

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
31st Legislative Day
Wednesday, May 21, 1997

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

Prayer by The Reverend Canon Jon C. Strand, St. Luke's Cathedral, Portland.

National Anthem by the Windham 8th Grade Band.

Pledge of Allegiance.

Doctor of the day, Donald Hankinson, D.O., Cape Elizabeth.

The Journal of yesterday was read and approved.

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-275) on Resolve, to Foster Economic Growth through the Recognition and Development of Maine's Franco-American Resource (EMERGENCY) (S.P. 519) (L.D. 1603)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-275) as amended by Senate Amendment "A" (S-283) thereto.

The Report was read and accepted. The Resolve was read once. Committee Amendment "A" (S-275) was read by the Clerk. Senate Amendment "A" (S-283) to Committee Amendment "A" (S-275) was read by the Clerk and adopted. Committee Amendment "A" (S-275) as amended by Senate Amendment "A" (S-283) thereto was adopted.

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

Under further suspension of the rules the Resolve was passed to be engrossed as amended by Committee Amendment "A" (S-275) as amended by Senate Amendment "A" (S-283) thereto in concurrence.

Divided Report

Majority Report of the Committee on **Transportation** reporting "**Ought Not to Pass**" on Bill "An Act to Amend the Motor Vehicle Laws Concerning Inspection Stations" (S.P. 541) (L.D. 1660)

Signed:

Senator: CASSIDY of Washington

Representatives: WINGLASS of Auburn

FISHER of Brewer

JOYCE of Biddeford

CLUKEY of Houlton

CHARTRAND of Rockland

LINDAHL of Northport

DRISCOLL of Calais

SAVAGE of Union

WHEELER of Eliot

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-269) on same Bill.

Signed:

Senator: O'GARA of Cumberland

Representative: BOUFFARD of Lewiston

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

Was read.

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

Non-Concurrent Matter

Bill "An Act to Ensure Ethical Conduct in the Office of Treasurer of State" (S.P. 225) (L.D. 794) on which the Bill and accompanying papers were indefinitely postponed in the House on May 19, 1997.

Came from the Senate with that Body having adhered to its former action whereby Report "A" "**Ought to Pass**" as amended by Committee Amendment "A" (S-221) of the Committee on **State and Local Government** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-221) in non-concurrence.

Representative AHEARNE of Madawaska moved that the House insist and ask for a Committee of Conference.

Representative DONNELLY of Presque Isle moved that the House Recede and Concur.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. This is a lengthy debate we had last week. It's a debate in which some information was challenged and that there was never a problem in the State of Maine on these sorts of issues. Since then, we've done a little bit of research to see if there ever has been a problem where perhaps the State Treasurer was soliciting campaign contributions from Bond Houses from Bond Council and other people doing business with the State of Maine.

In that brief research, we found that there had been a problem in Maine's history. We found that there had been a problem of accepting money while we're doing business on Wall Street. In documents that are in the Governmental Ethics and Elections Practices Office, in a former PAC, there are campaign contributions from Chemical Bank, Bear Stearns, GMS, Smith Barney, Merrill Lynch, A.G. Edwards, Bond Council, Wolf Bond, Lamb, Libby & MERA, Shearson Leeman Brothers, Fidelity Investments, Lebenthao & Company, Lubec Harbor, Hawkins, Delafield & Wood, another Bond Council, MR Beal, Goldman Sachs, Bank of New York, C & L Back Securities, Kidder Peabody, Banker's Trust, just to name a few from one account. In this one report there was over \$11,300 in campaign contributions from people who did direct business with the State of Maine.

I recently asked for who we do do business with, to see if there were, or if these just happened to be coincidences. Kol Managers of who we do business with, H.E. Edwards and Sons is on this report. Merrill Lynch is on this report. Smith Barney's is on that report. On other reports were Advest Inc., Joe Davidson Associates, and the list just goes on and on. I would hope that we had never needed this kind of thing. It comes up painfully obvious that we need to have some prohibition in law against those who are out selling our bonds to the banks to present these. It's a protection that people of the State of Maine need and deserve. Even if this is only an appearance of impropriety, even if it's just the appearance, it's too much. There is no reason for a position that is elected by this Body to go out and raise that sort of money and that came out loud and clear in debate of why we didn't want these positions popularly elected. Those who oppose that position said, we don't want them to go out renting themselves out, or make the appearance that they're

for sale, or have to go raise big money from people they regulate. We do that right here. Recently, as I was educated by Representative Davidson, there is an FCC ruling, which was rather narrow in focus that the actual investment banker underwriting the deal could not invest in a Treasurer. It said nothing about any of the other business in which doing this business like Bond Council, which we spend a lot of money on. Like other things that are procured, or sold, or rented, like the services we hire out of Massachusetts for helping us find folks who have abandoned property in the State of Maine. We have handouts for those who want them, that demonstrates these facts. Talk about articles that have been written in the past, concerned about these issues, I think it's important that we move forward, that we move forward with these items and assure the people of the State of Maine that the appearance of these positions being for sale or rent was only appearance, and that we will belly up to the bar and say, "No more cash from Wall Street for politicians." The difference in the debate, somebody said, well what's the difference between if we accept money, or if they accept money. There's several differences I can lay out for you if you'd like. One of which is that we are publicly elected, we go before the people of the State of Maine. They can judge us, if they don't like if we accepted tobacco money, if they don't like we accepted money from somewhere and kick us out. It's not the same with this position. This position is not popularly elected. This position is elected by 186, or a majority of 186 people in the State of Maine and they do not need to raise this much money to do that. I hope you would join me in voting for the motion to Recede and Concur, to help assure the people of the State of Maine that when our Treasurer goes to Wall Street, that all they are going there for is the best interest of the people of this State. Thank you.

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

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I'm on the State and Local Government Committee, and the "Ought to Pass" Report. For one reason that I think we need to maintain our integrity. If we're to have any sort of integrity at all in the eyes of our constituents, we need to support a bill like this and if we don't, what are they going to think, what are they going to say? For our own integrity, we need to vote yes on this bill. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative SAXL: To Representative Donnelly, have you ever accepted campaign contributions to any organization, or a group that has business before this body?

The SPEAKER: The Representative from Portland, Representative Saxl has posed a question through the Chair to the Representative from Presque Isle, Representative Donnelly. The Chair recognizes that Representative.

Representative DONNELLY: I don't know, because I am not the person in charge of distributing contracts, nor am I in a position of power of hiring, sending out contracts, or distributing business for the State of Maine. That's a clear difference between the posts. This post does have the authority to hire without review by any other group. If I were to accept money by a group, which I'm not sure, I guess we could pull my finance reports and look, and see who does business with the state, it might actually be. But there's a general services department here in the State of Maine who does the contracting out by an RFD process and does have an ethical standard by which they have to do this by. There's only the State Treasurer's Office, is

the only one that has the authority over issuing the bonds, so there's a clear difference. There's a clear difference.

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

Representative SAXL: Madam Speaker, Men and Women of the House. I appreciate the good Representative from Presque Isle's attempt to answer my question. From a few of the articles that I've seen around recently, I know that, for example the Representative hasn't received funds for example from the tobacco industry, and yet votes on matters directly impacting the tobacco industry in the State of Maine. Now I certainly don't impugn that, or suggest that that impacts his position on those issues, or that those contributions to other members of this body, would impact in that way. All I'm suggesting is that when we debated this legislation, twice so far, and we moved to indefinitely postpone this legislation. We talked about standards. We talked about whether we should hold other offices or constitutional offices themselves different from one another. Should we do that for the State? Why for the Treasurer, not for Auditor, the Secretary of State, the Attorney General and the members of this Body, the Governor, everybody serves the State Government? Why not impose the same stringent standards? If we believe that these contributions impact elected officials and put them in positions which compromise their integrity, then surely, those laws which restrict those kinds of contributions should be on each and every one of the people in this chamber as well as each and every one of the Constitutional Officers, as well as the Chief Executive.

Now I appreciate the good Representative from Presque Isle's modesty when he says he doesn't have influence like the Treasurer of the State of Maine, but I would suggest that the Minority Leader of the House has a great deal of influence in this Body and has a great deal to do with shaping public opinion in the State of Maine and has a great deal with passing legislation, which strongly impacts businesses in the State of Maine. Yet each of us, like the Minority Leader receives contributions from many different people. If it's good enough for the State Treasurer, it ought to be good enough for us. If we're talking about standards here, we should be talking about applying those same standards to each and every elected official in the State of Maine. Thank you very much.

Representative MURPHY: Madam Speaker, May I pose a question through the Chair on Joint Rule 104?

The SPEAKER: The Representative may pose his question.

Representative MURPHY: This would be the conflict of interest rule. Should current members of the House who have received direct contributions from the former Treasurer of Tax excuse themselves on this vote?

The SPEAKER: First the Chair would state that the member must decide when the member is in conflict, but in the opinion of the Chair, this vote would not affect your public right versus your private right, because it would not affect you any different than any other citizen voting on this issue. That is the opinion of the Chair.

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

Representative BUMPS: Madam Speaker, Men and Women of the House. I assure you, my comments will be brief and I hope that they will return us to the issue at hand, which is the bill that addresses the State Treasurer. You will note that this bill says little about any other Constitutional Office and when I spoke on this matter before, I explained to you why that's the case. I won't belabor the point by addressing that again this morning. However, I'm sure that none of us can deny that there would be an obvious appearance of conflict of interest when the Treasurer of this state takes gifts or contributions from a person or entity

interested in doing business with the State of Maine. As I have said before, when acting on our behalf and investing large amounts of money on our behalf, it is absolutely critical that we avoid the real, or the even perceived conflict of interest. We must at all costs protect the reputation of the State Treasurer and the integrity of the State of Maine by avoiding the appearance that contracts might be awarded for reasons other than public interest. As Representative Ahearne stated, in an earlier testimony on this bill, our current state treasurer strongly supports this measure. In her letter to the Committee she wrote, "This piece of legislation deals with an important issue in campaign finance reform. I believe such a law would add integrity to the office of the State Treasurer of Maine and I would welcome it." Also in previous debate, many of you posed questions about whether or not this had ever been a problem in the past. I have tried to be careful not to subject former State Treasurers with otherwise respectable careers to criticism on this floor, and I won't do it this morning, but if you were to understand this matter fully, I would urge you to consider published statements about a former State Treasurer, which have been distributed to your desks. This is a quote from the *Morning Sentinel* and I will quote directly, "He acknowledged he may have received political contributions last year from unspecified donors, who have business dealings with the State including his Department." The same article continues by addressing campaign contributions received by the same Treasurer, about those contributions, the reporter wrote, and I quote, "Yet he acknowledged under questioning that some contributors may do business with various state agencies and there may be one or two who do business with his office." Ladies and gentlemen of the House, our bond rating is strong. Our great state is respected beyond its geographical boundaries. Our reputation is built on honesty, hard work and integrity. Please help to support that proud tradition by voting in favor of the pending motion to Recede and Concur. Thank you.

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

Representative KONTOS: Madam Speaker, Men and Women of the House. I thank the Minority Party for putting these materials on our desks, though I wonder about the dates. We're looking at open reporting on a document dated 1992. Since that time, my point about that is this information which they have now made available to this entire body has been on file and available for the public to see. So the idea of impropriety seems to be a moot point to me since it's all done in an open and public reporting way, which was perfectly legal. Secondly, the news reports that have been distributed by Minority Leaders, under the name of Minority Leadership, were dated 1995. Since that time the person named in the article, of course we know, has retired and according to every report that I have ever seen did nothing that was illegal at that time, or even that most of us would consider improper. I would ask you to think about, if you're on the Utilities Committee, as I am, or Banking and Insurance, as some of my colleagues are, or Legal and Veterans Affairs, and think about, to name just three that come to mind quickly, think about the number of people who are interested in your work on that committee who have offered and you may have accepted contributions from them, knowing full well that you'd be working on issues that come before that committee that effect that industry. We report those, just as the former Treasurer apparently has done, according to this 1992 report, for everyone to see. You can choose not to accept them. You can choose not to solicit them, but they are out there in public view in a way that all of us can understand. That to me seems to be the key to how we report any contributions that we accept or solicit. In light of that, I'm suggesting to you that the references made to the

previous Treasurer do not indicate any impropriety and certainly that the person acted within the guidelines of the law. Since that time, because there was some discomfort about Constitutional Officers having their own PAC, the previous Legislature passed a bill, as you remember, to disallow those Political Action Committees for all Constitutional Officers. If we believe this is such an important issue, than by all means we have to do it for everyone, everyone, because if the issue is perception, then we are all potential targets. Singling out not just the single office, but in the case of the materials before us, a particular individual, seems to me nothing more than a partisan witch hunt, that I will not be a party to, and I believe the rest of you should be appalled by it. This Body has significant important public policy decisions to make. This Body voted on this issue, we've debated this issue and now we get a flood of material, some of it five years old, others two years old, about a single individual that no longer holds the office. One of my favorite movies is *Big*, it stars Tom Hanks. I love Tom Hanks' movies and on a rainy Sunday afternoon, I put *Big* in. I bought it. I buy very few videos, but I bought it. Those of you who like the movie as I do might remember seeing after the Tom Hanks character becomes a grown up and he gets hired by a toy company, do you remember this part, and all the adults come in and bring these toys that adults made thinking they were right for kids? The Tom Hanks character sits in this meeting and fidgets with these things that come apart and go back together. His words are the words I leave you with today, in the midst of this meeting, very serious, Tom Hanks' character says, "I don't get it." That's my sentiment on this issue, I don't get it, and what I don't get is what motivates the Minority to take this action, this morning, about a person who doesn't even hold the office anymore. I don't get it. They can disguise it in a number of ways, but the arguments you're hearing from the Minority apply to all of us who accept campaign money, it seems to me. I urge you to vote against the pending motion.

Representative KONTOS of Windham requested a roll call on the motion to Recede and Concur.

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 Waterville, Representative Jabar.

Representative JABAR: Madam Speaker, Men and Women of the House. I'm going to be a little bit repetitive here following up on Representative Kontos, I was not going to speak on this, but after sitting at my desk and receiving some of the material that I did, I was a little bit outraged, and felt urged to speak.

The proponents say they don't want to cast any dispersions on the character, the reputation of former Treasurers, but why do I get this material on my desk? The proponents say, we have an excellent bond rating, we have an excellent reputation in the State, yet they give me material about the Treasurer, Sam Shapiro, who has done an outstanding job for many years, over 10 years that I know of. This seems to be nothing more than a witch hunt, may be a word, but it seems to me an attempt to personalize an issue here at the very last minute, in an attempt to get a bill through. Anybody who knows Sam Shapiro knows that if anything, he has always been open. He has always complied with the law. He has reported all his contributions and at the last minute to print and to pass out to all of us Legislators certain news articles taken out of context that are many years old, is nothing more than innuendo, and what that is, is an attempt to have everybody infer through these articles, that there is something wrong in the Treasurer's Office. If you want to debate the merits of the bill, let's debate the merits of the bill on whether it's a good bill, or a bad bill and let's not try to cast dispersions on the Treasurer, who has had an excellent

reputation. Who has done an excellent job for the State of Maine. I hope all of you will disregard the material we got regarding an outstanding Treasurer and let's debate this case on the merits of the bill and not try to get personalities involved in this particular case. Thank you, Madam Speaker.

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. I must say I'm very disappointed in the turn of events that this bill has gone to. I would hope that this would not be a partisan bill. Now it has been a bill. I will no longer support this bill. I hope you vote against the pending motion.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I'm in a unique situation here, because I, in the past, have accepted campaign contributions from Mr. Shapiro. He's a gentleman. When I was naive and young, and I was running for the first time, I asked him ethical questions about taking contributions, and his answer to me was, you can't be bought unless you want to be bought. I still feel that way. I was also subjected to a lot of negative press, not one person who contributed to the negative press ever talked to me personally, and I felt bad about that. I don't support this action I don't think it's ethical and I don't think it adds anything to the integrity of this process. Thank you very much.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I have a personal friend, Sam Shapiro, and if anybody thinks that because Sam Shapiro was involved in a fund raising PAC a number of years back, that there is some question, or some doubt as to the integrity of Sam Shapiro. This man was an asset to the State of Maine and we all know this. We all would have loved to have had him stay on, whether we are talking the D's or the R's. I tell you, if anybody thinks they can be bought because of \$100 check, want to check with me and see how many times I've been bought. If anybody can say Marc Vigue's been bought, then you want to come up and say it, but I doubt very much if you'll find anybody. Ladies and gentlemen, I will support Sam Shapiro, and I would love to see Sam back here, because he was an asset to the State and he saved us a tremendous amount of money. We know this, the D's know it, the R's know it. He saved us points because it was Sam Shapiro, for no other reason, he brought the bond rating up to where it should be, sometimes we should have gone down, but he brought it up, because he was able to speak for us. Ladies and gentlemen, there's no way I am going to vote in any way to harm this man. I urge you to support me.

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

Representative GAGNON: Madam Speaker, Men and Women of the House. I recall the beginning of this session, we had a special day here where we honored outgoing State Treasurer, and I'm really disappointed with what has happened today. This is a gentleman who has been very good to this State, he's had a very distinguished career and he deserves the honor that we bestowed upon him at the beginning of this session. I hope now we can leave the personalities out of this debate, and get back to the original issue. Thank you.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. I agree with my good, good friend, Representative Vigue, from Winslow, and also with the previous

speaker. This is not a bill attacking an individual. This is not a witch hunt, as been suggested. This is simply a matter of removing any perception. As you look at one of the articles from the *Casco Bay Weekly*, in this individual's own words and quote, "There is a perception of inappropriateness." It's been editorialized about, and I agree with it. All this bill does is try to remove a perception, eliminate a perception, it is not an attack on an individual, it's not all these things that we are trying to bring this down to, this is simply something that is presented before this body to enhance our credibility and define appropriateness. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I completely agree with the good Representative Campbell. I didn't know the previous Treasurer. I don't know that much about the Treasurer we have now, but this is a good bill and the thing that really sticks out in my mind is the bill, this bill affects the present Treasurer and her comments that this was a good idea and she welcomes this shows me that she does get it. Thank you.

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I, too, want to express my dismay that this debate has sunk to the level that it has, it seemed to turn into a, I won't use the word witch hunt, but it has taken on a personality, and I would ask that everyone dust that aside, because when I first looked at this and heard the initial debate on this, I, perhaps it my naivety and my freshmanness, but I would echo the comments of Representative Kontos and say, I just don't get it, but what I don't get is that seems so simple. This seems like a common sense, clear, ethical bill. If we can get the personality and the names aside, I hope that we don't mention any more names of any individual here this morning again, and let's just look at the bill, and I don't get what the problem is. What's anybody afraid of? Thank you.

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

Representative TOWNSEND: Madam Speaker, Men and Women of the House. I hope that those of you who will be voting for the pending motion will also vote for adequate funding for the Governmental Ethics and Elections Commission. You may be aware of the fact that they have been chronically underfunded for years and there was an issue earlier this session, while we were putting together the biennial budget about adequately funding the clean elections act, of which I have always been a supporter. I also want to urge you to support computerization of that office. Perhaps if it were computerized, the Minority might have brought forward these issues five years ago, when they were current issues, as opposed to impugning the good name of an individual five years after the fact. Secondly, I want to tell you about an incident that happened to me last fall, when I was unopposed for reelection. Shortly before the election, I was approached by the Attorney for a large out of state pharmacy, who asked me to accept a campaign contribution. I pointed out to him that I had no opponent, and did not need the money. He said, perhaps you'll be running for leadership in the future or want to distribute it to your friends and I said, "No, thank you." I was very glad I'd said no thank you when the biennial budget came forward and I realized that that large out of state pharmacy had been negotiating to purchase all of the state's liquor stores. My point is that I want to suggest that if this happened to me, it probably has happened to other individuals in this body and I find it absolutely hypocritical, to single out the State Treasurer's Office to reform if we do undertake reform for this body.

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

Representative SAXL: Madam Speaker, Men and Women of the House. To bring this back into focus, this legislation is unnecessary for a few reasons. First of all, it's not been said on the floor of this House, nor has it been shown anywhere that any Treasurer in the State of Maine has behaved in any way but the most ethical manner. No laws have ever been broken by Sam Shapiro, by Dale McCormick, by the Treasurers that I have served with in this state. Secondly, in the 117th Legislature, we addressed all Constitutional Officers by passing a law prohibiting those officers from having independent PACs. Third, in 1994, Rule G 37, there became a law prohibiting anybody who deals with municipal securities, that's what we're talking about today, that's what we're talking about, prohibits any company in public finance from making contributions to any candidate. This proposal is simply a witch hunt that is not about campaign finance reform. It is not about returning ethics to the State Government. Later on this session, we'll have a chance to vote on a committee bill, ideas brought forth by Representative Donnelly, by Representative Davidson, by Senator Amero from the other body, which looks at the whole system of campaign finance and state government. Last year we had a chance to support the Clean Elections Act. I supported the Clean Elections Act. I look forward to supporting the joint committee bill and let's do with this what we should be all along. Defeat this pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CARLETON: If this is a partisan witch hunt, why does the current State Treasurer support it?

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

Representative SAXL: Printed on this page is when this became a partisan witch hunt.

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

Representative KANE: Madam Speaker, Men and Women of the House. As a freshman Legislator, I have been extremely impressed by the quality of the debate and the extent to which we've been able to keep that debate above personalizing and the kind expressions that are going on in the past half hour. Since the information came across my desk, it's difficult for me to have the same degree of pride that I felt most of this session. People have asked me, what do I think of being in the Legislature, and I've made a point of explaining to them that despite the very thorny and potentially partisan issues that have faced this body. There's been a very high quality of debate and I'm concerned that this particular issue seems to be reducing and lowering the quality of our debate. This issue that's before us now has some objective merit. The response of our current Treasurer and her support, appearing support, of this bill, I believed initially, was that genuine support and I'm wondering now if our current Treasurer was put in the position of almost kind of a scarlet letter, whether she had any option but to convey that kind of support. I would hope, ladies and gentlemen that we can resume the level and equality of debate that has characterized this body thus far and just some nine or ten days left in this session. We've got some very, very difficult issues facing us and I hope that we can restore this mutuality and collegiality and equality of our debate. Thank you.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. Representative Kane has a very good point. These things were not handed out earlier in the debate, we talked about merits of the bill only, not past history, not any personalities. In the last debate, if you remember, the challenge was thrown out, show me where it's broke. If it ain't broke, don't fix it. I think that was Representative Saxl's quote during that debate. There have been times when members of the public through our media had questions. We, obviously, those questions have been addressed to some level, both by the Securities and Exchange Commission and former State Legislators, in past Legislatures. What came out in one of the articles that went around was even though there was a ban on PACs, the campaign contributions came to other PACs to the State Treasurer's home, going around that ban. One of the articles suggested, or talked about, the solicitation was still occurring and that some campaign contributions went out from whatever PAC that was addressed to, from that PAC and a person. I don't want to get into the debate on the individual. We didn't bring up their name, other people did. The important part is the challenge was thrown out, if it ain't broke, why fix it. We're just showing that there have been issues before us and before the State of Maine. Let's get beyond the rhetoric of this as a partisan issue, because this was not a partisan report out of the committee. Let's get beyond who used to do the job, this is perspective, we're looking to the future. We're looking to what the ethical conduct should be from here on. It's not what happened yesterday. If it were a witch hunt, it would be to go back and bring somebody up in front of people, make them answer questions. It's not the intent here and any of you on the committees that deal with the reform bills that I've put in, know that every single one of them have been perspective. I'm not trying to look back, I'm trying to be a reformer for the future. I'm term limited. This is my last term and after this debate some of you are probably happy about that. It's what we are going to leave for the future. What mark are you going to make on the body politics? What mark are we going to make? When we leave this place, will we have improved it? Will we leave it just the way it is? All democracies have bumps and warts and things we don't like about them. That's part of the process. You focus in on the bill. The bill does two things and I have yet, in all the debate, and all the rhetoric heard anybody say that it was a bad thing to do, for the State Treasurer not to solicit campaign contributions from people that the State Treasurer does business or except, yes, I did put a bill in to the very same thing for Legislators. This is not my bill, here in front of us. It's a bill that I read and I thought, boy that makes sense, it's much in line with what another bill I'd presented does for Legislators. Another body dealing with politics that does issue contracts, does issue awards and rent buildings, is the Bureau of General Services, we called to check to see if they have standards they have to operate under and they have a full book of things they can and can not do, what processes they have to go through. Those are things that this Legislature and former Legislatures had passed, because of either appearances or actual problems and it's a work in progress. They're also prohibited by statutes from soliciting campaign contributions for their boss.

Let's bring it back to the issue and get away from the words like witch hunt and all that other stuff, this is a reform. This is a reform that you either think is a good reform or a bad reform, but nobody has yet to address why the State Treasurer should be able to solicit campaign contributions from people they do business with on behalf of the people of the State of Maine. That has yet to be addressed and that's the real question before us. Thank you.

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

Representative KONTOS: Madam Speaker, Men and Women of the House. Some of you know I'm an English major and you might remember a Shakespearean play where one of the characters said, "Me thinks he protests too much." I must suggest that the Minority Floor Leader, in an attempt to apparently disassociate himself from the handouts that have his name on it, seems to be a bit inconsistent to me. If this issue were about the bill, then we wouldn't have the handouts. You would have had a very different level of debate in here. More like the one we heard the other day. It was made personal, and it was made personal, in particular names the Minority Leadership, on the handouts. You can't disassociate yourself from what you've done, in terms of changing the direction of the debate on this issue and to suggest that it's now a broader ethical conduct issue that we're talking about and that it's not personal and it's not specific, is a misstatement at best, because if that were the truth, these handouts would not be on our desks with the names of the Minority Leadership as those who distributed them. I'll be voting against the pending motion.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. Sometimes I wonder if we suffer in this body from cognitive dissonance, because if I was just coming off the street and walked in here and didn't know anybody, or any personalities, listening to this debate, I certainly could make the connection between the handout material that we got and the issue at hand. As I said before, I don't know the previous Treasurer, didn't know anything about him, but the bill says this is to stop the perception, perception, of wrongdoing or whatever in this office. These handouts, now this person could have been the greatest person on earth, I didn't know the gentlemen, I'm not questioning that, but this makes the link, there's a nexus here between the perception and this bill. That's what this handout does, it happens to have somebody's name on it and that's maybe good or bad, depending on whether you knew the person or not, but that's the whole issue. Do we want to remove this perception so nobody else gets stuffed in the newspaper like this that may be entirely wrong? I never saw the articles before, to tell you the truth, but wouldn't it be nice if the present Treasurer, or a future Treasurer, wouldn't have to see articles like this. There's the connection. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Saxl. 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 SAXL: Madam Speaker, Men and Women of the House. During the last election cycle, the National Rifle Association made a contribution of \$1,000 to the Floor Leader of the Minority. American Council of Life Insurance PAC a few hundred dollars, the Manufactured Housing Association, which is the Association of Homebuilders \$100.

The SPEAKER: For what purpose does the Representative rise?

Representative VEDRAL: Is the discussion relevant to the matter at hand?

The SPEAKER: Chair would remind members to keep their remarks focused on the pending motion which is the motion to Recede and Concur on the bill for qualifications for the Treasurer.

Representative SAXL: Thank you, Madam Speaker. My point is simply this, we have an excellent public record of the Treasurer's contributions. We have an excellent public record of

the contributions received by the Minority Floor Leader, and I would never stand in this chamber and suggest that any member of this body is anything but honorable. I believe this is, as I said in the floor debate yesterday, I think it was, I believe this is a squeaky clean Legislature, where people may have differences of opinion, but they come from the heart, not from their wallets, but if you believe these contributions influence members of this body, or influence elected officials in the State of Maine, you have a responsibility to apply those same standards to yourself and to the other Constitutional Officers in this State of Maine. If money changes politics, and that is your belief, then the legislation before us today does not go far enough, you have an obligation to support the Committee bill and I'd suggest, if you believe that all this money influences that office, than I expect that you would support withholding it from yourselves as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. You know there's a reason why some hunting sports require a rifle and some require a shotgun. I can see that this is a shotgun sport this morning and needs a pretty wide spread to kill the target.

This is good legislation. Okay, but if you can throw in a little partisan politics, a little self-righteousness, a little campaign reform and a little name calling, you got yourself a shotgun approach to try to kill something that's pretty straight forward. We could talk about this issue all day and talk about the former Treasurer. I feel sorry for him, because he's caught, actually, in a system not of his making, but of ours. This is a Constitutional Officer. He's elected by this body. He needs this body to put him into the position he has. No one here says that the Treasurer goes out and takes campaign contributions to affect his decisions regarding the finances of the State of Maine. That's not what's being said here. What's being said here, what's being said is, while this person is out leading some of the most powerful people in the United States, with some of the biggest checking accounts I've seen, and this is 1992, so I can only imagine what money is like in 1997. While this person is out there, meeting and greeting, that there aren't solicitations on behalf of the very people who vote him into office. There's where the conflict is. No one has said that the Treasurer has traded information or business. The man's doing his job while he's out there and he's doing it great. The State of Maine did well under Sam Shapiro and there I've said his name. 'Course he's been our only State Treasurer for years and years and years, so if you had whited out names, you still couldn't have said it wasn't Sam Shapiro. I've seen Sam Shapiro before my committee, I see him in the halls, I don't have a problem with Sam Shapiro. Shall I stipulate to that, would you like it in writing? In fact, anybody who wants to put a sentiment here, later, to talk about Sam Shapiro, we can vote on an issue that actually involves Sam Shapiro, okay. But right now, we're talking about a piece of legislation that says, when the Treasurer of the State of Maine, he or she, is out they can't accept gifts, just like we can't and they can't solicit contributions to a campaign. So you've got a man whose livelihood depends on who votes him in to his old job. Of course we know where his focus is going to be. The word is called patronage. In the words of a member of the staff of the Legislature, patronage is a wonderful thing. Well it is a wonderful thing, because you are rewarding people who helped you. Sam Shapiro put forth his credentials and they were found to be good credentials. Among all of the candidates for the Democratic candidates and the person who was going to be nominated and put up, Sam Shapiro's credentials were excellent and, therefore, the majority Democratic Party elected Sam

Shapiro to be the Treasurer of the State of Maine. Those are facts. He may have been voted in by a few Republicans too, those are facts. He did a good job. He got his job by the virtue of the majority party for which he sought contributions. That's where the crux of the legislation goes. Did he do anything wrong? No, everything he did was according to the law. Now we're saying, let's change the law. That's where this legislation is going. You're saying okay, when this law was in effect there was a perception. I didn't write these articles and the Minority Leaders did not write these articles. These articles were written by the press. They saw, or perceived, a problem. They're the public, by the way. Sometimes we don't like to think of them as the public, and they don't like to think of themselves as the public, but they are the public and they are reporting to the public. So I'd like to get this back on course, now that I've discussed Sam Shapiro I've just come in, I haven't even read the articles. I don't want to read the articles. I can read numbers, and they're impressive. I do know that in the last few years A.G. Edwards has tightened up its contributions requirements incredibly. You can not as an A.G. Edward's officer make a contribution to any campaign except one in an election where you can actually vote for the person you give money to. By the way, they gave \$3,500, that's not small change. For a lot of us, that's the whole campaign budget or more. Sam Shapiro did a good job. He followed the law. He was Treasurer for a long time.

We have a new Treasurer who says, I think this is a good idea. It probably will be helpful to her. Can you imagine how hard it would be to turn down \$3,500? She might not even have to ask, can I send \$3,500? No, I'm sorry. I'm on a business trip for the State of Maine and I'm specifically prescribed by state law to even discuss these things, thank you. If you want to, people who are running for office, you know where you can find them. It helps me, when people say, can I buy you dinner. Well, no, but let's just talk. Well, let me at least pick up the coffee, you know you met me here at the restaurant. No, in fact, I often buy the coffee. So let's get back to the issue that almost passed the other day, and is now being subjected to a shotgun approach. Thank you.

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

Representative CROSS: Madam Speaker, Men and Women of the House. I guess what started the whole array of papers was my good friend, Representative Saxl said if it's not broken, don't fix it. These papers that were distributed were basically to show that maybe some of us thought that it was broken and needed to be fixed. The crux of the whole story is, in our way of thinking, and I hope that isn't part of yours that the Treasurer, it doesn't make any difference whether he's Democrat or a Republican, should not be in the business of raising funds for either party. That's what this is all about. The bill, as it's written, will not allow this. So why don't we, if we believe that, let's just vote on the merits of the bill, and never mind any more of the stuff that's going on, that as far as I'm concerned isn't going to have any bearings, isn't necessary. Thank you very much.

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

Representative GAGNON: Madam Speaker, Men and Women of the House. I want to go back, I guess, to some of the facts that were presented earlier and one of the facts, I believe this is a fact, that the legislative sentiment for Sam Shapiro at his retirement was unanimous vote. I don't know if people are having second thoughts about that vote or not, whether or not you should reconsider that action. I would hope not. That suggests that the words that we are now hearing from Minority Leadership are good words, sticking to the issue, sticking to the

subject, but I'd suggest also, that actions speak louder than words. The actions do not support the words. Thank you, Madam Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: I haven't heard all the debate, I heard some of it, while I was in the phone room. I did hear our esteemed Minority Floor Leader ask a question at the end of his last talk and I just wonder if I could hear an answer in clear, succinct terms. If the opponents of this bill feel it is right for the Treasurer to be accepting money for a political committee while he's doing state's business?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I really am surprised at the length of this debate, and I'm also surprised at this depth of a motion, and I think we're winding down the end of the session and we have sailed through some incredibly, potentially divisive issues beautifully and I think we have some potentially divisive issues that we still need to face. I didn't pay a whole lot of attention to this bill, because it was a unanimous committee report and it had the endorsement of the current Treasurer. I served on the State and Local Government last session, and I will tell you, the then Treasurer came before us, I didn't really know him, but I thought he was kind of a kindly grandfatherly type person and I liked his personality, so this has nothing to do with personalities, nor does it have to do, in my mind, with what is past and was currently legal. This whole country is looking at campaign finance reform, election reform, we're trying to see where we're going and we're trying to steer a straight course for our future. This is what I believe the members of that committee looked at when they brought the majority report out of that committee. I'm just going to presume that it was friendship and defensiveness that has brought forward what we have heard here today. As far as what's been circulated, which I honestly, I think I glanced at one, and this State of Maine general obligation bonds, I don't even understand it, so it doesn't influence me one way or the other. I believe, sitting here, that it was brought forth by a series of questions yesterday, and statements as to the fact, that there didn't seem to be a problem, and the question was, is there a problem, is there a problem and that whole committee agreed, well, let's make sure there isn't a problem in the future. So, I'm asking you, ladies and gentlemen of the House to put aside what's past, put aside the debate of today and decide where we want to go in the future, whether that State Treasurer happens to be Republican, or whether that State Treasurer happens to be Democrat. Let's chart our course for the future. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I have been upstairs trying to work on another issue, but I have followed the debate. I guess I have two things to say Madam Speaker, first of all, Representative DiPietro is not with us, but I would repeat what the good Representative from South Portland often said. This debate, I guess, has dragged on for a couple of hours, unless there is anything new or additional to say, I would hope that we could move number one to a vote.

The second thing I have to say, and I say it in all sincerity, is that we had a contentious issue before us last night and I rose to

say that I hoped we could move beyond partisanship, this is not what the people of the State of Maine want to see, and all I heard upstairs, we're getting right back into it. That's not right. It should end. I am on the committee, I'm familiar with the report. I know what we intended and what's going on the floor right now is not what we intended. We have to get beyond personalities, we have to get beyond partisanship, so let's end it folks. Let's vote and I support the good Representative from Madawaska. Let's vote.

The SPEAKER: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative BAGLEY: Madam Speaker, Ladies and Gentlemen of the House. I would like to correct a statement made earlier. I voted "Ought Not to Pass" in committee, I thought it was a bad bill then, I think it's a bad bill now.

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

ROLL CALL NO. 244

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, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Volenik, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

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

ABSENT - Cowger, Gamache, Lovett, Pendleton, Sanborn, Underwood.

Yes, 68; No, 77; Absent, 6; Excused, 0.

68 having voted in the affirmative and 77 voted in the negative, with 6 being absent, the motion to Recede and Concur did not prevail.

Representative AHEARNE of Madawaska withdrew his motion to Insist and ask for a Committee of Conference.

The same Representative moved that the House Adhere.

Representative DONNELLY of Presque Isle moved that the House Insist and ask for a Committee of Conference.

Representative KONTOS of Windham requested a roll call on the motion to Insist and ask for a Committee of Conference.

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 Insist and ask for a Committee of Conference. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 245

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,

Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

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

ABSENT - Cowger, Gamache, Lemont, Lovett, Pendleton, Sanborn, Underwood.

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 Insist and ask for a Committee of Conference did not prevail.

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

The following items were 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. 364) (L.D. 1223) Bill "An Act to Expand the Monitoring of the Conversations of Prisoners" Committee on **Criminal Justice** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-277)

(S.P. 377) (L.D. 1236) Bill "An Act to Amend the Laws Relating to State Agency Clients" Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-266)

(S.P. 411) (L.D. 1332) Bill "An Act to Permit the Sale of Used License Plates" Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-268)

(S.P. 433) (L.D. 1379) Bill "An Act to Place Conditions on the Investment of Municipal Funds in Mutual Funds" Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-264)

(S.P. 445) (L.D. 1419) Bill "An Act to Clarify the Application of the Sales Tax on Hay, Horses and Horse Farms" Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-261)

(S.P. 495) (L.D. 1526) Bill "An Act to Redefine the Community Services of the Mental Health System" Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-257)

(S.P. 534) (L.D. 1639) Bill "An Act to Amend the Corporate Laws" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-259)

(S.P. 553) (L.D. 1679) Bill "An Act to Assist the Law Enforcement Community in Locating Missing Children" Committee on **Criminal Justice** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-276)

(S.P. 558) (L.D. 1684) Resolve, to Establish a Pilot Project Voucher System for Nursing Facility Level Care Reimbursement under the Medicaid Program (EMERGENCY) Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-256)

(H.P. 1313) (L.D. 1864) Bill "An Act to Implement the Majority Recommendation of the Harness Racing Task Force" (Governor's Bill) Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**"

(H.P. 184) (L.D. 237) Bill "An Act to Increase the Funding for School Construction" Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-574)

(H.P. 265) (L.D. 329) Resolve, Directing the Commissioner of Labor to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Pay Discrimination Based on Gender Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-588)

(H.P. 870) (L.D. 1187) Bill "An Act to Improve the Transition of People with Disabilities from Children's to Adult Services" Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-575)

(H.P. 963) (L.D. 1326) Bill "An Act to Provide Boards of Directors for State Mental Health Institutes" Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-585)

(H.P. 1027) (L.D. 1444) Resolve, to Designate an East-West Highway and Install Signs on that Highway Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-581)

(H.P. 1084) (L.D. 1521) Bill "An Act to Amend the Laws Concerning Health Insurance" Committee on **Banking and Insurance** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-582)

(H.P. 1098) (L.D. 1541) Resolve, Requiring the Department of Human Services to Enable People with Disabilities to Purchase Medicaid Health Insurance Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-583)

(H.P. 1114) (L.D. 1557) Bill "An Act to Create Efficient and Effective Administration of the University of Maine System" Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-580)

(H.P. 1137) (L.D. 1593) Bill "An Act to Ensure Safe Abatement of Lead Hazards" Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-577)

(H.P. 1178) (L.D. 1669) Bill "An Act Regarding the Relocation of a Child by a Parent Having Primary Physical Custody" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-589)

(H.P. 1311) (L.D. 1859) Bill "An Act to Prevent Hunger Among Unemployed Maine Workers" (EMERGENCY) Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-584)

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

There being no objection, 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. Ordered sent forthwith.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

Representative THOMPSON of Naples assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

Non-Concurrent Matter

Bill "An Act to Amend the Tax against Certain Casual Sales" (H.P. 671) (L.D. 923) which was passed to be engrossed as amended by Committee Amendment "A" (H-547) in the House on May 20, 1997.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-547) as amended by Senate Amendment "A" (S-285) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Create a Universal Bank Charter" (H.P. 1319) (L.D. 1869) which was passed to be engrossed as amended by Committee Amendment "A" (H-523) in the House on May 20, 1997.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-523) and Senate Amendment "A" (S-284) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Relating to Notaries Public" (H.P. 1094) (L.D. 1537) on which Report "A" "**Ought to Pass**" as amended by Committee Amendment "A" (H-498) of the Committee on **State and Local Government** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-498) in the House on May 19, 1997.

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

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

COMMUNICATIONS

The following Communication: (H.C. 274)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

May 19, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1566 An Act to Require Blue Cross and Blue Shield of Maine to Report Annually to the Legislature Regarding the Fulfillment of Its Charitable Mission

L.D. 1568 An Act to Amend the Board of Directors of Nonprofit Hospital or Medical Service Organizations

L.D. 1642 Resolve, to Require the Superintendent of Insurance to Develop Criteria for an Independent Fairness Review Prior to Conversion of a Non-profit Entity to a For-profit Entity

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III S/Rep. Jane W. Saxl
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 275)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE
May 19, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 208 An Act to Limit Personal Watercraft

L.D. 1284 An Act to Preserve Inland and Coastal Waters and Beaches

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly S/Rep. Norman R. Paul
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 276)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY
May 19, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1412 An Act to Reinstate Municipal Courts for Specific Traffic Infractions

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

Sincerely,

S/Sen. Susan W. Longley S/Rep. Richard H. Thompson
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 277)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LABOR

May 19, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature

State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 75 An Act to Provide that the Change in Calculation of Workers' Compensation Benefits to Include Fringe Benefits Does Not Apply Retroactively

L.D. 136 An Act to Require Workers' Compensation Hearings within 30 Days of a Request

L.D. 138 An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Worker Reinstatement Rights

L.D. 189 An Act to Exempt Companies That Employ 5 People or Fewer from Carrying Workers' Compensation Insurance

L.D. 625 An Act to Clarify the Laws Governing the Calculation of Interest on Decrees under the Workers' Compensation Laws

L.D. 830 Resolve, Directing the Workers' Compensation Board to Study the Effect on Injured Workers of Delayed Medical Treatment and Payment of Valid Claims by Insurance Companies

L.D. 1024 An Act To Provide That Disability Benefits for Partial Incapacity Be Continued for the Full Duration of Disability

L.D. 1101 An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Payment of Benefits Pending Appeal

L.D. 1456 An Act to Increase the Maximum Benefit Levels Provided for Injured Workers

L.D. 1472 An Act to Modify the Work Search Requirements for Workers' Compensation Recipients

- L.D. 1474 An Act to Provide for Limited Payment of Attorney's Fees for Injured Workers Who Prevail on Meritorious Claims
- L.D. 1493 An Act to Adopt an Orderly Procedure for Determining the End of Entitlement to Partial Workers' Compensation Benefits
- L.D. 1494 An Act to Replace the Defined Benefit Retirement Plan for State and Other Public Employees with a Defined Contribution Plan

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary R. Cathcart S/Rep. Pamela H. Hatch
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 278)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS

May 19, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 971 An Act to Protect Private Enterprise from Tax-subsidized Competition
- L.D. 1856 An Act to Allow Private Labeling of Wine for On-premise Consumption

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 279)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TAXATION

May 19, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1624 An Act to Increase Funding to the Highway Fund to Allow Major Improvements to Highways and Bridges

- L.D. 1833 An Act to Reform the Administration of the Maine Residents Property Tax Relief Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin S/Rep. Verdi L. Tripp
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (S.P. 658)

118TH MAINE LEGISLATURE

May 16, 1997

Senator Beverly Daggett
Representative John Tuttle
Chairpersons
Joint Standing Committee on Legal and Veterans Affairs
118th Legislature
Augusta, Maine 04333

Dear Senator Daggett and Representative Tuttle:

Please be advised that pursuant to Title 1, Section 1002, that Governor Angus S. King, Jr. has withdrawn his nomination of Elena M. McCall of Portland for appointment as a member of the Commission on Governmental Ethics and Election Practices.

This nomination is currently pending before the Joint Standing Committee on Legal and Veterans Affairs.

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 **Legal and Veterans Affairs**.

Was read and referred to the Committee on **Legal and Veterans Affairs** in concurrence.

The following Communication: (S.P. 659)

118TH MAINE LEGISLATURE

May 16, 1997

Senator Beverly Daggett
Representative John Tuttle
Chairpersons
Joint Standing Committee on Legal and Veterans Affairs
118th Legislature
Augusta, Maine 04333

Dear Senator Daggett and Representative Tuttle:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Merle R. Nelson of Falmouth for appointment as a member of the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1, MRSA Section 1002, this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs 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 **Legal and Veterans Affairs**.

Was read and referred to the Committee on **Legal and Veterans Affairs** in concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

the following members of the Scarborough High School Academic Decathlon Team: Crystal Alcott, Jen Crooker, Dan Dwyer, Jamie Miller, Justin Morgan, Jenni Lee, Mark Donahue, John Santerre and Luke Lunt; alternate members Valeria Bemby, Corey Chandler and Eva D'Andrea and coaches Ellen Ross and David O'Connor on placing first in Maine's Academic Decathlon and 3rd in the small schools division at the National Academic Decathlon in Utah; (HLS 538) by Representative LOVETT of Scarborough. (Cosponsors: Senator AMERO of Cumberland, Senator PENDLETON of Cumberland, Representative PENDLETON of Scarborough)

On objection of Representative LOVETT of Scarborough, was removed from the Special Sentiment Calendar.

Was read.

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

Representative LOVETT: Mr. Speaker, Ladies and Gentlemen of the House. It gives me a great deal of pleasure today to introduce you to a group of young people from the Scarborough High School who represented the State of Maine at the National Academic Decathlon Finals in St. George, Utah. They just returned this past April. The team comprised of seven seniors, four juniors, one sophomore, and one freshman. They finished third in the small school division and 22nd overall and this is the highest finish ever by the Scarborough Team, who by the way, have won the State of Maine title for eight consecutive years. This is a truly remarkable record in anybody's scorebook.

In today's society, we tend to read about the high school students on a negative light, by dwelling on things that they have not accomplished. Well let me tell you about three particular students on this award winning team. Luke Lunt, a junior, took a gold medal in social studies, which placed him number one in the nationals in this category. Senior, John Santerre, who took a bronze medal in the speech and interview event. These are no small time accomplishments when you are competing against some 400 competitors nationwide. Then there is Justin Morgan, a junior, who scored the highest individual score during the main championship. Ladies and gentlemen of the House, it is indeed my honor and a privilege to introduce you to the team and their coaches Ellen Ross and David O'Connor. What these students have achieved is remarkable and I'm happy that not only Scarborough, but the entire state have recognized their outstanding success in academics. It is indeed a privilege and it's my pride to the students and to their families. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. I would like to echo the plaudit from Representative LaBrecque. In my other life, I am a high school teacher and since 1985, I have been working with my schools Academic Decathlon Team and I'm glad to hear that Mrs. Ross is here. I know Ellen well and have competed and lost to her but have never grumbled. Well a little bit, because the conduct of the team from Scarborough has always been exemplary. The work that they do is absolutely outstanding and they deserve all of the applause that we can possibly give them, as much as I would like my school to win, we did win twice and I can tell you that going to the nationals, which I had the pleasure to do is a phenomenal experience. There are students from all over the United States. These are the top kids in this country and for Scarborough to go there and to compete and to get the honors

that they had is a tremendous achievement. They deserve our respect and applause.

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

Representative PENDLETON: Mr. Speaker, Ladies and Gentlemen of the House and the Academic Team. I'd like to also extend my congratulations to them. I had the honor this spring of spending a weekend monitoring them, a lot of the students as they were taking their tests. It was a great experience watching the dedication of these young people from all of the schools take the test and it's something that I feel that a lot more of us should be spending our time, because it shows that we have a responsibility and we're interested in the children of the school systems throughout this entire state. Watching them take all parts of the test, you could see that some people were better at certain sections of the exam than others, but the music section was the best one, watching them take as they were playing classical music and blank looks were looking back at me and then all of a sudden there was John Phillips Susa March and every face light up and it was worth watching and I'd like to extend my congratulations to them and also to the other competing schools from all of our towns. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: I would like to apologize to Representative Lovett. In my excitement I just got carried away and I'm sorry.

The SPEAKER PRO TEM: The Chair is pleased to recognize in the Gallery, the members of the Scarborough High School Academic Decathlon Team. Please stand and accept the congratulations of the House of Representatives.

Was passed and sent up for concurrence.

Representative Randall L. Bumps, of China, upon receiving a 1997 Maine Emergency Medical Service Award in Administration for his excellent work and extensive contributions to the Emergency Medical Service System. In addition to representing the people of Albion, Benton, China and the unorganized territory of Unity Township in the Maine State Legislature, he is an emergency medical technician and an emergency medical systems administrator. We congratulate him on his award and extend our best wishes for continued success; (HLS 539) by Representative DONNELLY of Presque Isle. (Cosponsors: Senator AMERO of Cumberland, Senator KIEFFER of Aroostook, Representative CAMPBELL of Holden)

On objection of Representative DONNELLY of Presque Isle, was removed from the Special Sentiment Calendar.

Was read.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House. It seems like we have a lot of sentiments this year to recognize great things that people of this body do outside this body. Though we get into heated debates on issues and may disagree strongly, it's always a pleasure to recognize when a fellow Representative exceeds both in the body and outside. I would ask you to join me in applauding the achievement of Representative Randy Bumps.

Was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Judiciary** reporting "**Ought Not to Pass**" on Bill "An Act to Require Reimbursement

to Counties for Services Rendered by County Law Enforcement Officers" (EMERGENCY) (H.P. 36) (L.D. 61)

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
PLOWMAN of Hampden
MADORE of Augusta

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-593) on same Bill.

Signed:

Representatives: NASS of Acton
WATERHOUSE of Bridgton

Was read.

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

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-587) on Bill "An Act Amending the Compensation for Members of the Panel of Mediators" (H.P. 1001) (L.D. 1393)

Signed:

Senators: CATHCART of Penobscot
TREAT of Kennebec
Representatives: HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
RINES of Wiscasset
STANLEY of Medway
JOY of Crystal
PENDLETON of Scarborough

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

Signed:

Representatives: JOYCE of Biddeford
TREADWELL of Carmel

Was read.

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

The Bill was read once. Committee Amendment "A" (H-587) 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-587) and sent up for concurrence. Ordered sent forthwith.

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-590) on Bill "An Act to Establish a Funding Formula for the University of Maine System" (H.P. 1018) (L.D. 1410)

Signed:

Senators: PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives: RICHARD of Madison
BRENNAN of Portland
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
BAKER of Bangor
McELROY of Unity
STEDMAN of Hartland
BELANGER of Caribou

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

Signed:

Representative: BARTH of Bethel

Was read.

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

The Bill was read once. Committee Amendment "A" (H-590) 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-590) and sent up for concurrence. Ordered sent forthwith.

Divided Report

Majority Report of the Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-578) on Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (EMERGENCY) (H.P. 1038) (L.D. 1455)

Signed:

Senators: TREAT of Kennebec
NUTTING of Androscoggin
Representatives: ROWE of Portland
SHIAH of Bowdoinham
BULL of Freeport
COWGER of Hallowell
JONES of Greenville
McKEE of Wayne
DEXTER of Kingfield
NICKERSON of Turner
MERES of Norridgewock
FOSTER of Gray

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-579) on same Resolve.

Signed:

Senator: BUTLAND of Cumberland

Was read.

Representative SHIAH of Bowdoinham 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 later today assigned.

Divided Report

Majority Report of the Committee on **Judiciary** reporting "**Ought Not to Pass**" on Bill "An Act Concerning Service of Process by the Department of Human Services" (H.P. 1071) (L.D. 1508)

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 to Pass**" on same Bill.

Signed:

Representative: PLOWMAN of Hampden

Was read.

Representative WATSON of Farmingdale 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 **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-569) on Resolve, Regarding Legislative Review of Chapter 131: Rules for Learning Results, a Major Substantive Rule of the Department of Education (EMERGENCY) (H.P. 1093) (L.D. 1536)

Signed:

Senators: PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives: BRENNAN of Portland
RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
BAKER of Bangor
BARTH of Bethel
McELROY of Unity
BELANGER of Caribou

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-570) on same Resolve.

Signed:

Representatives: SKOGLUND of St. George
STEDMAN of Hartland

Was read.

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

On further motion of the same Representative, tabled pending her motion to accept the Majority "**Ought to Pass**" as amended Report and specially assigned for Thursday, May 22, 1997.

Divided Report

Majority Report of the Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-576) on Bill "An Act Regarding Just Compensation for Private Waste Companies" (H.P. 1205) (L.D. 1705)

Signed:

Senator: NUTTING of Androscoggin
Representatives: COWGER of Hallowell
JONES of Greenville
DEXTER of Kingfield
NICKERSON of Turner
MERES of Norridgewock
FOSTER of Gray

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

Signed:

Senators: TREAT of Kennebec
BUTLAND of Cumberland
Representatives: ROWE of Portland
SHIAH of Bowdoinham
BULL of Freeport
McKEE of Wayne

Was read.

Representative SHIAH of Bowdoinham moved that the House accept the Minority "**Ought Not to Pass**" as amended Report.

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

Divided Report

Majority Report of the Committee on **Judiciary** reporting "**Ought Not to Pass**" on Bill "An Act to Create a Citizen Panel on Deregulation" (H.P. 1212) (L.D. 1712)

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

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-591) on same Bill.

Signed:

Representatives: PLOWMAN of Hampden
MADORE of Augusta
NASS of Acton
WATERHOUSE of Bridgton

Was read.

Representative WATSON of Farmingdale 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 **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-592) on Bill "An Act Relating to Compensatory and Punitive

Damages Under the Maine Human Rights Act" (H.P. 1213) (L.D. 1713)

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

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

Signed:

Representatives: PLOWMAN of Hampden
MADORE of Augusta
NASS of Acton
WATERHOUSE of Bridgton

Was read.

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

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

Divided Report

Majority Report of the Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-568) on Bill "An Act to Restructure the State's Electric Industry" (H.P. 1274) (L.D. 1804)

Signed:

Senators: CAREY of Kennebec
CLEVELAND of Androscoggin
Representatives: JONES of Bar Harbor
KONTOS of Windham
USHER of Westbrook
O'NEAL of Limestone
COLWELL of Gardiner
LaVERDIERE of Wilton
VEDRAL of Buxton
BERRY of Belmont
JOY of Crystal
TAYLOR of Cumberland

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

Signed:

Senator: HARRIMAN of Cumberland

Was read.

Representative O'NEAL of Limestone 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 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-586) on Bill "An Act to Authorize Hancock County to Hold a Referendum Election in November 1997 on a Bond Issue of \$6,000,000 to Construct a New Jail and

to Provide Necessary Renovations to the Courthouse to Comply with State Mandates" (EMERGENCY) (H.P. 1312) (L.D. 1860)

Signed:

Senators: NUTTING of Androscoggin
GOLDTHWAIT of Hancock
Representatives: AHEARNE of Madawaska
BUMPS of China
FISK of Falmouth
BAGLEY of Machias
GERRY of Auburn
GIERINGER of Portland
SANBORN of Alton
DUTREMBLE of Biddeford

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

Signed:

Senator: LIBBY of York
Representative: KASPRZAK of Newport

Was read.

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

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

Representative KASPRZAK: Mr. Speaker, Ladies and Gentlemen of the House. The reason that I am on the Minority Report on this L.D. is because when this was presented to us, there was nothing to back up this \$6,000,000 number. No estimates. No plans. Nothing presented to us except the request for this amount of money and that is why I'm on the "Ought Not to Pass" Report and I'd ask you to join me in that. Thank you.

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

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. This piece of legislation is supported by the whole delegation of Hancock County. It will allow the referendum vote be taken in Hancock County and it is just merely providing that a referendum question be held. There was no opposition from any of the Hancock County Delegation at all and I ask you to accept the Majority "Ought to Pass" Report.

The Chair ordered a division on the motion to accept the Majority "**Ought to Pass**" as amended Report.

A vote of the House was taken. 49 voted in favor of the same and 27 against, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-586) 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-586) and sent up for concurrence.

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

ENACTORS

Emergency Measure

An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers (H.P. 835) (L.D. 1140) (C. "A" H-480)

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

Emergency Measure

An Act Regarding the Leasing of Buildings (S.P. 372) (L.D. 1231) (C. "A" S-242)

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. 114 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 Amend the Charter of the Hebron Water Company (S.P. 547) (L.D. 1665) (C. "A" S-239)

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

Emergency Measure

An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System (H.P. 1271) (L.D. 1797)

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

Emergency Measure

An Act to Amend the Laws Governing the Maine Health and Higher Educational Facilities Authority (H.P. 1280) (L.D. 1817) (C. "A" H-473)

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. 108 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

Resolve, to Establish a Maine Mobility Fund Task Force (S.P. 429) (L.D. 1377) (H. "A" H-493 to C. "A" S-206)

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

On motion of Representative DRISCOLL of Calais, the rules were suspended for the purpose of reconsideration.

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" (S-206) was adopted.

The same Representative presented House Amendment "B" (H-597) to Committee Amendment "A" (S-206) which was read by the Clerk.

Representative JOYCE of Biddeford moved that House Amendment "B" (H-597) to Committee Amendment "A" (S-206) be indefinitely postponed.

The same Representative requested a roll call on his motion to indefinitely postpone House Amendment "B" (H-597) to Committee Amendment "A" (S-206).

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

ROLL CALL NO. 246

YEA - Barth, Belanger DJ, Bodwell, Bruno, Buck, Cameron, Campbell, Carleton, Cianchette, Fisher, Fisk, Foster, Gieringer, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, Murphy, Nass, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Treadwell, Underwood, Vedral, Waterhouse, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Clark, Clukey, Colwell, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Gagne, Gagnon, Gerry, Goodwin, Gooley, Green, Hatch, Jones SL, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Madore, Mailhot, McElroy, McKee, Meres, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Pieh, Poulin, Povich, Powers, Richard, Rines, Rowe, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

ABSENT - Belanger IG, Berry DP, Cowger, Cross, Dexter, Fuller, Gamache, Honey, Jabar, Jones KW, Lemke, Muse, Nickerson, O'Brien, Quint, Samson, Spear, True.

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

47 having voted in the affirmative and 86 voted in the negative, with 18 being absent, the motion to indefinitely postpone House Amendment "B" (H-597) to Committee Amendment "A" (S-206) did not prevail.

Subsequently, House Amendment "B" (H-597) to Committee Amendment "A" (S-206) was adopted.

Committee Amendment "A" (S-206) as amended by House Amendment "B" (H-597) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-206) as amended by House Amendment "B" (H-597) thereto in non-concurrence and sent up for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Emergency Mandate

An Act to Exclude Coaches from Participation in the Maine State Retirement System (H.P. 724) (L.D. 988) (C. "A" H-479)

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

Emergency Mandate

An Act to Require Prisoners to Pay Court Fines and Family Support (H.P. 781) (L.D. 1069) (H. "A" H-476 to C. "A" H-378)

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 0 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

Mandate

An Act to Redistrict Knox County and Provide for 5 County Commissioners (H.P. 1016) (L.D. 1408) (C. "A" H-475)

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. 112 voted in favor of the same and 6 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Child Labor Laws as They Pertain to Employment of Minors 15 Years of Age (H.P. 135) (L.D. 177) (C. "A" H-478)

An Act to Clarify the Reimbursement of Legislators' Expenses (S.P. 100) (L.D. 379) (C. "A" S-223)

An Act to Exclude from the Definition of "Employment" Services Provided by Lessees of Taxicabs (S.P. 110) (L.D. 389) (C. "A" S-237)

An Act to Impose a Statute of Limitations for Violations of Municipal Subdivision Ordinances (H.P. 371) (L.D. 516) (C. "A" H-474)

An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile (S.P. 234) (L.D. 803) (H. "A" H-537 to C. "A" S-207)

An Act Concerning the Review of Certain Sentences Imposed on Defendants (H.P. 710) (L.D. 974) (C. "A" H-487)

An Act to Amend the Enhanced 9-1-1 Laws (H.P. 712) (L.D. 976) (S. "B" S-224 to C. "A" H-355)

An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment (S.P. 309) (L.D. 1018) (C. "A" S-236)

An Act to Restrict Parental Rights of Convicted Sex Offenders (H.P. 936) (L.D. 1283) (C. "A" H-465)

An Act to Amend Certain Laws Administered by the Department of Environmental Protection (H.P. 950) (L.D. 1313) (C. "A" H-491)

An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers (H.P. 971) (L.D. 1351) (C. "A" H-481)

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 (H.P. 1167) (L.D. 1644)

An Act to Amend the Victims' Compensation Fund (H.P. 1184) (L.D. 1675) (C. "A" H-486)

An Act to Require the Department of Inland Fisheries and Wildlife to File Monthly Revenue Reports (H.P. 1204) (L.D. 1704)

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

An Act to Expand the Family Medical Leave Laws (S.P. 196) (L.D. 624) (C. "A" S-235)

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

On motion of Representative WATERHOUSE of Bridgton, 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 following items were taken up out of order by unanimous consent:

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was tabled and today assigned:

An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program and to Make Drinking Water Improvements (BOND ISSUE) (S.P. 88) (L.D. 268) (C. "A" S-213)

TABLED - May 20, 1997 by Representative OTT of York.
PENDING - Motion of same Representative to reconsider Passage to be Enacted.

Representative OTT of York withdrew his motion to reconsider whereby the Bill was passed to be enacted.

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

The House recessed until 6:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (7) "**Ought to Pass**" as amended by Committee Amendment "A" (H-576) - Minority (6) "**Ought Not to Pass**" - Committee on **Natural Resources** on Bill "An Act Regarding Just Compensation for Private Waste Companies" (H.P. 1205) (L.D. 1705) which was tabled by Representative SHIAH of Bowdoinham pending his motion to accept the Minority "**Ought Not to Pass**" as amended Report.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I apologize to Representative Dexter, I didn't see him. I knew there were people that felt strongly about the bill and I'm on the "Ought Not to Pass" Report, that's the pending motion.

This was a bill that came before our Committee, has been amended and I do want to talk about the process, briefly. The original bill prohibited municipalities from displacing an existing business that provided solid waste collection services unless certain procedures were followed and one of those was giving 5 years written notice before displacing a business. That was problematic, in my mind, for obvious reasons. The amended Majority Report takes that 5 years to 1 year. I still oppose the bill and I've passed out a fact sheet under my name Maine Municipal Association received another one earlier today, I believe a letter from Maine Municipal, sponsored by Representative Shiah, and I won't read all of these, I'd ask you to take a look at them. In my mind, this bill even in its amended form is troublesome, for many reasons. Currently, the Maine law requires municipalities to provide waste disposal services. To do that effectively, municipalities need as many tools as possible, including the ability to take over waste collection or to contract it to a single hauler. Contracting is a decision that's made by municipals legislative bodies. It's made at a town meeting, or by the town or city council. It's not made by one or two people. Those municipalities that have gone to a single hauler, single contractor, have done so to get the lowest disposal cost to residential and business property tax payers. They've also done so to make sure the waste is disposed of correctly to protect the environment, also to encourage recycling. Finally to pay for a major capital investments incurred by municipalities over the years, you know of the waste disposal facilities that we have around this state, when municipalities have joined together. We have one in Southern Maine, Regional Waste Systems, and there are others. The towns have floated bonds and we're paying off those bonds now, millions of dollars of investments have gone into creating these and we're trying to keep the collections and the disposal of solid waste as inexpensive as possible. To that extent, I feel this bill would go in the opposite direction. The impact of this bill, at least in my municipalities, would be to increase the property tax. I know that's the impact of the bill in many municipalities. I believe this bill flies in the face of local control. I don't know of any other organization that has to give one year's notice before they change service providers. That's what this bill requires. You hear a lot about wanting to change government and make us operate more like private business. I would suggest to you that this goes in the opposite direction. So for all those reasons, I would ask you to vote with the "Ought Not to Pass" Report. Thank you.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. One of the few times in my four terms here, I've been contacted by my town manager and the town officials. Let me tell you, ladies and gentlemen, they are totally opposed to this legislation. When you start dealing with tipping fees and the cost of trying to get rid of garbage and trash, you have to be able to move from one contract to another and if it should happen that having to pay someone for two years or for five years, whatever it is, is totally unacceptable to the communities. Ladies and gentlemen, I urge you to accept the Minority "Ought Not to Pass" Report.

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

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. I would like to second what the good Representative from Winslow just said, I, too, have been contacted by the town officials of the City of Bath. I'd like to quote one paragraph from a letter that was faxed to me today, on behalf of the City Manager, the Director of Public Works, and the unanimous feeling of the City Council. "L.D. 1705, if enacted,

would severely restrict the city's ability to manage solid waste collection and disposal. The city is obligated by Maine law to manage the disposal of solid waste and L.D. 1705 would take control of that process away from the city. If the city no longer has control of the process, they will be unable to fulfill their legal obligation. L.D. 1705 would also not allow the city to adopt the most cost effective method of solid waste collection and disposal, which would have a negative impact, a very negative impact, on the city's budget and therefore the tax rate." I would second what the good Representative from Portland said about the effect it would have on Portland's tax rate and I would urge you to accept the Minority "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Madam Speaker, Men and Women of the House. I am also on the "Ought Not to Pass" Report and I urge you to join me. We heard this bill in Committee and even though it has been amended, as the good Representative from Portland, Representative Rowe has said and it has been echoed here, this really sets a bad precedence. We are singling out one industry here for this and it's really putting an undue burden upon the local communities to be able to deal with this very contentious issue in the most appropriate manner possible. What this basically boils down to, for me, is home rule. We up here in the Legislature should not be telling local communities how best to deal with solid waste issues in their communities. We need to give them the flexibility to be able to deal with this in the most cost effective, most businesslike manner possible. So ladies and gentlemen, I urge you to please accept the Minority "Ought Not to Pass" Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I agree with the previous speaker, I don't think, we sitting here in Augusta, should tell any municipality in the State how they best dispose of their solid waste. I found myself in the position when I was manager in Warren that I could have saved a good deal of money by operating our own trash collection, so I don't think we should sit up here telling the municipalities how they should run their town government.

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

The same Representative 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: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. I am on the opposite side of this Report. I was on the Majority "Ought to Pass." It was a very confusing and complex issue for our Committee to deal with, so I'm not going to press anybody on this. I just want to make a couple of points here, this bill only addresses commercial and industrial waste. This does not address the hauling of residential waste. This is typically handled by some arrangement through the municipal government. My knowledge, there is only one municipality in this state that has taken over the hauling of commercial and industrial waste. This bill, all it intends to do is declare that a community give a one year notice to the private waste haulers in the community if they intend to take over the hauling of commercial and industrial waste. I urge you to consider this when you do your vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Madam Speaker, Men and Women of the House. It is obvious to me that MMA has done their work, and done their work very well. This is not my first day here. I know it's going to be like swimming against the tide, but this is simply a fairness bill, a fairness issue. We had several people testify in front of the Committee, people that had hauled waste for 25 and 30 years. All they're asking for is a little bit of protection. They don't want to work against their own tax dollars. This has happened in a couple of towns. People have lost their business. It's pretty hard to compete against your own money. I'm not going to belabor the issue. I have a feeling how it's going to go, but once again, it's a fairness issue. It won't interfere with recycling. It's not a mandate. It doesn't interfere with existing contracts. That's all I'm going to say on it.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I, too, am on the Majority Report. We were really impressed, I guess, with the testimony of the private haulers that came to testify before our committee. They're family businesses. They were people that have kept people employed in the area around Portland for many, many years. They followed the rules, they work with the city and they've done everything they were asked to do and they are in a position now to have to decide how to handle the possibility of going out of business without notice. They came to us to try to let us know that they have been working hard. They have been working with the individual people that they collect for. They work well in emergency situations when hospital and things call them in the middle of the night because they need them to come. They've been hauling to the places that were designated by the community, they've been paying their taxes and all they wanted was some kind of recognition for the fact that they are small businesses. They do employ people. They are consistent and reliable. This bill pretty much asks one that if there's going to be a change that there is notice and that there's a public hearing held so that everybody knows what's happening and there's an opportunity to discuss what's happening. Also they're asking that after the decision is made, that they have 12 months to get their act together and to sell their equipment. It's very hard to sell the immense amount of equipment it takes to haul, after the fact, and they have no other way to recoup their investment. We felt that they made a good point and we felt that the compromise that took place with this bill was fair, because anybody that is in business that has a contract realizes that those contracts have a life and when they're over they're renegotiated. We thought that these waste haulers should have at least that much consideration. Thank you.

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

Representative PIEH: Madam Speaker, Men and Women of the House. I just would remind you, when you think about municipalities making their contracts to have their roads taken care of, their roads plowed and things. They generally make approximately a three year agreement and commitment to a small business, or a large business at taking care of that. I don't think it's too much to ask for waste hauling to come under the same kind of category and honor a commitment of 12 months. I encourage you to defeat the indefinite postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Madam Speaker, Ladies and Gentlemen of the House. This bill is not a bill that will take away local control from the towns. All it does is to allow these people who may have \$100,000 or \$200,000 investment in equipment, it

gives them a years time to, somehow, either pay that equipment of in another way, or dispose of it in some fashion. It has nothing to do with trying to take control of the town's waste problem, whatsoever. It's just an opportunity to give these people a chance to get out of the business if they're forced to. They are out competing with some big national people, as well. This may not necessarily mean just because the town takes it over, or puts it out to bid with somebody, or gives it to a franchise, it's going to be any cheaper. You want to think about that and keep in mind, this is just industrial waste, it's not the trash of the town. I'd urge you to go along with the Majority Report.

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

ROLL CALL NO. 247

YEA - Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Berry DP, Berry RL, Bigl, Bolduc, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Carleton, Chartrand, Chizmar, Cianchette, Clark, Clukey, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisk, Frechette, Fuller, Gagne, Gagnon, Gerry, Gieringer, Gooley, Green, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kasprzak, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Mack, Madore, Mailhot, Marvin, Mayo, McElroy, McKee, Morgan, Murphy, Muse, Nass, O'Brien, O'Neil, Ott, Paul, Peavey, Perry, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Ahearn, Belanger IG, Bouffard, Bunker, Campbell, Chick, Colwell, Cowger, Dexter, Foster, Goodwin, Hatch, Honey, Jones SA, Joy, Kerr, Lane, Lovett, MacDougall, McAlevey, Meres, Nickerson, O'Neal, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Skoglund, Snowe-Mello, Stedman, Treadwell, Wheeler EM, Winsor.

ABSENT - Bodwell, Cross, Farnsworth, Fisher, Gamache, Mitchell JE, Saxl JW, Spear, Underwood.

Yes, 107; No, 35; Absent, 9; Excused, 0.

107 having voted in the affirmative and 35 voted in the negative, with 9 being absent, the Bill and all accompanying papers were indefinitely postponed 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-591) - Committee on **Judiciary** on Bill "An Act to Create a Citizen Panel on Deregulation" (H.P. 1212) (L.D. 1712) which was tabled by Representative WATSON of Farmingdale tabled pending her motion to accept the Majority "**Ought Not to Pass**" Report.

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

Representative MACK: Madam Speaker, Men and Women of the House. This bill will create a Citizen's Panel on Deregulation and I urge you to vote against the "Ought Not to Pass" Report.

What this Panel would do is it would be made up of citizen members who would hold public hearings around the state to find some needless and unnecessary laws that are on the books, that we need to get rid of, that are hampering business. I'm sure in all of your committees, I know in the Business and Economic Development Committee, we hear about laws on the books that have been there for decades that don't make sense anymore,

that might need a little revision and some modernization. This would give citizens a forum, around the state, to let us know about some of these laws that are hurting their businesses. One of the main things I hear, as I go door to door in my area, and I'm sure you all do too, is that some of the regulations up here are strangling businesses and a lot of them don't make any sense. I know we try to do what we can, when we hear about it from a constituent, but there are so many other regulations out there that we don't hear about, that they don't know they could contact us about. These hearings would give them an extra opportunity to do that.

The unneeded regulations are also something that's keeping businesses out of Maine, and keeping businesses in the State from expanding. If you look at the children who are just graduated from the University of Maine and are graduating college now, or going into college, when they graduate they want to be able to find jobs and stay in Maine. This is our home, this is where we grew up. We should be able to live and work here. The opportunities just aren't in Maine. This is one thing to help businesses so the kids who graduate from college, finish school, will be able to live and work in Maine and stay in this state, so I urge you to please vote against the "Ought Not to Pass" Report and help out Maine businesses.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. I suggest that this bill does what we're suppose to be doing. We're suppose to listen to our constituents and do away with unnecessary laws. I would leave you with this one thought. If there was such a Panel that existed, I think this would be the first law I would recommend they do away with.

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

ROLL CALL NO. 248

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Cameron, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, Mayo, McAlevey, McKee, Meres, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, 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, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bragdon, Buck, Bumps, Campbell, Carleton, Clukey, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Kasprzak, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McElroy, Murphy, Nass, Nickerson, Ott, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bodwell, Cross, Farnsworth, Fisher, Gamache, Mitchell JE, Pendleton, Spear, Underwood.

Yes, 91; No, 51; Absent, 9; Excused, 0.

91 having voted in the affirmative and 51 voted in the negative, with 9 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-592) - Minority (4) "Ought Not to Pass" - Committee on **Judiciary** on Bill "An Act Relating to Compensatory and Punitive Damages Under the Maine Human Rights Act" (H.P. 1213) (L.D. 1713) which was tabled by Representative WATSON of Farmingdale pending her motion to accept the Majority "Ought to Pass" as amended Report.

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

The Bill was read once. Committee Amendment "A" (H-592) was read by the Clerk and adopted.

Representative PLOWMAN of Hampden objected to suspending the rules in order to give the Bill its second reading without reference to the Committee on **Bills in the Second Reading**.

The Chair ordered a division on suspension of the rules.

A vote of the House was taken. 78 voted in favor of the same and 30 against, the rules were suspended and 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-592).

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

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. LD 1713 was brought to us in an effort to bring the State of Maine into line with the federal Maine Human Rights Act. Unfortunately, that's not exactly what this bill does, in fact, it greatly extends the Maine Human Rights Act beyond the parameters of the federal Human Rights Act. The greatest impact of this bill will fall on small employers with less than 15 employees. That is the majority of the employers of the State of Maine. Federal law recognizes and grants exemptions to small businesses in several of the categories in which the State of Maine Human Rights Commission would not. We have already substantially changed the Maine Human Rights Act in this session. Every person who goes through the Maine Human Rights Commission may proceed on to press a case in the federal court. This bill seeks to make it so that someone may press their case in a state court. It offers a different venue, which is fine, if you are actually going to make things match up, but when it goes beyond the federal and starts to further expand the Maine Human Rights Act and change some of the things that we've counted on in the Maine Human Rights Act for a measure of protection for our small businesses, then we have gone a little bit too far. There is a Committee Amendment, but I don't feel that it goes far enough into bringing this more in line with the federal act. At some point we need to take and look at how these Acts affect our businesses, what the outcomes are. This is not a minor bill, this is not a minor adjustment. This is major.

Right now, cases can be settled quite easily. The amendments that come into here raise the stakes up to \$300,000 in damages from \$10,000. \$300,000 puts a lot of fight into a plaintive and a trial lawyer business. When you're looking at \$10,000, it's not hardly worth making life difficult for

everybody. When you're looking at \$300,000, it's a whole different story. Granted, the \$300,000 is for Maine's bigger businesses. But \$60,000 for 15 or more employees is a whack. Insurance, by the way, doesn't cover these kinds of actions, so don't be thinking that everybody has insurance and they'll pay. This comes directly out of the money that employees would receive. So what if you just go to court and you go through the whole route and you're found not to have violated anyone's rights. Great, you don't have to pay the \$60,000. You just have to pay for your attorney, and your costs and your lost work time. In the average case before the Maine Human Rights Commission, to just defend yourself, as a small business owner, can go \$3,000 to \$4,000. I don't know how many screen printers, family owned grocery stores, bakeries, gas stations can afford to take \$3,000 to \$4,000 to defend themselves before the Maine Human Rights Commission, never mind, have to defend themselves all the way through, looking at perhaps a \$60,000 award. I do not think that it's unreasonable for us to meet the federal Maine Human Rights Act. However, we have far exceeded it. It's time to cut back. We don't have to bankrupt our companies and put our companies on the line and make life miserable so we can be first in the nation one more time.

Representative PLOWMAN of Hampden requested a roll call on passage to be engrossed.

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 Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. This bill only pertains to employment discrimination, it does not pertain to the other aspects of the Maine Human Rights Act, such as housing. This is a bill only to do with employment discrimination. For employers of up to 14 employees, it retains the same remedy, which is now available under Maine law. It does not change Maine law one iota, for 14 or fewer employees. For 15 and above, it does increase some of the penalties available, in cases of intentional discrimination in employment cases. It amends it to be consistent with the federal statute. It is wholly appropriate that we be consistent with the federal statute and I would ask that you support this bill.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Madam Speaker, Men and Women of the House. My reluctance to support this bill is due to several cases that happened in my area, and I have to tell you, I'm not real impressed with the Human Rights Commission. This has been ongoing for a few years, in my case. When these cases come down, they often involve more people than the person that is supposed to be discriminated against and the employer, they often involve people who, at least on the surface, appear to be innocent. The defense of this innocence that can create great expenses for people who should not be involved in this. The Human Rights Commission, as I hear the testimony and as I talk to the people involved does not seem at all sensitive to their concerns. In my area, you have people in two cases who were only involved because they were an employer. It involved discrimination among potentially two employees, the net results in this can be devastating for the employer who ends up having to pay the bill. I would urge you to oppose the passage of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I do apologize, having reexamined the amendment, there is an exception for employers with under 15 employees. However, when you bring things into Maine court,

instead of federal court, the rules of evidence are very different. As our system works right now, when you go into federal court, the Human Rights Commission decision is not usually admitted. Therefore, the trial starts anew, whether the person has prevailed or not before the Maine Human Rights Commission, the federal court starts over. The state court, the Maine Human Rights Commission decision comes in in almost all of the cases. This was testified to in committee by one of the attorneys we questioned at the public hearing. I think that we already have the avenue. I think that people should continue to take this to the federal court. I think that we should probably not burden the state courts with all these going through there and again I object to having this bill passed. I do apologize for having said that it was stronger in that respect, however, all things equal the same case would be treated somewhat differently in the two different court systems and I ask you to oppose passage. Thank you.

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

ROLL CALL NO. 249

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Cameron, Carleton, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Mailhot, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perkins, 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, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Buck, Bumps, Campbell, Chick, Cianchette, Clukey, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Bodwell, Cross, Farnsworth, Fisher, Gamache, Spear, Underwood, Winn.

Yes, 83; No, 60; Absent, 8; Excused, 0.

83 having voted in the affirmative and 60 voted in the negative, with 8 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-592) and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (12) "**Ought to Pass**" as amended by Committee Amendment "A" (H-568) - Minority (1) "**Ought Not to Pass**" - Committee on **Utilities and Energy** on Bill "An Act to Restructure the State's Electric Industry" (H.P. 1274) (L.D. 1804) which was tabled by Representative O'NEAL of Limestone pending his motion to accept the Majority "**Ought to Pass**" as amended Report.

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

The Bill was read once. Committee Amendment "A" (H-568) 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-568) and sent up for concurrence. Ordered sent forthwith.

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

HOUSE DIVIDED REPORT - Majority (12) "**Ought to Pass**" as amended by Committee Amendment "A" (H-578) - Minority (1) "**Ought to Pass**" as amended by Committee Amendment "B" (H-579) - Committee on **Natural Resources** on Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (EMERGENCY) (H.P. 1038) (L.D. 1455) which was tabled by Representative SHIAH of Bowdoinham pending his motion to accept the Majority "**Ought to Pass**" as amended Report.

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

The Bill was read once. Committee Amendment "A" (H-578) 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-578) and sent up for concurrence. Ordered sent forthwith.

HOUSE DIVIDED REPORT - Majority (12) "**Ought Not to Pass**" - Minority (1) "**Ought to Pass**" - Committee on **Judiciary** on Bill "An Act Concerning Service of Process by the Department of Human Services" (H.P. 1071) (L.D. 1508) which was tabled by Representative WATSON of Farmingdale pending her 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. Ordered sent forthwith.

An Act to Expand the Family Medical Leave Laws (S.P. 196) (L.D. 624) (C. "A" S-235) which was tabled by Representative WATERHOUSE of Bridgton pending passage to be enacted.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I don't know about anybody else in this body, but when I first ran for office one of the things that really drove me to run for office is what I saw happening to all the small businesses around my area. Time after time, I heard small businesses saying, I used to employ 11 people, then I employed 5 people and now I employ nobody. I'm not talking about anecdotal stuff, I'm talking about pervasive. It's widespread in my district. A lot of it had to do with regulations, but it also had to do with Workman's Comp, even with the system the way it is set up now. Small businesses are still having a hard time paying for Workman's Comp. When I say small business, I mean people with 20, 25, 14, 15, all the way down to 1 or 2. We all like to see people who work for a living have a good job and have benefits. I've worked hard all my life, and I can tell you right now, I was in the workforce for 20 years before I got a week's paid vacation. I've never had health insurance and I've never had sick days and the more we do things like this, and I'm not saying it's a bad idea, everybody wants everybody to have sick leave and all the

rest of that, but when we apply these standards to these small businesses and the federal Family Medical Leave Act applies only to firms with 50 or more and now we're going down to 15. It's one more nail in the coffin of small business. Now I'll get right away from business, why are we saying business, when we all think of the employees, but that's the people I think of. I never ever think of the businesses, I think of the employees, because I've seen people around my district who sit at home, and they can work, they're healthy, but they can't get work because people won't hire them because they've decided that it's too much of a hassle, or too expensive. I'm sure you've all seen it. Grown men and women who loose their self-esteem because they're home and they know down the street there's an electrician, or a carpenter, or whatever who will hire them in a minute if we take some of these things off their back so they can afford it. I'm not talking about the big businesses, I'm talking about the little people. The little businesses. You have to ask yourself, is it more important to go down to this level and provide these people, these employees, with this benefit and what you end up doing in the long run is having these small businesses lay people off because they can't afford to employ them any more. What you end up with, ladies and gentlemen, is a bunch of people out there trying to self-employ themselves. A lot of them don't have the skills, sounds great, we sit up here and we write laws. I'm going to give somebody a pay raise, I'm going to give somebody this benefit, I'm going to give somebody that benefit, but somebody has to pay for that. We're not talking about big corporations, we're not talking about big business. We're talking about the little business. This is not going to help people at this level, it's going to put people out of work. Please, when you think about voting on this, think about the person whose going to loose the job, somebody going to get laid off, because he has 15 so he'll go down to 14, or if you put it down to 10, somebody will lay someone off so they'll go down to 9. They're already doing it at 50, probably somebody laid somebody off when that law came through so they only had 49. How many people do you want to put out of work? Please think about it. I urge you to vote against enactment of this law.

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

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 Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. Once again we're adding a problem to businesses and we really should be avoiding adding more problems. Federal law has 50 or more where the law comes into play, state law has 25 or more and now we're reducing it from 25 to 15. There's a vast difference in the number of people that will be affected. This will affect over 2,000 small working businesses, 2,000, and it's going to be an negative impact. Here we are trying to find, we just got done passing probably the biggest job creation bill that we will ever see in our lifetime. The deregulation of electricity and all of a sudden we are turning around and adding a restriction. This is just a restriction. Follow the federal law, fine, follow the state law at 25, I can go along with it. Reducing it and affecting our businesses even more. I can not go along. Small business owners already trying to accommodate the personal needs of their employees, they don't need another workplace law to comply with. It's hard enough already to operate a successful business in the State of Maine. Ladies and gentlemen, the only way that we can continue providing all the services that we provide in the State of Maine, human services, health, and whatever we're going to provide for services is because of businesses. Businesses make everything

else possible and the more we restrict the businesses from operating the less we will get to operate the different services that we provide. Ladies and gentlemen, I ask you to vote against enactment of LD 624.

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

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. When this bill came before the Labor Committee, there was one person who spoke in favor of the bill and virtually every small business organization in the state spoke against it. What this bill will do, or what it won't do, it will not distinguish between the large corporations that employ four or five hundred people, the Wal-Marts, K-Marts, and people like that. It won't make any distinction between them and the small 15, 16, 18 employee organizations. What it amounts to, is that if one or two of their key people take advantage of this law, if it goes on the books, it could virtually cripple the company. They have to hire a replacement, and train a replacement for that person, then when that person comes back to the job, they have to rehire them. By law they have to rehire them. It's really not good legislation and I urge you to vote in opposition to it.

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

Representative HATCH: Madam Speaker, Men and Women of the House. I just want to make a few remarks in regards to this. I've heard a lot of talk in this chamber about family values, about honoring the family, and about commitment, and believe me, I'm the first one who would recognize that we need to have honor and commitment to our family and that we have to recognize that they do have problems. All this bill does is lower the threshold from 25 to 15. I want you to know, that's not a lot and what it says to our families is, if you have a sick child, or if your parent's sick, terminally ill, or your spouse, that you can take some time off. It's not a cost thing to the employer. Sure, they may have to train in somebody for a few days to take your job at whatever that is, but all it says is, when that person is well again, you can go back to that job. I think it's a terrible thing to stand up here and make judgments on what we did when we were small. I can remember growing up in a small community. My parents both worked, they had to. We didn't have health care, and we didn't complain, but when the kids were sick, mom, more often than not, would take some time off to spend with us. Employers didn't get rid of them. It happens a lot today, believe me. You don't show up for work, two or three days in a row, you're gone. I want you to know this is a good bill. It doesn't affect that many people and yes, there was only one person that spoke in favor of this bill, but I happen to think the timing of the bill was probably ill-conceived and those that spoke against it, historically, have come in and opposed every bill dealing with working families in the state. I met one of the lobbyists today from one of those organizations, the Maine Grocers, I won't say his name, I think you know who he is and he told me that if this reaches the Executive Branch, that they'll sign the bill. It's an important piece of legislation, folks, and he said that he supported it. He told me that to my face. So although he testified in committee against the bill, the concept is sound. It promotes good family values, and I think that's important. Thank you very much.

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

Representative JOYCE: Madam Speaker, Men and Women of the House. We just heard from the previous speaker that this doesn't do a lot and doesn't affect that many people. It will affect an additional 39,000 employees and 2,100 new businesses in the state.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. As far as I'm concerned, this bill has nothing, absolutely nothing, to do with family values. It has to do with economics. I'll say it again, I've had businesses around my area, when I was running for office in the 117th, that said they turned work away, all kinds of work, they turned down rather than hire somebody because of the cost. This adds a cost and what's going to happen is people are going to get laid off, guarantee it, I can guarantee it, if this goes through, people in my area are going to get laid off and you don't have too many family values improved by going on welfare.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. I forgot to mention, the one individual that spoke in favor, support of this legislation, was a lobbyist, and I won't give you his name, but he works the halls daily. So, when you have that much support, how can you support change in the law, when only one person shows up and he's the one that's going to gain from changing the law. The five businesses that came and spoke in opposition were not weighed whatsoever. The only weight was given to this one lobbyist. Ladies and gentlemen, I urge you to please vote against the enactment of this legislation.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. This week we have heard about big, bad employees, and now we're hearing about big, bad, little employees. My company employs 13 people, this wouldn't affect me, not yet anyway. The last four weeks, my foreman and partner has been at his child's bedside in two separate hospitals in the State of Maine. This child sometimes is better and sometimes isn't, but he's drawing full pay for four weeks, checks in with us, let's us know how things are going. We send flowers, encouragement, and try to drop by and visit. It's not the first employee we've done this for, and we don't have to, nobody told us we have to. Yea, we're suffering, a lot of my jobs are not getting done, and guess what the big, bad companies that we work for, that are waiting for the guy, they understand. Go figure. Five years ago, I worked for a law firm that was subject to this, or would be subject to this, but wasn't then, my son was in the hospital for over a month, my job was never in jeopardy. My boss told me to quit calling in, and just show up when my son was better. He didn't need to know on a day to day basis. That's one of the big, bad small employers of the State of Maine. Pretty soon, we've got to start letting people be people and doing what's right for the sake of being right, not because a law tells them to. Two more employees and I'm going to be subject to this, well that's great, I'm not going to change my ways. My employees come first, because if I didn't have these employees, we wouldn't have a company. Most of the small businesses in the State of Maine work that way. So, I'm not sure that everything that we think is a good idea has to be done by legislation. Sometimes you do it by example.

Now from what I can see, the Family Medical Leave Act that's passed for very serious reasons. The employee must give at least 30 days notice of the intended day upon which family medical leave will commence, unless there's a medical emergency. So, therefore, you must give notice to your employer 30 days in advance that you will be attending a parent teacher's conference, because I don't think this falls under a medical emergency. That's very serious kinds of situations that they intended, otherwise, how would you know that you have to

file 30 days' notice. Parent teacher's conferences are not all day affairs, usually, most companies provide sick time, personal time, or vacation and you can attend these. It doesn't fall into the serious medical leave provision that we foresaw when we looked at the Medical Leave Act. Taking care of a parent who's desperately ill, taking care of a child, taking care of a spouse. All of these things were considered, now we have started to come down, and do just what I knew it would happen. Micro-manage what can and can't be. What if it's not a PET? What if it's just when you go pick up your child's report card and it's the teacher conference, that's not a PET, doesn't fall under this, sorry you can't go. When you start putting these things in little boxes and it doesn't quite fit, guess what? There will be an employer who says, wait a minute, is this PET? No, PET, it's a conference, sorry, take it on your own time, or don't go. Some of the things we do, actually engender bad will between employees and employers. There are really good people in the State of Maine and they create jobs, not because they think they're going to get wealthy. They might be looking for some financial security in their old age, but I also look for the financial security every one of my 13 employees, not only their financial security, I know their children, they know mine. They come to my house, I go to theirs. They watch my back, I watch theirs. That's what's called an employer in the State of Maine. Give us a break. Take a breather. Take a year off, try not to pass anything. See what happens. Have a new hearing, see how many people show up. It can be done, we just don't have to go full bore every day, every year to see how much we can handle. Thanks.

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

Representative HATCH: Madam Speaker, Men and Women of the House. Just a clarification. The parent teacher's conference was out of that bill. The bill is the original except for the 25 to 15 employees that have brought down the total. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I really do see this as another nail in the coffin for small and medium sized businesses here in the State of Maine. I just want to point out one part of the bill which states that the employer may require certification from a physician to verify the amount of leave requested by the employee, except that an employee, who in good faith, relies on treatment by prayer, or spiritual means in accordance with the tenants and practice of a recognized church or a religious denomination, may submit certification from an accredited practitioner of those healing methods. I just want to make sure that everybody understood that before they vote on this. Thank you very much.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. We all have our duties that we're trying to take care of on our desks, but I just happened to set my mind on Representative Gooley's comment. Now if that isn't a function of regulation, and over regulation for something the businesses do already, we just don't get it. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative LANE: Has there been a lot of complaints of people that weren't allowed off work, is that why this legislation came about?

The SPEAKER: 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 Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. Just a clarification on that. Yes, there have been some complaints and no this isn't my piece of legislation, but everything is current law now except for the exemption from 25 to 15, everything is already on the books. You're not voting on anything but the 25 to 15. Thank you.

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

ROLL CALL NO. 250

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

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Campbell, Chick, Cianchette, Clukey, Desmond, Dexter, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Sanborn, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

ABSENT - Bodwell, Cross, Farnsworth, Fisher, Gamache, Jones KW, Lemke, Poulin, Spear, Underwood.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

UNFINISHED BUSINESS

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

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) (C. "A" S-210)

TABLED - May 20, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Engrossed.

Representative GERRY of Auburn presented House Amendment "A" (H-536) which was read by the Clerk.

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. I ask for your support of this amendment. I totally support this LD except for this one little part of the bill. The part of the bill that I want to take out is the word Independent and leave it so that a group that is collecting signatures now or if they don't get enough, in the future, can use that name as their party sign. What the bill tries to do is take

their right. If they want to use the word Independent, they have to use Independent something else and not the word Independent. I don't think it is right for us to stop their progress, collect their signatures and make them start over at the drawing board. Last time they tried to get themselves on the ballot they had over 12,000 registered Independent voters, but because they did not obtain their party status, it reverted back that Independents could not use the word Independent and went back to Unenrolled. I encourage you, please, to support this amendment.

Representative TUTTLE of Sanford moved that House Amendment "A" (H-536) be indefinitely postponed.

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

Representative TUTTLE: Madam Speaker, Men and Women of the House. This bill is a result of the Democracy Improvement Project. A project of the Secretary of State's Office and the League of Woman Voters in its attempt to increase access to the ballot and other election processes for two parties and Unenrolled candidates and Unenrolled voters. It has been mentioned that this was a unanimous report of the Committee on Legal and Veterans Affairs. This amendment is what we call the Coffman amendment. It was presented in committee by former State Representative from Old Town, who is no longer with us and who is presently an Independent.

The majority feels that we should protect the use of the word Independent so that it may be used only by candidates who do not belong to a political party. As most of us know, currently, the use of the word Independent is not protected if a party were to form and there is currently one attempting to do so with that name. Unenrolled voters would be prohibited from using traditional designation on the ballot. The proposition against naming the party, the Independent Party, prevents confusion and in my opinion preserves the traditional use of the word Independent to mean not enrolled in a party. The bill remedies the second-class treatment of Unenrolled voters who currently constitute 36 percent of the registered voters in this state whether we like it or not. This amendment would change that. The amendment would essentially disenfranchise 36 percent of the voters in the state. I would encourage you to support the motion to Indefinitely Postpone.

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

Representative GERRY: Madam Speaker, Ladies and Gentlemen of the House. I request when the vote is taken it will be by the yeas and nays and further I would ask for you to please vote against the Indefinite Postponement of my amendment. Not just only to preserve the right of the people in the state to form an Independent party, if they so choose, but it will also help those across the country that have already started an Independent Party and the movement is coming forward. Please, I ask of you to vote against the Indefinite Postponement.

Representative GERRY of Auburn requested a roll call on the motion to indefinitely postpone House Amendment "A" (H-536).

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 Gorham, Representative Labrecque.

Representative LABRECQUE: Madam Speaker, Ladies and Gentlemen of the House. If you will look at the bill and the amendments that are with the bill, you will see that there is a Minority "Ought to Pass" on this bill that did not get put on, which does exactly what Representative Gerry's amendment is suggesting. I was on that Minority Report, I feel that the Independent name should not necessarily be preserved to mean Unenrolled.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone House Amendment "A" (H-536). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 251

YEA - Ahearn, Bagley, Baker CL, Belanger DJ, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Baker JL, Barth, Belanger IG, Berry DP, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Donnelly, Fisk, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevy, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Skoglund, Snowe-Mello, Stedman, Tobin, Treadwell, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Bodwell, Cross, Farnsworth, Fisher, Gamache, Jones KW, Poulin, Spear, Underwood.

Yes, 76; No, 66; Absent, 9; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, with 9 being absent, House Amendment "A" (H-536) was indefinitely postponed.

On motion of Representative SAXL of Portland, tabled pending passage to be engrossed and later today assigned.

An Act to Create a Permanent Funding Source for the Saco River Corridor Commission (H.P. 850) (L.D. 1155) (C. "A" H-396) TABLED - May 20, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Passage to be Enacted.

On motion of Representative ROWE of Portland, the rules were suspended for the purpose of reconsideration.

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-396) was adopted.

The same Representative presented House Amendment "A" (H-598) to Committee Amendment "A" (H-396) which was read by the Clerk.

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

Representative ROWE: Madam Speaker, Men and Women of the House. This amendment is technical in nature. It does not have any substantive change to the bill. It was prepared by the Office of Policy and Legal Analysis to address some language concerns that they had. Thank you.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I just want to take a moment to add how slowly the wheels of government grind.

My wife was doing a little research for me at the library today and it seems that on May 2nd, 1973, the bill was heard to establish the Saco River Corridor, so it's only taken about 24 years to finally come up with a bill to fund this. I just thought I would share that with the members of the House.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Madam Speaker, May I pose a question through the Chair to the Representative from Portland, Representative Rowe?

The SPEAKER: The Representative may pose his question.

Representative NASS: I have several communities on Little Ossipee River, which flows into the Saco. One of those communities has a water company. My question to the Representative from Portland is, will there be any charges to this water company in the community of Kezar Falls as a result of this amendment? Thank you.

The SPEAKER: The Representative from Acton, Representative Nass has posed a question through the Chair to the Representative from Portland, Representative Rowe. The Chair recognizes that Representative.

Representative ROWE: Madam Speaker, Men and Women of the House. I don't know the specific answer, let me just say this. The language in the bill was amended by the Committee and the one percent fee is on the sale of water in fire protection services. It was by a water utility. I'd like to read the language to you, so you could decide whether that falls within it or not, because as I stand here today, I forget the particular communities, but the Committee Amendment dealt with that issue and the lines were amended to read that the fee is applied to the utility that draws water either from the Saco River or from a ground water source under the effluence of the Saco River as determined by the Department of Human Services and everyone in the Committee at the public hearing and at the work session after we put that language in there was, to my knowledge, agreeable to that and I would defer to the Representative from Saco, maybe he has more information.

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

Representative O'NEIL: Madam Speaker, Men and Women of the House. In answer to the question, the terminology under the effluence of the Saco River arose as a result of several phone calls I received from one of the water districts, which is upriver from Saco. They have a well from which they get their water and the well is 10 miles as the crow flies away from the river bank. They are technically within the Saco River drainage basin, but most of York County is under the drainage basin, hence, we came up with the amendment that narrowed the scope of those utilities which would be subject to the fee. Under the effluence was, I believe, 150 feet next to the river, so for anyone who wishes to start a water utility near the Saco River, I suggest they put it at least 200 feet from the River, when they drill a well.

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

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

The SPEAKER: The Representative may pose his question.

Representative MCALEVEY: Madam Speaker, Men and Women of the House. On the newest amendment we have, section 5, does additional sources of revenue, I'm unclear on the latter sentence of that paragraph. The Commission shall take all steps necessary to obtain revenue for these funding sources and

to assure the assessment of the sale of water are not the sole source of revenues to the fund. I'm not sure what that means. Can someone explain that to me?

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

Representative ROWE: Madam Speaker, Men and Women of the House. In response to Representative McAlevy's question, that's simply a rewording of paragraph 5, in the original bill. It doesn't change the intent. I just ask you to look at that, and see, if you disagree with me let me know, but I believe you'll agree. It's simply a rewording of the original paragraph 5 in the bill. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRUE: Madam Speaker, Men and Women of the House. We had a meeting, because, of course, this also has a lot to do with my area in Fryeburg and a water district and at that time, and when we left, the numbers that Representative O'Neil has just quoted was given to us. The 200 feet, why is that not written, rather than saying ground water and interpreting to be 200 feet?

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Men and Women of the House. In answer to that question, I had the same question and at the work session, which was a very productive one, we had a representative from Department of Human Services, who has jurisdiction over that definition and they said that as far as statute goes, that language is right on. Under the effluence, has that connotation and it's not implicit, it's explicit.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Madam Speaker, Men and Women of the House. I also want to add, this is my recollection of the Natural Resources Committee meeting, so don't quote me on this. It is my understanding that there are currently no wells, or no water districts, that draw water from ground water that are under the effluence of the Saco River, regardless of how close they are to the River. It would only affect water districts currently that are drawing water directly from the Saco River, and it would only impact future wells that would be under the effluence.

The SPEAKER: The pending question before the House is the adoption of House Amendment "A" (H-598)

House Amendment "A" (H-598) was adopted.

Committee Amendment "A" (H-396) as amended by House Amendment "A" (H-598) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-396) as amended by House Amendment "A" (H-598) thereto in non-concurrence and sent up for concurrence.

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) (C. "A" S-227; S. "A" S-229)

TABLED - May 20, 1997 (Till Later Today) by Representative PLOWMAN of Hampden.

PENDING - Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. This bill came before the Judiciary Committee and I have some reservations about it. This bill greatly expands the number of persons who are capable of committing an individual involuntarily. We call that blue papering, or a serious infringement on personal freedoms. It takes a lot to make the decision as to whether you're going to take away a person's personal freedoms to come and go, when you want to take somebody into custody. This legislation expands to farm doctors and some physicians, or licensed clinical psychologists and adds the categories physician assistants, certified psychiatric clinical nurse, specialist, and nurse practitioner, to the people who can examine and sign papers certifying saying a person can be involuntarily committed.

Not every PA has experience doing this. PA's are usually brought along in a capacity in an office setting, such as an Orthopedic PA, or a Cardiologist PA or even in general practice. This does not mean a person has had the experience and the teaching and instruction to recognize when a person has reached the point that they need to be involuntarily committed. This bill was supported in concept by the Alliance for the Mentally Ill, and the Department. They did express reservations, however, as to how far, or how much expansion was involved in this. Specifically, the Alliance for the Mentally Ill was concerned about limiting it to emergency rooms. Taking a person to an emergency room, rather than to a local clinic. It also was asked to be limited to rural areas, where there actually was documentation that there was a lack of help and a lack of experienced people who could make this decision. AMI asked us to make sure that there were protocols and adequate training in place before persons were allowed to be able to make these decisions. That is not part of this bill.

The Maine Psychological Association raised the same concern. They are very cautious. They understand there are areas in the State of Maine this is just a real hardship finding someone to sign the paper. However, I think the bill was premature, because the Maine Psychological Association offered to help the sponsor of the bill, and provide assistance in the geographical areas where there was a problem. I ask you to vote against enactment at this time. We really need to protect the personal freedoms of these people, it could be you, or me. More me than you probably. I want someone to know what they are doing. An Orthopedic PA may not be the best person to decide if you should be blue papered. I think that we need to be very cautious about this. I'd like to see the sponsor work with the Maine Psychological Association, the Department, and the Alliance for the Mentally Ill, to resolve this without legislation in order that we do protect the rights of the individual to their personal freedom as well as ensure that when they are examined, they are examined by a certified health care professional certified in this area. Thank you for listening.

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

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. As a mental health professional, I had some of the same concerns that Representative Plowman expressed and I took it upon myself to speak with the providers organizations to assure that they were comfortable with this arrangement. It's important to keep in mind the context in which emergency services currently take place. Fortunately, because of the progress that has taken place over the past couple of years, we very seldom have a situation where you have a lone practitioner in a rural community who is making these kinds of decisions in isolation. That by and large a system has been

established where communities have a focal point to, usually in a hospital or hospital emergency room, to be able to provide the initial assessment. There is very expert mental health consultation available to anybody who's in a position, such as a nurse practitioner, or physician assistant to have to do this. By and large, it would be a qualified mental health professional that would be making these kinds of decisions. There's a very reliable system built up around these practitioners to assure there is confidence in the decision making process. Thank you.

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

Representative POWERS: Madam Speaker, Men and Women of the House. I want to reiterate some of what you heard when we saw this bill on the floor for the first time. Because the concerns that the Representative from Hampden were those concerns that were brought forward in the public hearing and were worked by the Committee. The people who are listed here in this amendment are entirely capable of making these decisions. As Representative Kane has just stated, it is under emergency situations that the rural hospitals have come to us to ask for some help. It is not an Orthopedic PA who will be on duty in an emergency room, in a situation in which there may be a mental health crisis by a patient. That situation may also have a psychiatrist at a considerable distance, but the PA who is in that emergency setting has been trained and is hired knowing that these circumstances may come to an emergency setting. I think it's fairly self-evident that the Certified Psychiatric Clinical Nurse Specialist is appropriately qualified to make this decision and the Nurse Practitioners who are on duty in these settings, like the PAs have also been trained for these circumstances. These are the emergency circumstances in which a patient is showing danger to self, or to others. The need at that point, is to transfer this person to a situation in which further assessment can take place. Senator Goldwaith spent some time with us, as a Committee, to reassure us that this is in order to transfer this patient. These papers need to be signed in order to have this patient go into a setting in which a psychiatrist completes the assessment. This is not the final commitment. This is in order to have the person transferred. I urge you all to support the enactment of this amendment.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I have not read this bill, and I just noticed the title of this bill as it came up on the calendar today and it causes me some concern. I don't think I can imagine a more extreme deprivation of liberty than having somebody involuntarily committed. I have heard, read about situations in other states, where involuntary commitment has been misused, people have been put in institutions under somewhat suspect circumstances and so when I read that someone who is not a physician, doesn't have the accountability of a physician, having the authority to do something like this, I am getting very suspicious about it. I would like to hear other people on this subject, who perhaps, know more about the bill and of course, I understand that sometimes physicians are difficult to get in touch with, but I would have a lot of difficulty voting to deprive somebody of their liberty, the most extreme deprivation of their liberty, almost, without having a physician authorize it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Madam Speaker, Men and Women of the House. I was persuaded to support this bill. My recollections of the hearing was focused primarily around the situation of a rural health clinic, not just rural health hospital clinics, some are them are pretty small and pretty remote. We do not have the

capability to hire people who we might like to have making this decision, but the decision still needs to be made. These people show up in the middle of the night, almost inevitably, perhaps brought in by the local sheriff, local police department. This is a situation of doing the best we can with the resources that are available. Representative Powers indicated that this is a process of providing for transfer to a facility that does have the capability of making the decision with certified trained personnel, psychiatric personnel. Basically, let me just add one more aspect to this, the Department of Mental Health came in basically suggesting protocols be set up for these rural clinics and rural health centers. The Committee rejected that also, feeling that the clinics and the hospitals are perfectly capable of hiring personnel to deal with the situation that they perceive they have, that it is not, and should not be, in the purview of the Department to try to from Augusta, again, establish rules as to who those people would be, then leaving it to these rural health hospitals and clinics to try to find people to meet those criteria, potentially driving up costs or making it impossible for them to find capable people. As I said, I was persuaded that this was the best we could do in difficult situations. That it is a very temporary situation that people, not deprived of their rights for a very long time before adequate personnel are made available at the appropriate setting to make a determination whether they should be further deprived of their rights. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I'm not sure if many of you are aware, but the emergency involuntary committal is a responsibility that falls on the Sheriff's departments in the various counties, the transportation end of it and the actual transportation to the facility that the lady or gentleman, who ever is being committed has to be to. I want you to know all 16 sheriffs in the State of Maine have to do this on an ongoing basis and they've all developed some very extensive, at least in my past experience, very extensive guidelines on how to handle this. It becomes a very serious issue as many members here have mentioned about depriving somebody of their liberties and in the process, a three step process, initially you have somebody, which a lot of times typically may be a law enforcement officer, maybe a family member that brings this problem to somebody's attention and then with this three tiered system, those people have to make some kind of affirmative comment and indication on this form of why they feel this person needs help from themselves or from others. The middle section is the section we're addressing in this bill before you on the board. The middle section is the section where you actually take this person to the closest medical facility and in rural Washington County, you can imagine it's very difficult as many members have mentioned already. You take it to the medical people and you ask for their medical assessment to support, what you as an officer, or you as the family member that perceives to be the problem. That doctor, or in this case it may be a physician's assistant, a nurse practitioner, at an emergency setting has to agree with you. In most times, I've found highly qualified doctors were called at BMHI, or whatever, and conferred directly with that institute before they will even sign their name to one of these documents. It's very difficult to sign a blue sheet and then have that person refused at the other end, I mean it's a very troubling process. Everybody in this chain of command can not afford to drive 120 miles and then have somebody say, I'm not accepting that patient. The third portion is the most important one. It takes a judicial officer, a judge, or a complaint justice, or probate judge to actually sign the paper to take somebody's liberty away and actually send them down for an evaluation at one of our

hospitals, or other institutes. So it's a three tiered system. It's built with a lot of checks and balances and then once you get to that institute there's immediate reviews and what have you, that have to kick into place as some people had mentioned. I think the process is a process that's developed over time. It's a very effective process, but as the prior speakers have spoken, when there is a drastic need in the rural areas to maybe broaden a little bit that second person's signature to allow the process to work in the best interest of the people that need this help. Thank you.

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

Representative MCALEVEY: Madam Speaker, Men and Women of the House. I have a couple of concerns and perhaps somebody can answer those for me. I've been involved in all three sides of this issue. I've been involved in making the decision to take somebody in to protective custody and transporting them to a hospital. I've been involved in taking them, once they've been blue papered, but the element that is missing out of this is, many times the person who needs to be evaluated has also ingested drugs, or is unstable and is taken initially to a hospital where they are stabilized first before they are transported. Now, I don't know whether these clinics have labs to test and screen for potential ingredients that people may have taken if they were suicidal or not. I have a real problem with going to a clinic and having them blue paper somebody and traveling 4 hours to AMHI without that patient being examined by a medical doctor, having their vitals taken, being screened for ingestion of drugs and perhaps stabilized. Now, I'm assuming all of the hospitals in the State of Maine have that capability, but not all of our clinics. I don't mean to demean clinics, but it's been my experience that many times these people have to be stabilized first, they need to be screened and I don't know whether these clinics are up to that. I have a real difficult problem with someone who is a physician's assistant, who may very well be qualified, but doesn't have at their access the resources of a hospital. I've never been more than a half hour away from a hospital when I had to take anyone in. But I know in most cases, the patients were blue papered after they were stabilized, after they were evaluated and they received assistance for damage that they caused to their body, whether it be suturing up lacerations or having their stomach pumped, or whatever, so I have a problem with somebody blue papering somebody from the back waters of Maine, throwing them in the back of a police cruiser and traveling for 2, 3, 4 hours to AMHI. I'd much feel safer if these people went to a hospital first with a bonafide doctor, MD, DO, who evaluated them. I'm sure most of you feel that way also. I have these concerns, I don't know whether they can be addressed or not. Thank you.

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

Representative KANE: Madam Speaker, Men and Women of the House. Representative McAlevey is exactly right. He should have these concerns. I hope I can allay those concerns, however, by telling you that the operational policies of the Department and the way the system works, all the commitments that I'm aware of, generally take place in hospitals. That the system is organized so that persons are taken to an emergency room and throughout the state there's a network of hospitals so that people are never admitted today out of outpatient clinics. Medical stabilization is crucial. The system works in such a way that the state hospitals have operational policies with the community programs so there's an initial consultation with the doctor of the day at the institutions who's on duty there to assure that the medical clearance takes place within a hospital prior to any transportation and that if these folks, the physician

assistants, the nurse practitioners, although would be legally authorized to sign the blue papers, they would access to whatever other mental health consultation is required. They're not operating in a vacuum. So I can assure you that the system works in such a way that medical stabilization takes place within hospitals. Thank you.

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

Representative CARLETON: Madam Speaker, Men and Women of the House. Nothing I've heard allays my concerns about this bill. It is a concern about responsibility and who should have that responsibility coupled with the deprivation of liberty, complete deprivation of liberty, even for a short time. We spend a lot of time around here protecting people's rights. I can't imagine a more extreme example, despite the practical difficulties that have discussed, that is involved with this bill.

Representative CARLETON of Wells moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I hope that you vote against the pending motion. Last fall, I served on the Department of Mental Health's Task Force on Involuntary Commitment and we spent hour, days and weeks going through the involuntary commitment law and looking at the very issues that are before us tonight. I'm comfortable with this piece of legislation, because I do believe that it will allow people to practice within their scope of practice, what they're qualified to do and to make those decisions. The involuntary commitment process is not something that we should take lightly, but it is also not easy to have someone committed to an institution involuntarily and while this would allow more people to start the blue paper process, there still would be additional, as Representative Kane pointed out, additional psychiatric assessment, and finally a judge would have to make a decision, a final decision, as to whether or not to commit somebody. I recognize that people do have some concerns, but I think that this is a prudent step at this particular time in the development of our mental health system. Thank you.

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

Representative POWERS: Madam Speaker, Men and Women of the House. I confer with Representative Brennan and urge you to defeat this indefinite postponement of the bill and all its papers. I'm not sure that the Representative from Hampden was present for our work session as we pondered all of the ramifications to this bill. As Representative Brennan has just said, and Representative McAlevee has brought up, these are very serious considerations. The professionals who are involved and named in this bill do not take this matter lightly, any more lightly than you're asking us to be concerned about here. The Committee Report came out 12 to 1 after these serious considerations and again I urge you to defeat this indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. Nowhere in the Committee Amendment does it say that this must be done in an emergency room. In fact, I can't find where it says where it has to be done. You might be able to, and if someone could direct me maybe, you could probably visit the nurse practitioner's home for your original request. Again, we're talking about rural settings. Settings, where you have a small clinic and you hire to cover, the best person in the area, a PA, who during the day helps set legs, cut off casts, all of the things that he's been taught to do, at the right

hand of a physician, which makes him a physician's assistant. Okay, then after that, the person is taken and can be held up to 18 hours, doesn't sound like a long time to me, unless I wanted to go somewhere, or you wanted to go somewhere, 18 hours is a long time, before another evaluation has to take place. We're not talking a matter of minutes here. We're not talking a matter of you're being taking to Eastern Maine Medical. We're talking about being taken to a clinic, or less than a clinic, with people who are doing the best that they can do. Well I'm sure that's not much solace to someone whose been committed in a rural area of the state, who might not have been committed in the downtown hospital in Portland. You're making these patients second-class patients. If you can already make them second-class patients by saying that if you are in a big city you get to have a doctor, but if you're in a little city, you take what's going on. Then you've already started down the road to deciding how much care they need, how much care they want, as far as I'm concerned.

The concerns were brought to the Committee to ask for accreditation and training, the Committee chose not to go that route and the concerns came from the Alliance of the Mentally Ill, the concern came from the Maine Psychological Association, the concern came from the Department of Mental Health, the three organizations who deal with the care-giving, the consumers and oversight of all of those. The concerns were depriving personal liberty and bringing the person before the most appropriate judge of what's happening with the person. I don't want to deny access. We had a chance to make the access there, now it's being offered by the Maine Psychological Association, saying, let us help in this area. This isn't going to go down and the issue's going to go away, however, if this goes down, we will have at least have ensured that the persons that are going to be blue papered will be treated with the same care and consideration and qualifications as somebody in downtown Portland. I think that's enough for tonight, and I'm sorry that it has dragged on so long, but we're talking about depriving people of their personal liberties.

Representative PLOWMAN of Hampden 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: The Chair recognizes the Representative from Woolwich, Representative Peavey.

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

The SPEAKER: The Representative may pose her question.

Representative PEAVEY: Madam Speaker, Ladies and Gentlemen of the House. On the Amendment, has physician's assistant been taken out and certified psychiatric clinical nurse specialist been put in?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockport, Representative Powers.

Representative POWERS: Madam Speaker, Men and Women of the House. Clinical Nurse Specialist, Physician Assistants and Nurse Practitioners are listed in the Amendment.

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

ROLL CALL NO. 252

YEA - Ahearn, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bragdon, Brooks, Bruno, Buck, Cameron, Campbell, Carleton, Chick, Chizmar, Clukey, Desmond, Dexter, Donnelly,

Driscoll, Dunlap, Fisk, Foster, Gieringer, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, LaVerdiere, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, Meres, Murphy, Nickerson, O'Brien, O'Neil, Ott, Peavey, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Sanborn, Savage, Saxl JW, Stedman, Taylor, Tobin, Treadwell, True, Usher, Vedral, Vigue, Wheeler EM, Wheeler GJ, Winglass, Winn, Madam Speaker.

NAY - Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Bull, Bumps, Bunker, Chartrand, Cianchette, Colwell, Cowger, Davidson, Dutremble, Etnier, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kontos, Lane, Lemaire, Lemke, Mailhot, Mayo, McElroy, McKee, Morgan, Muse, Nass, O'Neal, Paul, Pendleton, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Volenik, Waterhouse, Watson, Wright.

ABSENT - Bodwell, Clark, Cross, Farnsworth, Fisher, Gamache, Mitchell JE, Poulin, Underwood, Winsor.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (10) "**Ought Not to Pass**" - Minority (3) "**Ought to Pass**" as amended by Committee Amendment "A" (H-534) - Committee on **Taxation** on Bill "An Act to Ensure That Only Taxes That Are Paid and Not Otherwise Reimbursed Are Eligible for Reimbursement under the State's Business Property Tax Reimbursement Program" (H.P. 589) (L.D. 780)

TABLED - May 20, 1997 (Till Later Today) by Representative SAMSON of Jay.

PENDING - Acceptance of the Majority "**Ought Not to Pass**" Report.

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

Representative SAMSON: Madam Speaker, Men and Women of the House. This evening, I had fully intended on speaking on this issue and debating it, because I think it's something that the Legislature needs to look at. It has come to my attention that this matter is going to be brought up in the next session and looked at along with other tax issues. So, in that regard, I ask that you do let this bill die so that we can revisit it again next session.

Subsequently, the Majority "**Ought Not to Pass**" Report was accepted 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-573) - Committee on **Education and Cultural Affairs** on Resolve, to Determine How to Increase the Number of Students Consuming School Meals (H.P. 1086) (L.D. 1529)

TABLED - May 20, 1997 (Till Later Today) by Representative KONTOS of Windham.

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

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I ask you to vote against this pending motion, an amendment has been made and the Minority supports the Committee Minority Report "Ought to Pass." It's a really simple issue, it has to do with seeing what we can do to help more children enjoy eating their meals at school. It doesn't cost anything. The Department is in support of it. The University Research Center has agreed to do the data crunching and then the dietitian and food service directors have agreed to help implement it. Basically, what we are interested in doing is looking at schools that have an extremely high rate of poverty and then seeing if they are on average eating as much as the other schools, with the high rate of poverty. The idea is that if you have a school with an extremely high rate of poverty, and none of the kids are eating it, that will signal that maybe we can say that these people would take advantage of a free peer review. There's a peer review team that can go into the schools and work with them and give them ideas on how to serve more appealing meals and maybe serve ala carte lunches and that sort of thing.

It's a real problem for a lot of children. There was one girl that testified on behalf of this and she got 40 of her friends to sign it, when they came that day, it was take your daughter to work day, and all the children that came said they signed the letter in support of it. So, it's not just an isolated problem, it's a problem across the state. I guess basically, all I can say is that it's free and it could do a lot of good. The Department has been cut so that they can only go into one school per district, once every five years. So, for instance, a school in the Portland area, the whole entire district is going to go for five years before the state can come in and see how things are going. They serve about 8,000 children a day, so that's a lot of food that can go down the drain in five years. This idea is to see which schools are doing a really great job and which ones we could target for a little extra help and I'd like to ask you to consider it. I think most of you that have been in this building for this past month or so, have come to realize just how crucial food really is. I imagine that the Chair also has come to realize how important food is and that's it's a basic need for all of us and especially for our children. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Madam Speaker, Men and Women of the House. I would encourage you to accept the Majority "Ought Not to Pass" and I'll tell you why. This certainly is a concern in our own school system, as well, but it has nothing to do with appealing meals. Most school meals, quite frankly, are not terribly appealing to me, but kids who are hungry seem to eat them quite heartily. We find that in the elementary grades that the enrollment is very high and generally high in middle school, it dropped very low in the high school, which is a concern to us, because we don't get federal funding when they don't come to eat. We've done a study of it and we have found that it has to do with status. We have to figure out a way so that students can go about receiving a free or reduced meal in a way that does not discriminate against them in the line. Many schools are doing various things, such as credit vouchers, credit cards, and so forth. I think that each individual school system can deal with this problem and I don't think that we have to have state legislation to address it. Thank you.

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

Representative WINN: Madam Speaker, Men and Women of the House. There's been a real problem with this bill, it seems that evidently the Education Committee and other educators don't understand statistical analysis and that's basically what

we're doing. Yes, we do have the data on the percentage of poverty in the communities and yes, we do have the data on what age groups are eating what percentage of food. We understand that there are cultural differences from one town to another, but the point is, let's say for instance you have one town with 50 percent of poverty and state average, 90 percent of the children in elementary school eat lunch. That's the state average 90 percent at that age group. At middle school it's 75 percent and at high school it's 50 percent. Anyway, if you have a town with 50 percent poverty and the average is that 90 percent of the children that age would be eating the food, if the statistics show up that there's a couple of town that have 50 percent poverty and only 20 percent of the children are eating the food, then that will show us that there might be something going on there. Yes, it might be a cultural issue, and yes, then the local people could get involved and that's also part of the bill. It's things that we could do, we could have take your relative to lunch day, right, and set a good example with the children and participate with them and get involved in the community and with the school. We can also give the schools models of what the other schools are successful with. This is really a very simple issue, it's a very mathematical model. It really has nothing to do with food and the teachers and I'm sorry that they can't understand mathematical models, maybe if they could, we'd have a decent funding formula. I just ask you to consider it. It could do an awful lot of good. There's a lot of food being thrown down the drain. It's an incredible amount of money that is government money and in my opinion if there is anything at all that we can do to try to make the government funds, as limited as they are, have the government funds be used as wisely as possible and as you know there's a large percentage of children that are living in poverty and going hungry all day and if we can figure out a way to get them one decent meal at school. I think that that is something we could be proud of. Thank you.

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

The SPEAKER: The Chair recognizes the Representative from Unity, Representative McElroy.

Representative MCELROY: Madam Speaker, Ladies and Gentlemen of the House. I hesitate to rise. I will agree with the good Representative from Glenburn. It is a simple bill. It's an unnecessary piece of legislation. It's a Resolve. It does not require any action by any individual school, once the study has been done, if a study is necessary. Most of the information that is requested by this Resolve is currently on file in the Department, readily available. All recommendations that are suggested in the Resolve can be made without further legislation. If there is a problem in an individual school unit, one good Representative has already recommended that this can be handled by the local unit. If there is a problem with the local food service program, then we should deal with that at the local level and not spill the milk on the floor of this House. Why legislation is necessary to study a statewide issue, we all know, if we really have an issue then we study it, if we have a local issue, then we take care of it locally, we don't bring it in here. You also need to know, I'm hurrying because I don't want to use up a lot of the evening on this simple bill, you also need to know that Committee Amendment "A" is somewhat faulty from the perspective that the Center of Research and Evaluation at the University of Maine has no knowledge of participating in the data collection for this, nor does the Maine School Management have any knowledge of having agreed to be a participant in this study. As I noted earlier, this legislation really is not necessary. We have the data. We can make the recommendation. This problem should be settled in the local village. Please vote with the pending motion.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn. 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 WINN: Madam Speaker, Men and Women of the House. The Center for Research and Evaluation, three different people who work there, including the director himself, Walt McIntire, have agreed to do this. The Center for Research and Evaluation has agreed to do this. Three people told me including the director. The problem with the excuse that we have the data at the Department is that, yes, we have the data at the Department, but it's two sets of data. One set is the percentage of poverty rate and the other set is the percent of consumption. We need to play with those two sets of numbers with each other to see what comes up. The problem at the Department is, the data is on two different computer systems. One set of data is on one computer, the other set of data is on the other computer and they don't talk to each other, so if we send the data to the Center they can run those numbers in about an hour and a half and this will be all over with and we can have some very interesting information. I do remember when we had the floor debate a little while ago about whether we should fund this Center or not and someone on the other side of the aisle stood up and said how wonderful it would be to make decisions, not in a blind vacuum and that's exactly what I'm trying to do. The government spends a great deal of money and we spend it foolishly often because we don't know what we're doing. If we do a little statistical analysis, it will help us see what needs some interference and some help and some training and what doesn't. Thank you.

The SPEAKER: 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.

A vote of the House was taken. 91 voted in favor of the same and 3 against, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

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

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was tabled and today assigned:

SENATE DIVIDED REPORT - Majority (10) "**Ought to Pass**" as amended by Committee Amendment "A" (S-245) - Minority (3) "**Ought Not to Pass**" - Committee on **Agriculture, Conservation and Forestry** on Bill "An Act to Remove the Large Lot Exemption from the Definition of 'Subdivision' within the Laws Administered by the Maine Land Use Regulation Commission" (S.P. 356) (L.D. 1175)

- In Senate, Majority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-245).

TABLED - May 20, 1997 by Representative BUNKER of Kossuth Township.

PENDING - Motion of same Representative to accept the Majority "**Ought to Pass**" as amended Report.

Representative DEXTER of Kingfield moved that the Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Madam Speaker, Men and Women of the House. Before I start, I wish to compliment the

House Chair of my Committee. At the work session, he allowed people to speak, which of course, we don't have to do. One elderly couple there who had a great interest in the outcome, asked him some questions and it didn't pertain to the bill, but he was very courteous. The man did storm off, because it was his bank account that they were talking about. Once again, I wish to compliment him for doing that.

However, as the man said, we did not come here to praise Caesar. I think, well some people say I can think back this far, think back to days of the caveman, you know back when property was an issue, even back then. This man and his mate they had a cave, and it was the only one for miles around and of course, he guarded jealously. So what happens, a man figured out to tie a stick onto a sharp rock and he cut some trees and he made himself a shelter. I expect they said, there goes the neighborhood and perhaps they had a turf war. Well, now, we always talk about two Maines, I don't want to talk about two Maines, in fact, the *Sunday Telegram* said now we have three Maines. I don't want to talk about it, because I have friends all the way from Madawaska, Bangor, Portland, South Portland, Scarborough, Eliot, Kittery, and Sanford, and as you know, this only applies to the unorganized. I don't want to talk about three Maines. But, we are talking about 40 acres. If you lived in China, you'd be a multi-millionaire. Forty acres is 1,730,400 square feet. It's over a mile to walk around it. We have carried over most all of our forestry bills, in fact, one of mine is a study committee. I think this should be folded over into the other forestry bills and we look at the whole picture. The whole picture instead of attacking it piece meal. One issue I can think of is liquidation. None of us really know how liquidation has affected the forest. That should be looked at. Like the man says, on the radio there, when he's selling cars, you have my word on it. I will take it up next year. It's been a long day, the Speaker has asked us to be brief. I have been brief and I hope that you will support me on this issue. Thank you.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I would be only too happy to talk about the two or three Maines, but I won't do that. I'd like to direct your attention to a letter that just came across our desks though, that came from a man that owns property in the unorganized territory. A lot of people have bought land in the unorganized territory, with the idea of using it as a retirement income. It was an investment. Now all of a sudden, if this is going to be yanked out from under their plans, that land is going to be worthless to them. There are a lot of small villages scattered throughout the unorganized territories and they are crying for some small industry to move in there. If we're going to encourage any economic growth in any of these unorganized territories, we have to leave the land there in block that a business can move in on. Despite the humungous number of square footage that the good Representative, Representative Dexter, gave you what 40 acres is comprised of. It's a very small parcel of land, if we're talking about moving a business in. I can't imagine too many businesses that could move in and not need at least 40 acres to allow for growth and expansion. Unfortunately, this happens to be just because LURC controls most of the land in the north, it does happen to be a south, north issue and ladies and gentlemen, I ask you to support the good Representative Dexter in his indefinite postponement motion.

Representative JOY of Crystal 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: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. I'd ask you to defeat this motion to indefinitely postpone and go on to approve the Majority Report "Ought Not to Pass."

This 40 acre exemption was heard in Committee and voted out in quite a large fashion as a needed move at this time to assist LURC and the areas of the Northern Maine to make sure that massive development does not occur without their knowledge. This isn't going to stop the business that we just heard about from developing and it does not restrict a business to 40 acres, or less than 40 acres, or more than 40 acres. All it does is require that any of these lots that were divided in more than two pieces, the three lots are reported to LURC and follow subdivision plans. It requires permitting, similar to what you have in your towns. LURC, as the permitting body, needs to know when this stuff is happening. You've got handouts on your desk that were passed out yesterday and on the back a diagram of some of the lots that were developed. All of these lots were developed are 40 acres or more and it usurps and eliminates the requirement for them to file a subdivision plan and that makes it very difficult. All that development that occurred there was done without any knowledge, or any approval. Now when they do that, it just eliminates the whole ability of the LURC Board, in order to plan and really go out there and effectively make determinations where development is appropriate and where non-development is appropriate. They are going through a process, as many of you heard earlier this year, they just adopted a new comprehensive plan, which clearly in it states, that they are going to go out actually designate the area, similar to zoning in your small town, where development currently exists and they're going to make it easy for those businesses in Northern Maine that wish to develop and in those areas that development occurs, currently, to go through a very easy permitting process to build and to develop, and to move to my end of the woods, where I live in the unorganized territory. There's also going to be some movement by them to define areas that are like the 60 lakes that we currently have no development allowed on them, to make sure those areas are protected. So, they really need this loophole in the law that has occurred over the years. People are creative, ladies and gentlemen, as we well know, that if we pass a law there's a way around it, and that's exactly what's occurred. When this law was passed, it was very needed, it was there when they were just coming in the new regs and the new rules and it was placed in there to protect people that may adversely be affected. Well, it's been there, it's done its job and now it's time to remove that exemption so that we can not allow further liquidation to occur in these areas just so that they don't have to go through a reporting mechanism, which may step in and say, gee, I don't think that's a good idea to strip 160 acre lot of land, sell all the timber off it, divide it into four 40 acres lots, and then sell it for residual value. I know, because the four acres around my house, that exact same thing happened. The four lots around my house. In LURC, and the people that are in the permitting business didn't have any knowledge, whatsoever, that these house lots, 40 acre house lots, I guess, even occurred. So, we need your support on this. I'd ask you to vote against the indefinite postponement and go on to pass the bill. Also, all the large landowner companies came into the hearing and agreed that this was something that they were willing to live with, this bill is acceptable to all the large landowners that have to comply with this regulation.

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

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. Here we go once again, with the southern part of the state affecting the northern part of the state. Not too long ago, I had a bill before the Business and Economic Development Committee, and what they wanted to do was split away from the southern part of the state and form their own state and the reason they were asking this is exactly the reason that we are debating this right now. They were asking, please do not interfere in our operation. This is our livelihood. This is our means for making a living. We don't go into the southern part of the state and tell you how to run the southern part of the state, please respect the northern part of the state. What they are asking, allow them to make their own decisions dealing with their own livelihood. Ladies and gentlemen, I urge you to please support the northern part of the state, they deserve to have support. I vote that we indefinitely postpone this bill and all its accompanying papers and I urge you to do the same thing. Thank you.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I beg your indulgence, I've put a lot of hard work in this, and I know we all want to be brief, but I really want you please to hear what I have to say. Yesterday we debated an issue regarding camplots on leased land and camp owners felt that they were at the mercy of those who controlled the land. Some had made major investments in building year round homes and felt they were in danger of losing their investments, a sort of futilism, voluntarily entered into via a lease agreement.

Now we're discussing the fate of people who own property and live in LURC jurisdiction, who are beginning to feel that they, too, live on leased land instead of big landowners, or paper companies, the big boss man is the state. At issue is the 40 acre lots, which under current law, is exempt from being classified as a subdivision. We've been told that this is an unregulated exemption with no oversight and I take exception to that statement. I would like to have you hear, currently, what a land owner has to go through in order to qualify as a so called exemption: 1. The 40 acre lot must be more then a quarter of a mile, 1,320 feet from the normal high water line of any great pond or river. 2. It can not be within 250 feet of the upland edge of a coastal or freshwater wetland. 3. No more then 9 lots, if some of the land is left intact, can be created within 10 years. 4. No more then 9 lots can be created from the remaining lot within 10 years. 5. When more then 2 lots of 40 plus acres are created within five years, the person creating the 3rd parcel must file a plan with LURC within 60 days, which shows a division of the original parcel. 6. The Registrar of Deeds may not record this plan unless LURC certifies that it does indeed qualify for exemption. 7. Any subsequent division of a lot created from the original parcel, if it is done within 10 years, is automatically considered a subdivision and must go through the rezoning classification process, which include the fee \$300 per lot. Does this sound like no oversight to you? It sure doesn't to me. Contrast this with organized territory. Their biggest advantage is home rule. Local planning boards, made up of local people, make local decisions and are accountable to local constituents, who decide whether or not to exempt the 40 plus acres lots. There are some conditions, two to be exact: 1. It must not be located entirely, or partially within a shoreland area. 2. If the local municipality has not declared it a 40 acre lot. If we as a legislature, remove the 40 acre lot exemption from LURC rules, we will be further enhancing the disparity between what people can do with their land in organized territories and what people can do with their own land in unorganized territories, but we

won't be hurting the big land owners, or the big paper companies. Ladies and gentlemen, this letter you received on your desk from a Mr. Wilbur Landry is very typical of the person who lives and owns land in an unorganized territory. I'd also like to address this map, that you all received on your desk a couple of days ago. This kind of subdivision has been illegal since the 40 acre lot exemption was first passed in 1991. The sponsor of that bill was Representative Gould, and he sat down and hammered out a compromise piece of legislation with the then Commissioner of LURC and came up with the 40 acre lot exemption, complete with its restrictive measures. I actually feel that we were misrepresented as a committee when we received this information as a basis for which to pass this legislation to take the 40 acre lot exemption out. This 40 acre lot exemption, as it exists, is fair. It's more restrictive than it is in organized territories. It's fair to the small landowner that lives in unorganized territory and I urge you to vote to indefinitely postpone this bill and all its accompanying papers. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I also urge you to support the indefinite postponement. I don't live in an unorganized territory, but my land borders on an unorganized territory and the folks who live in that unorganized territory don't abuse the rule, they don't take advantage of the rule and I've heard no evidence here tonight, and seen no evidence that it justifies taking away what few rights that they have left to do with as they see fit, the land that they have, in many cases, been in their family for decades. I want to emphasis one thing that Representative Lane said, this will not hurt the big companies. It's the person like you and I, that owns a small amount of land, that's what this will hurt. 40 acres doesn't mean anything when you own 500,000. But when you only own 100 or 150, 200 acres that you've invested in as part of your retirement or to leave to your family, or you invested in it to earn money to educate your children, those are the people that potentially will be hurt by this. I emphasize again, this will not hurt the big companies. It will hurt the folks like you and I and our constituents and I urge you to support Representative Dexter's motion.

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

Representative VOLENIK: Madam Speaker, Men and Women of the House. Let's not loose sight of the central issue here. Land owners will still be able to subdivide over 40 acres with LURC approval. Just as they can now for lots under 40 acres. This will also continue the exemptions for creation of two lots in five years. That won't change. There will still be the exemption for sales to abutters, or gifts to family members. It will still allow transfers to state or municipal entities without review. Also there has been a change in the large forestry lot exemptions, formally a large forestry lot was exempt from review if it was over 5,000 acres. This has been reduced to 1,000 acres. So that's actually a reduction. Thank you.

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

Representative MACK: Madam Speaker, Men and Women of the House. In our committee, we had another bill that was similar in a way, the Right Honorable Representative from Crystal put a bill in that as part of it, to grab attention would have said, banning all commercial development in Southern Maine. In our committee, we each had about 100 calls, from developers, business owners, just about everybody you could think of, up in arms that such an idea was even proposed to ban all commercial development in Southern Maine, but if you could think a minute, what would happen if this bill was proposed for Southern Maine.

If this bill was proposed for Portland, or Lewiston, or Augusta, think of the outcry of the people in your district, if this would happen to them. The argument was to do this in Southern Maine, but people own this land, people use this land, people live on it. Well people own, and live on and use the land in the unorganized territories as well. I urge you to vote for the pending motion.

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

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I just wanted you to consider a visual of what a 40 acre lot is. You hear people talking, in the old days, about the back 40 and what they used to do there. 40 acres is a lot of land, if it's wooded. I live in the woods and I know that you can get lost on 40 acres if you don't know where you are in the woods and most people think of housing lots and subdivisions are something of an acre or less. When you have a lot of people encumbering you. If you live in an area where you have one house every 40 acres, you worry about your children because if they scream for help, you can't hear them. I know, because I lived that way. I can not believe for a second that a house lot or a building lot that has one house per 40 acres is anywhere near the sprawl that we are visualizing here. It's not and I can't visualize for a minute in this country, in this state, where home rule is golden that there is a LURC or any other agency that can socially engineer where people will live and where people won't. I think its horrible.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. I've been listening to the debate and I'm dumbfounded with some of the comments, I mean, especially about no development, I live in the unorganized territory and you're going to hear a bill later on this year, that I'm on the Minority Report, which asks that the LURC Commissioners be from the unorganized territory, because I hear that message and I think that's an appropriate thing. The LURC board is the zoning board for this area, just like your local control comments you made earlier. They unanimously asked for this, for their help in planning. There's nothing in this bill, not one thing in this bill that says you can't develop this property. Nothing in the bill that says you can't sell it. There's nothing in this bill that says you're restricted in any way, other than filing a plan, notifying how you're going to divide the property. That's all that's in this bill, There's nothing to prohibit anything. The 150 acres this gentleman owns, he could sell it tomorrow. Now what he can't do is break it up into 50 lots without telling somebody. That's the issue here. There's all the issue is. You can not go into the development business without filing a plan, just like in Southern Maine. So any parallels to Northern and Southern Maine, they're identical. You people in Southern Maine have to file a plan to develop a park, or a housing development, or a commercial place and the Work Board who does the same thing in the other half of the state just asks for parity. That's all this bill is about, it has no restrictions. It's not stopping anything and I'd ask for your support so that we can properly manage our local planning board. Thank you.

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

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I'll be extremely brief. If this should pass, Mr. Wilbur will have to pay \$900 to apply for rezoning. Please spare him the money. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone

the Bill and Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 253

YEA - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bouffard, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Cowger, Dexter, Donnelly, Driscoll, Dutremble, Foster, Frechette, Gerry, Gieringer, Goodwin, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Meres, Morgan, Murphy, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Richard, Rines, Sanborn, Savage, Shannon, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Tuttle, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor.

NAY - Baker CL, Baker JL, Berry RL, Bolduc, Brennan, Brooks, Bull, Bunker, Chartrand, Colwell, Davidson, Desmond, Dunlap, Etnier, Fisk, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Jabar, Jones KW, Kane, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Muse, Povich, Powers, Quint, Rowe, Samson, Saxl JW, Saxl MV, Shiah, Sirois, Townsend, Volenik, Watson, Wright.

ABSENT - Bodwell, Cross, Farnsworth, Fisher, Gamache, Mitchell JE, Perry, Plowman, Poulin, Underwood, Winn, Madam Speaker.

Yes, 96; No, 43; Absent, 12; Excused, 0.

96 having voted in the affirmative and 43 voted in the negative, with 12 being absent, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

ENACTORS

Emergency Measure

An Act to Promote Parity in the Regulation of Insurance Sales by Federally and State-chartered Financial Institutions (S.P. 439) (L.D. 1385) (C. "A" S-234)

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

On motion of Representative SAXL of Bangor, the rules were suspended for the purpose of reconsideration.

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" (S-234) was adopted.

The same Representative presented House Amendment "A" (H-595) to Committee Amendment "A" (S-234) which was read by the Clerk.

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: Could someone tell us what this amendment does?

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

Representative SAXL: Madam Speaker, Men and Women of the House. It's purely a technical amendment, it really does not effect the substance of the bill whatsoever.

House Amendment "A" (H-595) to Committee Amendment "A" (S-234) was adopted.

Committee Amendment "A" (S-234) as amended by House Amendment "A" (H-595) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-234) as amended by House Amendment "A" (H-595) thereto in non-concurrence and sent up for concurrence.

An Act to Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Blood Test about the Informed Consent Law (H.P. 777) (L.D. 1065) (S. "A" S-232)

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

On motion of Representative POVICH of Ellsworth, the rules were suspended for the purpose of reconsideration.

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 Senate Amendment "A" (S-232) was adopted.

The same Representative presented House Amendment "B" (H-600) to Senate Amendment "A" (S-232) which was read by the Clerk and adopted.

Senate Amendment "A" (S-232) as amended by House Amendment "B" (H-600) thereto was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" (S-232) as amended by House Amendment "B" (H-600) thereto in non-concurrence and sent up for concurrence.

SENATE PAPERS

The following Communication: (H.C. 280)

THE SENATE OF MAINE

3 State House Station

Augusta, Maine 04333

May 21, 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 has Insisted and Joined in a Committee of Conference on the disagreeing action between the two bodies of the Legislature on the Bill "An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations" (H.P. 953) (L.D. 1316).

The President has appointed as Conferees on the part of the Senate the following:

Senator Daggett of Kennebec

Senator Carey of Kennebec

Senator Ferguson of Oxford

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Reference is made to Bill "An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations" (Emergency) (H.P. 953) (L.D. 1316)

In reference to the action of the House on Monday, May 19, 1997, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative TUTTLE of Sanford

Representative DAVIDSON of Brunswick

Representative DONNELLY of Presque Isle

ORDERS

On motion of Representative CARLETON of Wells, the following Joint Order: (H.P. 1333) (Cosponsored by Senator PINGREE of Knox)

ORDERED, the Senate concurring, that the Committee on Legislative Information Technology established by the Legislative Council shall submit to the council, no later than February 1, 1998, recommendations for making information, including, but not limited to, bills, resolves and amendments, available by electronic means to each member of the Legislature at each member's desk in that member's respective chamber.

Was read and passed and sent up for concurrence.

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

On motion of Representative WHEELER of Bridgewater, the House adjourned at 9:14 p.m., until 8:30 a.m., Thursday, May 22, 1997.