

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST SPECIAL SESSION
28th Legislative Day
Friday, May 16, 1997

The House met according to adjournment and was called to order by the Speaker Pro Tem, Rep. ETNIER of Harpswell.

Prayer by Reverend Marian E. Marks, Grace Lutheran Church, Auburn.

Pledge of Allegiance.

Doctor of the day, John B. Makin, M.D., Skowhegan.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 262)

MAINE STATE SENATE

State House Station 3

Augusta, Maine 04333

May 15, 1997

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its previous action whereby it failed to Adopt Joint Resolution - Memorializing Congress to Request that the Balanced Budget Amendment to the Constitution of the United States be Submitted to the States for Ratification (H.P. 1240).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

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

CONSENT CALENDAR

First Day

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

(S.P. 619) (L.D. 1822) Resolve, Authorizing the Town of Southwest Harbor to Refinance Certain Temporary Bond Anticipation Notes Issued for Its Water Project (EMERGENCY) Committee on **State and Local Government** reporting "**Ought to Pass**"

(H.P. 1280) (L.D. 1817) Bill "An Act to Amend the Laws Governing the Maine Health and Higher Educational Facilities Authority" (EMERGENCY) Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-473)

(S.P. 59) (L.D. 169) Bill "An Act Concerning Theft of Rental Property" Committee on **Criminal Justice** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-228)

(H.P. 1167) (L.D. 1644) Bill "An Act to Give the Director of the Bureau of Labor Standards Rule-making Authority for All Wage and Hour and Other Related Laws That the Bureau of Labor Standards Is Charged with Enforcing" Committee on **Labor** reporting "**Ought to Pass**"

(H.P. 1271) (L.D. 1797) Bill "An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System" (EMERGENCY) Committee on **Labor** reporting "**Ought to Pass**"

(H.P. 371) (L.D. 516) Bill "An Act to Impose a Statute of Limitations for Violations of Municipal Subdivision Ordinances" Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-474)

(H.P. 710) (L.D. 974) Bill "An Act to Allow the State to Appeal Certain Sentences Imposed on Defendants" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-487)

(H.P. 835) (L.D. 1140) Bill "An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers" Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-480)

(H.P. 971) (L.D. 1351) Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers" Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-481)

(H.P. 1010) (L.D. 1402) Bill "An Act to Establish the Civil Offense of Creating a Police Standoff" Committee on **Criminal Justice** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-470)

(H.P. 1016) (L.D. 1408) Bill "An Act to Redistrict Knox County and Provide for 5 County Commissioners" Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-475)

(H.P. 1184) (L.D. 1675) Bill "An Act to Amend the Victims' Compensation Fund" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-486)

(H.P. 1209) (L.D. 1709) Bill "An Act Regarding Errors and Inconsistencies in the Maine Employment Security Law" Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-482)

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

There being no objection, the Senate Papers were passed to be engrossed or 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.

(S.P. 563) (L.D. 1720) Bill "An Act to Repeal the Requirement That Victualers Be Licensed by a Municipality" Committee on **State and Local Government** reporting "**Ought to Pass**"

On motion of Representative CAMERON of Rumford, was removed from the First Day Consent Calendar.

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

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

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

Representative CAMERON: On (7-1) to anyone who can answer the question, I know I will slaughter the word, but nonetheless in a victualers license, my question is, as an example, some of us that live in rural communities, many of the communities have established produce stands, if you will, that pay property tax in that community and are an integral part of that community. If somebody comes to peddle that kind of produce from another community and now has to have a license, does this, in effect, say that that person can come from another community and have no responsibility to the community in which they are selling their wares and not even have to be licensed?

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

On motion of Representative AHEARNE of Madawaska, tabled pending acceptance of the Committee Report and later today assigned.

(S.P. 100) (L.D. 379) Bill "An Act to Clarify the Reimbursement of Legislators' Expenses" Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-223)

On motion of Representative SAXL of Portland, was removed from the First Day Consent Calendar.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and later today assigned.

(H.P. 24) (L.D. 49) Bill "An Act to Exempt Contract Dance Instructors from the Unemployment Tax" Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-483)

On motion of Representative PENDLETON of Scarborough, was removed from the First Day Consent Calendar.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 20, 1997.

(H.P. 446) (L.D. 596) Bill "An Act to Require the Department of Labor to Ensure That Housing Provided as an Incident of Employment by Agricultural Employers Meets Minimum Standards of Habitability" Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-484)

On motion of Representative SAXL of Portland, was removed from the First Day Consent Calendar.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and later today assigned.

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

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

Expression of Legislative Sentiment recognizing Marlowe Sonksen (HLS 439)

TABLED - May 7, 1997 by Representative KONTOS of Windham.

PENDING - Passage.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House. I am proud that Marlowe Sonksen, outstanding marine patrol officer of the year, is a resident of Owl's Head in my district. Mr. Sonksen was nominated for this honor by the Maine Lobstermen's Association. The fact that the Maine Lobstermen's Association united and agreed on nominating one person, I think is a remarkable tribute to Mr. Sonksen. I greet Mr. Sonksen as a fellow representative of the State of Maine and hope you will do the same because, like all

state employees, particularly those who wear a state uniform, to the people he deals with everyday, he represents the State of Maine. He represents the dignity of the state, the authority and we hope the essential goodness to the people he serves. Like the fishermen of Maine, this Legislature is proud of its marine patrol and we are particularly proud that Mr. Sonksen has honored us with his presence today. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative PINKHAM: Mr. Speaker, Men and Women of the House. I, too, would like to stand today to congratulate Marlowe for an outstanding 12 years, so far, with the Bureau of Marine Patrol. It is a great honor to be honored by the very people that you work with and protect in the industry. I know, I was appointed marine patrol officer nearly 19 years ago. I know what the honor is like for Marlowe. Why I am standing today, I happened to be chief of the marine patrol when Marlowe was hired, so I signed his papers. Marlowe came to me from Iowa in 1985 and the very week he came to Maine, it just so happened that we were advertising for marine patrol officers and, as luck would have it, he was here the week the advertisement was in the paper. He saw it and applied and was hired by the Department of Marine Resources in October of 1985. Marlowe attended the 58th class at the Maine Criminal Justice Academy, where he graduated third in his class of 46 law enforcement people. His first assignment, which he still has today, was the Vinalhaven/North Haven area. It has expanded to a couple towns on the mainland now. He has worked those areas and represented the State of Maine very good for 12 years. Marlowe lives in Owl's Head with his wife, Joyce, and two daughters. Marlowe is also head firearms instructor with the Department of Marine Resources, Bureau of Marine Patrol. He is an active member in the State Police Dive Team. He is an instructor of martial arts and he holds a first-degree black belt in Karate. Just to let the fishermen know, don't fool with him. Thank you very much and I, too, congratulate him.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 644)
JOINT RESOLUTION COMMEMORATING THE 125TH
ANNIVERSARY OF THE MAINE STATE SOCIETY
FOR THE PROTECTION OF ANIMALS

WHEREAS, the care and protection of animals is a responsibility of all civilized countries; and

WHEREAS, in fulfillment of that responsibility, the Maine State Society for the Protection of Animals was founded in 1872; and

WHEREAS, since 1872, the society's main purpose has been to provide proper food, medical care, rehabilitation and good homes for large animals seized or voluntarily turned over to state humane agents; and

WHEREAS, the society has been an honored institution of the State for 125 years; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the First Special Session, take this occasion to recognize the Maine State Society for the Protection of Animals on the occasion of its 125th Anniversary and to extend our best wishes for continued success; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine State Society for the Protection of Animals in honor of the occasion.

Came from the Senate, read and adopted.
Was read and adopted in concurrence.

SENATE PAPERS
Divided Report

Majority Report of the Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-227) on Bill "An Act to Authorize a Physician's Assistant or a Nurse Practitioner to Sign Papers Transferring a Patient for Evaluation for Emergency Involuntary Commitment" (S.P. 83) (L.D. 263)

Signed:

Senators: LONGLEY of Waldo
LaFOUNTAIN of York
BENOIT of Franklin

Representatives: THOMPSON of Naples
WATSON of Farmingdale
ETNIER of Harpswell
JABAR of Waterville
MAILHOT of Lewiston
POWERS of Rockport
MADORE of Augusta
NASS of Acton
WATERHOUSE of Bridgton

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

Signed:

Representative: PLOWMAN of Hampden

Came from the Senate with the Majority "**Ought to Pass**" as amended Report of the Committee on **Judiciary** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-227) and Senate Amendment "A" (S-229).

Was read.

The Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-227) was read by the Clerk and adopted. Senate Amendment "A" (S-229) was read by the Clerk and adopted.

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

Under further suspension of the rules the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-227) and Senate Amendment "A" (S-229) in concurrence.

Divided Report

Majority Report of the Committee on **Appropriations and Financial Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Provide Funding for the Southern York County Business Resource Center" (S.P. 618) (L.D. 1821)

Signed:

Senators: BENNETT of Oxford
MICHAUD of Penobscot
CLEVELAND of Androscoggin

Representatives: LEMAIRE of Lewiston
WINSOR of Norway
MARVIN of Cape Elizabeth
POULIN of Oakland

BERRY of Livermore
STEVENS of Orono
TOWNSEND of Portland
KNEELAND of Easton

Minority Report of the same Committee reporting "**Ought to Pass**" on same Bill.

Signed:

Representatives: KERR of Old Orchard Beach
OTT of York

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

Was read.

On motion of Representative SAXL of Portland, the Bill and all accompanying papers were committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence and sent up for concurrence.

Divided Report

Ten Members of the Committee on **State and Local Government** on Bill "An Act to Ensure Ethical Conduct in the Office of Treasurer of State" (S.P. 225) (L.D. 794) report in Report "A" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (S-221)

Signed:

Senators: NUTTING of Androscoggin
LIBBY of York

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

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

Signed:

Representative: BAGLEY of Machias

One Member of the same Committee on same Bill reports in Report "C" that the same "**Ought to Pass**"

Signed:

Senator: GOLDTHWAIT of Hancock

One Member of the same Committee on same Bill reports in Report "D" that the same "**Ought to Pass**" as amended by Committee Amendment "B" (S-222)

Representative: GERRY of Auburn

Came from the Senate with Report "A" "**Ought to Pass**" as amended of the Committee on **State and Local Government** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-221).

Was read.

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

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

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

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

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

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I have read Senate Amendment (S-221), which outlines or limits the campaign contributions, which the Treasurer of State may solicit under this bill. Could someone who voted for the bill in committee, please explain to me whether we have any law to prevent legislators who vote on issues regarding tobacco from accepting gifts from the tobacco industry?

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

Representative TESSIER of Fairfield moved that the Bill and all accompanying papers be indefinitely postponed.

Representative AHEARNE of Madawaska requested a roll call on the 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 PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

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

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House. To the chair of the committee of this unanimous report, could you describe what this bill entails?

The SPEAKER PRO TEM: The Representative from Presque Isle, Representative Donnelly 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: Mr. Speaker, Ladies and Gentlemen of the House. This bill would prohibit the Treasurer of State from accepting gifts or soliciting campaign contributions from any person or organization with whom the Treasurer conducts business as part of the duties of the state.

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

Representative BUMPS: Mr. Speaker, Men and Women of the House. I would like to direct your attention to the Committee Amendment, which represents the opinion of 10 members of the State and Local Government Committee. I want to assure you that the committee, as we contemplated this bill and discussed a number of issues surrounding this matter. I think the most important thing for all of us to remember when we consider ethical conduct in the Office of the Treasurer is that we are entrusting this person through the appointment of this Legislature to represent the State of Maine in all its financial interests with a number of different entities all over the country. I think that the least we can ask of this person who we have placed this great deal of trust in, is that while they are away from the State of Maine, while they are doing business with our money, that they do it ethically. They don't solicit contributions that will then be turned around and used in some sort of political race. This is a bill, which we have limited its scope. We talked about extending and actually a couple of the Minority Reports talk about extending this to other offices. This is an important measure. These are people who we have entrusted with a great deal of money and responsibility to represent the interests of the people of this state. I would encourage you to take this very simple step to keep faith with the people of this state, whom we represent. I would urge you to vote against Indefinite Postponement so we can go on to accept the Majority Report of 10 members of the Committee on State and Local Government. Thank you.

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

Representative TESSIER: Mr. Speaker, Men and Women of the House. It is my opinion that we have ample provisions on current law to protect and require the ethical conduct of our Treasurer. We have not had any problems in this area in the past. I believe we have ample laws. I don't see any need to pass another one in this regard.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

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

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

Representative LEMAIRE: Mr. Speaker, Men and Women of the House. For anyone who would wish to answer. Has there been a problem of ethics in the office of the Treasurer? I guess my concern is, I am unsure why this has come to the floor. Normally when we bring this kind of a bill in, it is because there has been a problem. I would like to know if that was considered during the hearing.

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

Representative AHEARNE: Mr. Speaker, Men and Women of the House. I don't believe there has been any cases of such, but there is a concern that there is a possibility of a conflict of interest if there is any type of contribution or type of gift, if given to the Treasurer of the State of Maine, if they were to do business with these bond houses and so forth from the state.

This is not a very extreme measure that we are asking. I believe the good Representative from China has addressed it accurately. Furthermore, we had received a letter from the Treasurer of State, in which I will quote from. In the letter it states, "I enclose Connecticut public law, Act 95188, which was sent to me by Connecticut State Treasurer, Christopher Burnham, in hopes that it will help you in your deliberation. I believe such a law would add integrity to the office of the State Treasurer of Maine and I welcome it." We looked at that type of law and this law that we have before us is nothing more stringent and nothing more different. It is a good piece of legislation. I ask you to vote against the Indefinite Postponement.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. I don't usually speak about items which are not before my committee but I feel we have a long tradition of distinguished Treasurer of State. There are ethical provisions in place now. I would ask you not to insult that office by imposing things when they are not needed. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone the Bill and Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 205

YEA - Bagley, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, 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, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Watson, Wheeler GJ, Wright.

NAY - Ahearne, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Dutremble, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Vigue, Volenik, Waterhouse, Wheeler EM, Winsor.

ABSENT - Baker CL, Barth, Campbell, Fisk, Jones KW, Lemke, McElroy, Plowman, Winglass, Winn, Madam Speaker.

Yes, 73; No, 67; Absent, 11; Excused, 0.

73 having voted in the affirmative and 67 voted in the negative, with 11 being absent, the Bill and all accompanying papers were indefinitely postponed.

On motion of Representative DONNELLY of Presque Isle, the House reconsidered its action whereby the Bill and all accompanying papers were indefinitely postponed.

On further motion of the same Representative, tabled pending the motion of Representative TESSIER of Fairfield to indefinitely postpone the Bill and all accompanying papers and later today assigned.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-210) on Bill "An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes" (S.P. 428) (L.D. 1376)

Signed:

Senators: CAREY of Kennebec
DAGGETT of Kennebec
FERGUSON of Oxford

Representatives: TUTTLE of Sanford
GAMACHE of Lewiston
CHIZMAR of Lisbon
GAGNE of Buckfield
TESSIER of Fairfield
TRUE of Fryeburg
BIGL of Bucksport
BELANGER of Wallagrass

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (S-211) on same Bill.

Signed:

Representatives: FISHER of Brewer
LABRECQUE of Gorham

Came from the Senate with the Majority "**Ought to Pass**" as amended Report of the Committee on **Legal and Veterans Affairs** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-210).

Was read.

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

On motion of Representative KONTOS of Windham, tabled pending the motion of Representative TUTTLE of Sanford to accept the Majority "**Ought to Pass**" as amended Report and later today assigned.

Non-Concurrent Matter

Bill "An Act to Grant Tax-exempt Status to the Scottish Rite Masonic Children's Learning Centers, Inc." (H.P. 158) (L.D. 200) (C "A" H-451) on which the Majority "**Ought to Pass**" as amended Report of the Committee on **Taxation** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-451) in the House on May 15, 1997.

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

On motion of Representative SAXL of Portland, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-478) on Bill "An Act to Amend the Child Labor Laws to Prohibit Minors 14 Years of Age from Working in a Restaurant or Eating Place" (H.P. 135) (L.D. 177)

Signed:

Senators: CATHCART of Penobscot
MILLS of Somerset
TREAT of Kennebec
Representatives: BOLDUC of Auburn
CLARK of Millinocket
RINES of Wiscasset
JOY of Crystal
PENDLETON of Scarborough

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

Signed:

Representatives: HATCH of Skowhegan
SAMSON of Jay
STANLEY of Medway

Was read.

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

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

Representative HATCH: Mr. Speaker, Men and Women of the House. I don't want to go into a long debate on why I am on the other side of the report and I moved the Majority "Ought to Pass" Report. The reasons being many, on my side, but to let you know, I just have a real problem with any legislation dealing with 15 year olds having to deliver food to rooms. I don't know how people are going to enforce this or how it is going to be done. I just have some problems with it. This bill was in our committee two years ago and I was also on the Minority Report then and will continue to vote like this. I just thought I would let you know. I have no problem with those who are on the Majority Report it is just something that we could not work out in committee. I feel it was appropriate to go on the Minority Report. Thank you.

The Bill was read once. Committee Amendment "A" (H-478) was read by the Clerk and adopted.

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

Under further suspension of the rules the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-478) and sent up for concurrence. Ordered sent forthwith.

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought Not to Pass**" on Bill "An Act to Have State Wage Laws Conform with the Federal Small Business Job Protection Act of 1996" (H.P. 615) (L.D. 840)

Signed:

Senators: CATHCART of Penobscot
TREAT of Kennebec

Representatives: HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
RINES of Wiscasset
STANLEY of Medway

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-477) on same Bill.

Signed:

Representatives: JOY of Crystal
PENDLETON of Scarborough
TREADWELL of Carmel

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Mr. Speaker, Men and Women of the House. In the 117th Legislature when we were dealing with the minimum wage issue, what we passed was that Maine's minimum wage would be tied to the federal minimum wage. Whatever the federal government decided to do, we would follow. When they raised the minimum wage two years ago, they also made a technical change in the tip credit portion of the law that relates to restaurants and waitresses. All this bill does is it makes technical changes in our laws so that we can, again, be in conformity with the federal law. Mr. Speaker, I request a roll call.

Representative JOYCE of Biddeford 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 PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Ladies and Gentlemen of the House. I know I probably won't change anybody's vote. I will be right up front and honest about that. We went through this less than a year ago. The small restaurant businesses in the state and the major restaurant businesses in this state, because of this change in the tip law, have been put at a disadvantage. The one thing we must remember is that with this change, no matter what happens, the employees of the restaurant will never receive any less than the minimum wage. What this bill has done is when we had a minimum wage of \$4.25, the employer was obligated to issue a check to the employees for \$2.13, which was one-half of the minimum wage. They also, when they were filing their tax reports, were able to get credit for that \$2.13 on their tax. However, when we moved to \$4.75, one-half of that, which they are obligated now to pay the employee, is \$2.38. They have a differential of 25 cents, which the federal government does not recognize because they have been tied on that tax at a cap of \$2.13.

What this translates to a restaurant employer is that for every hour their employees work, they lose approximately 6 cents an hour. It doesn't seem like an awful lot. You can say that this is something that is part of doing business. If you get 40 employees, at 6 cents an hour and you are open for 14 hours a day, it amounts to a sizable amount of money. We are looking forward, again this year, of increasing the minimum wage to \$5.15, which will then add an additional amount. The reason this bill we put this bill in during the special session and there was an objection to it that we hadn't sent out proper notice for everybody to come. This bill came into this session and I don't know how much notice it got. I can't remember ever seeing it being noticed in the paper and we basically only had about three people that showed up. The prior time, when supposedly we didn't have any notice, we had a whole room full of people. I am beginning to wonder.

This bill, if we allow it to continue and the minimum wage rate keeps going up with this cap that the federal people are recognizing, our employers running restaurants will be losing a major amount of money. I already know of a few smaller restaurants that serve specialty meals and are open for five or six hours in an evening and their employees, because their meals are priced so high, most of the people pay by credit card, some of these people are making \$14 to \$18 an hour. What I am saying now, you have to remember, the employees will never be paid less than the minimum wage. The check, in a lot of cases, which is obligated to be \$2.38 and in some cases now is being issued in a zero amount. The reason it is being issued in a zero amount is the employers are being forced by the Internal Revenue Service to report the tip wages as income for their employees and the employees are having their check, which is issued by the employer be used to pay off what they have to report in taxes to the IRS. For that reason, you will see checks from waitresses that are zero and sometimes \$4 or \$5. If you look at the stub, you will see that the amount of money on the stub has gone to the taxes. I just want to bring that to everybody's attention. We have a problem and it going to be compounded again by the new increase in minimum wage. With that, I will sit down on this issue. Thank you very much.

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 accept the 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 PRO TEM: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House. I oppose the Indefinite Postponement of this legislation. I do support the "Ought Not to Pass." As Representative Pendleton just spoke about, waitpeople currently receive half the minimum wage as their basic pay and make the rest in tips. This law has been on the books approximately 30 years. One of my great passions in life, believe it or not, is eating spaghetti and meatballs. Two nights ago while doing my regular job, I worked late and went to a restaurant that I had heard was advertising spaghetti, all you can eat. To my dismay when I arrived, the restaurant had been closed for 30 minutes or so. I kind of pressed my face against the glass hoping that someone would take pity on me and let me in. That didn't happen. The lights were dimmed and I observed a waitress working in a restaurant cleaning up. I recalled that as she was working she was earning \$2.38 an hour. There are a lot of facets to this tip deal. One of the things you have to remember is often these waitresses come in. As a matter a fact, they generally

come in a couple hours early to clean up. They are working for half of minimum wage. At night when the customers are gone and they are cleaning, they are also working for half of minimum wage. I do hope you support to not Indefinitely Postpone. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. During the hearing on this bill, we had numerous waitstaff people that came and testified that they really didn't want the pay increase. They felt it was going to hurt rather than help them. I don't think that there was a single person from any of the waitstaff that testified that wanted a pay raise. As a matter a fact, they specifically requested that if there was going to be a pay raise that it go to the other people, the dishwashers and kitchen help.

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

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

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

Representative MAYO: Mr. Speaker, Men and Women of the House. We have heard in the last few minutes, conflicting testimony as to whether or not a person working in a restaurant does receive or does not receive less than the minimum wage for the hours worked. I would like some clarification of that from some member of the committee if I could.

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

Representative PENDLETON: Mr. Speaker, Men and Women of the House. The standard is for the hours worked. If somebody is at a place of business for let's say eight hours and spends one hour getting their area ready to serve and one hour getting it cleaned up afterward, the total time that they are there, they can never be paid less than the minimum wage for the entire time period that they are there. Yes, it is correct that they do get a check for \$2.38 an hour for that hour. However, that makeup check has to make sure that that individual does not make less than minimum wage during the total time they are there.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Mr. Speaker, Men and Women of the House. Due to the lack of spaghetti in my diet this week, I was in error. I am in favor of Indefinite Postponement of this bill.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House. This bill was a major concern to a lot of the restaurants in this state. As you recall, last year, the bill, I believe, passed the House and failed finally to become law. At that time, we were facing a two-step increase in the federal minimum wage and a resulting two-step increase in the state minimum wage. The first step of that increase has already taken place because the state minimum wage for tipped employees is half that of the federal minimum wage. It rose to \$2.38 last October and it is scheduled to be increased to \$2.58 at some point in the future. This bill recognizes reality and recognizes that the \$2.38 minimum wage for tipped employees is here and no one is going to take it away. The bill only acts perceptively, I believe, and will only affect the next step increase to \$2.58 per hour. There are a lot of restaurants in this state. There are a lot of people working in restaurants. This bill is not about the

minimum wage as one of the previous speakers had indicated. Everybody who works for tips is going to get the minimum wage, one way or the other. Let me repeat that. Everybody who works for tipped wages is going to get the minimum wage, whatever it is, one way or the other. The only issue is whether those employees who, perhaps, make a lot more than a minimum wage because they get a lot of tips are going to get even more. The effect of this bill, if you pass it, may very well be that those tipped employees are going to get an increase and those employees that perhaps work as dishwashers, as a lot of the testimony at the public hearing indicated, are not going to get an increase. Consider the effect of this bill. It sounds good to give somebody an increase, but we are giving an increase to people, in most cases, who are not working for the minimum wage. Thank you.

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

Representative HATCH: Mr. Speaker, Men and Women of the House. I had hoped that we would just not have too much debate, but I guess we are going to. I will be very brief. First of all, at the hearing, we had three waiters and waitresses show up. They were all accompanied by business people. How do you suppose their testimony is going to go at that point? There was some discussion of whether or not the other staff, dishwashers and the people who cook, were going to get an increase in pay. They definitely will. They are going to get an increase in pay if they are on minimum wage because it changes this fall. There are a lot of technical changes at this point. If this bill passes, right now, it is going to have to have an emergency mandate on it in order to allow the DOL to put up posters and let people know that this waitstaff is not going to have the minimum wage. I would encourage you to vote for the Indefinite Postponement. There is going to be a lot of problems here. People may get the increase and then they will turn around and get a decrease and guess who they will blame? That having been said, I think it is a bad idea not to give people an increase just because they happen to be waitresses or waiters. They do make tips. We heard a lot of testimony last year in our committee. Most of it was from the Restaurant Association.

At that time, I was told by my restaurant people that they were going to work against me because I had voted against this bill. I want you to know that those restaurants are all running in my area. They are doing well. They could be doing much better and they will during the tourist season. I want you to know that these remarks, although well intended and I took them as such, you haven't heard all the story, you have only heard half of it. Thanks.

The SPEAKER PRO TEM: 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. 206

YEA - Ahearne, Bagley, Baker JL, Berry RL, Bolduc, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Pieh, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright.

NAY - Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bragdon, Bruno, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Cross, Desmond, Dexter, Donnelly,

Fisher, Foster, Gamache, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Povich, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Baker CL, Barth, Buck, Clukey, Fisk, Jones KW, Plowman, Madam Speaker.

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

72 having voted in the affirmative and 71 voted in the negative, with 8 being absent, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

Divided Report

Majority Report of the Committee on **Health and Human Services** reporting "**Ought Not to Pass**" on Bill "An Act to Require Consent of a Legal Guardian for the Provision of Prescription Contraception to a Minor" (H.P. 1011) (L.D. 1403)

Signed:

Senators: PARADIS of Aroostook
LONGLEY of Waldo
MITCHELL of Penobscot

Representatives: MITCHELL of Portland
BROOKS of Winterport
FULLER of Manchester
KANE of Saco
PIEH of Bremen
QUINT of Portland
LOVETT of Scarborough
JOYNER of Hollis

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-472) on same Bill.

Signed:

Representatives: BRAGDON of Bangor
SNOWE-MELLO of Poland

Was read.

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

Representative MACK of Standish 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 PRO TEM: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I urge defeat of the "Ought Not to Pass" report so that I may present a House Amendment. The House Amendment would be what I would like the bill to do. What the bill does is it would require the parental notification for a minor, who is below the age of consent, to get a birth control pill or other prescription contraceptives. This bill only includes prescription contraceptives that would not include condoms and other over-the-counter contraceptives. Any other drug, which is available, whether an antibiotic or any drug that you would need for a cold or any medical, they need parental consent to get that

medicine. I don't think contraceptives should be a special category in regard to parental consent for drugs.

What my bill would do, it would not be parental consent. It would just be parental notification and not all minors, just girls under the age of 14. Girls who are below the age of consent. Girls who cannot legally consent to have sex who go on the birth control pill. All other drugs need parental consent, whether it be an antibiotic or something to control an imbalance, an organ or a liver, any medicine you take, even allergy medicine. I remember when I was in middle school and I had a headache one day and went to the nurse's office to get some aspirin for my headache, they would not give me aspirin because my parents had not signed a waiver saying it was okay to give me aspirin or Tylenol or anything. If a young student in school needs parental consent to get an aspirin in a school, why shouldn't they need parental consent or notification to get on a birth control pills? There are dangerous side effects that are possible from the birth control pill as well as any other medication. If something goes wrong with the child, the parents are responsible to pay for and care for the child. The parents are potentially at risk if something goes wrong. Shouldn't they know that the risk is there. Do you think parents should be in charge of their children?

Recently we passed a law requiring parental consent for body piercing, for nose rings and belly button rings. This is in the same general line of thought. I would ask everyone to defeat the "Ought Not to Pass" motion so that the amendments can be presented and we can put this common sense effort in so girls of all ages, especially those who are below the age of consent, who aren't even in high school yet, can have parental notification to get on the pill. Thank you.

Representative BULL of Freeport moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House. I rise to support the pending motion of Indefinite Postponement because I feel this is one of the most misguided pieces of legislation that I have ever seen. I appreciate the intent of this legislation. I believe it is intended to bring families together or to keep teenagers from having sex, but, unfortunately, this bill will do neither. In fact, it will simply make things worse. What this bill will do is to put teenage girls, and only girls, because this does not affect condoms or anything that boys might use, it would put teenage girls at risk.

A study of the *Journal of American Medical Association* reported that if parental consent were required, 80 percent of teens that act with family planning services would stop doing so, but fewer than 1 percent of teens would refrain from engaging in sexual intercourse. We are going to have the wrong affect here. This would lead to more unwanted and unplanned pregnancies and could, unfortunately, lead to more abortions. We heard the irrelevant aspirin argument. Schools require consent for aspirin to protect against liability, not because of a law and not because of medical necessity. This aspirin argument is completely irrelevant. What is relevant is teenage girls must have access to health services that will and do protect them.

Senator Snowe and most of the rest of the world is moving in the opposite direction. She is sponsoring legislation to mandate insurance coverage for contraceptives. Please don't move Maine backwards and put girls at risk.

Representative SAXL of Portland requested a roll call on the 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 PRO TEM: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I am not going to talk to the merits of this bill, but I will tell you that, in my review of it, it is against federal law. I will ask you to support Indefinite Postponement.

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

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

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

Representative LANE: Mr. Speaker, Men and Women of the House. How old does a girl have to be before she is given birth control pills? The second question is, are there any side effects of that medication?

The SPEAKER PRO TEM: The Representative from Enfield, Representative Lane has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Shannon.

Representative SHANNON: Mr. Speaker, Men and Women of the House. I suspect, based on the number of pregnancies in our junior high school that access would begin in the preteen years.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House. I believe that to get birth control pills, a girl has to be old enough to need them. The primary side effect is that a girl does not get an unwanted pregnancy.

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

Representative LANE: Mr. Speaker, Ladies and Gentlemen of the House. I think that this is taken just a little lightly. This bill addresses a real concern with parents I have heard from out there. That is the fact that they have no more parental involvement with their children from the time they are about 12 years old. I have had letters and calls from people who are very concerned with sex education in school and the way it is presented and also the easy access to birth control methods. I feel like our young people aren't given a brain to have any kind of self-control. Recently I heard that the Education Department refused \$250 million from the federal government to teach abstinence courses. What kind of message are we giving out here? Another question I would pose to the House, which each one of you must consider, recently an eight and nine year old were found having sex in a classroom. Don't blush. If they are old enough to do it, then we are certainly mature enough to consider it and talk about that. I think it is a problem. I think it is a big problem and it is one that we need to address. I don't know how you are going to come down on this bill. It really doesn't matter. I don't know if it is against federal law. I don't know anything about it. I applaud the intent of this bill. Another question I would ask you to consider is, birth control pills, does it prevent a young girl from getting any one of the myriad of sexually transmitted diseases out there?

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. Recently Representative Lane and I have found ourselves agreeing on a fair number of issues. I agree with her on one point today, that this is an extremely serious matter and should be addressed with all seriousness. I would argue, however, that the bill addresses a problem, which Maine can be pretty proud about our statistics regarding these issues. Maine has the third lowest rate in the nation for teen pregnancy.

We had a very significant reduction in teen birth between the years of 1990 and 1994. It was so significant that executives from the Center for Disease Control visited the state to find out what we were doing right. I would argue that we must be doing something right. Furthermore, our abortion rate for adolescents dropped from 65.3 per 1,000 in 1990 to 50 per 1,000 in 1994. We must be doing something right.

Furthermore, in response to earlier argument, I would say that a study of abstinence only had education in California, which lasted over the last 16 years determined that participants were more likely to become pregnant than those who were not enrolled. I want to go on to say that I agree that the issue of contraception can be compared to aspirin or body piercing. It is a much more serious issue. As with anything related to sex, it must be considered in that light. We are talking about a subject matter which is not easy for young people and their parents to communicate about. It is a subject matter which has extremely serious consequences. Furthermore, I do take exception to the repeated use of the term girl and child in relation to this debate. A young woman who is old enough to give birth, to be concerned about having to face that issue, deserves the dignity and the respect to be regarded as a young woman. I also find that term offensive in light of the fact that the bill does not address the responsibility of the young man in the matter. Thank you. I will be voting to Indefinitely Postpone this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. The famous last words, I was not prepared to speak on this. I need to talk about a few comments that have been made. I have much respect for Representative Townsend, but I do need to say that I think the problem is that these are children. They aren't prepared in many, many cases to give birth. That is the absolute problem with this. I don't believe that this bill is the solution. I applaud the Representative who sponsored this bill for the intent. I think they have the best interests in mind. I absolutely agree with the intent, but this is not the way to do it. If we prevent children, young women, from getting access to contraceptives, we are going to have a much larger problem. I would be the first to stand and advocate abstinence, but I am also a realist. I would ask also that you do Indefinitely Postpone this bill and let's look at other solutions to the problem.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I am one of the older members of this State Legislature and I have lived through the experience of having two teenage daughters grow up. Some years ago before this information and access to birth control, contraceptives were so readily available. Without going into further detail, I will only say that I wish they had been more readily available when my teenage daughters were growing up. I urge your support of the Indefinite Postponement of this bill.

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

Representative TESSIER: Mr. Speaker, Men and Women of the House. In my other life away from the Legislature, one of the programs that my agency offers is an alternative high school for pregnant and parenting teens. About 45 young ladies, per year, pass through our doors. Most of these young ladies have been emotionally abandoned by their parents and many physically abandoned by their parents. To require that they try to get their parents approval to obtain birth control bills is practically ridiculous, we have to chase down as an agency. I ask that you support the Infinite Postponement of this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. This bill does not, I believe, intend to prevent young teens from making the choice to have sex. Indeed, we have out of the myriad of items that have come across our desk, that they do so in great numbers. What its intent is to make sure that parents are informed so they can exercise their parental authority to teach their children and discuss the appropriateness of their decision. I believe the intent of the bill is also to notify parents. I don't think there is a word in there about permission. I think it is simply to notify the parents so that they can be a player in a decision their child has made. There is a notion too, I think, that, whether we like it or not, the decision to have sex is being made anyway. What this bill does, I think, is it helps make that attempt to say that it isn't okay. It affirms that when choices of this magnitude, when they are made by our young people, that they should have the opportunity, whether some of us deem it necessary or not, that the parents have that opportunity to have their wisdom be a part of that decision making process.

One of the items passed around that was mentioned from the fact that the Family Planning Association of Maine highlights abstinence in all its public materials aimed at teens in all of its work with teens in schools, which is wonderful. There was a recent survey that nearly 1,400 Maine students, conducted by the Department of Education indicates that many young people in our state are heeding that message. Again, that is great news. The Youth Risk Behavior Survey showed that the percentage of Maine students who have had sexual intercourse, 49 percent, is lower than the national rate of 53 percent. It goes on to say that that is encouraging, which, on one side I say that is encouraging because it is lower than the national average, but 49 percent, for me, is deplorable. Our young people are making decisions that aren't always appropriate, even though it is within their power to make certain decisions. All this legislation is attempting to do is to reinforce that parents need to be involved in such a serious decision as whether they are having sex or not. Thank you very much.

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

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. The simple clear outcome result if we pass this bill is more unwanted pregnancies and an increase in abortions. I encourage you to vote for the Indefinite Postponement. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Mr. Speaker, Men and Women of the House. When I saw the bill coming up, I had a great many concerns because I was afraid that it was sending, not only the wrong message to women, but the wrong message to men. To my knowledge, one does not get pregnant alone. I think it is a concern for all of us, not just as legislators, but as mothers, fathers, brothers and sisters. When my daughter was growing up, we had a wonderful relationship. We still do. She is now a young woman in her 20s. When she was at the age where she was blossoming and she was beginning to date, I had the same frets and concerns that all parents do about her dating. We had always had a relationship where we could speak openly to each other. We were very fortunate. One of the things we talked about at the onset of dating, was that she needed to look at all of the alternatives and ramifications if she intended to have sex. Frankly, men and women of the House, none of us are blind or deaf. We know what is going on with young people when they are dating. When we discussed it, I offered to take her to my

doctor or if she was to go to a clinic, to make sure that she was protected from an unwanted pregnancy. I think all of us would like to have that kind of a relationship with our children. Unfortunately, we don't. Unfortunately, young women are maturing at a much younger age and there are no people talking to them about the ramifications of having sex and having an unwanted pregnancy, frankly, young men walking away and leaving them in that condition. I urge you to support the Indefinite Postponement of this bill. Thank you men and women of this House.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. In response to a question that was asked by Representative Lane about some of the possible side effects. Some of the possible side effects are liver damage, heart and blood problems, high blood pressure, possible breast and cervical cancer, and liver cancer. There are other side effects including interaction with other drugs and antibiotics you may take. I think it is very important that the parents know about these possible side effects. I would also like to mention that this would not make prescription contraceptives illegal. It would just be that the parents know about them when their minor boys or girls are taking them. These minors include minors even below the age of consent. Thank you and I urge you to vote against the pending motion.

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

Representative GAGNON: Mr. Speaker, Men and Women of the House. I have three daughters. I have three kids and they are all daughters. Someone said that is three points towards heaven for me. Once they become teenagers, I get triple coins. I am a little offended by the implication, I guess, of the responsibility be placed on women or girls in this bill with very little impact on what the responsibility is placed on boys or men. I think I would be horrified by the fact, as a father, to learn that any of my daughters were participating in sex when they reach their teens. They are not there yet. I can't imagine what I would feel if my daughter came home and told me that they were pregnant. Then the ensuing discussion, the horror that we would have to feel and discuss the alternatives to having a child. I don't want my children, my daughters, participating in sex at high school level or even junior high school level, but I want every opportunity for them to make sure that they are not going to be coming home with those more challenging questions or issues. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. I have a letter here that I think is very interesting. I would like to share it with you all. This letter is from a well respected physician in Androscoggin County. Let me read this letter to you. "Dear Representative Snowe-Mello, I am writing to you in regard to LD 1403, An Act to Require Consent of a Legal Guardian for the Prescription Contraception to a Minor. I am writing to you as a parent, not as a physician and not as a member of the Maine Medical Association. The committee of the Maine Medical Association who considered this bill urged us to oppose it. I personally do not believe that this is the correct position to take. Parents are responsible for their children's actions. Unless the child is emancipated, until the emancipated condition exists, parents have the right know about and consent to the medical care their children receive, particularly on any matters regarding reproduction. I find it hard to imagine that any responsible parent would not want this consent ability. I understand there are children who have parents who are not

responsible for their actions. These children have sexual activity, which may result in pregnancy. I understand as a physician who want these children to avoid pregnancy. However, this act speaks directly to parent responsibility and I think it should be approved. I think it is inappropriate for a physician to be part of a dishonesty scheme between minor children and those responsible for them. Sincerely yours, Thomas F. Shields."

I would also like to further remind people that this bill didn't include boys or teenage fellas, it included the girls because it is a contraceptive drug that may cause severe medical problems with the girls. That is why this bill was written. For parents to know and understand that if they are on this medication, they could have problems. Thank you.

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

Representative LOVETT: Mr. Speaker, Ladies and Gentlemen of the House. I, too, am the mother of three daughters. I am also raising, with the help of one of my daughters, a granddaughter. Let me tell you, we have a close relationship, but I know today that so many mothers and fathers are busy with their jobs and I am concerned for the child whose parents can not give them the advice they need. I just want to give you a few statistics that will make you probably join me in Indefinitely Postponing this bill. On a nationwide study, it was indicated that 80 percent of teenage women, who were using family planning services, said they would not seek clinic care if their parents had to be told. Fewer than one in 100 said they would discontinue sexual relations. That disturbs me. Another study found that 85 percent would forego seeking treatment for sexually transmitted disease if parental consent or notices were required. Those are the two good reasons too that I am going to Indefinitely Postpone this bill and all its accompanying papers. Thank you.

The SPEAKER PRO TEM: 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. 207

YEA - Bagley, Baker JL, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Bunker, Cameron, Carleton, Chartrand, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Underwood, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Wright.

NAY - Ahearne, Belanger DJ, Bragdon, Buck, Campbell, Chick, Dexter, Foster, Gerry, Joy, Kasprzak, Kneeland, Lane, Layton, MacDougall, Mack, Meres, Nickerson, Pinkham RG, Pinkham WD, Snowe-Mello, Stedman, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Baker CL, Barth, Clukey, Fisk, Plowman, Richard, Madam Speaker.

Yes, 116; No, 28; Absent, 7; Excused, 0.

116 having voted in the affirmative and 28 voted in the negative, with 7 being absent, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-479) on Bill "An Act to Require the Maine State Retirement System to Release Part-time or Substitute Teachers and Coaches from Participation" (H.P. 724) (L.D. 988)

Signed:

Senators: CATHCART of Penobscot
MILLS of Somerset
TREAT of Kennebec

Representatives: HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
RINES of Wiscasset
STANLEY of Medway
JOY of Crystal
JOYCE of Biddeford
PENDLETON of Scarborough
TREADWELL of Carmel

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

Signed:

Representative: CLARK of Millinocket
Was read.

On motion of Representative HATCH of Skowhegan the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-479) was read by the Clerk and adopted.

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

Under further suspension of the rules the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-479) and sent up for concurrence.

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

SENATE PAPERS

The following Communication: (H.C. 263)

**THE SENATE OF MAINE
3 State House Station
Augusta, Maine 04333**

May 15, 1997

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

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its previous action whereby it Accepted the Majority Ought Not to Pass Report from the Committee on Judiciary on Bill "An Act to Prohibit the Photographing or Transmittal of Jury Deliberations" (S.P. 37) (L.D. 35).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Ought to Pass Pursuant to Joint Order (S.P. 645)

Report of the Committee on **Banking and Insurance** reporting "**Ought to Pass**" pursuant to Joint Order (S.P. 645) on Bill "An Act Authorizing the Bureau of Insurance to Release Aggregate Ratios of Consumer Complaints to the Public" (S.P. 657) (L.D. 1879)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

Report was read and accepted, the Bill read once.

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

Under further suspension of the rules the Bill was passed to be engrossed in concurrence.

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

On motion of Representative BISULCA of Penobscot Nation, the House adjourned at 12:55 p.m., until 9:00 a.m., Monday, May 19, 1997.