - (6) members Report "A" "**Ought to Pass**" as amended by Committee Amendment "A" (H-329) - (5) members Report "B" "**Ought to Pass**" as amended by Committee Amendment "B" (H-330) - (1) member Report "C" "**Ought to Pass**" as amended by Committee Amendment "C" (H-331) on Bill "An Act to Reduce the Meal Allowance for Legislators from \$32 to \$16" (H.P. 59) (L.D. 84) which was tabled by Representative AHEARNE of Madawaska pending his motion to accept Report "A" "**Ought to Pass**" as amended.

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

Representative JONES: Madam Speaker, Men and Women of the House. I rise to urge you to defeat the pending motion, so that we can go on to vote on Amendment "B," which also reduces the meal allowance from \$32 to \$22 and would free up some \$300,000 to be applied to any number of worthy programs rather than merely transferring the savings from one pocket to another. Thank you and I request a roll call vote when the vote is taken.

Representative JONES of Pittsfield requested a roll call on the motion to accept the Report "A" "**Ought to Pass**" as amended.

Representative TUTTLE of Sanford moved that the Bill and all accompanying papers be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone the Bill and all accompanying papers.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative LEMKE.

Representative LEMKE: Madam Speaker, Men and Women of the House. Just a point of order because I have been spending the last four hours with Biddeford Pool so I am just coming up to speed a little. Are we voting to defeat Report "A," "B," "C" or the whole thing?

The SPEAKER: The Chair would answer all three.

Representative LEMKE: All three at once. Thank you.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. I had not intended to speak on this, but I feel compelled, given the amount of time that the committee spent dealing with this issue, to at least go on record as having made some comments about it. I think that if you take a look at the reports that are before you from the committee, there was not a single person on the committee that felt that this bill didn't warrant some attention. Each of the reports is an "Ought to Pass" report. Simply, each of the reports says something a bit different. The first report, the one that was up before the current motion, would take the meal allowance and reduce it from \$32 to \$22 and take the \$10 that is left and move it into your constituent allowance. Report "B" would have taken the \$32 reduced it to \$22 and then return the \$10 to the general fund for, as Representative Jones said, many other worthy programs. Finally, the final report would have taken the bill at face value and passed it "Ought to Pass" simply reducing the meal allowance from \$32 to \$16. I think it is worthy for us to consider, as we are about ready to vote on the pending motion, which is to Indefinitely Postpone, that not a single person on the joint standing committee on State and Local Government felt that this would be the proper action with regards to this bill. I would ask that you consider your vote very carefully and vote against the pending motion. Thank you.

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

Representative SAXL: Madam Speaker, Men and Women of the House. Similar to the last measure before this body, not one member of this chamber is required to accept a meal allowance. I am sure that there are members of this body who don't accept that meal allowance. It is very important, as we face these many bills dealing with the Legislative Budget and benefits for the Legislature, that we understand that this is a citizen's body. Many of us give up jobs in our regular lives that would be much more lucrative. We feel compelled to serve in the public interest. Some of us take our time here from our other lives, myself, I am a student at the University of Maine, School of Law and rely on what small compensation we get here day to day.

In the last debate, the good Representative from China talked about the private sector. I think it is important to talk about the private sector. The last time there was a raise in pay for the members of this body was over 10 years ago. Men and women of the House, it is important today that we recognize that this is a citizen's Legislature and in order for it to stay a citizen's Legislature, we owe a responsibility to make sure that the many members from the different backgrounds represent their districts here can afford to come here to do the best they can and do the people's business. I urge you to join me in supporting the current motion to Indefinitely Postpone this matter and all its accompanying papers. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. Now that I know what we are dealing with, I don't want to embarrass the good Representative Saxl, but, in fact, I agree with just about everything he just said on the floor. The problem is with the way we are voting on it. I am not going to argue the vote, but the way we are voting on it. As Representative Bumps mentioned, in the State and Local Government Committee, every member of the committee did vote for some way of reeducation. There were three different ways, since, in effect, you have a committee report, which is unanimous. I am very uncomfortable with just an Indefinite Postponement of them as a block because I don't know what kind of message that sends out to people. I think it would be a more rational way and if you want to vote them all down in

succession or vote for them or what have you. For that reason, not because I disagree with the points made by the good Representative from Portland, I would urge voting against the Indefinite Postponement so we can deal with the bills in succession.

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

Representative KERR: Madam Speaker, Men and Women of the House. In dealing with some of the, I am going to refer to them as benefits, that we get for serving in this chamber, there is a lot of disadvantages too. It takes time away from our families. Like the previous vote, for those 50 members who chose to vote against giving health insurance, if we took those dollars that those 50 people wanted to stand up, along with me, since I don't take that and I voted for it because I believe that some of us that are in this chamber need to have that health insurance and choose to. If you take those 50 individuals and along with these savings, if you as legislators choose to do so, just those 50 individuals at an average of \$4,200 for health insurance that generates to the good to the savings of the state to the tune of about \$225,000. For those individuals that want to give up a portion of their salary and let's go beyond food allowance and let's go right to the salary. You can choose to give that back to the General Fund, if you think you are overpaid. Nothing will prohibit you from doing that. That is a choice you can make. I will make my choice. I have. You can make your choice. I will urge you to vote for Indefinite Postponement of this bill and all its accompanying papers and for those who voted against on the previous motion, I would only hope that you would give back your health insurance so that you would generate \$225,000 to the General Fund. Thank you.

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

Representative JONES: Madam Speaker, Men and Women of the House. My reason for submitting this bill is that on the campaign trail, I got the message loud and clear that government was growing too fast and taking too much of our hard earned money in the form of taxes. When I discovered what I would be receiving for a meal allowance, I thought what a great way for legislators to set an example and free up over \$300,000 to be applied to any number of truly needed programs. Very few of our constituents receive any meal allowance. Only two other states provide any meal allowance for their legislators. This is truly a feel good bill and just might improve our image. I appreciate the concern shown by the State and Local Government Committee and the fact that not one member voted "Ought Not to Pass." Let's not disappoint them. Let's pass this bill as amended. Thank you.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. As the Legislature currently stands, we are fortunate to have a wide range of political opinions, life experience and financial means represented in this body. Changing the meal allowance, I believe, or the health insurance benefits we receive, would change that situation. If you are lucky enough to live handy to the State House and be able to run home for lunch, I think that is great. If you are lucky enough to have a wife at home who can pack you a lunch, that is terrific. I don't have a wife. It is all I can do to get myself, my two kids and my husband out the door in the morning and get here on time. I am sure a lot of you have noticed that I usually squeak in just in time for the quorum call. We need to preserve the ability of all manner of people to represent their districts in this body and that means the people from far north who come here and live for a week at a time in a hotel room, which I think must be lonely and

very, very hard to do. For those people to have to get by on \$16 a day is highly unreasonable. You can't have a decent meal for \$16 a day. Four dollars for supper is not a reasonable amount of money. I am saying that right now, as hungry as I can be, as I speak to you on this issue, I am speaking from the stomach, if not from the heart. The important thing here is to preserve the ability of a wide range of people to serve in this body. That is why I will be supporting Indefinite Postponement.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I am term limited so that I am not voting or opposed to something because it is not going to affect me one bit. Since I have been in the Legislature, from the 115th on, there have been newly elected individuals that come up with this plan every single year to cut our pay and cut the meal allowance. The first year I was here, the 115th, we cut our pay by 10 percent. Let me tell you something, this is the worst paying job that I have ever had in my life. I don't feel that we should cut 5 cents off anything we do. We observe, watch people work, whether they are working for me or against me or what have you. They deserve to be compensated. If you want to change things, increase their pay to \$30,000 per year and keep the allowance the way it is. They deserve it. I will tell you that I will be voting for this Indefinite Postponement and in the future, whether I am here or not, I think this should continue. You deserve what you get paid and you should continue getting paid.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. We seem to be confusing this bill. This is not an issue of a pay raise or a pay cut. This is simply an issue of meal reimbursement, so if we want to talk about pay raises or pay cuts, we are talking about some other issue, which is not before us. The other thing many have spoken about is it would be in my interest and respect to the committee to take these issues up one at a time so that each could express their opinions. I would encourage you to vote against the measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. This came before us at State and Local Government last time and we had a great deal of interesting discussion about it and voted it "Ought Not to Pass." The reasons given have been stated in the House on the floor now and that is that this is a lousy paying job and I am concerned when I go to people in my district and I say why don't you run? Do you know what they tell me? I can't afford it. I have asked someone if they will run again. I don't know if I can afford it. I think it is insulting. I really believe this is an issue that the radio has made popular and people are frustrated out there because jobs are low and the taxes are high. They can understand this issue and vent. I know when this came about last session and I talked to my constituents and I said, why don't you run? No way, I wouldn't put up with what you put up with for the amount of money you get. I am one that has to stay down here and I am one that has to eat hotel food. McDonalds gets old fast. When you want to order something healthy like broiled fish and vegetables, one meal can cost you \$16. For this reason, I am going to be voting for the motion to Indefinitely Postpone the bill and all its papers.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. I was enticed to run for this office and I

was leaving an office that paid the insurance 100 percent and did the whole nine yards. I said that sure I would run. They said something to me about making \$9,000 a year. I finally got down here and they have cut my pay \$500 and I didn't even know it. Ladies and gentlemen, I urge you to vote for Indefinite Postponement. Thank you very much.

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. This is a scarlet letter bill. We can feel intimidated into voting for something that can characterize us as protecting our own self interest. It is a kind of bill that, if we were all voting behind a closed door or behind a curtain, we would be voting objectively and honestly. Let's keep this same kind of honesty and openness as we vote publicly. Let's all vote for Indefinite Postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. I just want you to know that when this bill came up, I was accidentally in the State and Local Government room and was one of two different who showed enough interest to testify against the bill. The other one was one of my friends from the other side of the aisle, which I thought was interesting. I was told that they probably should have gotten the Civic Center for this particular bill because lots and lots of people were going to show up. I was amazed that there were four of us in the committee there and their legal analysis person and their clerk. I also had a bill to present and I was just there by accident. I didn't make an attempt to be there. I want you to know that at that time I challenged a local radio station to follow me around for one day. We received a letter on our desk here. I can tell you that over the past several weeks, that if they had followed me, they probably never would have gotten home. I arrived here at 7:00 in the morning and there were some nights that I didn't leave until 10:00 and that was on committee work and session. I don't always use that \$30 a day, but I can tell you right now I have a family at home, who more often or not, have to eat out because I am not there to prepare their food. If you really feel strongly that us legislators get paid too much, I suggest you return the whole amount back to the state treasury. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke. 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 LEMKE: Madam Speaker, Men and Women of the House. My own feeling is that a member of the House of Representatives takes on a job of great complexity and very long and irregular hours. If anything, overall, state legislators are undercompensated. I have worked a number of jobs as a college professor and I can tell you that in my experience that this is the most demanding job. It is demanding not only in the terms I mentioned, but as all of you know, it is demanding in terms of our family. The reason I support, this is germane, Representative Perkins' bill was not necessarily the bill itself, but it raised the issue of legislative compensation. As far as the issue of meal pay, there are only two states in the United States, Maine and Vermont, that even have an allowance for meals. We are \$32 and they are \$37.50. All of the rest of the states just make it part of the direct sum that is paid to legislators, which I think is the best way. Then we wouldn't have to deal with these particular types of issues. The problem with this is there is a lot of sound and fury, but this isn't attacking the real issue. Meals, one way or another, is just a side show of the overall compensation. The earlier bill that we had did get closer to that

when you are talking about the medical compensation. Again, I will state that I think if anything, we are underpaid.

My only problem with this vote, as I mentioned before, is that I think the best way for us to do it, not only rationally, but politically, is to deal with each vote in succession out of the committee. That is my only point folks. I will not take any more of your time. I will abide by the recommendation of my good seatmate and cease at this time. I would urge you to vote against this and vote for all three of them.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. To anyone who can answer. How many people testified in favor of this legislation?

The SPEAKER: The Representative from Lewiston, Representative Bouffard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Men and Women of the House. Two.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. As Representative Campbell asked, maybe we ought to focus on the bill itself and the numbers we see on the board. As many of you know, I have to live in a box when I come down here during the week and live out of the hotel room and have to be away from home all week long. I want you to know, ladies and gentlemen, that many of you know that I own a restaurant. My home is a restaurant. We serve fine meals. When you come there, when you leave there, I guarantee, that you are not going to have to stop McDonalds on your way home. I want you to know, ladies and gentlemen, for anyone in this body that has to live here day in and day out, those restaurants in Augusta are similar to mine. When you have to buy your breakfast and buy your lunch, let me tell you ladies and gentlemen, if we reduce this money to \$16 a day, don't come to my restaurant because you are not going to have enough to buy a meal. Thank you.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I also wanted to respond to something the good Representative from Holden, Representative Campbell mentioned, that was the comparison to other states. I was proud to be selected this fall as one of eight people around the country to join together and take a tour to Australia. I learned a lot on that trip. One of the things I learned is that Maine has an incredible amount to be proud of with their Legislature. I am personally highly, highly offended at this attack. Every time I turn around we are being bashed and Maine has no reason to feel ashamed of the people that serve here. We have one of the best systems in this entire country and one of the best forms of government on this entire planet. As for compensation, I will tell you that the norm, the average legislator in this country who represents basically the same amount of people as I do, get three offices, 10 staff members, full benefits, a car, a chauffeur for that car and \$80,000. The characters in Australia get three sets of china with gold on it and their house wine, and their senate wine, to represent 8,000 people. I am tired of all this bashing. There is a lot of very good people that for some reason decide to serve their people. We took a 10 percent cut only a few years ago. Every time I turn around someone is passing

term limits, which back fires. Someone passes stupid campaign reforms and now I get to go out in February and beg people for \$5 a piece so I can run again.

As I said, I am really tired of it. There is a lot of very fine people here who sacrifice a great deal. I, myself, have a masters in business administration. I still have a huge student bill to pay off. For some unknown reason, I decided to come down here and try to use my financial skills to help out this state. I figured out once that I get on average a \$1.33 an hour for doing this lovely job. As a mother, I used to be able to provide a decent meal for my family and I took a lot of joy out of doing that. I read through all of the news clippings through Shaws and Shop n' Save and bought whatever was on bulk purchase that week. I would go home and divide it up and freeze it in ziplock bags and use it the following week. I used coupons and I was very organized and efficient. I would go to the bread stores on Wednesday mornings. I am not home to do that anymore. For some unknown reason, my family still insists on eating. I am working on it, but they insist on eating every once in a while. The reason why I think, personally, every person on that committee voted something out was because they were wimps and scared of what the PR would say. I don't think that is a good reason to sabotage a good thing.

Like I said, we have nothing to be ashamed of in this state. If you want to talk about compensation, kill these bills, study the whole thing and come back and say that we are going to offer people something that will help provide for themselves and their families and feel honest about what we are worth and what we contribute to the state. In the meantime, if you can't fix it and improve upon it, then just find something else to do.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. I am not sure how we got to where we are. If you were to talk to the people back where I live and tell them how much your salary is, I have never heard one complaint. There were no complaints. You tell them you are getting \$32 a day for meals, that is not right. If you could take that from \$32 to \$16 and take that extra \$16 and put it on your salary, what would that make another \$1,000, they still wouldn't complain. They say that we aren't overpaid. How did it happen that the benefits for meals crept up kind of out of line from what people back home think is right, whereas our salaries, nobody complains about our salary? I don't know how it happened. I don't know exactly what to do about it. Representative Campbell brought up a good point. This isn't really about salary. I maintain the whole package is what we get. The whole package has a lot to do with who is here. As I pointed out before, there is almost one-third of the members here, my friends, no offense, are on government salary of some sort or pension. If you add big business to that there is about half. I don't know how to solve it, but I think it is a problem and I think these are the kind of public policy opinions that lend to the make up here. It would be fine with me if we could make it something in line with what the people back home get, \$20 or \$22 and take that extra and put it on their salary. I don't think anybody would complain. Thank you.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. Sometimes I have a little too much time to do some calculations during these debates. I want to share with you what I figured out. Don't quote me on the 100 percent accuracy of this, but it looks like we have had the same \$32 for 10 years and allowing for a 3 percent inflation, that means that is worth \$23.88 today. If we just wait until the year 2009, the value

of that \$32 will actually be down to \$16 and we won't have had to vote.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. Usually when I crack a joke, I don't get any laughs, so I thought I would hop right up after Representative Volenik and gather some of his. I wanted to refocus this on the issue at hand. The issue at hand is that we want to make a change in the meal allowance. We have had a lot of debate on those who live far away and have to stay here five days a week and might have small children. There are a lot of other issues that might come up. As someone who has spent time recruiting people to run for office, it rarely ever comes up in the conversation. People don't say, what am I going to get out of it? I bet when you really think back on it when someone mentioned to us, we were honored to have the opportunity to serve 7,500 people, if it was a few years ago, or 8,500 people today. It wasn't for the compensation, either be it salary or meal allowance, dental insurance, health insurance or whatever other benefits we have that I can't think of off the top of my head. It wasn't for any of those things. It was for the honor of serving the State of Maine and serving the people. It was the honor of being able to carry the voice of those districts down here. I think it almost cheapens that job by standing up and hollaring about what we are being paid.

I sort of said jokingly earlier, how many people here have ever been in a job where they felt they were overpaid? Very few people think that and I do think that many members here work hard and earn their pay and it was done initially for the privilege of serving here and not for the compensation. If we can bring the focus back to the issue here at hand, is there anywhere else in the world, in the private sector, that you are going to be reimbursed for what you spend. If you want to set a maximum on what is okay to spend, rather than make this an overall package, that way it is something different. That way if someone needs to eat out at a restaurant three days a week and they turn in their slips like I do at my other job, then you get compensated for that. It shouldn't be an increase in salary. If you want to do that, Representative Perkins is right, there ought to be a bill in to do that.

To focus us back on the issue at hand, \$32 a day is a pretty aggressive meal allowance. This is from someone who has to eat almost all their meals out. I don't have a spouse to pack a lunch for me, even when I am home. It is not a matter of how you do things when you are here. I rent a place that has a refrigerator so I could pack a lunch. A lot of us could buy a little refrigerator in the beginning of session or do something if we wanted to. We are always asked to make choices here and the choices that we are voting on here today isn't just for some legislative hara-kiri for the next election. It is to free up money for other issues. If we sacrifice ourselves to put that money on the table and allow the Appropriations Committee and the Legislature to decide that there is another priority more important than our meal allowance, then we should. If you don't agree with that, that is okay. Let's just bring it back to the folks for half the meal allowance. If you don't agree with that, that is fine. If you agree that it may be a little bit richer with three choices after this motion is defeated to pick from.

I would encourage you to, as we are about to vote, that folks remember two things here. One, what the issue is and that, is just the meal allowance. It is not all the other crummy things, the phone calls at midnight or all the other dumb things that we have to put up with or that some of us are term limited and some of us aren't. I am term limited. Let's just focus on this issue right here. I can see why some people's constituents would be upset about

it. I have never approached the subject because I have a feeling I might have heard what they thought. It is expensive for a meal allowance. It is reimbursement for expenses you may not have and that is wrong. I hope you would join with Representative Bumps in defeating the motion and let's go on and debate the three choices we have.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I have eaten in Representative Bunker's restaurant and, after buying your breakfast and lunch there, you could not buy dinner at his restaurant. Bringing up another subject related to this issue is what they give us for a car allowance. 22 cents won't drive my car up here and back. I think that we should take whatever extra money we have and put in on our car. My car is falling apart and I can't fix it on 22 cents a mile.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I think that the Representative from Presque Isle has perhaps misconstrued some of the remarks that I made as well as misinterpreted some of what was said by others. The point of discussing the issue as a whole is that we need to keep in mind that a broad range of people need to be able to represent their constituency in this body. My point on not having a wife and on having two small children and having more than 50 miles to commute is that we need a broad range of people and if you look around the room, you will see that there aren't a lot of young women here. One of the reasons there aren't a lot of young women here is because of the benefit package. This is one piece of the broader picture that enables a wide range of people to serve in this body. I didn't run for the money. I am not serving in this body for the money. This piece of the compensation package does allow me and some other Representatives to come here and to speak from the particular point of view that we bring. That is why I feel that it needs to be a wider consideration. Again, I am going to be supporting the Indefinite Postponement and I hope you will join me.

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

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. I agree with Representative Lemke that probably it is improper, not improper because we can do anything we want, but the better choice would be to debate the merits of the three reports and not just out of hand indefinitely Postpone this bill, which is probably what is going to happen. Just a few comments from things that were said. Due to term limits in 2009, none of us are going to be here. I don't know if that is pertinent or not. I think the real issue about whether we have a meal allowance or not is really the Internal Revenue Service treatment of those who live more than 50 miles away and those who live less than 50 miles away. Believe me, knowing that treatment, I am awfully glad that I live 66 miles away from here. I think that we really ought to take some time and look at that and say okay, is there a better way to treat those in this body who live less than 50 miles from the State house so that they can get a little bit fairer shake in dealing with this.

I remember the first time I ran and got here in the 115th. I hadn't a clue. I didn't even know what the salary was. I thought that this wasn't bad. Then I know it was the 114th that raised the salary of legislators. I think it was something about \$750. I am not sure exactly what it was, but there was a goal then, because of the recession in 1991, to keep us at that same level. The same arguments were made that okay, if you don't want to accept that, then give it back or not accept it. I accepted it, but

then I turned around and gave it to charity in my local area because I felt that I knew where it was going. If I just gave it back, I wasn't sure where it was going. I think if we are really interested in saving money, there is other ways, as well, that we can look at, not only the IRS 50 mile limit and how we can make it more equitable for everybody. We can also look at concept bill drafting and get rid of, instead of having 1,867 bills, having fewer bills, combining bills and having cosponsors and try to get away from that. We can save some money that way so that we are not here so long so that we truly can, those who have jobs, afford to be here and not suffer through loss of their own jobs. There are other ways to look at this. I hope that we possibly, next year or future Legislatures, which I will not be a part, will look at those things. Thank you.

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

ROLL CALL NO. 144

YEA - Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Cameron, Carleton, Chartrand, Chizmar, Clark, Clukey, Cross, Davidson, Dexter, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Gagne, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joyner, Kane, Kerr, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemont, Lovett, Marvin, Mayo, McAlevy, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Ahearne, Barth, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Campbell, Chick, Cianchette, Colwell, Cowger, Desmond, Donnelly, Dutremble, Foster, Gerry, Gieringer, Honey, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Layton, Lemke, Lindahl, MacDougall, Mack, Madore, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Underwood, Usher, Vedral, Waterhouse, Winglass, Winsor.

ABSENT - Fuller, Mailhot, Skoglund, Stevens.

Yes, 95; No, 52; Absent, 4; Excused, 0.

95 having voted in the affirmative and 52 voted in the negative, with 4 being absent, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

House Divided Report - Committee on **State and Local Government** - (8) members "**Ought Not to Pass**" - (5) members "**Ought to Pass**" as amended by Committee Amendment "A" (H-326) on Bill "An Act to Require Legislators to Pay a Portion of Their Health and Dental Insurance Premiums" (H.P. 389) (L.D. 534) which was tabled by Representative AHEARNE of Madawaska pending his motion to accept the Majority "**Ought Not to Pass**" Report.

Representative GERRY of Auburn requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been 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. 145

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, Labrecque, Lemaire, Lemke, Lemont, Marvin, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pendleton, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Underwood, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winn, Winsor, Wright, Madam Speaker.

NAY - Barth, Belanger IG, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Donnelly, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, LaVerdiere, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Mayo, McAlevy, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Vedral, Waterhouse, Winglass.

ABSENT - Fuller, Mailhot, Skoglund, Stevens.

Yes, 91; No, 56; Absent, 4; Excused, 0.

91 having voted in the affirmative and 56 voted in the negative, with 4 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

House Divided Report - Committee on **Legal and Veterans Affairs** - (7) members "**Ought Not to Pass**" - (6) members "**Ought to Pass**" as amended by Committee Amendment "A" (H-336) on Bill "An Act to Repeal the Presidential Primary" (H.P. 645) (L.D. 898) which was tabled by Representative TUTTLE of Sanford pending his motion to accept the Majority "**Ought Not to Pass**" Report.

Subsequently, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

House Divided Report - Committee on **Health and Human Services** - (12) members "**Ought Not to Pass**" - (1) member "**Ought to Pass**" as amended by Committee Amendment "A" (H-283) on Bill "An Act to Repeal Medicaid Estate Recovery Laws" (H.P. 696) (L.D. 960) which was tabled by Representative MITCHELL of Portland pending her motion to accept the Majority "**Ought Not to Pass**" Report.

Representative CARLETON of Wells moved that the Bill be tabled pending the motion of Representative MITCHELL of Portland to accept the Majority "**Ought Not to Pass**" Report and later today assigned.

Representative MITCHELL of Portland requested a roll call on the motion to table.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

ROLL CALL NO. 146

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr,

Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Treadwell, True, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

NAY - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lovett, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Thompson, Tobin, Townsend, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

ABSENT - Fuller, Gieringer, Mailhot, Skoglund, Stevens, Tripp.

Yes, 71; No, 74; Absent, 6; Excused, 0.

71 having voted in the affirmative and 74 voted in the negative, with 6 being absent, the motion to table was not accepted.

Representative UNDERWOOD of Oxford moved that the Bill be tabled pending the motion of Representative MITCHELL of Portland to accept the Majority "Ought Not to Pass" Report and specially assigned for Wednesday, May 7, 1997.

Representative MITCHELL of Portland requested a division on the motion to table.

The Chair ordered a division on the motion to table.

A vote of the House was taken. 61 voted in favor of the same and 69 against, the motion to table was not accepted.

Representative LEMKE of Westbrook moved that the Bill be tabled pending the motion of Representative MITCHELL of Portland to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, May 8, 1997.

The Chair ordered a division on the motion to table.

Representative LEMKE of Westbrook requested a roll call on the motion to table.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

ROLL CALL NO. 147

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Winglass.

NAY - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Tessier, Thompson, Townsend,

Tuttle, Vigue, Volenik, Watson, Wheeler GJ, Winn, Winsor, Wright, Madam Speaker.

ABSENT - Fuller, Madore, Mailhot, O'Brien, Skoglund, Stevens, Tripp.

Yes, 66; No, 78; Absent, 7; Excused, 0.

66 having voted in the affirmative and 78 voted in the negative, with 7 being absent, the motion to table was not accepted.

Subsequently, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

On motion of Representative LOVETT of Scarborough, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted on Bill "An Act to Repeal the Presidential Primary" (H.P. 645) (L.D. 898).

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

Representative LOVETT: Madam Speaker, Men and Women of the House. I was the sponsor of this piece of Legislation and the legislation that was enacted in 1993 requires that when the state committee of a political party certifies that there is a contest among candidates for nomination as a presidential candidate of the party and has notified the state of its intent to participate in the presidential election, the state shall hold a presidential primary election.

Maine held its first ever presidential primary on March 5, 1996. There were 10 candidates who paid filing fees of \$2,500 each to gain access to either Democrat or Republican primary ballot. There were 94,307 votes cast for both party primaries in this election. The turnout represented about only 16 percent of the voters enrolled in the two parties. Just four months earlier, 289,000 voters turned out for the 1995 November referendum election.

I introduced this legislation after my town clerk and a town councilman expressed their concern about the enormous cost associated with this election. These costs are ultimately picked up by the local property taxpayers. Town clerks are still being required to participate in the party caucuses, so it turns out that the towns are paying twice. I have been and will continue to be a strong advocate for the banning of unfunded mandates by state and federal governments. I believe that if the state cannot afford the cost of this presidential primary election, then we should get rid of it altogether. I would appreciate your support and vote against the pending motion. I would like to ask for a roll call vote please.

The same Representative requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. As Representative Lovett has told you, voter participation was five times higher than the estimated 20,000 individuals who participated in any municipal caucuses. It was the feeling of the majority that the presidential primary is a way to involve more people in this election process. It was the option of each of the major parties whether or not to participate based upon a determination that there is a contest. As mentioned before, I guess, although this turnout represents about 16 percent of the voters enrolled, it was five times greater than it had been in previous years. The presidential preference primary, as I said before, is a way of getting more people involved. It is something that has recently been established and I, for one, think the majority would encourage you to continue to

support it. It makes good sense. I think the cost is well worth it for getting democracy involved. We also generated more fees with the 10 candidates that had registered filing fees of \$2,500 each. For that reason, I would encourage you to support the Majority "Ought Not to Pass" Report.

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

Representative WATERHOUSE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. To any committee member or any body else in the House, tell me how many other states in the country have a presidential primary?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Men and Women of the House. I wasn't prepared. I believe it was 28.

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

Representative MURPHY: Madam Speaker, Men and Women of the House. The good Representative from Sanford and I are part of the institutional memory. Back in the 1980s this presidential primary bill continually came to this body and was continually defeated because it was an unfunded mandate. We don't pay for it. I think the chief beneficiaries are the newspapers, television and radio. It benefits political junkies and the political parties. It was defeated in the 1980s because members of the House had said that if the political parties want it, if the political junkies want it, they should pay for it. Not the local property taxpayers. Madam Speaker, I would like to pose a question please.

What was the total unreimbursed cost to our municipalities for that 1996 presidential election?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Men and Women of the House. I think from the figures it was \$16,636.

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

Representative MURPHY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Madam Speaker, Men and Women of the House. Was that the cost to the State of Maine or the cumulative total cost to all the municipalities within the state?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Men and Women of the House. I believe that would be, from my figures, the cost to the State of Maine.

The SPEAKER: A roll call has been 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. 148

YEA - Ahearn, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Gagne, Gamache,

Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemont, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Tessier, Thompson, Townsend, Tuttle, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisher, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Rines, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Fuller, Gagnon, Madore, Mailhot, O'Brien, Skoglund, Stevens, Tripp.

Yes, 68; No, 75; Absent, 8; Excused, 0.

68 having voted in the affirmative and 75 voted in the negative, with 8 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended report was accepted.

The Bill was read once. Committee Amendment "A" (H-336) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, May 7, 1997.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Gamache who wishes to address the House on the record.

Representative GAMACHE: Madam Speaker, Men and Women of the House. I don't mean this to be a frivolous comment. The just completed vote reminds us and should that empty seats vote. Thank you.

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 House Rule 502.

An Act to Clarify the Parity Provision in Maine Banking Law (EMERGENCY) (S.P. 49) (L.D. 159) (C. "A" S-116)

TABLED - May 5, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

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. 135 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 Provide for International Banking in the State and Enhanced Enforcement Authority over Financial Institution Holding Companies (S.P. 341) (L.D. 1119) (C. "A" S-120; S. "A" S-143)

TABLED - May 5, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

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

Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code (H.P. 775) (L.D. 1052) (C. "A" H-91; S. "A" S-153)

TABLED - May 5, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Final Passage.

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

Representative WATERHOUSE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. To anybody on the committee, could they please explain to me or the body what this task force is going to do? And the other question I would ask is in creating this task force, is there a fiscal note? I don't see one, but if there is a fiscal note, how much is it?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Ladies and Gentlemen of the House. There is no fiscal note because the costs are going to be self-absorbed by the State Planning Office, who is overseeing the task force. I am sorry, I didn't get the first question.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. My first question was what is this task force being set up to do? What is the end result hoping to be?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. This bill in no way mandates a municipal building code on everyone. What this task force is going to do is look at BOCA regulations and come up with a model code that municipalities can adopt only if they want. If they want to have a code, a building code. It does not say that you have to have one. It is just a model to inform other municipalities that this is what you might want to look at if you have any intention of forming or implementing a building code. It in no way mandates it.

Representative MACK of Standish requested a roll call on final passage.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. I sponsored this bill on behalf of State Planning at the request of my local code enforcement officer and with a lot of enthusiasm from Maine Builders Association and others who are looking at, not only the national codes, which are codes designed, the BOCA code, as was people who are in the building trade. Just so you know, I didn't sit in my Lazy Boy some night and come up with this idea. It was brought to me with the full endorsement of the code enforcement officer in my town who is eager to see this sort of model developed so that the state, as the Representative from Raymond suggested, had a model to look at. It is not a mandate. It received unanimous

committee report with no one speaking in opposition and scores of people speaking in favor of it. I think you can feel confident supporting this bill. We are waiting to see what the results are so that your communities have a model to look at. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. From the 115th to the present, we have had the introduction of a bill to license general contractors. General Contractors licensing would be a consumer protection issue. It is impossible to go beyond what we have done at this point because we do not have a standard. We do not have a code. This is something that is absolutely needed, if we are, in any way, going to protect our people from people building homes that are not qualified to be building homes. We have a code for electricians called the BOCA code, as was mentioned. We have a code for plumbing, the BOCA code, which we have not adopted. This will give us a standard for contractors so, ultimately, if we are looking in the future to license contractors so that we have that protection, we need a standard. This is going to provide a standard so that we can go beyond this point and eventually provide protection for the public against unscrupulous contractors that do not know how to build homes. I ask you to please support this Final Passage.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I urge you to vote against this passage. I thought this might be the end direction that this task force was heading. I do not support further licensing of trade. I think it is a way of regulating them further. I think it is a way of shutting other people out of the trade. As far as protecting the consumer, we have a state law now. Certainly if you build a house it is going to cost you more than \$1,400. If you do any kind of a job for \$1,400 or more, you have to have a contract. That contract spells out all the things that would protect the consumer. I urge you to vote against Final Passage of this bill.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Men and Women of the House. I just want to clarify what was just said. This bill, as I recall in committee was quite a while ago, had nothing to do with licensing of anyone. Again, it offers a code, probably more useful to rural towns who don't have planning boards. The licensing approval method is having one go to one's neighbor and saying that you are putting an addition on my barn, what do you think? If you get the nod, then it is all right. We heard testimony from insurers, this is why it was in the Banking and Insurance Committee, who talked about if municipalities, especially smaller ones, have the ability to have a code, they might be more inclined to enforce it. There are several out there that don't even have a code and they don't even have the will or the means to get one done. This just offered them one. That is all it is. There was no hidden agenda here. I urge you to go along with the 13 to zip report. Thank you.

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

ROLL CALL NO. 149

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Bunker, Carleton, Chartrand, Chizmar, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Ethier, Farnsworth, Fisher, Fisk, Frechette, Gagne, Gamache, Green, Hatch, Honey, Jabar, Jones KW, Jones SL,

Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Muse, Nass, O'Neal, O'Neil, Paul, Pendleton, Perry, Pieh, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley, Taylor, Tessier, Thompson, Tobin, Townsend, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Buck, Cameron, Campbell, Chick, Cianchette, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lemke, MacDougall, Mack, Marvin, McAlevey, Murphy, Nickerson, Ott, Peavey, Perkins, Pinkham RG, Snowe-Mello, Stedman, Treadwell, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Dexter, Fuller, Gagnon, Madore, Mailhot, O'Brien, Poulin, Skoglund, Stevens, Tripp.

Yes, 104; No, 37; Absent, 10; Excused, 0.

104 having voted in the affirmative and 37 voted in the negative, with 10 being absent, the Resolve was finally passed, signed by the speaker and sent to the Senate.

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

Bill "An Act to Allow a Greater Share of the Transfer Tax to Remain in the Counties Where it is Collected" (S.P. 91) (L.D. 271) (C. "A" S-126)

TABLED - May 5, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Engrossed.

On motion of Representative KONTOS of Windham, tabled pending passage to be engrossed as amended and specially assigned for Wednesday, May 7, 1997.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were tabled and today assigned:

Expression of Legislative sentiment recognizing Matthew Fowle (HLS 383)

TABLED - May 2, 1997 by Representative STEDMAN of Hartland.

PENDING - Passage.

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

HOUSE DIVIDED REPORT - Majority (9) "**Ought Not to Pass**" - Minority (4) "**Ought to Pass**" as amended by Committee Amendment "A" (H-272) - Committee on **Banking and Insurance** on Bill "An Act to Require Public Insurers to Supply Insurance Data to Schools and Municipalities" (H.P. 603) (L.D. 828)

TABLED - May 5, 1997 by Representative DONNELLY of Presque Isle.

PENDING - Motion of Representative DAVIDSON of Brunswick to accept the Majority "**Ought Not to Pass**" Report.

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

Representative CARLETON: Madam Speaker, Ladies and Gentlemen of the House. I hope you will not accept the Majority "Ought Not to Pass" Report so that we can go on to adopt the Minority "Ought to Pass" as amended Report. This bill concerns

the issue of whether or not your local school boards and school districts have the right to have the information about their health insurance claims experience. Claims experience is the amount of money that is paid out by the insurer to pay for benefits for the members under the policy. There is a law in this state that says that every policy holder holding a group policy is entitled to get the information about their claims experience. For one thing, it is a matter of you pay the premium, you ought to be able to get the information for the second thing, if you are paying a huge premium and it turns out that your claims experience is low, then you might want to think about whether or not you are getting your moneys worth on your policy. Number three, if you decide you weren't getting a good deal and you go and talk to someone else to provide insurance, the first thing they are going to ask you is, what has your claims experience been?

I said before that this law applies across the state. It does not apply to the MEA trust because technically the MEA trust is the policy holder and the local school districts who write their insurance though the MEA trust are, therefore, not the policy holders and they are not entitled by this law to get this information. The MEA trust writes a large amount of insurance in this state. Many school districts write through the MEA trust. In fact, about 85 or 90 percent of them do. Their competitors do release this information to their local school districts when they ask about it, but the MEA trust does not. The MEA trust and its predecessor has been in existence for about 50 years now. For about 50 years, they have gone out and they have talked to insurance companies and they have tried to get the best deal for all the people who have signed up with them. By coincidence, they have always ended up with the same company with the past 50 years, that is Blue Cross and Blue Shield of Maine.

They don't want the local school communities to be able to get the information about claims experience because they have a captive market. They don't want them to go someplace else. You will hear somebody say here that we have got this one big happy family and trust us. Don't go talk to anybody else. Don't ask for any information that will allow you to compare. Just trust us. We are big and we will take care of you. For those of you in Portland, your school superintendent came in and testified about this bill before our committee. She said that they were pursuing legal action against the MEA for unfair business practices or the like. Within a few days after that, a different legal arrangement was set up by which the trust was able to abide the law and still not divulge this information.

Men and women of the House, I don't think this is right. I don't think it is proper for the trust to be telling local people that they cannot make their own decisions about their health insurance. I don't think it is right to tell local school boards and local school districts that they are not going to get the information to evaluate their health insurance policies. I don't think it right to provide an exclusion to keep an exclusion so that this monopoly or near monopoly can continue its monopoly. There are many things that monopolies do. Most of the time you aren't going to know it if you end up paying a lot more because something is a monopoly, because by definition, the monopoly is not going to give you information. So it is in this case. I realize a lot of you have received a lot of phone calls about this issue because there is an interest here in the trust to keep things closed. I urge you, since we are the legislative body, that you really think about whether or not this is right. I hope that you will defeat the Majority "Ought Not to Pass" Report so that we can pass this bill and give the school boards and the school districts the information they need to make their own decisions. Thank you.

On motion of Representative MAYO of Bath, tabled pending the motion of Representative DAVIDSON of Brunswick to accept

the Majority "**Ought Not to Pass**" Report and specially assigned for Wednesday, May 7, 1997.

SENATE REPORT - "**Ought to Pass**" as amended by Committee Amendment "A" (S-127) - Committee on **Education and Cultural Affairs** on Bill "An Act to Provide for State and Federal Criminal Record Checks on Educational Personnel in the State" (S.P. 174) (L.D. 503)

- In Senate, Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-127) as amended by Senate Amendment "A" (S-169) thereto.

TABLED - May 5, 1997 by Representative RICHARD of Madison.
PENDING - Acceptance of Committee Report.

Subsequently, the Committee Report was accepted.

The Bill was read once. Committee Amendment "A" (S-127) was read by the Clerk. Senate Amendment "A" (S-169) to Committee Amendment "A" (S-127) was read by the Clerk and adopted.

Committee Amendment "A" (S-127) as amended by Senate Amendment "A" (S-169) thereto was adopted. The Bill was assigned for second reading Wednesday, May 7, 1997.

Resolve, to Establish Qualifications for Constitutional Officers and the State Auditor (EMERGENCY) (S.P. 80) (L.D. 219) (C. "A" S-99)

TABLED - May 5, 1997 by Representative AHEARNE of Madawaska.

PENDING - Final Passage.

On motion of Representative AHEARNE of Madawaska, tabled pending final passage and specially assigned for Wednesday, May 7, 1997.

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

ENACTORS

An Act to Amend the Maine Civil Legal Services Fund (H.P. 739) (L.D. 1003) (C. "A" H-295)

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

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

The Chair ordered a division on the motion of passage to be enacted.

A vote of the House was taken. 67 voted in favor of the same and 38 against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-343) on Bill "An Act to Modify the Prequalification Laws to Allow the Disqualification of Contractors for a Time Not to Exceed One Year" (H.P. 285) (L.D. 349)

Signed:

Senator: NUTTING of Androscoggin

Representatives: AHEARNE of Madawaska

 FISK of Falmouth

 BAGLEY of Machias

 GERRY of Auburn

 LEMKE of Westbrook

BUMPS of China
GIERINGER of Portland
KASPRZAK of Newport
SANBORN of Alton
DUTREMBLE of Biddeford

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

Signed:

Senators: GOLDTHWAIT of Hancock

 LIBBY of York

Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority "**Ought to Pass**" as amended Report and specially assigned for Wednesday, May 7, 1997.

Divided Report

Majority Report of the Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-347) on Bill "An Act to Create a Family Division within the State's District Court" (H.P. 896) (L.D. 1213) (Governor's Bill)

Signed:

Senators: LONGLEY of Waldo

 LaFOUNTAIN of York

Representatives: THOMPSON of Naples

 WATSON of Farmingdale

 ETNIER of Harpswell

 JABAR of Waterville

 MAILHOT of Lewiston

 POWERS of Rockport

 PLOWMAN of Hampden

 NASS of Acton

 MADORE of Augusta

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

Signed:

Senator: BENOIT of Franklin

Representative: WATERHOUSE of Bridgton

Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority "**Ought to Pass**" as amended Report and specially assigned for Wednesday, May 7, 1997.

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

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

Emergency Measure

An Act to Transfer Funds from the Maine Forest Service to the Waldo County Soil and Water Conservation District (H.P. 823) (L.D. 1128) (C. "A" H-220) which was tabled by Representative KONTOS of Windham pending passage to be enacted.

On motion of Representative BUNKER of Kossuth Township, the rules were suspended for the purpose of reconsideration.

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

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

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-220) was adopted.

The same Representative presented House Amendment "A" (H-375) to Committee Amendment "A" (H-220) which was read by the Clerk.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. This was one of the number of bills that were tabled earlier today because we have some technical

reviews done on the bills at the Enactment stage. The technical change was we could not do this under an emergency preamble. Nothing else on the bill is being changed other than the emergency being removed from it. I would ask that we support the bill as we did in the past and move forward to Enactment.

House Amendment "A" (H-375) to Committee Amendment "A" (H-220) was adopted.

Committee Amendment "A" (H-220) as amended by House Amendment "A" (H-375) thereto was adopted.

The Bill was passed to be engrossed in non-concurrence and sent up for concurrence.

On motion of Representative TRUE of Fryeburg, the House adjourned at 7:05 p.m., until 9:00 a.m., Wednesday, May 7, 1997.