

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume II**

**FIRST REGULAR SESSION**

**May 16, 1983 to June 24, 1983**

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## HOUSE

Thursday, June 9, 1983

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

Prayer by Father Basil Flonios of St. George Greek Orthodox Church, Bangor.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Communication:  
The Senate of Maine  
Augusta

June 8, 1983

The Honorable John L. Martin  
Speaker of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate on June 6, 1983 confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nomination of Francis D. Dunn of Patten for reappointment to the Inland Fisheries and Wildlife Council.

Sincerely yours,  
S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

## Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts" (S. P. 486) (L. D. 1479)

Report was signed by the following members:

Senator:

COLLINS of Knox

— of the Senate.

Representatives:

FOSTER of Ellsworth  
SOULE of Westport  
LIVESAY of Brunswick  
DRINKWATER of Belfast  
REEVES of Newport  
HAYDEN of Durham

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S. P. 597) (L. D. 1719) on same Bill.

Report was signed by the following members:

Senators:

VIOLETTE of Aroostook  
TRAFTON of Androscoggin

— of the Senate.

Representatives:

JOYCE of Portland  
HOBBINS of Saco  
BENOIT of South Portland  
CARRIER of Westbrook

— of the House.

Came from the Senate with the Minority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-183)

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, I move that we accept the Minority "Ought to Pass" Report in New Draft.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that the minority report be accepted in concurrence.

The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, I would request a Division.

Mr. Strout of Corinth requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in opposition to the pending motion. What I see happening with this L.D. is, you are going to put the municipalities in the real estate business. A lot of the small towns across this state try to get a piece of property back in the hands of the former owner. We do everything in our power to try to work this out without being forced into a position where we will have to advertise this for sale.

I think what you are trying to do here today is, you are going to restrict the municipalities, as soon as a piece of property becomes tax acquired, within a certain length of time we are going to have to advertise this by bid and put it out so that the former owner has to bid the same as anyone else. It has been my belief in the years that I have been town manager that we try to do everything possible that we can to see that the former owner gets his property back so it can be put on the tax rolls.

I really think that you are taking the wrong step here today, and I would urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I realize the concern that Mr. Strout has and it is a good concern and one we should all be aware of, the fact that they should not use tax liens in order to make people lose their property, but this is the law. As an example, if I owe \$187, or any small amount, on my piece of property and let's say it is worth \$20,000, they have as much right with that \$187 due to put a lien against my property and eventually acquire my property if I don't pay, as they would if I owed them \$5,000 on a \$20,000 piece of property, and this is a concern that I think we should have.

I don't believe that you would be putting the municipalities in the real estate business by forcing them to sell the property, I think that is right. One thing that was said that is not right is that you have to force the former owner to pay what the others will pay. This is not true. You aren't forcing anybody and you haven't got the right to force anybody. If he wants to bid more, he can bid more; if he wants to bid less and lose, he can do that too.

One part of the bill, if you do sell the property, and I think this is the crux of the bill, say you owe the town \$300 in taxes and it turns out that they sell your property, you are entitled to get the surplus of that selling price, which is what I think we should be interested in. This is good protection for the people, I think it is good protection for the towns.

You have to realize that in small areas maybe more consideration is given under many of the laws we pass to the individual. But you know, you get into the bigger cities and there is no compassion in a lot of these laws. They have got that three-month period and they will poke it right to you and they will get your money and they will put the foreclosure on a thirty or forty thousand dollar building for \$200 taxes owed on it. This has been going on in this House for a period of years. We used to have a one-year foreclosure period on pieces of property and they have tried forever to bring it down and now they have it down to three months. I think this is a bad law in the fact that if you have strained for 18 years to pay for your property and you have a 20 year mortgage and you have a heart attack and you can't afford to pay

today and you won't be able to pay for six months, if they really want to, they can do it and some people will do it and some banks will do it. It depends on where you live, and I still say that in the smaller communities there is more compassion to have the people get their property back. Some will even give an abatement so people can have their property back, and I think that is commendable.

I do think that this bill, without the amendment that was just put on, is a good bill. I think it is better than the original bill and that is why I ask for your support. I hope that you vote to accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: I just rise briefly this morning to raise a few questions concerning this. I am on the Majority "Ought Not to Pass" Report. I just wanted to give you a few reasons why.

The tax lien procedure we are dealing with this morning is a procedure that has been in effect for over 40 years. It has had relatively few problems and it has been tested in courts and has been interpreted into something that the towns and those people who represent the towns have been dealing with and are comfortable with and we know where we are going when we are dealing with that statute. It is a very complex procedure.

There are some Supreme Court cases which estimate that there are 43 or 44 different steps the town has to take in order to perfect the tax lien foreclosure, and I think what we are doing here today is in a rather haphazard manner fooling around with a system that has been working.

I would suggest that another flaw in the bill is that it fails to address any kind of state property, property in the unorganized territories, that are also subject to taxes and subject to tax lien foreclosure. But I think primarily my objection, while not being with the principle involved, that the municipalities should not be able to get a surplus on the sale of property, my objections are based primarily on the drafting of this document and the way it attempts to review a system that has been in effect for quite awhile.

There is a great deal of policy involved here, and I think perhaps over the weekend each one of us ought to talk with our town managers and selectmen and review the process that exists in each town, because I think, as Mr. Strout mentioned, this is a problem that each municipality faces and it can be addressed on the local level.

Many of you are aware that in your individual towns you may pass at the annual town meeting a direction to the selectmen as to how tax acquired property shall be sold. This, I believe, is the correct manner in which to confront this problem. There is no reason at all why this problem can't be addressed by the townspeople, directing the selectmen as to how property is to be sold and what should be done with any surplus.

I would urge you to vote against the pending motion and join us in putting this law down the tubes.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: The object of the bill, it appears to me, is to place the property back on the tax rolls as expeditiously as possible. The town's guiding principle in this transaction is just that, and not to act as a real estate agent seeking market value of property. I believe that passage of this bill would do just that, would place our municipalities in a position of having to seek the best value for the property out there in the market place. The town is only interested in acquiring the taxes due and payable to the municipalities, which is usually in excess of a year and can amount to several

years. Then, by this sale, not only will the town recover its taxes that have been past due, but it will also place the property back on the tax rolls, thereby enhancing the town's cash flow, which is the objective of the whole exercise.

I would urge you not to support the motion which we have before us at this time in the "ought to pass" report so that we can accept the "ought not to pass".

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Manning.

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: It has been a long time since I have opposed my seatmate, but I have to get up and talk about this bill today, seeing as I am one of the cosponsors.

This bill will only come into effect, if the amendment goes on, when and if a municipality decides to sell someone's home.

Over the weekend, I was doing some calculations about what it would cost to buy roughly about a \$70,000 home. If somebody decides to buy a \$70,000 home right now and they pay for 30 years, they end up paying almost \$300,000 for that home. Well, if they decide for one reason or another that they don't want to pay the sewer fee and the sewer fee is only about \$50, right now the statutes read that that person will lose his home completely over a \$50 fee. Now, he might have paid anywhere from \$15,000 to \$20,000 right now, if he has just started paying on it, or he could have paid it complete—most people out there, if they have been in their homes for 10 or 15 or 20 years, have paid their homes for that amount of time and have paid off, so therefore, their \$10,000, \$15,000 or \$20,000 home really is in excess of \$60,000 or \$70,000, depending on how much the interest rate was, so this is allowing the person the right to get all the cost that the city or town gets plus 20 percent, and the rest goes back to that person. Somebody who has been paying in for years, don't you think that they should get some monies back?

My seatmate talked about town meetings. Well, I don't remember the last time Portland had a town meeting, but I am certain that it was a long time ago, and I just feel that this bill would help give some direction to the municipalities out there and say, look, we don't want to take all the money and we do want you to get the best buy on the market. What is wrong with getting the best buy on the market? The cities and towns are getting 20 percent of that money. If they sell it for \$50,000 and it is worth \$100,000, the cities and towns are losing money, and I think they ought to get the best price on the market because I think somebody who has put in money all these years should get some monies back.

I hope you will not go along with my seatmate, and I hope you will go along with the gentleman from Westbrook, Mr. Carrier.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very bad bill. It is a long, drawn out procedure before a town takes over property for non-payment of taxes. I think the towns have been doing a very good job and it is the town's role to get the property back into taxation as quickly as they can, and they are not to be in the real estate business.

Most of the smaller towns, similar to the town that I live in and represent, they pass directions at town meetings that town-acquired property will first be offered to any blood relative for nonpayment, for the back taxes, interest and a \$100 service fee, and this allows any blood relative to get the property back rather than have it sold out on the market either at an auction or by bid process.

I see no problem with the way things are working right now and I think it is a very fair way of doing business. When you come to the point where you are taking someone's home away from them, I think that is a pretty drastic

route to take and all possible means should be made so that if not the original owners, at least their blood relatives, can get the property back. I hope you vote against this bill.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker and Members of the House: L.D. 1479, as it is presently before us, it is really a poor proposition. It makes some fairly significant changes in a complex body of law and it does so really without having any sort of a study behind it and without any real forethought.

When this bill was originally presented to our committee, I think that to a member we saw that this was a troublesome piece of legislation and in fact I thought we had properly disposed of this by reaching an agreement with Maine Municipal and they suggested that in between sessions of this legislature that they would do some studies and make some recommendations to us. I think that would be the proper course of action.

L.D. 1479, as it is presently drafted, will actually create more problems than it is intended to solve and in fact it will solve. I know in Brunswick, for instance, having served as a member of the town council, we allowed individuals to remain in their property for many, many years, 10, 12, 15 years, without any sort of foreclosure proceedings when we thought that equity demanded that. The way 1479 is drafted right now, there would be no way that this sort of leniency could be displayed toward some of these less fortunate property owners in our communities.

I think the wise thing to do today would be to accept the "ought not to pass" report and hopefully, in between sessions, this rather complex issue can be intelligently addressed.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in the same vein as Mr. Livesay, Mr. Paradis, and some of the others. I hope you will not accept the "ought to pass" report. I think the intentions of all the people involved in this bill are very good, but I think this is not the way to go about it.

As the gentleman from Westport indicated, we have had this rule on the books for 40 years and it has worked very well, I think. In my particular city, I don't think to my knowledge we have ever taken a piece of property by default on taxes. We have welfare abatements, we have just plain abatements that we give out to people who just cannot pay. We also have gone a step further in our ordinance which says that if the property is ever taken and it goes back on the market, the first refusal goes to the person who owned the property and he can buy that piece of property back for just the taxes that are owed on it, regardless of any other higher offer that might have come in.

As the gentleman from Westport said, if you will notice, the state is not included in this bill. The state collects the taxes from all unorganized territories in the State of Maine. If you feel that this is a law that should be passed that requires the municipalities to follow this, I think you should also go along with the theory that the state should also take part in this. I do have an amendment in research right at this moment, it will be ready this afternoon, that will include the state in this proposed ordinance if it does pass.

I hope you will go along with the "ought not to pass" report.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the Minority "Ought to Pass" in New Draft Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Andrews, Beaulieu, Benoit, Carrier, Carter, Connolly, Cooper, Cote, Diamond, Higgins, H.C.; Hobbins, Jacques, Jo-

seph, Joyce, Kelly, Ketover, Manning Mayo, McColister, McGowan, Michael, Mitchell, E.H.; Paradis, P.E.; Roberts, Tuttle.

NAY—Anderson, Armstrong, Bell, Bost, Bott, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Conary, Connors, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Kane, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Livesay, Locke, MacBride, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Master-ton, Matthews, K.L.; Matthews, Z.E.; Maybury, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Theriault, Thompson, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Allen, Baker, Bonney, Brannigan, Cashman, Gauvreau, Hayden, Jalbert, Kelleher, Lisnik, Mahany, Nelson, Seavey, Zirkilton, The Speaker.

Yes, 26; No, 110; Absent, 15.

The SPEAKER: Twenty-six having voted in the affirmative and one hundred and ten in the negative, with fifteen being absent, the motion does not prevail.

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

#### Non-Concurrent Matter

Bill "An Act to Provide for an Analysis of the Future of Maine's Forest Resources" (H. P. 460) (L. D. 562) which was passed to be engrossed as amended by Committee Amendment "A" (H-351) as amended by House Amendment "A" (H-362) thereto in the House on June 7, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-351) as amended by Senate Amendment "A" (S-194) thereto in non-concurrence.

In the House: The House voted to recede and concur.

#### Messages and Documents

The following Communication:

State of Maine

One Hundred and Eleventh Legislature  
Committee on Fisheries and Wildlife

June 3, 1983

The Honorable John Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The Committee on Fisheries & Wildlife is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received	60
Unanimous reports	48
Leave to Withdraw	20
Ought Not to Pass	17
Ought to Pass	1
Ought to Pass as Amended	7
Ought to Pass in New Draft	3
Divided Reports	12

Respectfully submitted,

S/ROBERT A. MacEACHERN  
House Chairman

Was read and ordered placed on file.

#### Orders

On motion of Representative McSweeney of Old Orchard Beach, it was ORDERED, that Representative Harlan

Baker of Portland be excused June 9 and 10 for personal reasons.

### House Reports of Committees Ought to Pass in New Draft

Representative Brown from the Committee on Taxation on Bill "An Act to Improve the Identification of Persons Trying to Evade State Taxes" (H. P. 429) (L. D. 511) reporting "Ought to Pass" in New Draft (H. P. 1318) (L. D. 1745)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

### Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-375) on Bill "An Act to Create a Maine Commission on Excellence in Education" (Emergency) (H. P. 1279) (L. D. 1696)

Report was signed by the following members:

Senators:

HAYES of Penobscot  
CLARK of Cumberland

— of the Senate.

Representatives:

LOCKE of Sebec  
SOUCY of Kittery  
CROUSE of Washburn  
MATTHEWS of Caribou  
RANDALL of East Machias  
THOMPSON of South Portland  
SMALL of Bath  
BOTT of Orono

— of the House.

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

Report was signed by the following members:

Senator:

HICHENS of York

— of the Senate.

Representative:

BROWN of Gorham

— of the House.

Reports were read.

The Majority "Ought to Pass" Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-375) was read and adopted.

Under suspension of the rules, the Bill was given its second reading, passed to be engrossed as amended and sent up for concurrence.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Concerning Access to Adoption Records" (H. P. 553) (L. D. 704) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Facilitate the Search for Biological Relatives of Adoptees" (H. P. 1316) (L. D. 1744)

Report was signed by the following members:

Senators:

TRAFTON of Androscoggin  
VIOLETTE of Aroostook

— of the Senate.

Representatives:

HAYDEN of Durham  
BENOIT of South Portland  
DRINKWATER of Belfast  
LIVESAY of Brunswick  
JOYCE of Portland  
SOULE of Westbrook

— of the House.

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

Report was signed by the following members:

Senator:

COLLINS of Knox

— of the Senate.

Representatives:

REEVES of Newport

HOBBS of Saco  
CARRIER of Westbrook  
FOSTER of Ellsworth

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbs.

Mr. HOBBS: Mr. Speaker, I move acceptance of the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: This is a day that I have been very anxious about for quite some time. This is a very emotional issue, a very difficult issue for some to discuss, so I am going to lay it all out right now and if you have any questions or concerns, please raise them, I am sure there will be plenty who can respond.

I would begin with the legislative history on this, that this law changed on this in 1953. Up until 1953, all adoption records were open to the birth parent or the adoptee. In 1953, the law was changed to the language that you can see in the bill that you have before you today. It basically says that the records would be closed after that date and are declared to be confidential. It went on to say that the probate court shall keep the records of said adoptions segregated from all the court records, etc. Those adoption records may be examined only upon authorization by the Judge of the Probate Court in any case where it is considered proper that the examination be authorized, and then it goes on. The problem arises in where does the judge think it is proper.

If you refer to the legislative record back in 1953, I believe that the sponsor made it very clear that the adoptee was to be considered one of the proper persons. In fact, I think the sponsor's primary concern was the birth parent, that the birth parent would not be able to go back to those records and discover where her child had been placed.

I quote from the sponsor who was a Mr. Cianchette: "There is nothing disceptive about it, it is not hiding a fact, it is simply making it confidential so that gossips and others who can cause trouble by finding out the facts will have difficulty in finding out those facts. Another thing, the child can find out if he is legitimate or illegitimate because a child would have an interest, the court would show the child the records of the case."

The fact is, ladies and gentlemen, that the courts do not show the records to the adoptees. There are some judges in this state who will contact the birth parent and will ask the birth parent if it is all right for the judge to put the child in contact with the birth parent. Unfortunately, that option is not available to all adoptees.

Before going any further, I should have said right at the beginning that I have absolutely no personal interest whatsoever in this bill. I am not an adopted child, I have not adopted a child nor have I ever given up a child. The only interest I have in this bill is that which has come from what I have learned from adoptees.

We had a similar bill before the Judiciary Committee two years ago. We had a very difficult time with it, we struggled with it and the end result was that we asked the two chairs to write a letter to all the groups, the birth parents, the adoptive parents, the adoptees and ask them to work together over the next two years to come up with some compromise legislation. It is my understanding that there never was any such compromise, they never even worked together, and I quite honestly don't even know whether there was an attempt to do so. However, this group came back this year and I assume they contacted me because I am on the committee and did demonstrate some sympathy for them. I have a great deal more sympathy now than I did two years ago. They did ask me to be a sponsor of the bill and I

agreed. I became further involved by even helping them organize a symposium which they held in Portland and Judge Childs was there and people from the Department of Human Services, etc.

Now you have before you a bill which I have been working on for literally months, and so has the committee, to try to answer all the objections that were raised at the original hearing on the bill, L. D. 704, which is no longer before you. You have a new draft which is L. D. 1744. I want to tell you very simply what this new draft does, if you care to look at it, if you don't, I will just tell you.

The first section is simply the present law. The new underlined part refers to what is being proposed further on in this bill. Then you have the present law. In Section 2, you have the registry — let me explain that the registry exists right now. Right now an adoptee can go to the registry and register his or her name. If the birth parent does the same, the deposit is required to put the two parties in contact with each other. Now what we have done is raise the age from 18 to 21 for the adoptee and, in addition, we have added siblings, and those who may register are described or laid out in Section 2 under Registration, 18 years or the adoptive parent who, for whatever reason, may want to find the birth mother as long as the birth mother is 21 years of age, and a biological sibling at least 21 years old. In other words, everyone must be at least 21 years old. That is just a minor change in what is already present law.

Now you have what is really a new section which is extremely important to many adoptees, not all adoptees in this state. Some adoptees have no desire, no curiosity, no need to know their roots, their ancestry, but there are many, ladies and gentlemen, who do and who suffer very much because they are not able to make this discovery. What this new language proposes is that if an adoptee should go to the registry and register and there is no match, the birth mother has not signed, many birth mothers and adoptees do not even know that the registry exists, I might add, if there is no match, that adoptee may require the department to conduct a search. The search would be done based on whatever files are available to the department. They are not going to go out and act as a Private Eye, they are going to use whatever information is readily available. They will also do this discreetly and as privately as possible. If the birth parent is able to be contacted, they will ask the birth parent, do you want to be put in touch with the child that you gave up? Is that acceptable to you? If the birth parent says no, I gave that child up, I don't want to have any contact with the child, that is the end of it. If the birth mother says yes, you may tell that young adult, 21-year-old adult or older, where I am, who I am, etc., the department will then do so. If the department should discover that the birth parent is dead, they will inform the adoptee that his or her parent has died or should it be the adoptive parents who are searching, they will inform the adoptive parents.

The part that has been removed from this bill that I think was of some concern, and perhaps rightfully so, is the part that would have allowed the birth mother to request a search. That has been removed and the birth mother is not allowed under this proposal to request a search. The birth mother can still go to the registry, as is law right now, that has not been changed at all. We have also allowed for the department to charge a fee for this service.

I know that you are going to hear a lot of emotional words following my words. I would ask, I would plead with you, to put yourself to walk in the shoes of an adoptee. Many of these adoptees, for whatever reasons, have an overwhelming curiosity, need, or desire, whatever you want to call it, many of them are actually possessed with this need to know from where

they came. It has nothing to do with most of them as to whether they love their parents, and I call them their parents because I think the adoptive parents are indeed their parents, it has nothing to do with that, it is their own natural need to know, and they are denied that right presently, and they have never had any say in this matter.

I might also add that the records of those adopted prior to 1953 continue to be open. If a person were adopted in 1953 or earlier, the records are open. You can walk right in and ask, "let me see my records," no problems. I ask you, is that fair or is that consistent? I submit to you that it is not.

Please try to put yourself in the place of an adopted child and if there are any questions, I will be glad to answer them.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadodsky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House, This is an emotional issue and an emotional topic, perhaps as emotional as any we will deal with this session, and our actions today could have a significant impact on the lives of many Maine people.

Let me say from the very beginning that I, like Representative Benoit, have also read the 1953 debate that took place on this issue. While like Representative Benoit, I found it to be interesting reading, unlike Representative Benoit, I found it very difficult to try to pick out a debate which took place in this legislature 30 years ago and analyze the intent of those people. I might suggest that if the legislature 30 years ago was anything like it is today, you know that we don't always have time to cross the t's and dot the i's of every single bill and we have to trust the members of other committees, our colleagues and our peers, to do the job for us in many instances. I would suggest that, if anything, the legislature had any intent 30 years ago, it was in fact to close the records and the overriding principle was to close the records. However, I think it is inappropriate to pick up that debate and utilize that either pro or con on this issue because I think this issue should be discussed on what is taking place today or what is going to happen.

Representative Benoit, the sponsor of this bill, has explained to you that this bill would allow for an active adoption search by the adoptee once he or she reaches the age of 21. Once they reach that age, they could then go to the State of Maine, the Department of Human Services, the Division of Vital Statistics, and request a search. Upon that search request, the Department could then make a phone call, the bill says "by whatever reasonable means," so I am assuming that it is a telephone call or letter, contact that adoptee's biological parent and say "Your child that you gave up for adoption now wishes to make a contact with you."

This bill is certainly a fine improvement over the original bill which was submitted a couple of months ago. The original bill would have permitted wide open access to adoption records, and it is an improvement over several versions which have taken place over the last couple of months which would have allowed searches by the biological parents, the adoptive parents and the adoptees. Now we are speaking of an adoptive search, active search, just by adoptees who have reached the age of 21.

I believe that the sponsor of this bill and the proponents behind it are motivated by a very sincere compassion for those individuals who are most directly affected by this bill, those individuals who feel this very real strong psychological need to, if you will, trace their roots. I think we have all read in the newspapers those fabulous articles and stories of these great reunions that take place but the fact is, those great reunions don't always take place and are not as nice as we would like to believe.

When we are asked to consider a change as important as this, I think it is incumbent upon

us to ask ourselves just who else is going to be affected, because adoptees are only one part of what they call this adoption triangle. We also have to consider the biological parents and the adoptive parents.

I would imagine that adoptive parents feel a lot better about this bill than they did originally, because a lot of the things that they really had problems with have been changed. I am sure that adoptive parents were worried by the original bill and several subsequent drafts that they had to worry about the mother of the child they adopted showing up on their doorsteps. I don't think that is a realistic problem we have to worry about now because I think that has been corrected by this bill. I do believe that there is still going to be some doubts and some insecurity by adoptive parents, though, because they can't help but wonder that if we are going to begin to allow for active search, begin to in fact open up the records this year, what is going to happen two years down the road?

What about the biological parents, a biological mother who once had to give up her child so it could have a life better than she could offer it? What is it going to be like in her life? In many instances, the biological mother has assumed a new life of her own, has a husband, has kids of her own, perhaps has never even told her new husband, her kids, that she at one time gave up a child for adoption. What is it going to be like for that family when this adopted child comes walking through their door? Or worse yet, what is it going to be like when this biological mother isn't home and her husband, Mr. Jones, gets a phone call from the Department of Human Services, the Division of Vital Statistics, saying: "Mr. Jones, is your wife home? I am calling from the Department of Human Services, the Division of Vital Statistics." I wonder if this is the role that we want the State of Maine to play.

I mention these individual circumstances not to make this issue anymore emotional than it is already, but I simply mention them to point out the number of people who are going to be affected in a number of different ways.

I don't think there is any doubt in my mind that when biological mothers give up their child for adoption and when adoptive parents made a decision to adopt during the last 30 years, that they were assured by whatever agencies they were dealing with that they never had to worry about those records being opened in any way, shape or form. I think that many people would agree that for us today to take that assurance away is to change the rules in the middle of the game. It is a breach of faith for the people of Maine, it is just not fair.

Representative Benoit mentioned the current adoption registry. In 1979, this legislature created the adoption registry and she has explained how it works. Once an adoptee reaches the age of 18, he or she can come into the State Department of Human Services, sign a registry, which is really nothing more than a notebook, indicating their desire to make contact with their biological parents. Then, if a week later or two months later, or five years later, their biological parents happen to come and sign that registry also, the state would get involved and help facilitate a match.

What is important to remember is that under our current process, under the current registry, the state plays a very passive role. Nothing happens unless there is a mutual consent from both parties to get together. In passing that law, we said as a state and as a legislature that the State of Maine really doesn't have any interest or much desire in keeping two people apart who want to be together.

The difference between the current registry and this bill is that this bill gets the state involved that much sooner because this bill will get the state involved in trying to facilitate matches after only one party has demonstrated an interest in making a match, and as

soon as that one person has demonstrated an interest and has asked for a search, then the State would get involved, would start making phone calls or start sending letters to those biological parents, those biological mothers. I think one of the bottom lines here is whether or not the members of this House believe that the biological parents still have the right of privacy, still have rights of confidentiality when they gave that child up. If we make this change, it is really not inconsistent for us two years down the road to make further changes, to make changes to allow more people to be involved in these active searches.

If you believe as I believe, that a change in the adoption process such as this could create a disincentive or could cause a discouragement for many people to adopt, leading to more foster homes at state expense, if you believe as I do, that we made a commitment to people 30 years ago when we closed the records, to keep those records closed, then I would hope you would consider your vote very cautiously because we don't want to make a mistake on this one.

I believe that any change that takes place in the current adoption process should be a perspective change. In other words, if we are going to enact a law that is going to become effective this September, it should say that this September these are the new rules for adopting and those people who are going to adopt will be able to adopt under these new sets of rules. I believe the ultimate answer is to strengthen our current adoption registry.

Representative Benoit was absolutely right, I met with a group of 40 to 50 adoptive parents in my hometown when I explained the original bill, I explained the registry, and there wasn't one person in the room who knew what the registry was or what it did. I think the registry can be strengthened, I think it needs to be strengthened and I think it is an appropriate tool to use in this adoptive process because it makes mandatory mutual consent before the State of Maine gets involved in this very confidential, very private matter.

I would ask that you support the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to respond to some of the comments made by Representative Gwadodsky. I understand where he is coming from and I know that he has a strong group of adoptive parents in his district and he is representing them.

To me, the bottom line is the child, it is the child who had no say in his or her direction for life up until the age of 21. It in no way demeans the adoptive parents. Lord knows, we are grateful that there are people out there who want children and that will adopt them. For the most part, adoptees recognize the adoptive parents as their parents, but that child who eventually, if they live that long, turns to age 21, does that child, that young adult, have the right to know where he or she came from? Does he or she have the right to look for his or her roots? I submit that they do. A right was taken away from them when they were born and given up for adoption.

I think it is significant to address legislative history, we do it all the time, that is how courts base their decisions, and I would further submit that if this bill doesn't pass, it is highly likely that this law will end up in court and then it will be interpreted by the judges and I would ask any of you to read this history. I don't know where the department had the right to tell people that those records would be confidential and I don't even know when they started telling them that. Somewhere along the line, some arbitrary decision was made and people were told that these records would never be opened. That is not what the law said and that is not what the legislative record says.

Representative Gwadosky said that not all meetings turn out well for adoptees and their birth parents. I am not here to judge those meetings, I don't know whether they turn out well — some do, some don't, that is not for me to judge. That is a decision made by an adoptee. If they are willing to take that chance, what right do I have to say, well, you may be hurt by that. That may not work out well. They know that, they know that well in advance and for some of them, they don't even care whether it works out well, they simply want to know.

I work with a man who is 47 years old and he told me that he has gone through a period of alcoholism because he could not find out this information. You know what, he could have found out; he was adopted prior to 1953 and he didn't even know and was never told by anyone that he could find out. Just last week he went down to the Judge of Probate and was given his records, just like that, but if you were adopted after 1953, forget about it because you can't find out unless you happen to find one of the few judges who will look into it for you, and there are some who will do it because that is how they interpret the law.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any speech written down here but I have an adopted daughter. I adopted her when she was 7 weeks old. She is my sister's daughter and my sister lives right in the same town I do and she knows who her mother is, but if that daughter was somebody else's, or somebody's husband came to my house and wanted to see that daughter, I think it would kill my wife after 22 years.

I hope you don't vote for this bill.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Pouliot.

Mr. POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this issue because it is very touching to my heart. I, too, am an adoptive parent. We were very unfortunate that we were not able to have children of our own. The day came when I told my wife that I would like to be an adoptive parent and we did. We went through the whole process and it took us nine months. We adopted a little girl, we got her when she was 8 days old; today she is 11. She is raised with the love and affection that she is an adoptive child.

There is a lot of beauty in being an adoptive child but I think the one thing that was not said here today that fears me the most is that if this bill is passed and enacted, I would feel that you may be discouraging other people who are considering becoming adoptive parents for the fear of not understanding what you could be putting into law, because the feelings of those who are the parents of this child like myself, nothing was said about us, we do have feelings. We love these children, so I think before you put anything into law, it is a very sensitive issue and I think it should be studied and looked at.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mr. Pouliot has addressed one of the concerns I have and it is basically the biggest concern I have. I don't have a large constituency of adoptive parents in my district that are moving me to speak today but I do have one big concern and I think Mr. Pouliot hit upon it very briefly. The adoptive parents that called me told me that they have great concerns that if we pass this bill, even in this form, that back then when they adopted somebody, they would have had very serious reservations or concerns about it.

You know, if by passing this bill, we hold back one child from being adopted by people like Mr. Moholland or Mr. Pouliot, have we gained anything? I am a firm believer that we should give the children, our children, the very best we have to offer and some kids have gotten that

advantage and I don't intend to do anything that would discourage in even the slightest way other children from having that advantage.

Mr. Speaker, I would request a roll call.

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

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

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have no particular interest in this bill other than the fact that I am a cosponsor. The reason that I am interested in this bill is from the standpoint of fairness. Is it fair for some adoptees, just because they happened to be in the jurisdiction of a lenient judge who liberally construes the law, to be able to get their records and to trace their roots, and for others who are not in the same situation not to have that right?

Secondly, you and I can, any day of the week, walk into the Maine Historical Society or even the Maine State Archives and search our genealogies. These adoptees now cannot do that, they will never be able to trace their roots. Roots may not mean much to you but it does mean something to other people, and so I would ask you to think of these individuals and their right to know their backgrounds.

I hope you will vote with Representative Benoit today so that we can pass the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Perry.

Mr. PERRY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, support Representative Benoit's position on this bill because I just witnessed a happy reunion a week ago last Sunday where eight boys found their sister. It took a long time for them to ferret this out because 54 and at that time the records were closed. I cannot describe the happy reunion that took place where eight boys found their oldest sister.

The SPEAKER: The Chair recognizes the gentleman from Washburn, Mr. Crouse.

Mr. CROUSE: Mr. Speaker, Men and Women of the House: I am a cosponsor of L.D. 1744 because I received a telephone call from Alaska on the infamous night of our vote on tax indexing. The person that was calling was a native of my hometown who I hadn't seen since high school, a period of 15 years. He was calling me because he had seen an article in the Sunday Telegram explaining the bill that Ms. Benoit was presenting to the Judiciary Committee. He was an adoptee and had searched all of his adult life for his biological mother. He had gone through the court systems, the state registry, and a cross-country search for his birth mother. He became so frustrated with the process and roadblocks that hindered him from finding his roots, he related to me his attempted suicide a year ago because he felt that he had reached a dead end in his search. This is a story that is repeated time and time again by adoptees. Adoptees should have the option to continue their psychological development through their adult years. The need is strong and real for many adoptees in the State of Maine. Please allow these adoptees the option to find out who they really are.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Matthews.

Mr. MATTHEWS: Mr. Speaker, Members of the House: I would like to ask a question through the Chair.

I would like to address a question to the sponsors of this bill. What rights do the adoptive parents have in this bill?

The SPEAKER: The gentleman from Winslow, Mr. Matthews, has posed a question through the Chair to the sponsors of the legislation.

The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of House: I guess that is a difficult question to answer. I believe that they have an obvious right, which I know is not what you are referring to and that is that the bill provides for the adoptive parents to ask for a search if for whatever reason they might need to be in touch with the birth parent, but I am sure that is not what you are talking about.

I don't know what right they have. They were given a child, they adopted a child, they loved that child, they raised that child and, you know, I probably have as close a relationship with my parents as anyone in this House does and anyone who knows me well I think will substantiate that. I have an excellent relationship with my parents and am very close to both of them, but I will tell you, if I were adopted, I would want to search. It would have no bearing on whether I loved my mother and my father at all. I would hope that my mother and father would understand that and would know that my love for them would never cease and would not change. However, I might find another person to love and another person who would love me, and as a single parent who has raised my daughter alone, she is 12 years old now, she was nine months old when I began to raise her alone, I am grateful for anyone who loves her and she can love and I am not threatened by that. You just can't be insecure about that kind of thing. You either have good relationships or you don't.

There are children who live with their natural parents who go off at 21 never to return. It doesn't make any difference whether they were adopted or the natural born children. You develop a relationship with your children or with your child and it either survives or it doesn't and it is not threatened because some aunt comes along—what about some of you who have a sister who was just like a second mother to your child? I have brothers who are like fathers to my children and I have sisters-in-law who are very close to my daughter and I think they are wonderful for it and I am grateful for it. I think that that is the real crux of the matter here and it is one that is so difficult to address. It is that the adoptive parents are threatened by this. No birth mother is going to walk into your home, the birth mothers don't even know where you live, how can they do that? The only way that could happen would be if your adopted child brings that birth mother to your house, because the adopted child would be the only one who could conduct the search.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Allen, Anderson, Andrews, Armstrong, Bell, Bost, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carter, Chonko, Clark, Conary, Connolly, Cooper, Cote, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Jalbert, Joseph, Kane, Kelly, Ketover, Kiesman, LaPlante, Lebowitz, Lehoux, Lewis, Locke, MacBride, MacEachern, Manning, Martin, A.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McGowan, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, P.E.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Rod-

erick, Rolde, Rotondi, Salisbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Webster, Wentworth, Willey, The Speaker.

**NAY**—Ainsworth, Beaulieu, Benoit, Bott, Brown, K.L.; Carroll, G.A.; Connors, Cox, Crouse, Drinkwater, Joyce, Kilcoyne, Martin, H.C.; Masterton, Mayo, McCollister, McHenry, McPherson, Mitchell, E.H.; Paradis, E.J.; Paul, Perry, Soule, Thompson, Walker, Weymouth.

**ABSENT**—Baker, Bonney, Brannigan, Carrier, Cashman, Gauvreau, Hayden, Jackson, Kelleher, Lisnik, Livesay, Macomber, Mahany, Nelson, Seavey, Zirkilton.

Yes, 109; No, 26; Absent, 16.

The **SPEAKER**: One hundred and nine having voted in the affirmative and twenty-six in the negative, with sixteen being absent, the motion does prevail.

Sent up for concurrence.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

#### **Later Today Assigned Constitutional Amendment**

**RESOLUTION**. Proposing Amendments to the Constitution of Maine to Change the Municipal Property Tax Loss Reimbursement Formula, to Change the Penalty for the Change of Use of Land Subject to Current Use Valuation and to Require a Two-thirds Vote for the Expenditure of Funds from the Mining Excise Tax Trust Fund (H. P. 502) (L. D. 652) (H. "A" H-331 to C. "A" H-317)

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

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Enact a Program of Assistance to the Severely Physically Disabled to Enable them to Work (S. P. 391) (L. D. 1191) (C. "A" S-178)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions (S. P. 503) (L. D. 1519) (C. "A" S-165)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and one against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act Relating to Emergency Planning for the Area Around Nuclear Power Plants (S. P. 547) (L. D. 1598) (C. "A" S-175)

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

The **SPEAKER**: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this measure, may I have a brief summary of what it does, please?

The **SPEAKER**: The gentlewoman from

Woolwich, Mrs. Cahill, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This bill actually is a bill that is in response to another bill that was killed in our committee, which was sponsored by Representative Curtis and Representative Small, who were addressing the 30 mile evacuation zone. However, at that time we had word that the federal government was actually talking about narrowing it down to a seven mile zone. We felt very strongly in favor of that particular bill and wanted to do something for the people of the State of Maine, particularly those who reside around the plant at Wiscasset, so therefore we, feeling that we wanted legislative oversight over this evacuation plan, put another bill in to the committee and asked one of the sponsors, as a matter of fact he was still on the bill, to assist us, which he did very readily, and in this bill, the ten mile evacuation bill, we are forming a committee and the committee is formed by various members. I don't have the bill right in front of me, I am sorry, but what this committee is going to do, it is going to recommend to us an evacuation plan or a way to notify any of the people within a ten mile radius, and beyond possibly, if any emergency should exist because of any mishap or anything at the plant. This committee, on their recommendations, is going to come back to the legislative committee, and we in turn, hopefully the first of the following year, will, based upon their recommendations, possibly put a bill in that will put into being their recommendations. Obviously, the federal government also had their evacuation plan and our plan cannot be less stringent but can be more and we feel that it is necessary to protect the good people of the State of Maine in the event that this happens.

The **SPEAKER**: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

109 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act to Provide Immediate Authorization and Funding to Clean Up Hazardous Waste Dump at Buckfield (S. P. 571) (L. D. 1649) (C. "A" S-177)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes (H. P. 1290) (L. D. 1711) (S. "A" S-172)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act Appropriating Funds for Independent Living Services for the Disabled (S. P. 316) (L. D. 952) (H. "A" H-336 to C. "A" S-150)

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

#### **Later Today Assigned**

An Act to Change the Method of Financing County Services in the Unorganized Territory (S. P. 458) (L. D. 1389) (C. "A" S-171)

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

On motion of Mr. Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

By unanimous consent, all preceding enactments were ordered sent forthwith to the Senate.

#### **Failed of Enactment**

An Act to Permit the Use of Modulating Headlights on Motorcycles (S. P. 519) (L. D. 1540) (C. "A" S-179)

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

The **SPEAKER**: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I would ask for a roll call on enactment.

The **SPEAKER**: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call will vote yes; those opposed will vote no.

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

The **SPEAKER**: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to have someone explain to me what a modulating light is and how it would be operated?

The **SPEAKER**: The gentleman from Millinocket, Mr. Clark, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: This modulating light is a pulsating light. It never gets any more intense than a headlight that is shining at you. It attacks not only from straight ahead but from side to side. This is not a mandatory bill, it is permission to use such a light and I have seen them. They are a very good safety measure.

The **SPEAKER**: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I think this light is the most foolish thing that they ever put on a motorcycle. You can be coming up the road and you have a light going boom, boom, boom, boom. I voted against it in the committee, but in all seriousness, I don't think the light should be on the motorcycle because they put it on down in committee and you look at that light, turned on for just one minute, and it brings the tears to your eyes. This thing is three times worse than a helmet. I don't think it should be on a motorcycle and I hope you kill this bill and send it back to Nova Scotia or wherever it came from.

The **SPEAKER**: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I am glad my good seatmate brought that to your attention. We speak about safety and I will be the first to mention that there ought to be safety for motorcycles because I am a driver myself of a motorcycle but I think this bill is ridiculous. I am surprised that it got this far. There are a lot of safeties that we do have on a motorcycle and I am glad that the yeas and nays are going to be taken, and I would ask for this bill to be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It just seems to me that whenever we try to make our highways safer for motorcyclists, try to protect them, we are either being disgustingly foolish or we are doing something that nobody should do or we should leave the motorcyclists alone, let him go, if he wants to get killed, let him go out on the highway and some of these things.

What I am concerned about is if you notice in the morning when you get up, drive out of your driveway, the sun is very bright. We had a particular case that was cited at the hearing about a motorcyclist coming down the road, a man started to pull out of his driveway, he looked up the road, he saw bright sunshine, he thought he saw a headlight of a motorcycle and had it not been that the man went into a rough spot in the road and bounced that light, he wouldn't have seen that motorcycle and that motorcyclist would have been killed.

I think it is interesting and nice, you know, if you can always leave everybody alone and never tell them they have to do certain things, but I think that a modulating headlight could save some lives. I think it is very important that when we have a bill before this legislature that we address these problems. We are supposed to be so conscious of safety of others and if this light is modulating, it is going to bring your attention to it. Maybe it brought tears to Mr. Moholland's eyes, but last night I was up here by the red light and a man just ran the light when it changed and the motorcyclist was quick on the trigger and he was right out in that lane. That man stopped that pickup just before it hit him. There could have been a dead man in the road. I think it is time that these motorcyclists drop this attitude of "don't look after me," because I don't want to hit a motorcyclist and I don't want to go through life thinking that I killed a man when it was not necessary. I think modulating headlights on motorcycles could save lives. It isn't compulsory but if people want to put this on for additional protection, let them do it; let's not prohibit it.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: I seldom ask questions of this House because I try to be well versed on the subjects, but I am wondering if this light has to be synchronized with the music that is playing? Do we actually think in this House that this motorcyclist could get killed with all the helmets that he has to have and all the other regulations? I think truly what some people that I am actually affiliated with, regrettably, would like to do is put the motorcycles off the road. Actually that is their intentions and little by little they pick away at it, and this is just about as ridiculous as trying to synchronize this blink of a light with the music that is playing, you know, the rhythm.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I want to address a couple of points here. First of all, the gentleman from Millinocket, Mr. Clark, was amazed that the bill got this far; I am amazed that it is being debated, quite frankly. The second point being, the gentleman from Princeton, Mr. Moholland, whom I rarely disagree with but have to today, stated that it brought tears to his eyes in committee. If anybody has been in the Transportation Committee room, you will know why, because there is really no place in the room where you can put the light without being pretty much right on top of it. We call it the closet in the Transportation Committee. So it is really not a fair comparison to being out on the open road.

What this light is, it doesn't flash, it is essentially what Mr. Callahan described it to be, it pulsates, so when the motorcycle is coming

toward you, it would look very much like the motorcycle was going down a bumpy road with a light on, it just brings your attention to the fact that there is a motorcycle oncoming, particularly when motorcycles are taking turns, because statistically that is when most of the accidents occur. It is for the protection of the motorcyclist and the bill was initiated by motorcyclists, incidentally, at the request of this gentleman, this bill was introduced by a gentleman in the other body.

So, it is a safety feature for the motorcyclists, it is a safety feature for the automobile driver as well, because obviously motorcycles have been known to cause automobiles to have accidents, so it is permissive legislation, in response to the gentleman from Enfield, Mr. Dudley, it is not mandating anything. Motorcyclists want that additional protection, they are going to be allowed to do it and that is simply what the bill does. I would encourage you to vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: First, what I think we need is a bill to protect the motorcyclists from the legislature. We also should have a helmet on them and a miner's light on top of that and a siren on the motorcycle and then we will be sure to see them coming down the highway.

The incident that my good friend Mr. Carroll was telling me about, we were talking about that last night or this morning, this motorcycle came out of the crossroad by the Senator and the other car was coming up the road, so how in heck would he see that light going off and on? I hope you will defeat this bill so we can get on to some important matters.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: One more point that hasn't been brought up yet is that these modulating headlights could be used only in the daytime, they are not for nighttime use, it is only in the daytime, and, once again, they are optional. We aren't mandating anything, it is just like a sunroof. If you choose to have one, fine; if you don't, that is okay too.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Andrews, Beaulieu, Benoit, Bost, Bott, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Chonko, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Hobbins, Ingraham, Kane, Kelly, Kiesman, Kilcoyne, Lehoux, Macomber, Manning, Martin, H.C.; Matthews, K.L.; Mayo, McPherson, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Parent, Perry, Richard, Rolde, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Stevens, Stevenson, Telow, Theriault, Thompson, Walker, Weymouth.

NAY—Ainsworth, Allen, Armstrong, Bell, Brown, K.L.; Carroll, G.A.; Carter, Clark, Conary, Connors, Cote, Curtis, Dexter, Dudley, Erwin, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Holloway, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Ketover, LaPlante, Lebowitz, Lewis, Livesay, Locke, MacBride, MacEachern, Martin, A.C.; Masterman, Masterton, Matthews, Z.E.; Maybury, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Rotondi, Salsbury, Scarpino, Small, Soule, Sproul, Stover, Strout, Swazey, Tammaro, Tuttle, Vose, Webster, Wentworth, Willey.

ABSENT—Baker, Bonney, Brannigan, Car-

rier, Cashman, Gauvreau, Hayden, Lisnik, Mahany, Nelson, Pouliot, Reeves, P.; Seavey, Zirkilton, The Speaker.

Yes, 60; No, 76; Absent, 15.

The SPEAKER: Sixty having voted in the affirmative and seventy-six in the negative, with fifteen being absent, the motion does not prevail.

Sent to the Senate.

An Act to Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards (S. P. 562) (L. D. 1625) (H. "A" H-334 to C. "A" S-156)

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

An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources (S. P. 598) (L. D. 1721)

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

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for having to speak on this three different times. There was an issue that I intended to speak about earlier because it was discussed in committee and I wanted to clarify it on the record. I guess in the heat of the battle, it washed down the river, but I got a couple of phone calls, which proves that people are reading the bills that come out and it brought it back to my attention, so I want to speak to it.

In the section on river corridor commissions, there is in Section 1963, Sub. 1, it says — I will back up for a minute — in the heading of that 1963 it says: "The Commissioner may grant commission status and all privileges and powers enjoyed by the commission as specified in this chapter when he finds that ..." and Sub. 1 says: "Occupation of shoreland by two or more municipalities. Two or more municipalities which collectively occupy enough of the shoreland on a river segment to be effective in managing the shorelands of the river have entered into an agreement pursuant to the requirements of Chapter 203 which satisfies the requirements of Section 1964." The question that came up in the committee twice and was addressed by the spokesman for the department and the executive clarified that it was the intent of the legislation that only those towns who enter into an agreement on forming a corridor commission, only the lands within those towns would be affected by that commission.

In other words, if there was a river segment with four towns in it and two of them opted to start a commission, they would not control the river segment within the two towns that did not opt to join the commission. That is borne out in Subsection 3 on ordinances, which describes the fact that each municipality must pass an ordinance. It is also borne out in Section 4 on other commissions which says that no other commission exists on the same river, or the distances between the proposed existing commissions makes the formation of one larger commission impractical, which bears out the fact that it is expected there would be small commissions of two or three towns, also in Section 1964, under Interlocal Agreements, that interpretation is borne out by the bill and it was reiterated on two different occasions by the department spokesman. I just wanted to clarify that and put it on record.

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

An Act to Limit Payments to Health Care Institutions which Engage Persons to Defeat the Organization of Collective Bargaining Units (S. P. 602) (L. D. 1728) (S. "A" S-176)

An Act Relating to the Transportation of Ha-

zardous Material and Waste (S. P. 604) (L. D. 1731)

An Act Relating to the Education of Dependent Children (H. P. 879) (L. D. 1133) (C. "A" H-338)

An Act to Provide for the Continued Operation of the Maine Occupational Information Coordinating Committee and Include an Economic Data-based System for Economic Development within the Committee's Designated Responsibilities (H. P. 1093) (L. D. 1443) (C. "A" H-339)

An Act to Adjust Certain Motor Vehicle Title Fees (H. P. 1304) (L. D. 1732)

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.

#### Later Today Assigned

An Act to Limit Future Increases in the Cost of Hospital Care in Maine (S. P. 608) (L. D. 1737)

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

On motion of Mr. Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

By unanimous consent, all enactors were ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

On motion of Representative MacEachern of Lincoln, the following Joint Order: (H. P. 1315)

ORDERED, the Senate concurring, that An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985, S. P. 246, L. D. 767, be recalled from the legislative files to the House.

The order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

#### Ought to Pass in New Draft

Report of the Committee on Taxation on Bill "An Act Relating to the Financing of Services in the Unorganized Territory" (S. P. 311) (L. D. 925) reporting "Ought to Pass" in New Draft (S. P. 611) (L. D. 1743)

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

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

#### Non-Concurrent Matter Later Today Assigned

An Act to Revise the Truancy Laws (H. P. 877) (L. D. 1131) (C. "A" H-213 and H. "C" H-264) which was passed to be enacted in the House on June 1, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-213) and Senate Amendment "A" (S-191) in non-concurrence.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138)

— In House, Minority "Ought to Pass" as amended Report of the Committee on Labor

read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-262) in the House on June 1, 1983

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

Tabled — June 8, 1983 (Till Later Today) by Representative Diamond of Bangor.

Pending — Further Consideration.

On motion of Mr. Diamond of Bangor, tabled pending further consideration and tomorrow assigned.

The Chair laid before the House the first tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (8) "Ought to Pass" in New Draft under New Title Bill "An Act Establishing the Emergency Service Personnel Arbitration Act" (H. P. 1299) (L. D. 1724) — Minority (5) "Ought Not to Pass" — Committee on Labor on Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments" (H. P. 331) (L. D. 390)

Tabled — June 8, 1983 by Representative Diamond of Bangor.

Pending — Acceptance of either Report.

On motion of Mr. Diamond of Bangor, tabled Unassigned pending acceptance of either Report.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Establish County Budget Committees" (S. P. 592) (L. D. 1710) (H. "A" H-352 to H. "A" H-329; H. "B" H-330)

Tabled — June 8, 1983 by Representative Carter of Winslow.

Pending — Motion of Representative Drinkwater of Belfast to Indefinitely Postpone House Amendment "H" (H-363)

Representative Carter of Winslow requested permission to withdraw House Amendment "H", which was granted.

The same gentleman offered House Amendment "I" and moved its adoption.

House Amendment "I" (H-372) was read by the Clerk.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to the House briefly what we have just done. First of all, I would like to apologize for the error that was in House Amendment "H". It was unintentional on my part and it was equally unintentional on the part of Legislative Research. What they tell me occurred is that the present salaries have not been cranked into the computer. This is not done until after the end of a session. It was an oversight, and, again, my apologies if needed; I offer them to anyone who wishes to accept them.

The amendment has not changed in any way. All it does, as I tried to explain yesterday, we should all give the people back home the right to decide county by county if they want to take advantage of this reform proposal. I would like to call your attention briefly to the bottom of Page 31 in our Senate and House Registers, Article VIII of the Constitution, Part Second, it deals with municipal home rule and it encourages local participation and that is all that I am asking that we do—let the people back home decide.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "I". It is the same thing as House Amendment "H" that we

had yesterday. I will not rehash what has been said. The committee worked hard and we have come up with a bill and it wasn't in a few days, it was a couple of months, we all worked hard on it, we had the Governor's Office, we had the State Planning Office, we had legislators putting their best foot forward and asking that we do things to the bill, and we have ratified the bill, we made it so that it would be workable. As a matter of fact, the Speaker did suggest that we take out the county commissioners, we did take out the county commissioners on the budget committee and we have listened to everybody. We did the best job we could and it is going to be something that is workable. The Governor has finally come up with something to provide leadership. This referendum question has been put out already to the people. We can set up a charter, and if we adopt this, we still can set up a charter. If any county doesn't like the county budget process, they can set up a charter still, so let's kill the amendment, which I think most members of the House know what the House Amendments are, it is to try to kill the bill.

The SPEAKER Pro Tem: Mr. McHenry of Madawaska has moved that House Amendment "I" be indefinitely postponed.

The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, Men and Women of the House: Very briefly, I would like to reiterate a couple of points that my House Chairman, Mr. McHenry, has pointed to this morning.

This revised amendment, House Amendment "I," is really no different, as Representative Carter has said, than that which was debated yesterday, except for an update in the salaries to the 82 level.

There is already in the statutes a provision for the people in each county to vote on a change in the structure of their county government and it has been there since 1979. Under these statutes, the people in each county may vote on whether or not to create a charter commission, and if they vote for this charter commission, then the commission devises a charter restructuring the county's government. This charter is then submitted to the people for another vote.

As I understand it, the charter commission statutes were enacted to give the people a chance to set up their own new form of county government if they so chose. Only Cumberland County has tried, and as I understand it, the people involved from Cumberland County, and I may be wrong, feel that the charter was voted down due to a lack of voter understanding.

The question, it seems to me, with L. D. 1710, is whether or not it is a good idea to give the people an experience with county government, controlled by county and municipal officers and not legislators. It certainly must seem to many legislators that their involvement with county budgets is confusing and often unhelpful. With 1710, the legislature will give the people a chance to try out a new form of county government. If the county doesn't like it, the charter commission statutes will still be there, as Chairman McHenry has alluded to, to let them make a change by referendum.

I hope, ladies and gentlemen, that you will reject this amendment so that we may go on to passage of this very worthwhile bill.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Fort Kent, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Men and Women of the House: I personally feel that there is a very serious flaw in the bill as it exists. Under the present system, the individuals who make the decision on the budget are directly responsible to the voters of their district. Under this proposal, the people will lose this direct input, because the people who will be making decisions are not directly elected by the people.

This amendment, as proposed, will allow the people to determine if they want to lose that right and if they want to lose a direct control that they presently have.

I hope that you do support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I rise very briefly this morning and would like to ask you to reject the amendment "I". It has already been brought out that it is the same as "H" but was corrected as far as municipal officers' salaries being set. I hope you reject this and let's give the people back home, the municipal officials, what they have been asking for, and we have been asking for it more since we got the charter bill out, which my county didn't take part in, but they have been asking to take a larger part in the budget process, the municipal officials have.

This original bill here, L. D. 1710, does just that, and the quicker we can kill these amendments and get to 1710, I think the better off we will be.

I have absolutely, and I have said this before and my record goes back as long as I have been here, been in support of county government. I have supported the local officials having more to say about it, and I do support a hundred percent the municipal officials being able to sit on the budget, I think they are better qualified in my county, and hopefully they are in yours, I think they are. I think they are better qualified to sit on the budget, because they all come from that county, than this House of Representatives where a large percentage of them come from some other county and they don't know. I don't know what Aroostook needs, I don't know what Cumberland needs, but I do have a pretty good idea what Waldo needs. I am sure my local officials are more qualified than I, they are into it, and therefore I think they would be the people to do it.

Yesterday there was some information put out here that was correct, something I did six years ago. I did support the charter bill, I did support it going out to referendum. As far as this piece of legislation is concerned, if we pass this bill, 1710, in its original form, without the amendment, we will be mandating it to the county and municipal officials to take care of their own budget. If we don't pass it, it will stay in the legislature and the legislature will be acting on it and once again it will be mandated because it was mandated in the first place. So if you are worried about something being mandated, and I did worry a little about that until it was brought to my attention that no matter how we do it, it is mandated.

I hope you vote against the existing motion to accept House Amendment "I".

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waldoboro, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to address the comments made earlier in regard to the direct responsibility to election. It is interesting — I don't believe there are that many of us here in this House who have ever been elected or defeated because of how we voted on any county budget. When the elections come up, the county budget is seldom one of the main issues, or seldom an issue at all which is ever mentioned. People still think of the county commissioners in relation to the budget, or they think of local officials because it appears in their property taxes.

Mr. Speaker, I would request a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not indefinitely postpone this amendment. I think the gentleman from Winslow is right on target. If we want this to be done, let's do it at the local level. Some of our counties across the state maybe don't want to have their local officials

handling the county budgets. If this is the case, let's give those people the opportunity. If we put it out to referendum and the gentleman from Belfast, Mr. Drinkwater, seems to feel that is the way to go, I think it would be more responsible for us to send this back to the local counties and let them vote their wishes.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I normally am very much in favor of letting the people decide, putting things out to referendum, but one great danger that I see in this regard, as much as I think that this is a step ahead, to adopt a budget committee, nobody can be sure, nobody can be sure that this is a step ahead. We think the local officials will become more involved and understand what the county budget is about, but it is possible that it won't work that way. Let's not forget, if we put anything out to referendum and it is voted on by the people, then to change this, what man in the legislature can change by statute, if we have to change this back and we are not giving up all our oversight on the counties, but if we have to change it back, then we must do so by referendum.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to vote against this Amendment "I" because it could end up with some counties being under the control of the legislators and others under municipal officers, and I think it should be a uniform system.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Gorham, Mrs. Brown.

Mrs. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to indefinitely postpone this amendment this morning. We have been horsing around with this legislation long enough. You have seen the power play here and delay after delay, so let's get going and indefinitely postpone this amendment so we can get on to the bill that we have so diligently worked on and we have worked out all the problems with it, I am sure. I am told time after time when I go home, what are you people doing up there that you have to put everything out for referendum? What do you think we send you up there for? Don't you think you can make some decisions?

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: Just a response to the statement that was made, I have no problem with putting L. D. 1710 to the people if it is a mandate. I think I just explained that when I was up before. If we put this out to them, I realize that it is a mandate, if we don't put it out to them and the legislature continues to oversee the budget in the counties, that is a mandate too, so it is one mandate against the other and I wholeheartedly can go home and face my municipal officials when I say yes, I would mandate L. D. 1710 and get this show on the road.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would like to pose a question through the Chair. My question is — is it possible for one town, because of population, to have all three persons from that town represented on this budget committee?

The SPEAKER Pro Tem: The gentleman from Island Falls, Mr. Smith, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: It certainly will be. For in-

stance, the City of Portland, they represent a district, they will have all three, I presume, I don't know how big Augusta is or what not, it could happen, but it will be proportional to the population of each district.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the motion to indefinitely postpone because I feel that my county is different from your county and my county should be given the right to decide whether or not they want to go to this system. Again, I would urge you to vote against the motion to indefinitely postpone.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Many points are being made and counterpoints, but I think there is one thing that should be very important to all of us. As we mentioned before in debate, we passed a charter commission which is a local option. Seven counties attempted to go that route and the people back home said no, we don't want this type of change. There was absolutely nothing wrong with that approach. Now it seems that since that approach does not work, we are going to force them, we are going to shove it down their throats and say you are going to do it whether you like it or not. This is democracy, ladies and gentlemen of the House? The same people who advocated local choice have made a 360 degree turn and now say, local choice is no longer good.

We have a constitutional provision that calls for home rule, municipal home rule, and when it is not convenient, we just ignore it. I think we ought to try to be consistent.

I can excuse some of the newer legislators who are not aware of what transpired beforehand but it is difficult for me to understand some of who have served previously in this body to take such great turns and be so inconsistent in their beliefs. I am wondering, where are they really coming from? Is there a sinister force behind this thing? It really makes me wonder.

I think this is an excellent amendment, there is absolutely nothing wrong with it and it is no attempt to kill the bill, and I would strongly urge the members of this House to do what is right and let the people back home decide.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: If we adopt the budget committee process, the good gentleman from Thomaston, Representative Mayo, his people will have the right to go through the charter commission and they have the right to petition. We didn't close the door on them, we still give the right to the people in each county, if they so wish, to set another form of budget committee or whatever form they wish, but we are not closing the door completely and we are not playing games, we are being honest. We are trying to give a little leadership, not from the grassroots up, but at least have some leadership. We are looked at, we are elected to provide some leadership sometimes, and on the county level, since I have been here, we have not done so. Now we have the opportunity to do so, so let's do it.

I hope you indefinitely postpone this amendment.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: We have a council in the town of Cumberland and we have selectmen in the town of Harpswell. The council in the town of Cumberland certainly knows a great deal more than I do about what they would like to have in their budget and if you

have been through, and so many of you here have, I know, what we go through here in the legislature in going over the budget is a farce. We select little committees to look into things and we don't even know what is really going on. The selectmen in Harpswell won't even go to the hearings. They will not go to the county committee hearings because they say they don't have a voice. Really, they have no voice, they have no vote. This is a wonderful opportunity for the people back home, who have to raise the taxes, who have to assess the real estate taxes, to sit in and make a decision on what is essential in the county budget and that they are willing to pay for.

I would advise you to do away with this amendment and let's get on to the issue.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Windham, Mr. Cooper.

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree with the good gentleman from Cumberland. Having been a county commissioner and visited his town in that capacity and debated the county budget with him, I would confirm that they and a lot of other elected officials know a lot about our budget. Unfortunately, it doesn't do any good once it gets up here. The delegation doesn't have quite the same background and makes different decisions than what those local officials make.

I guess I have to comment on the good gentleman from Winslow's comments in suggesting that this would be inconsistent with home rule. It seems to me that this week we decided to institute zoning in Augusta after local officials here had decided not to. We debated binding arbitration for a couple of weeks and nobody suggested that that go out to referendum; yet, I think it was clear that it takes away a lot of home rule.

Perhaps the issue that should go out to referendum, if one goes out, is do we want the Maine State Legislature setting county budgets? I think that would fail by a large margin. Most people perhaps in Cumberland County after this last session may know, but up until that point they certainly didn't. When you are campaigning for county commissioner, the biggest job you have is explaining what a county commissioner is and what county government is about and what they do.

I would urge you to indefinitely postpone this amendment.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I happen to concur wholeheartedly with Representative Dillenback. I know that when we come down here and we are given a county budget to look over, we are also dealing with constituents, we are also dealing with bills that we want to put in, we are called to hearings, we have our own committee work and we are working very hard to try to get the budget out on time, the county committee is after us to get it out, and I don't think we really are taking the proper time to do the right job on a budget. I think that was evidenced by the fight here on the floor of the House in a county budget which I, as well as many others, felt uncomfortable voting either way on the issue.

This particular committee, as I understand the bill, will be assigned one job and one job alone, and that is to work on the county budgets and that is all they have to do right then and there. That way it will be given the proper scrutiny, it will be at the local level and I believe that it is local control. I guess this is probably the first time that I will be voting against sending it out to referendum.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the previous speaker, if what you are saying in this bill, that

all the municipal officials have to do is to look at the county budgets, I have to disagree. At the same time that we are trying to push county budgets out of here, you are going to find when you put this back on the local level that you are going to be pushing the municipalities who are involved with their own budgets to also be looking at the county budgets at the same time. I think most of the municipalities at that time of year are more concerned with their own budgets than maybe they are the county budgets.

Another point I would bring out is that the gentleman from Island Falls, Mr. Smith, I thought brought out a good point today. In my opinion, this is not a good bill for rural Maine. Yes, the cities that are involved with the county budgets I think are going to benefit, but I must tell you that I represent approximately 7500 people. The way that I see this on a county like our own, you are going to have one person that could be in the district representing somewhere between 12,000 and 15,000, just like in Penobscot County. I believe at the present time maybe we don't have the time, but I do believe, however, that the members of this Legislature are going to be going to the county budgets representing a smaller number of people than they will if you adopt the county committees.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waldoboro, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a couple of points that were made recently. First of all, in Lincoln County we have had an advisory budget committee for many years and it has always had excellent attendance by municipal officials throughout the entire process and this is also, of course, the time they are doing their budgets as well, and they have never failed to appear, to be there, to be involved.

I believe that it is a bill that will help rural counties and, of course, Lincoln County is a rural county. As far as this goes, under our reapportionment, we have in the vicinity of 36 county crossings and this means that your delegation will undoubtedly have one, two, three or maybe even more people who represent anywhere from 500 to 1000 to 2000 people and will have just as much vote as you would on your county budget. That certainly is not keeping in line with one man, one vote, on issues such as this.

I would further like to address the fact that this is not at all like the charter commission. The charter commission is creating a separate independent form of government for counties, this is not. The legislature is still in control of county government, and I certainly hope that you will indefinitely postpone this amendment.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: No one has to wonder why I stand this morning in support of the gentleman from Winslow, but I would like to say that it is an honor to follow the gentleman from Corinth, Mr. Strout, for what he has said this morning and the truth of what he says pertaining to this bill. This amendment is necessary because I think it will let the voters take a very close look at what this whole process entails.

This bill seeks to perpetuate a farce on the people that we represent and seeks to put that farce on the backs of our municipal officials. The functions and the duties and the services that the counties provide for our people in whole are mostly state services. Why should we put this on the backs of the municipal officials to judge? We pass the laws, we ought to take the blame.

Is corrections a municipal function? We pass the laws mandating corrections and our jails are supervised by the Department of Corrections, and am I going to make my city council

take the blame for my county jail? Safety, county patrol, state law, state mandated enforcement, and I am going to make my municipal officials take responsibility for passing that budget? Probate, deeds, civil defense, soil and water conservation — how many of these functions are contained in the municipal and town budgets? Most of these are state functions and we are going to pass it on to the backs of our municipal and town officials. That is the perpetuation of this bill. It doesn't correct any flaws, it just says that instead of the legislature deciding these things, that we mandate and let's put it on the backs of the others who are closer to the people because they represent fewer people than we do, our time, positions, I want to compliment the gentleman from Corinth for stating some of the real elements, hidden elements, that are in this bill.

I hope that you will support the gentleman from Winslow, Mr. Carter, and his amendment.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this because you know how I hate county government, it is unbelievable, but what Mr. Paradis has just said, these are county officers that we are talking about and the towns are paying for those county officers, he has got everything all wrong. The towns are paying for the court system and the probate and the registry of deeds — it is money from each town of the state, of each county that goes in there, so it is not the state that is paying for it, it is the townspeople.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to be the only one in the 111th Legislature not to speak to this issue. I could have waited for letters J, K, or L but I thought maybe this was a good time.

I think the committee has done an excellent job and have come out with a unanimous "Ought to Pass" Report here and I think we ought to get back to it.

The property tax problem, just as everyone has been saying, belongs back with the people who pay the bills. I think Patrick Henry probably would be proud of us today to think that we were getting back to this ideas or taxation.

In looking at local government, and it kind of bothered me when people were not understanding what the chairman of our delegation of Waldo County, Representative Drinkwater, was saying, because I think he knows more about county government than any of us and he has kept us on the straight and narrow and we have got our budget out on time and all that. We don't have all this business, but he favors it because he has been around Waldo County a long time and he knows what the people want and he knows what is best for the people.

For example, who knows best about the probate office in a town or county other than the people in the towns that deal with the probate office? How about the deeds office? Almost daily or at least weekly the towns are dealing with the register of deeds. The sheriff's department, that is a local problem for us in this state and who deals with them? It is the local people, not the state government and not the legislature. Same way with all the other divisions like extension service and so forth. The people on the local level know what they want, they are paying for it, and I believe they should control it. I think this is an excellent bill and I hope we can pass it after we get through with this particular letter.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: With 47 members of this body remaining to be heard and with only 11

days remaining for statutory adjournment, I move the previous question.

The SPEAKER Pro Tem: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one-third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-third of the members present having voted for the previous question, the motion for the previous question was entertained.

The SPEAKER Pro Tem: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

A vote of the House was taken.

65 having voted in the affirmative and 19 in the negative, the main question was ordered.

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

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

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that House Amendment "I" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Armstrong, Beaulieu, Bell, Benoit, Bost, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Carroll, D.P.; Cashman, Chonko, Clark, Conary, Connors, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Ketover, Kilcoyne, LaPlante, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Masterton, Matthews, K.L.; Maybury, McHenry, McSweeney, Michael, Michaud, Murphy, E.M.; Murphy, T.W.; Murray, Paradis, E.J.; Parent, Perry, Pines, Randall, Reeves, J.W.; Richard, Roderick, Rotondi, Salisbury, Scarpino, Sherburne, Small, Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Swazey, Thompson, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Ainsworth, Allen, Andrews, Brodeur, Cahill, Carroll, G.A.; Carter, Connolly, Cote, Dudley, Erwin, Foster, Hall, Handy, Hickey, Higgins, H.C.; Jacques, Jalbert, Joseph, Kane, Kelleher, Kelly, Kiesman, Lehoux, Lewis, Martin, H.C.; Masterman, Matthews, Z.E.; Mayo, McCollister, McGowan, McPherson, Melendy, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.E.; Paul, Perkins, Pouliot, Racine, Reeves, P.; Ridley, Roberts, Smith, C.B.; Smith, C.W.; Strout, Tammara, Telow, Theriault, Tuttle.

ABSENT—Baker, Bonney, Bott, Brannigan, Carrier, Dexter, Gauvreau, Gwadosky, Hayden, Hobbins, Lebowitz, Lisnik, Mahany, Nelson, Rolde, Seavey, Zirnkilton, The Speaker.

Yes, 80, No, 53; Absent, 18.

The SPEAKER Pro Tem: Eighty having voted in the affirmative and fifty-three in the negative, with eighteen being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the third tabled and today assigned matter:

Bill, "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife by an Increase in License Fees and to

Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 1312) (L. D. 1741) (C. "A" H-365)

Tabled — June 9, 1983 by Representative Mitchell of Vassalboro.

Pending — Passage to be Engrossed.

On motion of Mr. MacEachern of Lincoln, the Bill was recommitted to the Committee on Fisheries and Wildlife and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill, "An Act to Provide for Local Option Voting on Bottle Clubs" (S. P. 584) (L. D. 1694) (H. "A" H-364)

Tabled — June 8, 1983 by Representative Michael of Auburn.

Pending — Motion of Representative Rotondi of Athens to Reconsider Passage to be Engrossed.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Winslow, Mr. Matthews.

Mr. MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I voiced my concern with the pending legislation, L. D. 1694, An Act to Provide for Local Option Voting on Bottle Clubs. After speaking with the members of the Legal Affairs Committee and the sponsors of the bill, I am satisfied that the initiative process and the constitutional rights of the local communities will be protected.

I would like to thank the gentleman from Auburn, Mr. Michael, and the gentleman from Mars Hill, Mr. Smith, for listening to my concerns with the bill and the amendment and taking the time to explain them to me.

Ms. Rotondi of Athens requested permission to withdraw her motion to reconsider, which was granted.

Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the fifth tabled and today assigned matter:

Bill, "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs" (S. P. 533) (L. D. 1564)

— In House, "Leave to Withdraw" Report read and accepted on May 23, 1983.

— In Senate, Bill and Papers Recommended to the Committee on Health and Institutional Services in non-concurrence on June 8, 1983.

Tabled — June 8, 1983 by Representative Mitchell of Vassalboro.

Pending — Further Consideration.

On motion of Mr. Brodeur of Auburn, tabled pending further consideration and later today assigned.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

#### Consent Calendar

##### First Day

(H. P. 1271) (L. D. 1685) Bill "An Act to Stabilize Maine Potato Prices" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-377)

No objection being noted, the above item was given Consent Calendar, Second Day, notification, passed to be engrossed as amended and sent up for concurrence.

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman from Fairfield, Mr. Gwadosky, for acting as Speaker Pro Tem.

Thereupon, Representative Gwadosky returned to his seat on the floor and Speaker

Martin resumed the Chair.

The Chair laid before the House the following matter:

Bill "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs" (S. P. 533) (L. D. 1564) which was tabled and later today assigned pending further consideration. (In House, Leave to Withdraw Report accepted — In Senate, Bill and Papers Recommended to the Committee on Health and Institutional Services)

On motion of Mr. Brodeur of Auburn, the House voted to recede and concur.

#### Bill Held

Bill, "An Act Relating to Ethanol Production in the State (Emergency) (H. P. 1282) (L. D. 1699)

— In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-337) and Senate Amendment "A" (S-185) in non-concurrence.

— In House, House Adhered to Passage to be Engrossed as Amended by Committee Amendment "A" (H-337).

Held at the request of Representative Michael of Auburn.

Mr. Michael of Auburn moved that the House reconsider its action whereby it voted to adhere.

Mr. Kelleher of Bangor requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Michael, that the House reconsider its action whereby it voted to adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

On motion of Mr. McCollister of Canton, tabled pending the motion to adhere and later today assigned.

#### (Off Record Remarks)

On motion of Mrs. Roberts of Buxton, Recessed until two o'clock in the afternoon.

#### After Recess

2:00 p.m.

The House was called to order by the Speaker.

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Permit the Use of Modulating Headlights on Motorcycles (S. P. 519) (L. D. 1540) (C. "A" S-179) which Failed of Passage to be Enacted in the House on June 9, 1983.

Came from the Senate Passed to be Enacted in non-concurrence.

In the House: The House voted to recede and concur.

#### Passed to Be Engrossed

Bill "An Act to Improve the Identification of Persons Trying to Evade State Taxes" (H. P. 1318) (L. D. 1745)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

#### Bill Recalled from Legislative Files

(Pursuant to Joint Order — House Paper 1315)

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 246) (L. D. 767)

Thereupon, the Bill was read once and assigned for second reading later in the day.

The Chair laid before the House the following matter:

Bill "An Act Relating to Ethanol Production in the State" (Emergency) (H. P. 1282) (L. D. 1699) which was tabled and later today assigned pending further consideration. (In House — adhered to passage to be engrossed as amended by Committee Amendment "A" (H-337) — In Senate: passed to be engrossed as amended by Committee Amendment "A" (H-337) and Senate Amendment "A" (S-185) in non-concurrence)

On motion of Miss Lewis of Auburn, the House reconsidered its action whereby it failed to recede and concur yesterday.

On further motion of the same gentlewoman, the House voted to recede.

The same gentlewoman offered House Amendment "A" (H-376) and moved its adoption.

House Amendment "A" (H-376) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I move indefinite postponement of House Amendment "A".

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, moves indefinite postponement of House Amendment "A."

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not indefinitely postpone House Amendment "A." What House Amendment "A" does is continue to authorize the study exactly the same as the original bill. However, it changes the appropriation. The original bill had an appropriation from the General Fund which some of us were extremely opposed to. What this amendment does is, it says that the companies involved, that is New England Ethanol, will pay for the study itself.

I believe there is a precedent that has been set in which companies pay for studies that are, indeed, impartial studies and that is in the arena of public utilities. Just this year, the Public Utilities Committee has passed a bill to authorize management audits of any of the utility companies in the state, CMP and the others, in which those companies pay for the studies, the PUC completely controls the study and makes sure that it is an impartial study.

In addition to that bill we passed this year, in the past it has been the practice that whenever these utility companies ask for something new, let's say a new coal fired plant or whatever, the PUC studies to see if that is necessary to be done and in fact the utility companies are paying for those studies.

What the amendment does is, it makes sure the study will be impartially done by this steering committee with legislative involvement. However, the appropriation is from a different source.

I urge that you oppose the pending motion.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: First of all, a utility is a regulated monopoly. We are talking about a study being done by a private industry. If New England Ethanol wishes to conduct a \$30,000 study, I hope they will do so, but they don't get my blessings to do that. I cannot believe that a study that is paid for by private industry, even if it is totally arms length, is going to be anything but tainted. Certainly, I would be suspicious if any company paid for a study and the study came out other than suiting the benefits of that Company. If this legislature wants to study this process, we are going to have to pay for it, so I would encourage you to indefinitely postpone this very inappropriate amendment.

Miss Lewis of Auburn requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All

those in favor of a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House indefinitely postpone House Amendment "A". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Allen, Andrews, Benoit, Bost, Brodeur, Callahan, Carroll, D.P.; Cashman, Chonko, Clark, Connors, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Dudley, Erwin, Gwadosky, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Kilcoyne, LaPlante, Locke, MacEachern, Manning, Martin, H.C.; Masterman, Masterton, Matthews, Z.E.; McCollister, McGowan, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Pouliot, Randall, Reeves, P.; Richard, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Stevens, Tammaro, Telow, Thompson, Vose, Webster, The Speaker.

NAY—Anderson, Armstrong, Beaulieu, Bott, Brown, A.K.; Brown, K.L.; Cahill, Canary, Davis, Day, Dexter, Dillenback, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelleher, Ketover, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Martin, A.C.; Matthews, K.L.; Maybury, McHenry, McPherson, Michael, Michaud, Murphy, E.M.; Murphy, T.W.; Paul, Perkins, Pines, Racine, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Sherburne, Smith, C.W.; Sproul, Stover, Strout, Swazey, Wentworth, Willey.

ABSENT—Ainsworth, Baker, Bell, Bonney, Brannigan, Brown, D.N.; Carrier, Carroll, G.A.; Carter, Connolly, Curtis, Gauvreau, Hickey, Jalbert, Lehoux, Lisnik, Macomber, Mahany, Mayo, Nelson, Paradis, E.J.; Parent, Perry, Seavey, Small, Soule, Stevenson, Theriault, Tuttle, Walker, Weymouth, Zirnkilton.

Yes, 68; No, 51; Absent, 32.

The SPEAKER: Sixty-eight having voted in the affirmative and fifty-one in the negative, with thirty-two being absent, the motion does prevail.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I move that the House concur.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, moves that the House concur.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you vote against the motion to concur because what that will do is, it means that we will, indeed, be funding a \$30,000 waste of money with the taxpayers' money. As we said on the floor yesterday, the whole idea of subsidizing this ethanol plant any further is something that many of the citizens in this state are concerned about.

Secondly, this issue has been studied and studied and studied and there doesn't seem to be any good reason why we should continue to study it any further. I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here listening to this debate for the past couple of days and I really didn't want to say anything, but the time has come when I feel that I have to.

Before my election, as most of you know, I was employed as a Congressional Field Representative and I was involved in this particular ethanol plant from day one, from the initial conception of this plant. I was involved in the

researching and working down through the feds in an attempt to get the federal monies for this plant. I know for a fact that every scenario that could possibly be run by the feds on all conditions surrounding this plant and its success have been run. I also know for a fact that if the feds had decided or had thought that a tax abatement was necessary for the success of this plant, the federal monies would not have been let to this facility. The most they would have done was tentatively authorize the funds based upon the acceptance of the tax abatement by the Maine State Legislature. In fact, they have not done that, they have authorized the funds.

In their opinion, there is no need for this special tax break and accordingly I do not feel that we should give or supply the funds for this study or that we should even consider giving them a tax break. If this corporation cannot exist on its own, it does not deserve to exist. We have enough subsidized industries, we have enough problems with those industries, and I think it is about time we said, if an industry is worthwhile, it should be able to maintain itself. This particular industry has enough federal support, enough state support, the fed has made no indication that they feel this kind of tax abatement is necessary and I don't feel that we should offer it.

I urge you to oppose the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There appears to be a shift, as I understand rumors to be, from the support that was here yesterday not for this bill, and I ask each of you, if you are changing your minds, I am sure you are doing it on your own. I haven't bothered to speak to any of you individually, and most generally that is not my style anyway, because I think arguments can generally prevail themselves on the floor by the substance for which they are given, but I am not blind either. One or two people to my right in this House have been working overtime in trying to turn the vote around and there is nothing wrong with that if their arguments are worth their efforts to do overtime.

We all have our leaders and they are elected to lead all of us, supposedly. The arguments that were given yesterday on both sides were pretty clear and the vote was reasonably close. It was a bad bill yesterday and it is no better today. If possible, efforts to change votes have been given a harder working effort on some people than there was yesterday.

I cannot understand for the life of me why we in this House, or even in the other body, would be willing to spend \$30,000 for a study for someone or somebody outside the halls of this House.

Members of the Taxation Committee agonized over this subject matter. I know because a great many of them talked to me, not that I am an expert on ethanol, I certainly am not, but they were having some problems with "should we really have a study?" My answer to them was that it appeared that you have a great deal of input from both sides and is it necessary?

There is something really wrong with this study, and as I said yesterday, I just can't put my finger on it. I am uncomfortable because of that. I didn't hear arguments enough yesterday to encourage my vote as an individual legislator, and for some strange reason there are a number of people wanting us to spend \$30,000 for what? I just can't understand why.

That Committee on Taxation, I am sure, those 13 men and women, are as familiar with this subject matter as any 13 people could be, that is a bright committee, a lot of talented people on there. It is an extremely responsible committee. They had the original bill and we are not going to see it — I ask why? I honestly don't think it is just the five questions that were presented in this study order.

I hope that this House does not recede.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I voted against this bill the other day because I didn't think \$30,000 was needed and I don't think it is needed today. I am going to vote for the bill because I think we need the bill but we don't need the \$30,000 and I am quite sure they won't get it with men like Mr. Jalbert on the committee and Mr. Kelleher from Bangor. This has got to go to Appropriations and I have all the faith in the world that if they needed \$200 or a couple of thousand dollars or even five, they might do it if they can prove that they need it, so I am not afraid today to vote for the bill. I am not voting for \$30,000 by any stretch of the imagination because it wouldn't cost that much, but I have great confidence that the Appropriations Committee wouldn't give them \$30,000 after hearing Mr. Kelleher speak and I know how some of the others feel, they feel just like I do, that maybe we need the survey.

I will say that if private industry makes their own survey and it goes to the bonding company or to the stock market, it is like me making a survey of my own business and saying it is firm, it is sound, etc., and I can do all the surveying I want, but as long as it is done for me with my money, the survey is almost meaningless. I think they need the input of an unbiased firm like the State of Maine to confirm that this is a good project but, there again, the survey can pretty much be received from the feds and I don't think it will cost anywhere near this kind of money.

I would like to see them have the bill and I think in the end result they will probably get the bill without the \$30,000 and the Appropriations Committee will take care of that, I am sure, with able men like Mr. Kelleher on the committee.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. We went through this very thoroughly yesterday, I think. I would just like to say that the gentleman from Bangor, Mr. Kelleher, says there is something wrong with the study. As a member of the committee that he described as talented, responsible and intelligent, a committee that unanimously voted this bill out, this bill to request its fellows in the legislature to permit a study to go on, I think there is something wrong with the other studies, I think there is something wrong with the studies that have gone before the MGA. As I said yesterday, they look flimsy and all we are asking, your colleagues on the Taxation Committee have unanimously asked you to say that the legislature feels that this matter ought to be studied.

As Mr. Dudley pointed out very clearly, the Appropriations Committee is under no obligation at all to appropriate \$30,000 for this. All we would like is your endorsement.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: This is a rather interesting subject and it gets more complicated as time goes on. I listened to Mr. Kelleher and his point of view and, you know, when the people came to the State Government Committee, we had to raise the limits on the MGA from \$50 million to \$60 million so they would have enough money to give the money to these people for this plan. This opened up an opportunity for us to question — how can you haul corn all the way from the West, build a plant and make it work and so forth, and they said there is no problem, we have had all the studies, the federal government has been through it completely, we know all the answers and the other question, of course, is, do you need anything else from the state? We don't need anything else from the state, we have everything we

need, all we need is the \$6 million or \$7 million, whatever it was, that we can get from the MGA and we will be on our way.

Now, here we are asking for a study to see if there should be tax abatement and the tax abatement isn't just on the ethanol, it is on the nine gallons of gasoline that they are going to mix it with as well, something is wrong here. First we don't need it and now they need it and now you people want to study whether they need it. I can't believe the federal government is going to give them \$66 million without at least looking into the subject.

I am sure it will help the railroads and maybe they could even turn out some alcohol to drink, but this isn't what we are here for. I am sure they don't need a study and we certainly need the money elsewhere.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, I would like to pose a question through the Chair. Has anyone on the committee or any of the proponents of this bill, everybody is talking about how much this study is needed and everybody is talking about how much study the feds and the state has done, has anyone thought to pick up the phone and call the feds and see what they have for studies and get it up here? We may well find that this study is done, and to pass this bill is just a total waste of \$30,000. I think we ought to check that out first and I would appreciate it if somebody would table this for one day so we can check that out.

The SPEAKER: The gentleman from St. George, Mr. Scarpino, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: In response to the question from the gentleman from St. George, Mr. Scarpino, there have been a number of studies done on this project and other projects throughout the nation. I personally have been in contact with the Department of Energy and have a number of studies, the specific questions that we need addressed not only take in account the future of the petroleum industry in general but are specific to this state, to this project. They haven't been answered and rather than have this be a referendum on the project, as it may have been in the past, I hope the vote here today will be a vote on this study.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the Taxation Committee. Does the Taxation Committee think that we in this legislature made an error in increasing the bonding indebtedness of the MGA for this project based on the fact that you people feel uncomfortable about not knowing the answers of whether we should give them a tax break or not for the viability of this program?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: In no way can I speak for this entire legislature or the entire Taxation Committee but as one individual. I am not prepared, if the bill was before us today, to vote to grant a gas tax exemption for the ethanol industry of Maine. I am uncomfortable, a number of committee members are uncomfortable, and I don't feel that it would be in the best wisdom of this House and this legislature to vote on that issue without having the answers to some very important questions.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I thank the

good House Chairman for his honesty and based on that answer to my question, maybe we made a major error in this House by raising the bond debt limit over there.

I would ask that someone table this and we get a letter out on behalf of this House based on that question, because if that program is in that much trouble or there is that much skepticism honestly presented, then we might have made one of the biggest errors this state has ever seen. We put a real saddle on the people's backs—we didn't but a former legislature did—with that boondoggle up in Aroostook County and this is the time to be sure that we are walking in the right direction. If the Taxation chair and the committee are as uncomfortable with the problems that may be out there, then we ought to take another look at it, state government ought to take another look at it, so I would ask some kind gentlewoman or gentleman to table this for one day and one of us might be able to pen a letter together to put us in the right direction.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I hope no one moves to table this. I mean, yes, what we are talking about is this study. So far this session the Legislative Council has approved studies on the integration of the Maine State Retirement system with the Social Security System, the Development of Food Policies, Job Training, Recodification of the State Election Laws, State Policy on Residential Camp Leases on Public Lands, Charging Fees for Access to Public Lands and that is not all.

Yesterday, on the issue of the study, Mr. Kelleher tried to debate the tax exemption. Today, on the issue of the study, Mr. Kelleher wants to look into Freddie Valsing's ghost, wants to debate the MGA. I hope that we can keep our minds on the issue before us, which is the study. Please recognize a plea from your colleagues on the Taxation Committee and approve this paltry study.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I feel that some words have been put in my mouth here, words that I did not speak. The questions that I addressed were the gas tax exemption which is in the bill before the Taxation Committee. That is the issue that we are considering, that is the only issue that we have been considering all along. If it is felt that this project is not economically viable, I am not sure what role this legislature should play in it. Apparently there are some who feel it is, there are some who would not like to see this project built.

I hope that you will move forward today and instead of putting this off, accept the committee report to study this issue and move forward today.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: A few years ago we saw what our petroleum industry could do to the working man's paycheck. Gasoline went from 30 cents to \$1.30. It is still \$1.19 and \$1.20. Of course the petroleum company is going to fight any competitive fuel with everything it has got, and I think we are hearing some of their arguments right here today. If we listen to them, we are going to continue to be reliant upon Arab oil, so I urge you to defeat the motion that is being made.

Mr. Kelleher was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking for Ed Kelleher in Seat 121. I am not speaking for Cianbro or Small or Jordan or any of those rascals on that side, and I am not speaking for Webber or Dead River or any of the rest of those rascals on the other side, I am speaking

for me. I don't know who Mr. McCollister is speaking for, but I know I am speaking for myself. I don't need a seeing eye dog to smell a bad bill, and this is a bad deal for the people of Maine, you can mark my word on it.

As I said before, I don't know what is behind it, but I am not going to be behind it and I hope this House holds its position. There were 72 or 73 of you yesterday, and I hope you have all got the courage, and I know you all have, to stay where you were late yesterday afternoon.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker and Members of the House: As one other legislator not representing oil companies, not representing ethanol companies, let me reiterate why it is that in spite of the fact that this plant hopefully someday will be built in my area, I think that this study does not make sense. These are shrewd businessmen, they have invested shrewdly, much smarter and swifter than I. This project has been backed by major banking institutions and I don't think we ought to get in the habit in this House, whether it be Republicans or Democrats, no matter who we are or where we come from, to vote in favor of studying tax exemptions that we either want to grant or not grant to special interests coming before us. Maybe this tax exemption is proper and maybe it is improper, but that is not our burden to find out. There have been shrewd investors on both sides that have laid this thing out.

I agree with Representative Kelleher that there is a lot of power flowing around this bill, there is a lot of pressure around this bill, and maybe that has clouded the issues, but in the end, it is not the issue of whether we are in favor of this ethanol plant but whether we are in favor of the motion of funding the study for this kind of tax exemption. I don't think it is justified and I would urge you to vote as you did yesterday.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker, I would like to pose a question through the Chair. If a vote should come for passage of the bill, how would the gentleman make his determination whether he would vote yes or no without such a study?

The SPEAKER: The gentleman from Auburn, Mr. Michael, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker, that issue is going to come before us, it is going to be debated and that decision is going to be made exactly the way any other decision is made. What I am objecting to is studies. Studies funded by the people of the State of Maine to determine whether a tax exemption for a special interest is going to be of benefit to a particular region or to a particular part of the state is in the area of where our responsibility is. When that bill comes to be debated, which is not before us now, a decision will be made and it will be debated by proponents and opponents and we will make up our minds at that time. That is not the issue before us today.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker, then if that be the case, why do we have any studies at all? All subjects are debated before this House before we pass them.

Mr. Higgins of Portland requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker and Members of the House: Just briefly, one last word—I understand the different elements and different courses after working on this bill, many different factions and philosophies that are being laid upon us here, but I would hope that the House could rise above our pettiness and our smallness in this matter and vote this \$30,000 appropriate for this study. The project has immense implications for the state, for the farming community, for our renewable energy production in the state, it is consistent with everything that a majority of people in this room stand for if you look closely, and to have this tied down and defeated on the basis of personalities and as the gentleman from Bangor says, funny smelling things, I don't think it is appropriate at all. We should certainly move ahead and pass this bill. I am sure we will regret it and feel badly if we don't.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Auburn, Mr. Michael, that the House concur with passage to be engrossed as amended by C. "A" H-337 and S. "A" S-185. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I request permission to pair my vote with the gentleman from Westbrook, Mr. Carrier. If he were present and voting, he would be voting yes, and I would be voting no.

#### ROLL CALL

YEA—Allen, Anderson, Andrews, Armstrong, Benoit, Brannigan, Brodeur, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Conners, Cooper, Cote, Cox, Crouse, Crowley, Dexter, Diamond, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Higgins, H.C.; Hobbins, Jackson, Jalbert, Joseph, Joyce, Kane, Ketover, Kilcoyne, LaPlante, Lehoux, MacEachern, Manning, Martin, H.C.; Masterman, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Moholland, Murray, Nadeau, Paradis, P.E.; Perkins, Perry, Pouliot, Randall, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Smith, C.W.; Stevens, Tammara, Telow, Theriault, Thompson, Tuttle, Vose, Webster, The Speaker.

NAY—Ainsworth, Beaulieu, Bell, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Carter, Chonko, Clark, Conary, Curtis, Daggett, Davis, Day, Dillenback, Greenlaw, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jacques, Kelleher, Kelly, Kiesman, Lebowitz, Lewis, Livesay, Locke, MacBride, Martin, A.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McPherson, Michaud, Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paul, Pines, Racine, Reeves, J.W.; Ridley, Roderick, Rotondi, Salsbury, Scarpino, Sherburne, Small, Soucy, Sprout, Stover, Strout, Swazey, Walker, Wentworth, Willey.

ABSENT—Baker, Bonney, Lisnik, Macomber, Mahany, Nelson, Parent, Seavey, Soule, Stevenson, Weymouth, Zirkilton.

PAIRED—Carrier-Connolly.

Yes, 73; No, 64; Absent, 12; Paired, 2.

The SPEAKER: Seventy three having voted in the affirmative and sixty-four in the negative, with twelve being absent and two paired, the motion does prevail.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEachern: Mr. Speaker, I move that we reconsider our action of earlier in the day whereby we voted to recede and concur on An Act to Permit the Use of Modulating Headlights on Motorcycles, Senate Paper 519, L. D. 1540. I would also request a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All

those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House reconsider its action whereby it voted to recede and concur. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Armstrong, Bell, Benoit, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Conners, Cooper, Cote, Crowley, Curtis, Daggett, Davis, Dexter, Drinkwater, Dudley, Erwin, Gauvreau, Greenlaw, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lewis, Livesay, Locke, MacBride, MacEachern, Martin, A.C.; Martin, H.C.; Masterman, Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paradis, P.E.; Paul, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rotondi, Salsbury, Scarpino, Sherburne, Small, Soucy, Sprout, Stover, Strout, Swazey, Tammara, Telow, Thompson, Vose, Webster, Wentworth, Willey.

NAY—Anderson, Andrews, Beaulieu, Bost, Bott, Brodeur, Cahill, Connolly, Cox, Crouse, Day, Diamond, Dillenback, Foster, Gwadosky, Higgins, L.M.; Lehoux, Manning, Masterton, Matthews, K.L.; McPherson, Mitchell, J.; Murray, Nadeau, Perkins, Perry, Pines, Smith, C.B.; Smith, C.W.; Stevens, Theriault, Tuttle, Walker.

ABSENT—Baker, Bonney, Carrier, Kane, Lisnik, Macomber, Mahany, Nelson, Parent, Reeves, P.; Rolde, Seavey, Soule, Stevenson, Weymouth, Zirkilton, The Speaker.

Yes, 101; No, 33; Absent, 17.

The SPEAKER: One hundred and one having voted in the affirmative and thirty-three in the negative, with seventeen being absent, the motion to reconsider does prevail.

Thereupon, on motion of Mr. MacEachern of Lincoln, the House voted to adhere to its action whereby this Bill failed of passage to be enacted.

The Chair laid before the House the following matter:

An Act to Revise the Truancy Laws (H. P. 877) (L. D. 1131) (C. "A" H-213 and H. "C" H-264) which was tabled and later today assigned pending further consideration. (In House, passed to be enacted — In Senate, passed to be engrossed as amended by C. "A" H-213 as amended by S. "A" S-191 in non-concurrence)

On motion of Mrs. Locke of Sebec, retabled pending further consideration and tomorrow assigned.

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

#### Unanimous Leave to Withdraw

Representative Walker from the Committee on Local and County Government on Bill "An Act Concerning Compensation for Legislators who Attend Meetings on County Budgets" (H. P. 204) (L. D. 248) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

#### Consent Calendar

##### First Day

(H. P. 1234) (L. D. 1641) Bill "An Act to

Amend the Lucerne-in-Maine Village Corporation Charter" (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-380)

There being no objections, under suspension of the rules the above item was given Consent Calendar, Second Day, notification, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

The following papers appearing on Supplement No. 6 were taken up out of order by unanimous consent:

#### Passed to Be Engrossed

Bill "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 246) (L. D. 767)

Was reported by the Committee on Bills in the Second Reading, read the second time, and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Passed to Be Enacted

An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment (H. P. 1293) (L. D. 1714) (H. "A" H-358)

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

Mr. Webster of Farmington requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this bill, I would like to go over some of the facts that were presented when we originally voted on this bill, I believe on the first of June, which was about 8 days ago.

If you recall, at that time we indicated that there would be some additional costs to the state as a result of the employee contract which would be covered by this bill. If you recall, the fiscal note that is attached to the L. D. states that approximately \$197,000 will be required to cover state employees. Also if you recall, there was an amendment that was placed on this bill which would cover only 20 or more employees, which means that those employees that do not work in a firm that has 20 or more would not be covered, and I have got some figures here which I would like to relay to you.

The current employment force within the State of Maine is 469,600, with an unemployment of 51,700, which gives us a total of 521,300 employees. Based on some figures that I obtained from the Department of Labor, those firms that employ 20 or more employees employ 239,000 employees, which means roughly that 46 percent of the work force would be covered, whereas 54 percent of the work force would not be covered with this mandated health benefit. I think what we are going to have to decide this afternoon is whether or not we want to mandate health benefits. If we do, then I think we should mandate every health benefit that is available on the market.

If you recall, the mental health mandated bill nearly squeaked by one vote on a reconsideration motion, so on that basis we have to assume that this House is sort of divided, half and half, as to whether or not health benefits should be mandated. If this is the route that we are going to go, then I think that later on we should include physiotherapists, podiatrists, optometrists, dentists, hospital emergency room treatment and also include the office visits to physicians. I think this is something that has to be considered and I don't take this very lightly. If the intent of this body, is to legislate

mandation, then we should vote for the alcoholic bill, we should vote for the mental health bill, and we should also, at the next session, include all of the other health care providers to be included, and we will probably end up with a form of socialized medicine within this state.

I hope that you will let your conscience be your guide and vote accordingly.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: A great deal has been said about this bill. I don't know if any amount of rhetoric will change any votes, but I would like to emphasize a few points, some of which have been made before, some of which perhaps may be new.

One of the things I want to emphasize, a lot of people believe that this would set a precedent by having alcoholism covered by insurance. Let me assure you that that already exists now. The reason for this bill is the fact that if you have an insurance policy, it will only cover you for alcoholism, the disease of alcoholism, in the most expensive possible treatment, which is an in-patient hospital treatment. It will not cover you if you go to that same hospital for out-patient treatment, nor will it cover you if you go to what we call the free standing units, of which we have quite a number in the state and which the state pays almost a hundred percent of the cost. Even if you have an insurance policy, it will not cover you in those places but it will cover you if you go to Eastern Maine Medical, if you go to Mercy Hospital or St. Mary's or Seton — that is one of the major reasons for this bill.

There was an interesting story that I saw in the newspaper recently, it is entitled "Reagan May Intervene" and it talks about President Reagan possibly intervening in a situation of a child in a hospital in Florida who is forced to remain in the hospital because Blue Cross-Blue Shield would rather pay \$4,500 a week for this child in the hospital than allow him to be treated at home for \$2,500 a week, approximately half. The situation in Maine in regards to alcoholism is basically the same. You can get treated in a hospital for \$250 a day and Blue Cross-Blue Shield will pay for it, but if you go to a free standing unit or as an out patient for \$60 a day, they will not pay for it, and who pays? The taxpayers.

Most of the people who have told me they object to this bill object to it because of the cost. There is really no way to tell what that cost will be. The only figures that have been made available as to what the cost will be, come to us from Blue Cross-Blue Shield, who is the principal opponent to the bill.

The bill has been changed quite a bit. I have even had one person tell me that they would vote for it if these changes had not been made, and certainly that was not the original bill that I put in, but I know that the art of compromise is important here and I have agreed to a number of compromises, the latest of which is a bill that would eliminate or make ineligible those groups under 20 because of the problems that small businessmen had. I feel in a sense that I have given away my shirt and my shoes and my socks and I kept only my trousers, but I still feel that this bill is important. If I can paraphrase Daniel Webster, I would say: "It is a small bill now but there are some who love it."

I think it is very important. The original bill would probably have saved the State of Maine about a million dollars. That is the money for people who now go to out patient and free standing units who have insurance but it is not covered. With the way the bill has been watered down, I can't say we will have that much saving, but I also look at it from the point of view of Chairman of the Joint Select Committee on Alcoholism and the problems that we have funding programs throughout the state. Many people think that since the passage of

the premium bill, we have all the money we need to fight alcoholism in the state, and I would remind you that alcoholism is a problem that costs us approximately \$700,000 a year. From the premium bill, we get about \$2.5 million a year and pay about \$7.5 million a year to fund alcoholism. There are many demands made on us that we are not able to deal with. For example, one of the best programs we have right now is Project Graduation, which is a program of the Department of Educational and Cultural Services, yet we have really only been able to fund about half of their requests. There is a long waiting line of schools that need their services.

For those of you who live downeast, in Washington and Hancock Counties, all of your programs down there are hospital-based programs, but insurance will not cover the out-patient portions of those. We get continual requests from the hospitals downeast, particularly in Washington and Hancock Counties, we have funded them to the best of our ability but if we had more funds, we would be able to fund them more.

I would ask you to vote for the enactment of this bill. I wouldn't say that President Reagan would support it, but at least I know that he is in support of the principle that we are trying to deal with, which is that it doesn't make any sense to have third-party payers, insurance companies, paying for the most expensive treatment when you can get comparable treatment to be covered that is at least a quarter or half of the cost. I hope you will vote for enactment.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Before you vote once again to mandate alcoholism insurance today, or mental health insurance at a later date, I hope you also will consider what you would do if you were an employer. An employer with 25 employees will face an annual premium increase, and that is a premium increase, of over \$1,500 if these bills pass. If you are considering only the alcoholism bill alone, a family health insurance contract will increase by \$24.36 per year per contract. This is on top of an average annual increase in health insurance costs of 18 percent. If you were an employer, what would you do about this additional cost in addition to all the other increasing costs of your business? I believe you will see more part-time jobs if this bill passes in order to avoid providing health insurance for employees.

Employees will no longer be able to collectively bargain for other health insurance coverage, such as dental insurance. Employers may follow the increasing trend to self-insurance, and self-insurance is really increasing in this state at quite a rate. This would mean that virtually all regulatory safeguards and the premium tax could be avoided.

As commendable as it is to help these people with specific health problems, and it is commendable to try to help them and they do need help, however, there are optional plans to which they could subscribe. I hope you will protect all that other large group of workers out there who have jobs, full-time jobs, and health coverage and vote against this bill.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, I would like to pose a question through the Chair. Could anybody tell me how much money is available for the prevention of alcoholism, including the money that we raise or the bill we passed last year in reference to a premium on alcohol and other monies that are available? Does anybody know what the total figure is on that?

The SPEAKER: The gentleman from Shapleigh, Mr. Ridley, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from York Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As I said about a minute and a half ago, the premium bill itself raises about \$2.5 million a year. Added to that are funds that we get from the federal government through the block grant and there are General Fund monies that go into this, and the total comes to about \$7.5 million a year that we spend on fighting alcoholism within the state.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to repeat everything that I have said before, but there are a couple of points that I think I would like to just stress. Number one, we are substituting outpatient treatment at a much less cost for inpatient treatment. Number two, I have heard some figures quoted by a company that only wants to write in-patient coverage and, Mr. Speaker, I would like to pose a question through the Chair. I heard some figures from Representative MacBride and I would like to have her describe to me the type of coverage that calls for those figures.

The SPEAKER: The gentleman from Brooksville, Mr. Perkins, has posed a question through the Chair to the gentlewoman from Presque Isle, Mrs. MacBride, who may answer if she so desires, and the Chair recognizes that gentlewoman.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Brooksville, Mr. Perkins, I am afraid I can't decide the coverage that those figures would cover. That is the coverage, the cost, that has been formulated by Blue Cross-Blue Shield. They have had a rider and they derive their figures from the experience with their rider. I don't presume to know how they get their figures, how they compute them. All I do know is that they do write this coverage, they have had experience, they were the ones who gave us these figures in committee and that is all I can tell you.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, that is just the problem, because the figures that they gave us at the committee meeting, and that is the point I really wanted to make, was for a wide open plan and they never have revised them. You know, if I wanted to beat this bill because of cost, that is exactly what I would do, I would quote figures for the most liberal plan going, and I am not so sure but that is exactly what they have done.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Along those same lines, some of you received a copy of a letter that dealt with the experience that New Hampshire had from a lady by the name of Susan McLain, when they put in a similar bill, similar to our mental health insurance and I will read to you from it. "Yet, to hear the Blues testify, one would have thought they faced immediate bankruptcy, double premiums or triple health care costs. They put three top lobbyists against the bill and pulled every trick in the book, including getting the bill referred to Appropriations after it had passed the House, claiming it would cost the state money as we carry Blue Cross-Blue Shield on our state employees. Then the bill was passed and the bottom line is, there has been no increase in insurance rate attributable to mental health costs." I think that is the same situation here.

We don't know, really, what this is going to cost. As the gentleman from Brooksville has pointed out, the bill has been changed considerably since it was first put in. When it was first put in, it was open ended, and at that time they said that just for state employees it would cost a million dollars. Then it was changed to where

it would be 60 visits a year; the next figure for state employees dropped from \$1 million to \$800,000. Now they are saying that it would cost \$197,000; yet, there are no figures because it will be up to Blue Cross-Blue Shield and insurance carriers to decide what the limitations are in this coverage with the oversight of the Bureau of Insurance, so there is no way right now to put any specific figures on that bill. I want to make that point very, very clear.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I think a lot of the figures will have to be determined from experience. However, in talking this problem over with the insurance companies, as I mentioned once before on the floor of this House, they really are not in the habit of giving insurance away and they don't intend to give insurance away this time.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the comments that were made by Representative Rolde in reference to mental health, I have some figures here which I did not plan on using on this particular bill but I feel, since it was brought up, that there were no increases in costs when the insurance companies claimed that there would be, in 1978, the Blue Cross-Blue Shield claims paid in community health centers in the state of New Hampshire was \$319,000. Mental health was mandated in 1977 and in 1982 for the community health centers, the amount paid amounted to \$1,100,000, an increase of 245 percent, so there are costs associated with any type of service that you provide. You don't get these services for nothing, somebody has to pay.

As I stated previously, I don't want to repeat the testimony presented, but I feel I have to now—labor is neither for nor against this bill simply because they felt that if we mandated this coverage, the employers would reduce other health benefits or other coverage to offset the cost of the increase that would be associated with providing this service. As an example, if they feel that they can afford to pay a hundred dollars a month, and I am using round figures, for health coverage and this should increase it to a hundred and five, in order to stay within the hundred dollars they will cut some other benefits. They will probably go into a co-insurance. So when we say it is not going to cost anything, we are kidding ourselves. You don't get anything for free in this world. The last thing that was given for free was the Brooklyn Bridge, and that was a hundred years ago and it is still standing there.

Somebody is going to have to pay, and that is what you are going to have to decide, if you want to mandate, fine, and if we do, somebody is going to have to pick up the tab.

Also, I would like to pose a question. There was a comment made that Blue Cross-Blue Shield only pays for inpatient service. Are other insurance carriers paying for outpatient services in their group mandated programs such as Union Mutual and possibly Kemper?

The SPEAKER: The gentleman from Biddeford, Mr. Racine, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: To answer the gentleman, the new Union Mutual package, I believe, does pay for both in-patient and out-patient. Kemper paid, as you know, for many years for this kind of coverage and has had good success. All of those who have embraced good alcoholism programs and coverage in the less expensive realm and given a greater variety of treatment have had good experience in alco-

holism and also reduced their cost in other areas of health care.

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

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

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that sometimes this House goes from one extreme to another and what we are attempting to do here today is to play the role of actuaries. You know, insurance companies hire actuaries and they are one of the highest paid professionals in the industry. Insurance is not something that is legislated overnight, it takes an awful long time if it is going to be done on a sound basis, and I don't think that we should attempt to take the role of an actuary. We should let the professionals do their job. They are moving in this area and they are moving cautiously, as they should.

We have heard reference to the State of New Hampshire, what they have done, and sometimes I don't think we hear the entire story. I didn't take the time or trouble to check on this particular bill, but I did check on the mental health mandated bill and it is my understanding that the benefits provided in the State of New Hampshire are capped. For example, outpatient care is limited to \$3,000 a year with a \$20,000 lifetime cap. That is quite a difference from saying that the program is available—true, it is available, but it is very limited. That is the only way that it can operate. Until they have enough experience and statistics, they can only hope to expand the program gradually.

I would urge you to leave well enough alone, let the actuaries do their job and let's not try to outguess them.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: We are fortunate here in our body to have an actuary and he is a member of our committee and Mr. Perkins has been very helpful and supportive of this measure, as you know. As far as benefits in this bill are concerned, we not only do not have a cap, we allow them to set the benefits as low as they wish.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Representative Baker. If he were here and voting, he would be voting yes; if I were voting, I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Buxton, Mrs. Roberts.

Mrs. ROBERTS: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Portland, Mrs. Nelson. If she were voting, she would be voting yes; I would be voting nay.

The SPEAKER: The Chair recognizes the gentlewoman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, I request permission to pair my vote with Representative Kane of Portland. If he were here and voting, he would be voting yes; I would be voting nay.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Benoit, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Erwin, Foster, Gauvreau, Green-

law, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Locke, MacEachern, Manning, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, P.E.; Perkins, Pines, Reeves, P.; Richard, Rolde, Rotondi, Scarpino, Smith, C.B.; Soucy, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Beaulieu, Bell, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carter, Conary, Connors, Cote, Curtis, Davis, Day, Dexter, Dillenback, Higgins, L.M.; Holloway, Ingraham, Jackson, Jalbert, Kelleher, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Macomber, Masterman, Masterton, Maybury, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paul, Perry, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roderick, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Willey.

ABSENT—Bonney, Carrier, Dudley, Lisnik, Mahany, Parent, Soule, Weymouth, Zirkilton.  
PAIRED—Baker-Cashman, Brown, A.K.; Kane, Nelson-Roberts.

Yes, 76; No, 60; Absent, 9; Paried, 6.

The SPEAKER: Seventy-six having voted in the affirmative and sixty having voted in the negative, with nine being absent and six paired, the motion did prevail.

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

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

The Chair laid before the House the following matter:

RESOLUTION, Proposing Amendments to the Constitution of Maine to Change the Municipal Property Tax Loss Reimbursement Formula, to Change the Penalty for the Change of Use of Land Subject to Current Use Valuation and to Require a Two-thirds Vote for the Expenditure of Funds from the Mining Excise Tax Trust Fund (H. P. 502) (L. D. 652) (H. "A" H-331 to C. "A" H-317) which was tabled and later today assigned pending passage to be enacted.

On motion of Mr. Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

An Act to Change the Method of Financing County Services in the Unorganized Territory (S. P. 458) (L. D. 1389) (C. "A" S-171) which was tabled and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter:

An Act to Limit Future Increases in the Cost of Hospital Care in Maine (S. P. 608) (L. D. 1737) which was tabled and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I move acceptance of the unanimous report and ultimately passage of L. D. 1737.

It is an Act to Limit Future Increases in the Cost of Hospital Care in Maine, L. D. 1737. This bill was a compromise. It was worked out by the Committee on Health and Institutional Services in countless marathon work sessions involving all affected parties. The essential

elements of the original proposal have been preserved, while virtually all of the objectionable provisions have either been removed or substantially modified. Before reviewing areas of concern, I think it is important to stress that this bill contains several elements which are agreed upon as necessary by all who have studied this problem.

First, it establishes a prospective payment system. This change, by itself, will create new incentives for efficiency. Under the current system, where hospitals are reimbursed on the basis of cost, there are virtually no incentives for reductions.

Second, the bill places a limit on the total dollar value of new projects and services which may be improved under the Certificate of Need program at a level of approximately \$5 million in the first two years of the program. After that, the Commission would set this level following public hearings.

Third, the system meets the financial requirements of all Maine hospitals based upon existing budgets, and allows for reasonable adjustments to these budgets in subsequent years. In setting these annual gross patient revenue limits, the Commission is specifically required to address quality of care and the special needs of small hospitals.

Importantly, throughout the bill, the significance of local control is recognized, and the prerogatives of local boards of trustees are protected wherever possible.

On quality of care, I would like to point out to this body several provisions of the bill before it. If you would take out 1737, Pages 5 and 6, I read directly into the record:

"The current system of financing hospital care threatens the ability of some Maine hospitals to generate sufficient revenues to meet their reasonable financial requirements and, consequently, will inevitably have an adverse impact on the accessibility and the quality of the care available to those whom they serve."

Let me read the purposes of the bill: "It is the intent of the Legislature to protect the public health and promote the public interest by establishing a hospital financing system which:

"(1) Appropriately limits the rate of increase in the cost of hospital care from year to year;

"(2) Protects the quality and the accessibility of the hospital care available to the people of the state by assuring the financial viability of an efficient and effective state hospital system;

"(3) Affords those who pay hospitals a greater role in determining their reasonable financial requirements without unduly compromising the ability of those who govern and manage hospitals to decide how the resources made available to them are to be used;

"(4) Encourages hospitals to make the most efficient use of the resources made available to them in the provision of quality care to those whom they serve and the training and continuing education of physicians and other health professionals;

"(5) Provides predictability in payment amounts for payers, providers and patients; and

"(6) Assures greater equity among purchasers, classes of purchasers and payers."

"B. It is further the intent of the Legislature that uniform systems of reporting health care information shall be established; that all health care facilities shall be required to file reports in a manner consistent with these systems; and that, using the least restrictive means practicable for the protection of privileged medical information, public access to those reports shall be assured."

Next I refer you to the definition of the base year and its computation. You will find that on Pages 22 and 23. The Commission must recognize a hospital's last approved budget — the budget has already been approved — establishing the base year, and must also include appropriate adjustments for community education, recruitment of positions, competition

and other costs to be promulgated through regulation.

Then, please review the adjustment factors. Economic trend of inflation, they are on Page 25, case mix, and here the Commission is specifically required to consider "special needs or circumstances of small hospitals" — Page 27, line 7 and 8.

The Commission must make appropriate adjustments for any increases in volume experienced by a hospital (page 28). It must incorporate into a hospital's budget any new approved Certificate of Need of projects (page 29).

Beginning in 1987, the Commission may adjust the hospital's financial requirements if it determines that the "hospital is not operating efficiently" (page 30), but of critical importance, the Commission's authority is restricted so that any such adjustments shall not impair "quality and accessibility of care and the special needs and circumstances of small hospitals and hospitals with significant seasonal fluctuations in occupancy" (page 30, Sec. 6).

The Commission must also recognize any regulatory costs imposed under this act or any other changes in law affecting all hospitals or a group of hospitals (P. 30, Sec. 9 B and C).

I am trying to be specific so that you can check in your bill, in the piece of legislation that we are about to enact.

In summary, this calculation of the base year and these adjustments should insure that a hospital will have an adequate base year and that the appropriated adjustment factors will be applied.

The Committee also amended the bill to require that the Commission afford individual hospitals the opportunity to submit any information they deem appropriate to the Commission before setting the annual revenue limits. That is on Page 25, lines 13 and 17. Beyond this, the compromise bill will clearly require that rulemaking be undertaken on each of these adjustment factors, and that hospitals be provided with an opportunity for a hearing as the adjustment factors are applied to their institution. If a hospital is not satisfied with the Commission's treatment of it, it can always seek relief in the courts.

Again, these provisions have been clarified and strengthened by the Committee. I remind you again of the 88 different changes from the original bill that the Committee has come up with and many of these concerns you have heard from individual hospitals over the past several months were from the uncertainty on these very points which I mention to you today and which we have changed in our committee.

In response to concerns over "local control," the structure I have outlined does much to respond to those who felt this bill would remove local control. The Commission must recognize a hospital's existing approved budget, and affords hospital administrators and trustees the opportunity to continue to set their own budgets, subject to review of the Commission.

Again, several other elements of the original bill which were of concern have been removed. Hospitals do not have to seek the approval of the Commission for any so-called new or expanded services. These sections have been removed. Rather, the bill imposes a limitation on total Certificate of Need approvals, but allows hospitals to continue much as they have in the past in seeking approval of the Department of Human Services on these projects.

The revised bill allows hospital trustees to continue to set hospital policies on bad debts and charity care. That is found in Section 396-F, Page 35. I know that is a concern to many of you. These policies must fit within reasonable guidelines established by the Commission, but the up front approval authority contained in the original bill has been removed.

On this point, much concern was expressed on the original bill's impact on philanthropy and endowments. As amended by the Commit-

tee, the bill protects unrestricted gifts, grants and income from investments, and prohibits the Commission from using these to offset hospital financial requirements.

The bill also allows hospitals to submit their own proposed corporate plans as to the relationship between the hospital and its affiliated interests. If this plan is approved by the Commission, the hospital may act consistent with it.

As related to the issue of local control, the original bill required each hospital to adopt a uniform fiscal year. The Committee bill removed this requirement and allows each hospital to continue with its current fiscal year.

There has been much concern over the treatment of small hospitals and how they will fare under this regulatory structure. As I mentioned earlier, the bill now specifically requires that all regulatory costs be included in a hospital's base and be reimbursed by the payers. (pg. 31)

The reimbursement structure of the bill also provides greater protection to a number of hospitals which may now depend inordinately on Medicaid, Medicare or other payers which may not pay as great a share of a hospital's cost as other private insurers.

Throughout the bill, there are several provisions requiring attention to the "special needs and circumstances of small hospitals," again which I mentioned earlier.

The bill also contains very clearly language recognizing problems that small hospitals may have in complying with the limits imposed by the Commission, Sec. 396-1 of the bill, §3(C). The amended bill now allows small hospitals a range of 5 percent over their revenue limits before any reimbursement penalties are imposed. For larger hospitals, those with 55 or more beds, the range is 3 percent. The Committee also amended the penalty provisions to impose 120 percent penalty as opposed to the 140 percent in the original bill.

In making approximately 88 or more amendments to the original bill, the Committee made every effort to respond to the legitimate concerns expressed in the course of the hearings and public debate. The bill before you responds to the issue of local control, quality of care, access and the special needs of small hospitals.

As the Maine Hospital Association has stated publicly on several recent occasions, the bill is both acceptable and workable from their perspective. Let me repeat that — as the Maine Hospital Association has stated publicly on several recent occasions, the bill is both acceptable and workable from their perspective.

I am confident that this legislation has the potential to fulfill the hopes and expectations of its sponsors, Maine health care consumers, including the sick and the elderly, the poor, the payers and the providers, and at the same time, I am concerned that unless vigorous legislative oversight is maintained and continued, the potential may not be fulfilled. Toward this end, the committee incorporated into the bill several provisions requiring careful monitoring and vigorous oversight.

First, the Legislature must approve the annual budget of the Commission and through this mechanism will review the work of the Commission for the previous year as well as its projected activities (Sec. 291 - 2).

Second, the amended bill requires the Commission to appear at least annually before the Committee to discuss its annual report and other items requested by the Committee. In this way, there is a formal mechanism requiring periodic scrutiny by the Committee on Health and Institutional Services. In addition, the Commission is subject to the sunset review provisions of the Audit and Program Review Committee.

The bill before you resulted from substantial compromising and cooperation on the part of all affected parties. For this Commission to be

successful, the same spirit of accommodation and cooperation must continue in the drafting of the regulations, and the day to day work of the Commission.

Toward this end, the bill before you requires that the Advisory Committees of the Commission be directly involved in rulemaking for at least the first year — and specify that the chairs of these Committees shall participate in rulemaking in the manner of ex-officio, non-voting members (Sec. 12, pg. 55).

In conclusion, this bill responds to all the concerns which have been brought before the Committee and provides for strong framework for limiting hospital costs while preserving quality and access to care.

Mr. SPEAKER, I move enactment of this bill and I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I do want to compliment the committee on a very good piece of legislation, and if it were necessary, I would join them in voting for this bill, this cost containment bill. But I think it is very important that members of the House know that the federal government is instigating a cost containment bill that will be more restrictive than ours and I would ask someone from the Committee on Health and Institutional Services to tell us about this federal cost containment bill that we will have to live with. It looks to me as though this could be something to the tune of a million plus that we don't really need.

I also have to tell you, I sent these bills back home and they really would like to have some time to look at them, I would like to have a chance to talk to them, and if this is going to be enacted today, I guess I am not going to. It is pretty fast and I really don't like that very much, but I would ask someone from the committee to tell us what the federal government is doing in regard to cost containment, and I think the members of the House should know this, and if we don't have the information, I think we should before we vote on this very important piece of legislation.

The SPEAKER: The gentlewoman from Ellsworth, Mrs. Foster, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: This issue is so important that, yes, even the federal government has taken on one avenue to try to control the runaway cost of the health industry. They have a program, it is called the DRG, the Diagnostic Related Groups, in which the federal government, through Medicare, will proceed to pay to the hospitals on a set, specific rate, depending on what the diagnosis is, such as gall bladder, and they would determine how many days on an average a person who is diagnosed as having a gall bladder problem would stay in the hospital.

On the basis of that DRG, which is the diagnosis of the illness and the length of stay, they would then pay that hospital for that cost. It is something that the State of New Jersey did and it started to work there, it is a very new program, but it captured the imagination of the federal government and they are now in the process of doing it. The State of Maine can piggyback right along with it. We have allowed that, we have allowed that latitude in this bill. If a hospital wishes to do that, they may. As a matter of fact, part of this bill has a provision that would allow for a study for some hospitals, hospitals in the State of Maine, to do that, to try to work out a DRG arrangement within their own hospital. So our bill is so flexible and is so progressive that it makes allowances for any change in the federal government's payment system.

The SPEAKER: The Chair recognizes the

gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: In further information relating to the federal system, the federal government is only a partial solution, it addresses the Medicare program. It doesn't provide relief for others who belong in their system. It doesn't address cost shifting, the fact that certain payers have to pay for most of the people who can't afford to pay, people who do not pay, people who are charged much higher than the cost in the commercial insurance programs. In fact, it increases the problem of cost shifting because they have set a limit on Medicare costs, which the hospitals will tell you pay less than it costs them to deliver health care. So what that does is forces the other cost, the other charges to the Blue Cross to commercial insurance payers and it doesn't take into account the cost for bad debts nor does it take into account the cost for people who cannot afford to pay.

The small hospitals in the state could be especially hurt by the federal regulations, because in some of the small hospitals, if they have a high percentage of elderly and if they have a high percentage of people who can't pay or won't pay, that means they will have to have higher charges for those who are in commercial payments and for those who pay on their own basis, those who have Blue Cross-Blue Shield. So the federal system could hurt small hospitals to the point where if the Medicare is paying lower than their costs, they will be going in the red. Some of the hospitals in this state are in the process of moving towards the solution, financial inability to pay for its cost. I think if for no other reason this is an important reason to pass this bill, because this will assure a reasonable financial requirement of the hospital. It won't assure that they will be able to expand as much as possible but it will assure that they will have what they presently have plus positive adjustments, taking into account inflation volume, case mix and other factors.

The DRG system at the federal level is based on natural experience not on adjusted wage rates. It would not be a system that Maine should apply. We would be paying hospitals grossly inflated and thus will make the current system even worse.

One of the things in this bill that relates to the federal system is the section relating to seeking a waiver. Page 49, Section 39 at the bottom of Page 49 and the top of Page 50, 396M, requires that the commission seek a waiver as allowed under the federal system and this will allow the state to come up with a plan before the federal system that would allow Medicare participation in this system so that everyone would be on the same system.

So we have fitted to the system that Medicare did allow but Medicare in the federal system doesn't solve the whole problem, it is only a partial solution.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: It is with a bit of a heavy heart, I guess, that I stand up on this bill this afternoon. Yes, Mr. Speaker, a heavy heart.

As this bill has gone through the process, I have really been concerned about the lack of debate, I know that the committee has done a lot of work on the bill and I commend the committee but the lack of debate, I guess, among the rank and file of the legislature on the real issue before us, and I do commend the committee for doing a lot of work on this because I know that you worked very hard and very long.

It is an emotional issue, it has been an emotional issue right from the very start, ever since the gentleman on the second floor started talking about the high cost of medical care. Medical care does cost a lot of money, no question about it, but I feel this bill is a major expansion of state government, it is one more role of our everyday life, and believe it or not, I struggled

long and hard with how I was going to vote on the issue and I didn't decide until today and I have decided that I am going to oppose it. I have decided that I have to oppose it for philosophical reasons. The biggest reason is the major expansion of state government influence, once again, into our everyday affairs.

Mrs. Nelson spoke eloquently, as she always does, about how the local trustees have not lost control as a result of this bill, about how they will still be in control of their local hospitals, but, Mrs. Nelson, you know that isn't true; you know that when a state commission of five people sitting down here in Augusta with its staff and in its ivory tower, is looking over, supposedly for the people's good, you know that those people back home have really lost final control.

Good quality care is a top priority of myself and I am sure every person in this body. I happen to come from a rural district in Maine where I believe we have some of the finest medical care in the state, which is a real tribute, I believe, to the State of Maine and to the people who administer and work at that fine hospital, again, from a very rural part of the state. It is costly, certainly it is costly. Whether it is too costly or not, I don't know, because I don't know if any of us can really put a price tag on life or death.

I don't think passage of this bill is going to do a thing to increase the quality of care. If I thought that it would, I would vote for it, but I don't think that state involvement, state control, does that.

I am going to say something, I am sure you have heard, that is going to upset many people but it is very simply in my mind. This is a very, very large step towards complete socialized medicine for the State of Maine. That is how I see it. If it is upsetting to some, I apologize, but that is how I see it and on the basis of that, I am going to be voting no on the issue, primarily because we are taking the control out of the hands of local people who up to this point I think have done a pretty good job. I think they have done a better job than what the state can do. I am voting no on enactment and I hope that you will too.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair. I would like to ask a question to Representative Nelson — what determines and makes up a viable state hospital system which you quoted and read into the record, and how?

The SPEAKER: The gentleman from Canton, Mr. McCollister, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Nelson, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: My feeling would be that it would be financially sound and that the quality of care and access to that quality of care would be assured. I believe that any hesitation at all, after reading, rereading and reading again, not only the bill but the 125 letters that I have received and the hundreds of pages of testimony that, indeed, we as a committee of 13 unanimously decided and understood and worked through this bill so that there will be a viable, medical community in our state.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As some of you know, I serve on a hospital board in my community and I am not speaking from any capacity on that today, I am speaking just as a legislator from District 83-1. I had as many reservations about this bill as I think any member of this House did on either side of the issue, but you had a committee that worked diligently and honestly to try to present a comprehensive bill before this body today, and they accomplished

it. There was a lot of give and take both from the philosophies of the administration downstairs and what their original bill was and the philosophies of the Maine Hospital Association and the bill that they presented.

As Mrs. Nelson described earlier this evening, there were 88 amendments to this bill, major changes in this particular document, to try to present a comprehensive, fair bill. And as I understood it to be, when the bill came out of committee, it came out with a unanimous agreement, at least up to that point, on all parties concerned.

Like everything else, you win some, you lose some. I have won a few and I have lost a few. It makes you appreciate the wins when you have a few losses but, nevertheless, this committee has got a bill before us today that seems reasonably good.

There is a lot left out of this document, obviously. However, there is a reasonable time frame in developing the rules and regulations and the procedures to go before that and the appeals system for all parties concerned, whether it is a big hospital in Bangor or a small hospital in Bar Harbor. The system is there, we hope, to be fair to everyone. I think the committee itself attempted to do just that, to present something that is fair. We may not all like it, I am sure there are things in that bill that Mrs. Nelson would rather have not seen in there and there are some things in there she would like to see but they are not there; nevertheless, an issue as explosive as this is, because we are all concerned about hospital care and we are all concerned about the cost of that hospital care and, more importantly, the men and women that we represent outside of these halls are concerned.

I think we ought to applaud the committee, I think we ought to applaud the hospitals that participated, I think we ought to applaud everybody that has put their interest in, whether they got everything that they wanted or they didn't. It was a reasonably good give and take. I had my reservations about this bill like every single one of you did. I am not 100 percent satisfied but I am a long ways from 50 percent satisfied and that is important to me just as one legislator. An issue as major as this can't be resolved with the snap of the hand. It took them months to get it to where it is today and I think we would be shortsighted as legislators not to give it a chance.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: One of the things that I learned campaigning in my district in the rural area last year, over and over again, not one single item but one that kept coming up probably in 1754 homes that I visited last year was the increased costs in hospitals.

In 1974, our cost to the state was \$174 million; last year alone the hospital cost to the State of Maine was \$550 million with a potential thrust this year of over \$60 million more.

You have seen me fight to get more pay for the people back home on the workers' comp because my area is blessed not with heavy paying industries, but second and third raters, I would call them, because of the textile and shoe industry, and they are not in favor of our giving out many bouquets, I am telling you. Invariably throughout that district, one of the big concerns was and they kept saying over and over — Mr. Hall, what can you do about the hospital cost? So when this bill came before us this year, I was very pleased and honored to be part of it, to work with it.

In my area, we have a small hospital and it is a good one, but I have seen how that has grown and grown and grown. You speak, Mr. Brown, about bureaucracy, I have seen the same thing in that little hospital that we have there. It no longer is a master of its own destiny but now has grown with another group. I have seen some of those methods they have used within

their walls, some of the salaries that have been paid, and they fall right back on the individual who is paying the bills.

I commend the committee for the work they have done, for the time that we have worked on this bill all winter, all spring. Never once have they gone ahead of yours truly but what they called me in to the meetings and told me what was taking place. All of these amendments that you hear tell about, I was alerted to all the steps they took. Don't ask me what each one of them is because my memory isn't that good, but I know very well that when the final one got done, in talking with both sides of the aisle, even back home in the little small hospital, they were accepting this.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am very supportive of this legislation and the thrust that it takes in trying to bring down medical costs, particularly hospital costs. However, as I have discussed with Representative Nelson and other members of the committee, there are a couple of concerns that I have that at least for the record I think are important to be addressed this afternoon.

My principal concern is the effect this legislation will have upon those people who are unable to afford the cost of medical care, and I would like to address three specific questions to any member of the committee or anyone else who is familiar with the issues, and hopefully they would be able to answer those.

First, simultaneously with the introduction of this bill and by the Governor and the Department of Human Services there was also another proposal that is still pending in committee that was introduced by the same parties that calls for the elimination of the catastrophic illness program. That proposal has not yet been resolved by the committee and has not come to the floor for final disposition. If this bill were to pass and if the proposal to eliminate the catastrophic illness program were also to pass, and I understand that the catastrophic illness program deals with not only hospital costs but also medical costs outside the hospital, what is the effect of this legislation on medical costs for those people who aren't able to afford it?

The second question — under the prospective financial arrangements as I understand them that have been developed in this bill, would it be possible in a particular fiscal year for a hospital to be in a situation where it may not have all the financial resources to pay for all the medical demands that are being made upon it, and if that is true, might at some point the hospital have to make a decision to limit certain kinds of medical services? If that is true, what guarantee do people who are unable to pay for those services have that they will be able to get those medical services if they are in fact needed?

Finally, under the Medicaid program right now there are certain freedoms of choice, the choice to have your own doctor and the choice to get care in a hospital of your own choosing, would this legislation change that at all?

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a series of questions through the Chair to anyone who may care to respond.

The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I, too, was deeply concerned about catastrophic illness and how it would relate to charity and bad debts. I believe in the catastrophic illness program and I am sorry to hear that the money, which we have already appropriated with the 2 cent tax on cigarettes, has been used for other things and might, indeed, in the future be used for other things. I believe in the program of catastrophic illness because it gives the working poor some dignity at a very bad time in their life. So I asked that

question at the public hearing and I received an answer from the Commissioner of Human Services and I asked that question again in work session and again and again, and I felt that by rewriting the bill, that is the compromise bill that is before us, those concerns have been addressed.

Yes, Representative Connolly, a hospital, if they are forced to reduce their revenues, could not willy-nilly reduce the charity cases in their hospital, and I can quote you specifically that they cannot do that, first of all, unless the commission, through rules and regulations, allowed them to do that, and there are several safeguards in the bill itself that state that — Page 41, Section 5; Page 39, Section 2; Page 35; Page 30, Subsection A, Section 8, and Section 396-F, under the topic of Charity, the policy that is recognized by the hospital shall be maintained. Should they change that policy, that statement and that change must come before the commission and the commission, through rules and regulations, would make that determination if, indeed, that policy would be changed.

What this bill does really, it forces hospitals to be more aggressive in getting bad debts paid but not to cut down charity. Sometimes bad debts become charity. This bill, as written, as I believe it, as I understand it, would not do that.

Your third question, I believe, asked if this would change the Medicare freedom of choice of doctors. To my knowledge, in no way would this do that. Again, I am sorry, if he would restate the question perhaps I can answer it in a more intelligent manner.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, the question was, under the Medicaid program right now, a person who is covered by Medicaid has the freedom of choice, the freedom to choose their own doctor and the freedom to choose the hospital in which they would get help. Does this bill in any way change that freedom of choice?

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: No. The answer to your first question, which I think had to do with catastrophic illness, yes, it deals with hospital debts but not other debts by the hospital. This bill does not address that. That is the problem with the administration of catastrophic illness, it is not a problem of the bill before us.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have to say that I also appreciate all the work that the committee has done, and wait until they read the Fame Bill and then they will see that all the committees are working hard.

You know, in fairness, I have received a letter from a hospital, the Maine Medical Center in Portland, from the Chairman of the Trustees, who said that they can live with this bill. I have also received many comments from my constituents who say they cannot live with this bill. And in fairness to some of those trustees, I want to read two paragraphs from the Regional Memorial Hospital of Brunswick and I won't make this very long.

"The trustees were in unanimous agreement that the Governor's bill in both its original form and with this proposed amendment shifts control of the community hospitals from a local community to a state bureaucratic commission and it is politically appointed. In addition, the bill does not address itself to any aspect of quality patient care but is concerned almost entirely with regulations. The public is in danger of being misled that this is a good piece of legislation. The issues being discussed in Augusta are not so much containment issues as they are government control. The proposed bill attacks the problems of rising hospital costs

from a narrow economic view, ignoring medical, legal, technological, ethical and political forces which have substantially impacted on hospital costs. It is the most restrictive piece of legislation relating to hospital control in the nation."

I am not going to read the rest of it, but you get the point, and many of those people live in Harpswell that work and are doctors in this hospital.

My own concern is that my wife is a nurse, a registered nurse who hasn't worked for a number of years, one of the problems you are having in the hospitals today is paperwork and red tape. You don't receive much care today from nurses, it is nurses aides, because the registered nurse is going through paperwork after paperwork after paperwork, and all I can see with this hospital containment at this point is more red tape, more control and more problems. I have paid all my life for medical insurance, carrying more than one policy, and when I go into that hospital, I want the very best care I can receive regardless of cost.

It is going to cost as long as we have the welfare programs and as long as we give people free medical care and as long as we put all the increases in wages and every other program that we raise here, how in the world can you keep hospital costs down anymore than you can the cost of an automobile? A few years ago a car cost three or four thousand dollars; today, they are up around \$15,000.

My only concern is that we have the very best hospital care that is available, and with all the volunteer work that we have in these hospitals, I just want to keep them going the way they are going. We have wonderful hospitals in the State of Maine; let's keep it that way.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I feel in a rather peculiar position at this point having signed out the majority report, a unanimous committee report, and I would like to explain briefly my reasoning and perhaps respond to some of the comments that have been made.

Personally, my personal feeling is that this legislation is unnecessary. I have always said that we didn't need this legislation considering what has been happening in Washington. Unfortunately, in my opinion, a group of hospitals called Maine Hospital Association made what I consider a political blunder when they proposed L. D. 1174 that was sponsored by Senator Twitchell. The reason I mention this is because in that legislation a bureaucracy was created. This was the thing that I could argue about. I could go along with my friend in the neighboring district, Mr. Brown, and Mr. Dillenback, arguing on the argument that we don't need anymore bureaucracy and I am the champion for less government. I think most of you know that I feel that way. But once L. D. 1174 was presented, you had one choice, a 5-member bureaucracy or an 11-member bureaucracy, and at that point I think was when the mistake was made. I feel that this issue should have been argued from the beginning that it wasn't necessary because I don't think it was.

At the time the legislation was submitted and we had the public hearing with some 600 people there, at that point we had to face the political realities of what was going to happen. Some piece of legislation was going to pass, one or the other. I believe that the major concern that I had as a legislator and as a representative of a group of people who are concerned about the growth of government as addressed in this legislation, I personally wouldn't mind seeing this whole piece of legislation go down the tubes, but I don't think that is going to happen. I think if legislation is necessary, and evidently it is according to this legislature and the Governor's Office, then I think this is a reasonable compromise and I somewhat dis-

agree with the argument that this is a bureaucracy because it is — I disagree because there was no other choice once these two bills were submitted.

I guess I feel that at this time we should move along with the issue and pass this legislation if this body feels that legislation like this is needed.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am certainly supportive of this legislation, but I would like to ask a question through the Chair. As you know, I come from a very rural area and we have a hospital there, and through the goodness of a manufacturer of many years ago, there was a fund set up that in essence was that anybody that ever worked for this manufacturer, or any relative thereof, that had to go to the hospital and were unable to pay their bills, there is a fund there to take care of them. This manufacturer hasn't been in business since back in the 1950's but this fund is still there and there are many people that used to work in the mill, children of those people, and some of them aren't able to pay their bills, but this fund will take care of them. Is this going to have any effect whatsoever in figuring out the ability of this hospital to operate, or have any effect whatsoever in this cost containment bill?

The SPEAKER: The gentleman from Shapleigh, Mr. Ridley, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: That is restricted funds and we have taken that out of the bill and I can tell you in full confidence that fund will continue to do what that man wanted it to do, this bill will not hurt it one bit.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker and Members of the House: Being a member of the Health and Institutional Services Committee, I was extremely pleased to see the constructive, cooperative work which came to bring this compromise that we have here today.

I would also like to state that Mr. Brown indicates he is from a rural area where they have excellent medical care, and I find that true in my own area. We have an excellent hospital and for awhile I thought I was going to need their services when I was asked if I would meet with the hospital administrator, the director of finance and the chairman of the board of trustees, and after having spent about five hours there and taking quite a beating and a licking on how terrible this piece of legislation was going to be, when I left that hospital I had serious doubts that any hospital compromise could ever be reached, especially if all other hospital administrators throughout the state felt the same as they did in my area. But I am pleased to say that on the final day, when one of the questions was asked, which I asked, how this was going to affect small hospitals, I was assured that all their concerns were taken care of. I was extremely pleased to hear that.

Also, I would like to state that the care in the hospitals in our area, I am sure the quality of care which I was concerned with from the beginning, I think this is well addressed, well taken care of. I would urge you to support the motion.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker and Members of the House: I would like to elaborate just a little bit on the comments made by Representative Webster. I really view this legislation as something of a symbolic hanging of our hospitals, and I think that it is unfortunate that the hospitals don't seem to fully realize that this is happening.

Mr. Webster referred to a blunder on the part of the hospitals, and I would suggest that the most significant blunder that they made was to concede the essential issue, and that issue simply is, is there a need for this particular piece of legislation. I think once they conceded that, they assured that they, indeed, would be hung, and having conceded, I think they then proceeded to enter into this compromise process that we have all discussed at some length today, and when they engaged in these negotiations, I think they were simply negotiating the makeup of the rope by which they would be hung.

I suggest that this legislation is not needed and it is most unfortunate that the hospitals conceded this simply because of the recent activities that have occurred at the federal level. I think there is a great deal of hope for meaningful hospital cost containment with the implementation of prospective payment. I realize that as it stands presently, prospective payment only addresses Medicare situations, but I think that over a two-year period of time, if we are not so impetuous as to pass this legislation, that the concept of prospective payment can file down and be applied to all sorts of programs, regardless of how one is insured or whether it is Medicare or Medicaid.

I think the appropriate action today would be to defeat this legislation, give federally implemented programs an opportunity to work. If they don't work, then we have got a good head start two years down the road. I think it would be precipitous of us today to pass this particular measure.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to get up this late in the day but I have to for one reason — this is going to be a very difficult bill for me to vote against because I am sure most of my constituents feel that I should vote for it. The reason they feel that way is because they feel sure, as the title indicates, that this bill will be hospital cost containment. I don't feel that it will. I think this year the hospital costs are as low as they are ever going to be and will go up from here. I feel that way simply because it will be a government bureaucracy and I never saw a government bureaucracy yet that I thought was very efficient, including this one.

Also, the makeup of the board bothers me a great deal. There would only be one person on it that knows anything about the hospital. The others, as I read it and understand it, must be conversant. I am not sure what 'conversant' means, whether that means when you ride by in your automobile you say, yep, that's a hospital. I strongly suspect, too, that the appointments will be made probably from disenfranchised politicians, which doesn't give me a lot of hope either. But I do feel sure, I feel certain in my own bones, that this is not going to control hospital costs or lower them one iota, so I am going to vote against it.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Manning.

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct the gentleman from Brunswick, Mr. Livesay, on a prospective payment. About 75 percent of total hospital costs are made up of Medicare, Medicaid, and Blue Cross. With prospective payments, that 75 percent of the total cost will be coming ahead of the hospital and not behind. In other words, right now a person goes into the hospital, Blue Cross-Blue Shield or Medicare or Medicaid pays afterwards. With 75 percent of the cost being borne by these three particular policyholders, it will be paid ahead of time. I think it is one of the things that the hospitals from the very start — as a matter of fact, last year when our committee started having hearings, that is one of the first things they asked us, if we would look into prospective payment because it certainly would help

them. It isn't just Medicare, it is Medicaid and Blue Cross, and if a potential large insurance company got involved heavily in the health care industry, they could go into prospective payment also.

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

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

The Record will show that the gentlewoman from Vassalboro, Mrs. Mitchell, will not be voting pursuant to a ruling from the Commission on Governmental Ethics and Election Practices. The gentlewoman from Vassalboro, Mrs. Mitchell, on the 17th of May, requested an advisory opinion pursuant to 1 MRSA, Section 1013 (2) (A), basically outlining the fact that her husband was in private law practice and was providing legal advice and counsel for the Maine-Dartmouth Family Practice Residency in Augusta, that despite the fact that her husband was not lobbying nor was he communicating with any member of the committee, the Commission ruled on May 31 as follows:

"In response to your attached letter of May 17, 1983, the Commission on Governmental Ethics and Election Practices met today to consider your request for an advisory opinion on the matter of possible conflict of interest.

"Based on the information contained in your letter, it is the opinion of the Commission that your voting on L. D. 1353 would constitute a conflict of interest pursuant to MRSA 1014 (1) (A). The four Commission members present and voting agreed that the conflict would exist whether or not your husband communicated with or lobbied Legislators." Signed by the Chairman, Mary W. McEvoy.

The Chair would advise members that subsequent to that ruling, the Chair has requested additional information from the Commission on June 3, and the Chair has as of this date not received an advisory opinion. The Chair would point out that pursuant to that section of law, I shall read the section of law into the Record, it reads as follows:

The statute on which the opinion was based by the Commission is this Section: "Where a Legislator or a member of his immediate family has or acquires a direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation." That is the law.

The ruling from the Commission then broadens, in my opinion, the present law. The two questions that I have asked the Commission are as follows:

1. That they set forth in writing a detailed description of the Commission's reasoning in arriving at the conclusion that a conflict of interest would result from Representative Mitchell's voting on L. D. 1353.

2. That you adopt regulations under Section 1014 (1) (A) defining those criteria which will be applied by the Commission in the future in analyzing potential conflict of interest situations.

That letter was sent by me as Speaker on June 3. As a result of that, the gentlewoman from Vassalboro, Mrs. Mitchell, will not be voting.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, in regard to those of us who serve on hospital boards, is there any apparent conflict of interest for us?

The SPEAKER: The Chair would advise the gentleman from Bangor, Mr. Kelleher, that based on this ruling, the Chair has absolutely no idea. In my opinion, there is no conflict; however, based on what the Commission has purportedly ruled, it is entirely possible that on any issue in which any member of your family has any kind of financial involvement on any issue whatsoever, then you would in fact be in conflict on subsequent votes that members take.

The Chair would point out that it appears from the Commission's ruling that there has to be financial involvement and if as trustees there is no financial reimbursement of any kind, the Chair would assume that they would rule the other way, but the Chair is not in a position to assume anything based on the latest interpretation by the Commission which, in my opinion, is in error.

Mr. KELLEHER: Mr. Speaker, based on the respect that I have for you and this House and the respect that this House has for your interpretation of the rules, you are somewhat uneasy on the flexibility of the rules as they appear today. I understand what you are saying, but I also know that you are cautioned in your remarks on how you presented them; I was listening. Based on that, I think I would respectfully ask to be excused from voting on this issue.

The SPEAKER: The Chair will grant the request of the gentleman from Bangor, Mr. Kelleher.

The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, what would be appropriate as far as I am concerned? My wife is a nurse. It would be of financial benefit, without question.

The SPEAKER: The Chair would advise the gentleman that based on the advisory opinion given by the Commission in the indirect association with the gentlewoman from Vassalboro had, the Chair would have to interpret that to affect the gentleman as well.

Thereupon, Mr. Webster of Farmington requested permission to be excused, which was granted.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, I obviously have more of a conflict than Mr. Kelleher does being part of the administration of a hospital. I did not ask the question, but if my integrity is going to be questioned as far as this is concerned, then what is your ruling for me?

The SPEAKER: The Chair would suggest that the gentlewoman not vote. The Chair will grant the request for her to be excused from voting.

Mr. Conary of Oakland requested permission to be excused, which was granted.

Mr. Smith of Mars Hill requested permission to be excused, which was granted.

Mr. Curtis of Waldoboro requested permission to be excused, which was granted.

Mr. Gauvreau of Lewiston requested permission to be excused, which was granted.

Mrs. Pines of Limestone requested permission to be excused, which was granted.

Mr. Perkins of Brooksville requested permission to be excused, which was granted.

Mrs. Locke of Sebec requested permission to be excused, which was granted.

Mrs. Foster of Ellsworth requested permission to be excused, which was granted.

Mr. Telow of Lewiston requested permission to be excused, which was granted.

Miss LaPlante of Sabattus requested permission to be excused, which was granted.

Mr. Stover of West Bath requested permission to be excused, which was granted.

Mr. Stevenson of Unity requested permission to be excused, which was granted.

Mr. Tuttle of Sanford requested permission

to be excused, which was granted.

Mr. Cox of Brewer requested permission to be excused, which was granted.

Mr. Kiesman of Fryeburg requested permission to be excused, which was granted.

Mr. Jackson of Harrison requested permission to be excused, which was granted.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I want to ask a hypothetical question. Based upon the opinion that was rendered by the Commission, it would appear that any attorney at law serving in the Maine Legislature, because in fact a law, if we in fact enact it, could in fact have a direct or indirect financial benefit to an attorney, it appears that we would be placed in that same situation.

The SPEAKER: The Chair would advise the gentleman, only if the attorney would represent someone as a result of a matter that would come before the legislature.

The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, I would pose a further question. Even though you are willing to grant these to us, is there any legal reason why we cannot vote if we choose to do so?

The SPEAKER: The Chair would answer in the negative, there is no reason why you can't vote. There is no legal basis.

Ms. BENOIT: Reprimanded by the Commission or whatever?

The SPEAKER: The Chair would answer in the affirmative, that is correct.

Mr. McPherson of Eliot requested permission to be excused, which was granted.

Mr. Drinkwater of Belfast requested permission to be excused, which was granted.

The SPEAKER: The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Beaulieu, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Dexter, Diamond, Erwin, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kelly, Ketover, Kilcoyne, Lehoux, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Seavey, Sherburne, Smith, C.B.; Soucy, Stevens, Strout, Swazey, Tammaro, Theriault, Thompson, Vose, Walker.

NAY—Anderson, Bell, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conners, Davis, Day, Dillenback, Greenlaw, Holloway, Lebowitz, Lewis, Livesay, Masterman, McCollister, Murphy, Reeves, J.W.; Roderick, Salsbury, Scarpino, Small, Sproul, Murphy, E.M.; Wentworth, Willey.

ABSENT—Baker, Bonney, Carrier, Dudley, Kane, Lisnik, Mahany, Parent, Soule, Weymouth, Zirkilton, Mr. Speaker.

EXCUSED—Benoit, Conary, Cox, Curtis, Drinkwater, Foster, Gauvreau, Jackson, Kelleher, Kiesman, LaPlante, Locke, McPherson, Mitchell, E.H.; Perkins, Pines, Smith, C.W.; Stevenson, Stover, Telow, Tuttle, Webster.

Yes, 90; No, 27; Absent, 12; Excused, 22.

The SPEAKER: Ninety having voted in the affirmative and twenty-seven in the negative, with twenty-two being excused and twelve absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, having voted on

the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, moves that the House reconsider its action whereby the Bill was passed to be enacted. All those in favor of reconsideration will say yes; those opposed will say nay.

A viva voce vote being taken, the motion did not prevail.

#### (Off Record Remarks)

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Make Voting Places more Accessible to the Elderly and Handicapped (H. P. 728) (L. D. 937) (H. "A" H-320 to C. "A" H-298) which was passed to be enacted in the House on June 6, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-298) as amended by House Amendment "A" (H-320) thereto and Senate Amendment "A" (S-195) in non-concurrence.

In the House: The House voted to recede and concur.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 616)

ORDERED, the House concurring, that Bill, "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983," (H. P. 810) (L. D. 1050), be recalled from engrossing to the Senate.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

On motion of Mr. Carter of Winslow,  
Adjourned until nine o'clock tomorrow morning.