

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Wednesday, April 25, 1984

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

Prayer by Reverend Douglas Morgan Strong, All Souls Unitarian Church, Augusta.

The Journal of Tuesday, April 24, 1984, was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

April 24, 1984

The Honorable Edwin H. Pert
Clerk of the House
111th Legislature
State House
Augusta, Maine 04333
Dear Clerk Pert:

The Senate voted to Adhere to its former action whereby it accepted the Majority Ought to Pass in New Draft Report from the Committee on Taxation on Bill "An Act to Amend the Laws and Change the Method of Funding Forest Fire Control Services. (Emergency) (H. P. 1581) (L. D. 2093)

Sincerely,

S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

April 24, 1984

The Honorable Edwin H. Pert
Clerk of the House
111th Legislature
State House
Augusta, Maine 04333
Dear Clerk Pert:

The Senate voted today to Adhere to its former action whereby it Failed to Enact Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists" (H. P. 1843) (L. D. 2447) (S. "A" S-392)

Sincerely,

S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and ordered placed on file.

(Off Record Remarks)**House at Ease**

The House was called to order by the Speaker.

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

**Passed to Be Enacted
Emergency Measures**

An Act to Replace the Franchise Tax on Financial Institutions. (H. P. 1802) (L. D. 2394) (C. "A" H-733)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Laws Relating to Private Business, Trade and Technical Schools. (H. P. 1770) (L. D. 2337) (S. "A" S-438)

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

Finally Passed

RESOLVE, Establishing a Task Force on Head Injuries. (H. P. 1777) (L. D. 2355) (S. "A" S-439; C. "A" H-635)

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

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

Communications

The following Communication:
State of Maine

ADMINISTRATIVE OFFICE OF THE COURTS
April 18, 1984

Dear Speaker Martin:

It is my honor and personal pleasure to transmit to you and each of the other Representatives of the 111th Legislature a copy of the Eighth Annual Report of the Administrative Office of the Courts, pursuant to the provisions of 4 M.R.S.A. §1710.

Sincerely,

S/ DANA R. BAGGETT

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE

April 24, 1984

Speaker John L. Martin

Speaker of the House

State House, Station 2

Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to provide you with this preliminary assessment of the impact of Fundy tidal power development on the Maine coast. The report was prepared for this Office by the Bigelow Laboratory for Ocean Sciences in Boothbay Harbor, with funding from the federal Office of Ocean and Coastal Resource Management.

In late 1982, the government of Nova Scotia determined that Fundy tidal power is economically feasible, and should be pursued. While detailed planning studies have not yet begun, a number of important events have occurred in the United States. In July of 1983, Senator George Mitchell held a public hearing on the project in Augusta. In December, the New England Governor's Conference and the National Oceanic and Atmospheric Administration (NOAA) conducted a workshop in Boston to discuss the policy implications of the project. Senator Mitchell subsequently introduced S. 1739 to provide funding for detailed studies of the impacts of the project. Finally, the New England Governors' Conference will host a meeting in Rhode Island in May to discuss the Fundy tidal power project and assess its current implications for policymakers.

Should you have any questions on these developments, please let me know. As events evolve, I shall try to keep you informed. Meanwhile, you may direct any technical questions on the report itself to the Bigelow Laboratory.

With best wishes.

Sincerely,

S/ RICHARD E. BARRINGER

Was read and with accompanying report ordered placed on file.

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

The following Communication: (S. P. 921)
OFFICE OF THE GOVERNOR
Augusta, Maine 04333

April 25, 1984

To the Honorable Members of the 111th Maine Legislature:

I am returning without my signature or approval S. P. 170, L. D. 525, An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act.

I do so because my signature on this bill

would expand negotiations into one of the most critical areas of management rights in State government. The enactment of this bill would essentially provide for the unions to share the management of the State's civil service system.

The State already negotiates over wages, hours and working conditions. In fact, the typical collective bargaining contract in State government covers more than fifty articles dealing with more than ninety issues. Passage of this legislation would put more than 1,000 different job classification issues on the bargaining table. This would mean virtually non-stop year-round bargaining in the next round of negotiations. We have neither the staff, the time, nor the money for such a process.

Further, if our classification system were to be the subject of collective bargaining, the pay range for a job could be determined by the power and influence an employee, group of employees, or their union could exert at the bargaining table, rather than by the content of the job itself. In short, pay rates based on job content, the heart of our civil service system, would go out the window.

Passage of this bill would also give the unions the power to delay or stop important personnel decisions by the State. In an organization as large and diverse as State government, management needs the flexibility to make classification decisions as program needs change. This bill would mean that management would have to obtain the unions' approval and consent before needed changes could be accomplished.

When the State Employees Labor Relations Act was initially enacted, the Legislature carefully placed those matters which are "prescribed and controlled by law" outside the scope of collective bargaining between the unions and the State of Maine. The State's classification compensation system is "prescribed and controlled by law" and, hence, not a subject for bilateral negotiations.

After three years of extensive litigation on this point, the Maine Supreme Judicial Court has affirmed that these matters are not negotiable. This legislation seeks to overturn the court's decision. I believe such an action by the Legislature would be unreasonable and irresponsible and would fly in the face of the court's decision.

This administration, and every future administration regardless of party, has the obligation and responsibility to wisely manage State government. While we do and should negotiate over many matters now, we should not give away critical management rights. I strongly believe this legislation represents imprudent and unwise public policy.

I urge you to sustain my veto.

Sincerely,

S/ JOSEPH E. BRENNAN
Governor

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The accompanying Bill, "AN ACT to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act" (S. P. 170) (L. D. 525) (C. "A" S-312)

In Senate April 25, 1984, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

22 voted in favor and 10 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It is very difficult to stand before you and to ask you to vote to override the Governor's veto. However, I serve as Chair of the Labor Committee; the Labor Committee reviewed the issue implied in this legislation very carefully. We put out an 11 to 2 report for you to consider, we have had almost three days of running debate on this issue and each a majority in this body voted to support the legislation as it was brought to you in behalf of my committee. My responsibility today is to represent the committee's work and the report we brought to you to hopefully represent the positions that you have taken in the past, that this bill is, indeed, in order.

I am going to review as quickly as I can for you the issues. I have not been granted an awful lot of time to review every single word in the Governor's message, but I have picked up on some issues that I think need clarification and I hope I can represent the case well to all of you.

This is an important bill to the state employees. The bill, in our opinion, is necessary. The Supreme Court, in the spring of 1982, reversed decisions of the Superior Court and the Maine Labor Relations Board. The lower court and the board had found that negotiations over pay grades were clearly wage issues and therefore negotiable. However, the Supreme Court found that negotiations on these issues conflicted with a statute that was passed in 1977 which required the Commissioner of Personnel to act on reclassification requests within 45 days of the date that they were submitted to him. We feel that the bill we present to you would restore the right to bargain over those issues.

The Hay System, on which all state jobs are graded, does not consider changes in the market for jobs, and I have made the argument to you many times that very often we lose the best possible personnel in the state's system because that, indeed, does occur. We lose our prize personnel to the outside market because they cannot afford to stay in state jobs. Trustingly, if that upgrading in pay can be paid attention to, the bill before you would assist.

It is not possible in Paragraph 3 of the Governor's communication that more than 1000 different job classifications issues could be on the bargaining table. We addressed that because we amended 525, amended it to say that there would have to be two pay ranges out of whack before it could go to the bargaining table, and if we were to give credibility or credibly read the veto as it is stated, there are either an awful lot of people being underpaid in state government or overpaid, so I refute the suggestion that there could be as many as 1000 different jobs that would go to the table.

In Paragraph 4 it suggests that a single employee could go to the bargaining table; that is not so. There is already a mechanism for individuals to ask for reclassification.

Further on in the Governor's message, we could find and could not illicit any kind of history that suggested that the unions have either delayed in the past or intend to delay in the future any important personnel decisions that management would want to make, especially those decisions for the better.

We felt very strongly as a committee that employees should have a say in their pay and the ranges. The representation is vital in doing it in groups through their union and is far more constructive than what goes on in the rest of our private sector areas. May I also state very clearly that wages for all employees or for particular classes of employees have always been subjects of bargaining in both the private and public sector, so why take away that kind of initiative and right of these employees? If that is the case, then we probably should go ahead and take a look at all other private collective

bargaining laws for the rest of our public sector people and take the right away from them too. Why are state employees being promoted as having to be treated differently? That is not the way we feel we should go.

There is an issue of whether we should interfere and reverse a court decision or amend a court decision. We have done that in the past and the very best example I can give to you was on the teacher seniority issue which we dealt with.

I think it is important, if people really have the time or wanted to dig into the issue, to take a look at the Legislative Record on this bill. I believe in the past debate that was cited very clearly to all of you by Representative Rolde who is not here today, and the Legislative Record never intended the classification system to be negotiated is what we are being told. However, the debate over the adoption of the Hay Report clearly shows that the Legislature wanted to get out of the business of deciding what the appropriate pay should be for a particular state job and people. On the Record for future changes in pay for specific jobs that would have to be negotiated were some very knowledgeable people in labor law like Representative Spencer, Representative Tierney and Representative Bustin.

The state itself has sought to go outside of the Hay System twice, so there is no need to say that the legislation before you is out of order. They went outside of the Hay System once through negotiations in the case of engineers and once by legislation in the case of actuaries.

I feel that the committee, those who voted for this bill to bring it before you so that it could be justly voted upon as to how you felt on these issues, did a comprehensive, thorough job in reviewing this whole issue.

I contend that state employees or any employees anywhere should not have to be subjected to the ideology that the only raise, the only look at the nature of the job they do, will ever be compensated by an across the board pay raise. I think there is room and justification without any distress to management that they should take a good look and try to retain the best possible talent in state government by looking at their jobs occasionally within a good structure so it won't distress the collective bargaining process or extend it any further.

I believe I have presented to you or tried to present to you all of the issues that our committee looked at in bringing this L. D. 525 to you for consideration. We still feel strongly that the bill is in order and with all due respect to my Governor, I ask you to override today.

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in a little bit of a strange position today too, just as Representative Beaulieu is, in that I do ask you to sustain the Governor's veto. I am one of those horrible Republicans that the good gentleman from Portland referred to yesterday, so that puts me in a rather strange position.

Generally, everything that Representative Beaulieu has said is true. This is an important issue, it involves a fantastic amount of people and I think a fantastic amount of money. This Hay System is in effect the civil service to the State of Maine. Civil Service of the United States is not negotiated in this manner.

One thing that I do take considerable exemption to, she has said that not all of these things will be negotiated nor all the 10,000 people will be involved, I think that is wrong. There are in excess of 1000 different categories and I don't know that I know very many people who don't think they are entitled to more pay than they are getting and I would suppose that extends to the state employees as well.

If, for instance, somebody in Range 6 or a group of people in Range 6 go the route and are decided to be in Range 9. What on earth do you suppose happens to those people in Ranges 7

and 8? Are they going to be content to stay there and in effect have those behind them raised beyond that point? No, I don't think that is true at all, of course they are going to want an increase. I think the biggest problem with the whole thing is, just as the Governor said in his message, that it takes control away from the state altogether. It is in effect an abrogation of their authority and their rights and their duties that they are elected to do.

If I could take just a moment and read to you the last two paragraphs that the Clerk did not have time to read—when the State Employees Labor Relations Act was initially enacted, the Legislature carefully placed those matters, which are prescribed and controlled by law, outside the scope of collective bargaining between the unions and the State of Maine. The state's classification compensation system is prescribed and controlled by law and hence not a subject for bilateral negotiations. After three years of extensive litigation on this point, the Maine Supreme Court has affirmed that these matters are not negotiable. This legislation seeks to overturn the court's decision. I believe such an action by the Legislature would be unreasonable and irresponsible and would fly in the face of the court's decision.

We debated this thing, as Representative Beaulieu said, for days before. I think we had two or three votes on it. One thing I want to bring to your attention is that this is one of the few, in fact the only bipartisan report that came out of the Labor Committee this year and I would ask the Clerk to read the Committee Report, the signatures is on it, if you will please.

Whereupon, the Committee Report was read by the Clerk.

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Thank you very much. I wanted that report read simply to indicate to you that the decision within the committee was bipartisan and it seems to me the vote here before indicated the issue had bipartisan feelings all across the House. I guess it is a matter of your conscience how you feel about this thing regardless of any party pressure or pressure along those lines because it shouldn't lend itself to that at all.

I do ask you in sincerity and the welfare of the State of Maine to sustain the Governor's veto.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In the number of years that I have served here I probably have spoken for hundreds of labor issues, and you can count on your right hand the number of issues that I have spoken against on labor.

The bill that is before us today, in my opinion, is not a good bill. It far outdoes, as I view it to be, the collective bargaining process to a point where it puts the state as the employer at a disadvantage in dealing with its employees. I think this Legislature and past Legislatures have attempted to be fair, consistently fair, dealing with its own employees, but for us to accept this bill today, in my opinion, is beyond good judgment.

It isn't easy to oppose a position that I consistently have taken in the past in view of being spokesman on this floor for employees of the state but I think this is a bad bill. It goes beyond the realm of negotiations as I see it.

Mr. Willey has gone into the workings of the bill and he is a man that I have a great deal of respect for, often differ with him but I have a great deal of respect for him. If you can get a man of Mr. Willey's persuasion standing up on an issue and someone like myself who is oftentimes on the other side of it, I think collectively there has got to be sound thinking on what the issue is all about.

This House, I would hope, would uphold the Governor's position and veto this bill.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the Maine House: I feel compelled due to the debate this afternoon to rise and explain why I signed the original "Ought to Pass" Report and also voted in support of the bill. I still do support the bill and I am urging you today to override the Governor's veto. I am not at all comfortable in that position since I have a great deal of respect for the Governor and also for the people in his administration charged with administering the state's personnel laws.

I rise today on my convictions that this particular bill we have before us is a good bill; in fact, it is a very important bill for the people who work for the state government.

We have heard discussion today that the Maine Law Court has ruled that reclassification requests are not a proper subject for collective bargaining and that is, in my view, a misreading of the decision by the law court in State versus Maine State Employees Association decision. What the law court said was that viewing the legislative intent when our State Employees Act was adopted, they couldn't square the intent of that bill with the existing personnel law to allow or to require reclassification negotiations. They did so because the personnel law we have in Maine operates under a very strict and rigid time table under which requests for reclassification could be processed. The law court was really indicating that we, the Legislature, want to have reclassification decisions negotiated, that we should so specify by statute; we are doing so today.

I will quote for you in the law court's decision and it states: "We do not reach the merits of the state's claim that reclassification and reallocation do not constitute a mandatory subject of collective bargaining." In other words, the law court simply said if you folks want it, put it specifically in statute. We have done that in L. D. 525.

We have also heard concern, and I respect the people who raised the issue, but concern perhaps that the union will come in with frivolous or excessive reclassification requests to tie the state's hands, but as I pointed out in earlier debate on this bill, in order for the union to come in and legitimately request reclassifications, the union is going to have to spend a good deal of time and resources in doing the required research for each and every reclassification request which is being made. They can't take their job lightly; if they do, their request will be dismissed out of hand.

I would also point out in closing that we did have as required subjects of negotiations these particular reclassification requests in the past and the state had no adverse experience from that, so what we are simply doing is asking to maintain a practice which we had in the past in the state. For these reasons, I would urge you this afternoon to vote to override my Governor's veto on this bill.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I want to very briefly remind you that reclassification is a mandatory subject of bargaining by all companies and employers in the private sector. As I understand it, all major corporations under the National Labor Relations Act are required to bargain over this matter, and it seems to me only appropriate that we, as a government entity, should play by the same rules that those in the private sector have to play by.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind the good gentleman from Augusta that in the private sector management is not dealing with taxpayers' dollars.

The SPEAKER: The Chair recognizes the gen-

tlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I feel an obligation to respond to Representative Masterton's last comment. The state and the Legislature have the ultimate control over any cost. The state is not required to agree to anything and the Legislature must ratify all cost items.

After reconsideration, the House proceeded to vote on the question "Shall this Bill become a law notwithstanding the objections of the Governor?"

A roll call was taken.

ROLL CALL NO. 497V

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brodeur, Brown, A.K.; Cahill, Carroll, D.P.; Chonko, Clark, Conary, Connors, Cooper, Cox, Crouse, Daggett, Dexter, Diamond, Erwin, Foster, Gauvreau, Greenlaw, Handy, Hickey, Higgins, H.C.; Hobbins, Holloway, Jackson, Ketover, LaPlante, Lebowitz, Locke, Macomber, Mahany, Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McHenry, McPherson, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Paradis, E.J.; Paradis, P.E.; Perry, Randall, Reeves, J.W.; Robinson, Roderick, Rondoni, Scarpino, Seavey, Smith, C.B.; Sproul, Strout, Tammaro, Tuttle, Webster, Weymouth, Zirkilton.

NAY—Anderson, Bonney, Brannigan, Brown, D.N.; Callahan, Carroll, G.A.; Carter, Cashman, Connolly, Cote, Crowley, Davis, Day, Dillenback, Drinkwater, Hayden, Higgins, L.M.; Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, Lehoux, Lisnik, Livesay, MacBride, MacEachern, Manning, Martin, A.C.; Martin, H.C.; Masterton, McCollister, McGowan, McSweeney, Nadeau, Norton, Parent, Perkins, Pines, Pouliot, Racine, Richard, Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Stevens, Stevenson, Stover, Telow, Theriault, Thompson, Vose, Walker, Wentworth, Willey, The Speaker.

ABSENT—Armstrong, Carrier, Curtis, Dudley, Gwadosky, Hall, Nelson, Paul, Reeves, P., Rolde, Soucy, Soule, Swazey.

74 voted in favor of the same and 64 against, and accordingly the veto was sustained.

(Off Record Remarks)

House at Ease

Called to order by the Speaker.

By unanimous consent, the Chair laid before the House the sixth item of Unfinished Business:

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,735,000 to Plan, Construct and Equip Pollution Abatement Facilities and to Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites. (Bond Issue) (H. P. 1772) (L. D. 2340) (C. "A" H-700)

Tabled—April 13, 1984 (Under Suspension of the Rules) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Representative Carter of Winslow, the House reconsidered its action where the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "B" (H-739) to Committee Amendment "A" (H-700) and moved its adoption.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is, it changes the effective date of \$12.5 million for pollution abatement to July 1, 1986, and it could be moved up by two-thirds vote of

each branch of the Legislature.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

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.

By unanimous consent, the Chair laid before the House the tenth item of Unfinished Business:

An Act to Amend the Law Related to Tax Increment Financing. (H. P. 1039) (L. D. 1364) (C. "A" H-643)

—In House, Passed to be Enacted on April 6, 1984.

—In Senate, Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

Tabled—April 24, 1984 (Till Later Today) by Representative Murray of Bangor.

Pending—Further Consideration.

Thereupon, the House voted to adhere.

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

An Act to Authorize a Bond Issue in the Amount of \$1,500,000 for the Elimination of Asbestos Hazards in Public School Buildings. (Bond Issue) (S. P. 582) (L. D. 1690) (C. "A" S-413)

Tabled—April 13, 1984 (Under Suspension of the Rules) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

Whereupon, Representative Baker of Portland requested a roll call vote.

A roll call has been requested.

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

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this bill is to assist and to reimburse schools in the removal of asbestos in schools. This is a little bit different than most bond issues that come before you. First of all, this bond issue did not come in the Governor's package. This bond issue request was filed last session, it was held in abeyance, and was only brought to public hearing in this part of the session. This is a health and safety issue.

We as a state have helped to build schools all over the state and therefore there is a moral and legal responsibility to assist in the cleaning up of the hazards in those buildings.

Any amount of asbestos present is great cause for concern in any building. That is why we feel that it is vital that this bill passes.

Some of our schools have gone ahead and they have taken the time and the energy and they have expended monies to take care of their asbestos problems. Some of those schools have used monies that might well have been in other programs, because we have a lot of school systems in our state that can't go above their leeway so they have had to find money through other resources.

It has been said that maybe this kind of money should come out of the Educational Financing Act or that it should be funded by the General Fund. We don't have a million and a half dollars to do that and to find the money in a fast manner. I contend that it is vitally important that this summer this kind of work should be done, and the only way to get those dollars is through the bonding procedure.

There are school systems in the state that are going to be facing the need to do the kind of work for over \$200,000. We have made very

sure through the Department of Education that the larger communities with large school systems will not drain the fund, that their will be caps put in so that the small school systems will receive some of this money as well as the large school systems.

I think it is vital for you to remember, and I repeat, that unlike most bond issues, this one involves a health and safety issue; it is not the building of a new building. It concerns an issue that you have all read about in the publication that was put on all your desks not too long ago that explained very carefully that we are under federal mandate to do this kind of work. About 75 percent of our schools are impacted with an asbestosis problem, some of them are minimal, some of them are very serious or need extensive repair work.

I really feel and I implore you to please vote for this issue. I think it is one of the unique kinds of bond issues that have come to you before. It involves a health and safety issue concerning our most defenseless citizens, and that is mainly the elementary and secondary school children of our state, and I ask you to rethink your positions and pass this bill.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: I want to explain why I think it is extremely important that this issue pass tonight.

There are approximately 756 public school buildings in the state housing about 250,000 of your children, grandchildren and so forth. When the federal government required the state schools throughout the United States to investigate where and if they have asbestos exposed in the schools, it was found that approximately one-half of the school buildings in this state do have asbestos around their pipes and so forth close to where children are housed and where they are taught or where they are playing. The health danger is obvious; I think no one disputes that.

Four hundred and forty-four school buildings in this state have asbestos near where children are playing. That affects probably 125,000 children, grandchildren, your children and so forth. The federal government did not pay for the removal, it merely mandated that the schools identify if they have asbestos in the schools. The next step, however, which is coming forth in a very few months, is that the federal government will be mandating that this asbestos be removed, a very logical step, but we have not seen the money come with it; therefore, where does the money have to come from to pay for the removal? Our decision here tonight is to say, does the state pay for that in a bond issue, sending it to every school system that is affected? Or do we in fact defeat this motion and expect that the local school systems in the state will fund the removal?

I think no one here disagrees with the fact that local school systems, elementary and secondary schools, are very hard pressed to provide the students with the type of education that they need. I don't think anyone here would expect that we would endorse requiring that these funds come from the local school system where, indeed, some other project, some teacher, some program for children would have to be cut out in order to meet the federal mandate of removing the asbestos.

It is a very fair and logical expectation to say that the state will pay for this removal through a bond issue. Also, if we do not pass the bond issue as a funding source, one half of all of your school systems will not benefit from a state subsidy. They will not be paid back in two years because of the way the state's subsidy formula is set. Exactly one half of all of the people here will not be able to have their school systems funded from the state subsidy and that is because of problems within the state formula. Any school that spends above leeway gets none

of that reimbursed by the state.

I think that it is very crucial that we look at this as a health issue, which indeed it is. The federal government is going to come back in a few months and mandate the removal and the issue is, do you want your local school system to find some more money from a very, very tight budget already or do you want to have the cost of this shared by the entire state through a bond issue? I remind you that one half of the people here will find no reimbursement from the state if we do not pass this bond issue.

I urge you to vote in favor of the bond issue.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: A few moments ago we were asked to support an amendment on a \$15 million bond issue that has an effect on a great many citizens in this state but more locally it has an effect on a certain group of citizens represented by a certain number of members of this House and in the other body, and I think we should adhere to the fact that that dangerous situation in the hazardous waste bill must be addressed this evening. But in the same light, we have a bond issue here that deals with children in all our communities, not isolated communities in the state like the other bond issue that was dealt with, but children that are in each of our own respective districts in the state and there have been a number of school districts identified with the fact that they must be corrected dealing with the asbestos problem.

I ask this House to support this bond issue tonight. There has been very little in the budget that directly affects each of you in your respective legislative districts but here is an issue that every one of us, you and I on both sides of the aisle, can absolutely say we did something for, not for ourselves but for the children in our own communities. I am amazed and would be amazed if there is not sufficient votes from both parties in this House to pass this issue.

The children are not just in Democratic areas but they are in the Republican areas as well. There is no one, I believe, going to get up on the floor, and if they can I so ask them to do it, to deny the fact that there is a problem not just in Ed Kelleher's district in Bangor but in every other district in this state. I would want to be the last one in this House to go back home and say I voted against an asbestos bond issue that would improve the health and living conditions of the children in this state that are going to school.

I ask this House to put aside its other differences and support this bond issue here tonight, not for our own political reasons but for the school children that live in the State of Maine.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this evening and I don't have to tell some of you that my back does not make it very pleasant to be here but I am here, and I am here because we have issues before us that I think are very important to the people of the State of Maine. As you have heard the gentlewoman from Portland, Representative Beaulieu, the gentlelady from South Portland, Ms. Thompson and the Representative from Bangor, Representative Kelleher, speak about the children and the grandchildren, I am concerned about my own grandchildren. My children went through the system and I am not sure at this state of the game whether they were exposed or not, but the thing that bothers me and it has bothered me all this session, I haven't heard yet an issue debated. We are not debating issues in this session, I haven't heard one good issue debated.

Why shouldn't we pass this bill? I would like to know. What has anybody got against this bill? I can't understand what we are doing. Are we not supposed to be concerned about the welfare of the people of the State of Maine?

We passed a budget bill and there was not a debate on anything in that bill, nothing. Ladies and gentlemen of this House, I would like for once to know why we in this session are not debating the issues, just what is it that we are opposed to? I would like to know. Any member from either side should be able to answer and more than likely it should be from the minority party.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to explain why I am going to oppose this measure because it frustrates me to no end in the final hour of spending a lot of money during this session that it has been implied that I don't care about children. Now, I would like to find any legislator here who is any more concerned about children. I have a one year old child of my own and I am concerned about children.

I would submit to you today and I hope the people in Maine realize what this Legislature is doing to you. Let me tell you that this Legislature is about to pass, if we haven't already passed, an appropriation of \$1.1 million on An Act to Promote Family Unity. Now there is an issue, a new issue, an issue that no one is crying out for but the people here tonight are crying about the poor children who are going to get hurt from asbestosis.

My argument here tonight is that the federal government mandated that we had to pay this bill, so what are we doing? We are borrowing more money. We are not paying the bills out of the budget that we have, we are using that money to promote new programs, things that nobody, nobody in my district, far from the majority wants.

I would suggest that this Legislature should look at its priorities before you borrow money to pay for bills that you know are owed, perhaps we ought to pay for the bills that we have. Perhaps we should protect the children in the schools instead of creating these new programs.

I am willing to vote against this, I am willing to go home and tell my people why and I am going to vote against probably every bond issue here tonight because I have priorities. I believe in June, when the Education issues come up, that I want to spend bonding money on that, so I am going to vote against it. I am going to hang my pride, I am going to go home and tell the people—I am going to say the Legislature, sure, we were in session; sure, we raised taxes again. What did we do with the money? Well, we had some more new ideas, some new innovative ideas, we drove a few more jobs out of this state by raising the minimum wage, we did all kinds of wonderful things but we can't find any money to take care of asbestos because we need it for other things. Well, it is an issue for me, I will tell you right now, because my priorities are that you pay the bills. I don't go out and buy a new car when I can't make my mortgage payment. I don't go out and buy anything unless I have the money to pay for it.

I suggest that before we borrow money for asbestos, before we borrow money for any other innovative idea, that we all look about paying our bills and this is a bill that we should have paid out of current expenses. This \$1.5 million, when you add interest to it, it is going to be a lot of money, and I would suggest that the reason I am voting against this and the reason that a lot of us are voting against this is because it should have been paid for before. The Governor, the Appropriations Committee and whoever knew that this was an issue that had to be funded, the federal government told us and we should have paid for it out of the money we had.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I know that the gentleman from Waterville knows the answer to

his question but I will do my best to fill him in a little further.

In November of 1983, \$50 million in bonds went out to the voters. The \$22 million grab bag issue was rejected, leaving a total of \$37 million authorized in 1983.

If the Legislature wants to stick to our 90 percent rule established as a matter of policy over the last few years, we would have only \$22 million to bond for the next biennium.

Now this is of concern to a great many of us. We do appreciate the importance of all of these issues represented by all of these bonds and we are torn, just as you are, and we are trying to set our priorities but the problem is the June Special Session and what is going to face us at that time. It may be \$30 million more in bonds, it might be even more than that, but whatever, we will well exceed the \$22 million that we could bond and stay within the 90 percent rule. Now this is the bullet that all of us are going to have to bite. Certainly the way in which we retire our debts is one very important factor that the bond rating houses look at when they are rating the State of Maine.

There are many other factors and if you call Standard & Poor or Moody's and lay it on the line with them and say, if we issue this total amount of bonds which exceeds the amount being retired by 100 percent or 150 percent or 180 percent, what is going to happen to our bond rating? We are not ever going to get an answer. They will never get anything in writing, no guarantees.

We do have to play this problem very carefully in order to be prudent, which I think our taxpayers want us to be. So getting back to the answer which I think the good Representative already knows, we, many of us here in this House, both sides I think, want to put off the decisions of this great array of bond issues until we know for sure what we are going to have before us in June on the educational bonds—that is it pure and simple.

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

MR. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In my community, we always rib our neighboring community, we don't call it Waterville, we call it West Winslow. It used to be part of Winslow, incidentally, but we call it West Winslow.

In any case, I seem to be getting the message that we are dealing with two things: one, we are dealing on supposition; and two, we are dealing with some sort of 90 percent rule that was supposedly adopted in 1975 when we lost our Triple A rating. It has been my understanding since I served here in this August body that no legislature can bind any future session.

I am concerned with what is before us now, not what may come down the pike, may not come down the pike. I have threatened several times to break the word "assume" and I guess I am going to do it. You can break it down into the three words. You can make an ass out of you and me by assuming. I never use that word, I try to be very consistent—

THE SPEAKER: The Chair would ask the gentleman to refrain from the use of the language.

MR. CARTER: Yes, Mr. Speaker, I am sorry, I apologize to the House.

I still abhor the word "assume" just as much as I abhor "supposition." Let us deal with the issues before us, not what may come down the pike.

Let's talk about the 90 percent rule and the bond houses. This is the first time, incidentally, that I have heard on the floor of this House that the bond houses are concerned with the 90 percent rule. This is news to me. The information that I am receiving is that the bond houses are concerned with the state of the economy within the particular state. They are concerned with the dwindling unappropriated surplus within the state and they are concerned with the size of the contingent liability placed on the state by such organizations as we

used to have such as MGA, now known as FAME. This is really what they are concerned with, not the 90 percent rule, which is arbitrary and capricious and groundless.

Let's pursue the 90 percent rule. What does it really mean, if anything? Let's do a little comparison, let's go back to 1975 when the 90 percent rule was supposedly agreed to or was agreed to. The general budget at that time was \$332,902,000 compared to the 1982 budget of \$638,600,000. Now let's consider the bond issues, total bond issues, in this case non-highway, issued at the time. In 1975, total bond issue amount was \$179.7 million; in 1982, \$161.2 million. Now let's break this down as a percentage of the General Fund bonds against the General Fund expenditures. In 1975, that amounted to 53.7 percent; in 1982, that figure has dropped down to 25.2 percent. You could say that the 90 percent rule was effective if that really is what the bond issues are considering, but 90 percent from 170 to 161 at 10 percent a year doesn't add up in my book.

Let's go into the highway bonds. In 1975, highway bonds issued, \$70.1 million; in 1982, \$67.7 million, and let's throw in the authorized bond issues but not issued so we can be fair about this comparison. In 1975, \$60 million authorized but not issued; in 1982, \$117.8 million authorized but not issued. Now let's add them all up and compare the percentages. In 1975, we had a total \$309.8 million against the General Fund expenditure of \$332.9 million and we come up with a ratio of 93 percent in 1975, 93 percent, and that was when the 90 percent rule was put on the books. You look at the figures and say, gee, it was time that we acted—we did. Here we are in 1982, add up the same issues to be fair in our comparison and we come out with a total of \$346.7 million. Divide that into the General Fund and that is 54.3 percent—tremendous, tremendous gain. I am sure the bond houses are really pleased with this, very much pleased with it.

Let's talk about the other requirement of the bond houses. The second requirement was a dwindling unappropriated surplus. In 1978, the unappropriated surplus was \$35.2 million; in 1983, the unappropriated surplus is \$2.1. This is what the bond houses are concerned about, not the 90 percent rule.

We have just experienced almost a shortfall, we corrected it in the last fiscal year. We did some fancy footwork, we ended up the year with a \$2.1 million balance. This is what the bond houses are concerned with. Had I been able to attend the pie cutting contest, I think some of the pieces might have been different than what they are; as least I would have had my say but I can't fault that because I wasn't here and it was up to me to be here. But there is absolutely nothing wrong with us passing the bond issues that we have before us here today on their merits, not some smokescreen about 90 percent. That means nothing, absolutely nothing.

We have gone further than what the bond houses really require, we have taken every bond issue that came before the committee and we have cut the length of term of those bond issues and the end result is that we are going to save, assuming that we pass every one of them, the taxpayers \$25 million. Now this is being fiscally responsible along with dealing with the issues at hand, not what may come down the pike maybe in June, maybe in September, this is what we should be concerned with and the issue here before us is our children and our grandchildren, so let's vote properly.

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a vote was taken.

ROLL CALL NO. 498

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman,

Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Richard, Rotondi, Smith, C.B.; Stevens, Tammara, Theriault, Thompson, Tuttle, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Callahan, Conary, Connors, Cooper, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelleher, Kiezman, Lebowitz, MacBride, Masterman, Master-ton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkil-ton.

ABSENT—Armstrong, Cahill, Carrier, Curtis, Gwadosky, Hall, Jalbert, Joseph, Kane, Livesay, Nelson, Paul, Reeves, P.; Rolde, Soucy, Soule, Strout, Swazey, Vose.

73 having voted in the affirmative and 59 in the negative, with 19 being absent, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the second matter of Unfinished Business:

An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Design, Construction and Furnishing of Court Facilities. (Bond Issue) (S. P. 821) (L. D. 2201) (C. "A" S-400)

Tabled—April 13, 1984 (Under Suspension of the Rules) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. Baker of Portland requested a roll call.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a vote was taken.

ROLL CALL NO. 499

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, Locke, Macomber, Mahany, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Perry, Pouliot, Richard, Ridley, Stevens, Tammara, Theriault, Tuttle, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Callahan, Conary, Connors, Cooper, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Kiezman, Lebowitz, MacBride, MacEachern, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McHenry, McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Racine, Randall, Reeves, J.W.; Roberts, Robinson, Roderick, Rotondi, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Telow, Thompson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkil-ton.

ABSENT—Armstrong, Cahill, Carrier, Cur-

tis, Gwadosky, Hall, Jalbert, Kane, LaPlante, Livesay, Nelson, Paul, Reeves, P.; Rolde, Salsbury, Soucy, Soule, Strout, Swazey, Vose.

66 having voted in the affirmative and 65 in the negative, with 20 being absent, the motion did not prevail.

Sent to the Senate.

The Chair laid before the House the third matter of Unfinished Business:

An Act to Authorize a General Fund Bond Issue in the Amount of \$4,950,000 for Energy Conservation, Capital Improvements, Construction, Renovations, Equipment and Furnishings for Various State Departments. (Bond Issue) (S. P. 838) (L. D. 2267) (C. "A" S-399)

Tabled—April 13, 1984 (Under Suspension of the Rules) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. Baker of Portland requested a roll call.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a vote was taken.

ROLL CALL NO. 500

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, Macomber, Mahany, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Perry, Pouliot, Racine, Roberts, Smith, C.B.; Stevens, Tammaro, Theriault, Tuttle, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Callahan, Carroll, G.A.; Conary, Connors, Cooper, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Kiesman, Lebowitz, MacBride, MacEachern, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Richard, Ridley, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Theriault, Thompson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Cahill, Carrier, Curtis, Gwadosky, Hall, Jalbert, Kane, Livesay, McGowan, McPherson, Nelson, Paradis, P.E.; Paul, Reeves, P.; Rolde, Soucy, Soule, Strout, Swazey, Vose.

66 having voted in the affirmative and 64 in the negative, with 21 being absent, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the fourth matter of Unfinished Business:

An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for the Design, Construction and Equipping of a Crime Lab and Morgue. (Bond Issue) (H. P. 1726) (L. D. 2279) (C. "A" H-698)

Tabled—April 13, 1984 (Under Suspension of the Rules) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. Baker of Portland requested a roll call.

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

In accordance with the provisions of Section

14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a vote was taken.

ROLL CALL NO. 501

YEA—Andrews, Baker, Bost, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Connolly, Cox, Crouse, Crowley, Handy, Hayden, Hickey, Higgins, H.C.; Joseph, Joyce, Kelleher, Kelly, Ketover, LaPlante, Lisnik, Locke, Macomber, Manning, Matthews, Z.E.; McGowan, McSweeney, Melendy, Michael, Mills, Murray, Nadeau, Norton, Paradis, P.E.; Roberts, Smith, C.B.; Tuttle.

NAY—Ainsworth, Allen, Anderson, Beaulieu, Bell, Benoit, Bonney, Bott, Brown, A.K.; Brown, D.N.; Callahan, Carroll, G.A.; Clark, Conary, Connors, Cooper, Cote, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Kiesman, Kilcoyne, Lebowitz, Lehoux, MacBride, MacEachern, Mahany, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McColister, McHenry, McPherson, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Tammaro, Telow, Theriault, Thompson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

ABSENT—Armstrong, Cahill, Carrier, Curtis, Gwadosky, Hall, Jalbert, Kane, Livesay, Nelson, Paul, Reeves, P.; Rolde, Soucy, Soule, Strout, Swazey, Vose.

40 having voted in the affirmative and 93 in the negative, with 18 being absent, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the fifth matter of Unfinished Business:

An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for Restoration and Preservation of Historic Structures. (Bond Issue) (H. P. 1727) (L. D. 2280) (C. "A" H-699)

Tabled—April 13, 1984 (Under Suspension of the Rules) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. Baker of Portland requested a roll call.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I further request to speak a little bit about it since I am a cosponsor. As insufferable as it may be, my speaking here before you at twenty minutes of eight, I would like you to keep in mind that it may be the last time I address you, because after all in another month I could be a dead duck; that is different than being a lame duck.

A quick point I want to make on this particular issue because it seems relatively unimportant on the surface—after all, what are a few historic sites? But I want you to take a look at the ceiling up there and look at the condition that it is in. You will find that particular condition existing in a lot of historical sites throughout the state. The importance of maintaining these historic sites, not simply maintaining them in and of itself but the importance is related to the thing that we all talk about, the great buzz word here, the issue is economic development, because we depend heavily on tourism and there is no sense promoting tourism if you have tourists coming here and there is nothing for them to see while they are here. These non-profit agencies cannot raise the money on their own. All of these sites are open to the public under public ownership via public access, in addition to which there would be

matching money available if this bond issue went through.

Lastly, the final decision rests in the hands of the voters—the final decision rests in the hands of the voters. I will be very frank about it, this issue failed once before when it was included in a package and now it is going to stand on its own, let the voters make the decision if they wish to spend the money, it is that simple.

You can call the troops back in, I think we are ready to vote.

The SPEAKER: The gentleman from Portland, Mr. Baker, requested the yeas and nays.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will tell you right now Representative Baker, I am a little angry with the men and women that walked out of this House tonight. I don't think doing the public's business in here is a joke anytime, and when this issue was down before the Appropriations Committee, I thought I was talking to the Republican City Committee in Bangor, the women that were there on this particular issue.

I am not gun-ho on this issue at all in terms of the enthusiasm that this man has for it, but he is one of these fellows that happens to come to the legislature every so often that has a lot of principle and some of them that rushed out of here tonight, Mr. Baker, I am really surprised at the levity they thought this evening was in terms of entertainment. This issue is just as serious to some people in this state as the issue was dealing with school children just a few minutes ago to some of the rest of us.

The other party at the moment is playing a game that is as dangerous politically to themselves as it is to the public health of the people of this state, their inability, their constant and consistent inability to want to deal with issues that come before this body and they mask themselves in a variety of arguments that really don't hold much water because there aren't many of them speaking here tonight. They will laugh their way out of this building and they talk about accountability—there is no accountability with them or what they are doing here in regards to not just this issue but the other major issues that are before us tonight.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kelleher, I am on my feet now and if you leave, I won't be a bit insulted. I think you ought to relax. Since I have been here, and I came in with Mr. Baker in the same class six years ago, I have come to respect him as much as Mr. Kelleher has and I think that Mr. Baker respects me as much as I respect him even though we represent very clearly differing viewpoints.

Mr. Kelleher, I don't think a single person that left this Hall left because he or she disagreed with Mr. Baker, left because she or he disagreed with the issue. It is late, it is hopefully the last day of the session and there is nothing wrong sometimes with a little levity. It wasn't directed at Mr. Baker, it wasn't directed at the issue. I feel very badly that Mr. Kelleher thinks that the party I belonged to got up and left Mr. Baker standing on his feet in ridicule because that certainly is not what happened in my eyes. I think I can view what happens in this House as well as anybody else can and I think it is really sad that we can't take a moment now and then for a little bit of levity. Both Mr. Baker and the issue are very reputable subjects in this House.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have the highest regard for every member in this hall and outside of it and that includes the honorable gentleman from Livermore Falls, Mr. Brown.

Now you directed your arguments back in a

very honorable way but you only addressed part of the argument that I presented on the floor a few moments ago, not only on the issue that Mr. Baker was addressing himself to but all the other issues that have a great deal of substance that has a great deal of meaning to the people of this state. You and your party have no intentions of addressing those issues here tonight, consistently down in the Appropriations Committee one excuse after another by your party members for whatever reason to delay or partake in those issues. Some of you are arguing that you are going to deal with them in June and I am sure when June comes, you will find some other lame argument to delay them again.

Now there are some major, major issues here that should be addressed. You talk about accountability in dollars. If we don't do something about the state prisons, we are going to be faced through the courts of dealing with somewhere around \$60 million to deal with that issue down here. The Governor of this state and a lot of us are trying to address those issues tonight and, Mr. Brown, I really do have a great deal of respect for you, you are ducking the issue.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I never duck an issue, especially when it is directed from the gentleman from Bangor, Mr. Kelleher, who obviously I respect. Let's not turn something that is supposed to be serious into a facade, let's not sling around innuendoes like you don't care about children, you don't care about the problems facing the state.

Mr. Kelleher, I care about the condition of the court facilities in this state, I care about construction renovations to the various state departments, I care about the asbestos problem, I even care about the crime lab and morgue to some degree, I suppose, and certainly the preservation of historic structures because, as the gentleman from Portland pointed out, if we don't do something about our own ceiling, we may not even have a Speaker before too long. I certainly care about the construction and renovation of the correctional facilities. Very simply, and I think all of us agree that when we run for office, we talk about the issues, we talk about who is going to fund the issues, we talk about where the money is going to come from, and I think that each one of you says the same thing that I say when I am campaigning for election, and this is, we have to establish priorities. I would doubt that a single member of this body hasn't said that at some point in an election or reelection campaign.

I care about a lot of things, I care just about every issue that goes through here but the bottom line is, your children, my children, their children's children may not be able to afford some of these things that we all care about at this point or if we care about them enough, we will be honest about it and fund them right up front like the gentleman from Farmington suggested earlier. But what we are doing or what the gentleman from Bangor is suggesting is that we are irresponsible if we don't pass along huge debts to our children and our children's children. So I am suggesting to you that if we really care about the kids, which is what you said earlier in a meaningless argument, I believe, you will care about the future generations of the state and you will care about passing along debts to them that perhaps they are going to be strapped with for a long, long time to come. It is not whether or not we care; it simply is a matter of prioritization, something that we all talk about.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I had no idea that I would become the subject of the recent debate. All I really care to say is, don't worry about my feel-

ings. I have been up here quite a bit, I have learned to roll with the punches, so don't worry about my feelings. I am not offended by anything that goes on around here anymore.

A roll call has been requested.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a vote was taken.

ROLL CALL NO. 502

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Richard, Ridley, Roberts, Stevens, Tammara, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Callahan, Conary, Conners, Cooper, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Kiesman, Lebowitz, MacBride, MacEachern, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McPherson, Michaud, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Robinson, Roderick, Rotondi, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Thompson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Cahill, Carrier, Curtis, Dillenback, Gwadosky, Hall, Jalbert, Kane, Livesay, Matthews, Z.E.; Nelson, Paul, Reeves, P.; Rolde, Salsbury, Soucy, Soule, Swazey, Vose.

72 having voted in the affirmative and 59 in the negative, with 20 being absent, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the seventh matter of Unfinished Business:

An Act to Reallocate Unsold Bonds as Previously Authorized by Private and Special Law of 1971, Chapter 140, for the Development and Improvement of State Park Facilities. (Bond Issue) (S. P. 814) (L. D. 2191) (C. "A" S-402)

Tabled—April 13, 1984 (Under Suspension of the Rules) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. Baker of Portland requested a roll call.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a vote was taken.

ROLL CALL NO. 503

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, Macomber, Mahany, Manning, Matthews, Z.E.; Mayo, McGowan, McSweeney, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Norton, Paradis, P.E.; Pouliot, Racine, Richard, Ridley, Rotondi, Stevens, Tammara, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Benoit, Bonney, Bott, Brown, A.K.; Brown, D.N.; Callahan, Conary, Conners, Cooper, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, MacBride, MacEachern, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McColister, McHenry, McPherson, Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Perry, Pines, Randall, Reeves, J.W.; Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Thompson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Cahill, Carrier, Curtis, Dillenback, Dudley, Gwadosky, Hall, Jalbert, Kane, Livesay, Nelson, Paul, Reeves, P.; Rolde, Soucy, Soule, Swazey.

67 having voted in the affirmative and 66 in the negative, with 18 being absent, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the eighth matter of Unfinished Business.

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,035,000 for Construction and Renovation of Correctional Facilities. (Bond Issue) (S. P. 827) (L. D. 2213) (C. "A" S-401)

Tabled—April 13, 1984 (Under Suspension of the Rules) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor of this bond issue, I feel compelled to rise tonight. I am not naive, I can see the handwriting on the wall, I don't want to delay this debate any longer than possible but I ask you, I plead with you to think about this problem. This problem affects no one more than it affects my communities. The state prison, as I have told you before, is less than a mile from my house. We have some very serious security problems at that facility, we have some very serious overcrowding problems with that facility and other state facilities, so I would ask you, I realize that this bond issue is going to be defeated, but I would ask you to go home this summer and to put your collective minds together so that we can come back here, those of us who are reelected, so that we can answer this problem and solve it for my safety and the safety of my constituents and the safety of us all.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Last Monday, the Correctional Center received 14 new inmates. That is a pretty good sized amount of people, they probably had to spend all day finding out where the people are going to be sleeping that night. I have said it before on the floor of the House and I think many of you heard it last night—I really, truthfully believe that if this bond issue isn't passed, there is a good possibility that the federal government could be walking into the Maine State Prison, maybe at the Correctional Center and maybe even at Charleston and taking over the prison.

Many of us know that last year the U.S. District Court Judge Gignoux issued an opinion in favor of the state but I think most of us, if we looked at that, realize that we got by by the skin of our teeth. I feel that if this thing goes on and on and on, what happened in Pineland is going to happen at Thomaston, it is going to happen in Windham, it is going to happen in Charleston, it is going to happen in Bangor, it is going to happen in Hallowell—it is going to be the same thing as Pineland. There is going to be somebody running our penal institutions of this state and if you don't think so, you go right

ahead and vote against this, but when the Judge issues his order, because right now I have already heard that there are people out there trying to get enough inmates to sue the state again, and if that happens, we won't be talking about \$10 million, we probably will be talking about \$40 million. If we are talking about 90 percent, we might as well throw that out the window because when the federal government says you spend it, you don't say no, folks, because I have different priorities, you spend it.

Mr. Baker requested a roll call.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a vote was taken.

ROLL CALL NO. 504

YEA—Ainsworth, Allen, Beaulieu, Brannigan, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hayden, Hickey, Higgins, H.C.; Hobbs, Jacques, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, J.W.; Richard, Ridley, Roberts, Rotondi, Scarpino, Smith, C.B.; Stevens, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Andrews, Baker, Bell, Benoit, Bonney, Bost, Bott, Brodeur, Brown, D.N.; Callahan, Carter, Conary, Connors, Connolly, Cooper, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Handy, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kiesman, Lebowitz, MacBride, Masterman, Masterston, Matthews, K.L.; Maybury, McPherson, Michael, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Robinson, Roderick, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Cahill, Carrier, Curtis, Dudley, Gwadosky, Hall, Jalbert, Kane, Livesay, Nelson, Paul, Reeves, P.; Rolde, Soucy, Soule, Swazey.

71 having voted in the affirmative and 63 in the negative, with 17 being absent, the motion did not prevail.

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

Mr. CARTER: Mr. Speaker, I move that the House reconsider its action where L. D. 2213 failed of enactment.

On motion of the same gentlemen, tabled pending his motion to reconsider and later today assigned.

House at Ease

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,035,000 for Construction and Renovation of Correctional Facilities. (Bond Issue) (S. P. 827) (L. D. 2213) (C. "A" S-401) which was tabled earlier and later assigned pending the motion of Representative Carter of Winslow to reconsider where the Bill failed of passage to be enacted.

Mr. Carter of Winslow requested permission to withdraw his motion to reconsider, which was granted.

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

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

Passed to Be Enacted Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,735,000 to Plan, Construct and Equip Pollution Abatement Facilities and to Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites. (H. P. 1772) (L. D. 2340) (H. "B" H-739 to C. "A" H-700)

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

Mr. Baker of Portland requested a roll call.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a vote was taken.

ROLL CALL NO. 505

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbs, Holloway, Ingraham, Jackson, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterston, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Brown, A.K.; Cooper, Jacques, Locke, McHenry, Robinson, Walker, Willey.

ABSENT—Armstrong, Cahill, Carrier, Connolly, Curtis, Dudley, Gwadosky, Hall, Jalbert, Kane, Livesay, Nelson, Paul, Reeves, P.; Rolde, Soucy, Soule, Swazey.

125 having voted in the affirmative and 8 in the negative, with 18 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

Joint Order relative to the Joint Standing Committee on Appropriations and Financial Affairs reporting out a Bill (H. P. 1867).

Tabled—April 13, 1984 by Representative Carter of Winslow.

Pending—Passage.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I ask leave of the House to withdraw the Joint Order.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, withdraws the Joint Order.

Bill Held

Bill "An Act to Provide Voter Information on Ballot Questions" (H. P. 1588) (L. D. 2095)

—In Senate, Bill and accompanying papers Indefinitely Postponed.

—In House, House Receded and Concurred.

Held at the request of Representative Nadeau of Lewiston.

The SPEAKER: The Chair recognizes the gen-

tleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, I move that the House reconsider its action whereby it voted to recede and concur.

The SPEAKER: The gentleman from Lewiston, Mr. Nadeau, moves that the House reconsider its action whereby it voted to recede and concur.

The gentleman may proceed.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to explain to you what this is all about. The Election Laws Committee in the last two years has done a lot of good work in campaign finance reform and election law reform in general, and particularly last year we did a study and made some changes that I think were significant and we are very pleased with the results.

We attempted to address an issue that I am convinced that each and every one of us has had some constituent question in the past and that is ballot questions, how complicated they are and how long they are and, in general, how misunderstood the referendum process is in this state. The committee tried to address this problem and come up with an innovative mechanism whereby we would make it more clear to the people of Maine what these referendum questions mean, make the language a bit more simple and basically shorten the whole process.

There are two extremes. On one side the people have an obligation to educate themselves on referendum questions and the other extreme is, the state has an obligation to let the people know what these questions are and what they mean and ultimately what their implications will be on state government.

We tried to come down somewhere in the middle. The people have an obligation to educate themselves but the state also has an obligation to provide them with some information. In attempting to come down on that middle ground, we came up with a ballot referendum system that was relatively complicated and created some degree of concern with members of Appropriations and the Legislative Council.

I am a realist, this bill has very little future in the other body and I don't intend to wage war on it in this body tonight due to it being the last day of the session and the lateness of the hour, but I did want you to know that we tried to address the question making referendum questions more easily understood for the people of Maine. I have been assured by my colleagues on the committee that we intend to pursue this and come back next session with something that might be a little less complicated and will hopefully address the concerns that we have heard for the last couple of years. I just wanted you to know that we gave it a shot, it didn't work out, we are going to try and come back next year and see if we can come up with something that will serve the purpose.

Thereupon, Mr. Nadeau of Lewiston withdrew his motion that the House reconsider its action whereby it voted to recede and concur.

House at Ease

Called to order by the Speaker.

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

The following Joint Resolution: (S. P. 920)
JOINT RESOLUTION IN HONOR OF THE

HONORABLE GERARD P. CONLEY,

PRESIDENT OF THE MAINE SENATE

WHEREAS, the Honorable Gerard P. Conley has served the City of Portland in the Maine Legislature with great distinction since 1965; and

WHEREAS, Senator Conley has served faithfully the County of Cumberland in the Maine Senate since 1969; and

WHEREAS, Gerard P. Conley has served in the State of Maine Senate as Assistant Minority Leader, Minority Leader and currently as its distinguished President; and

WHEREAS, throughout these years of holding high public office, the Honorable Gerard P. Conley has never forgotten those citizens of Maine who are left behind, the unemployed, the poor, the elderly, the handicapped and those who are down on their luck; and

WHEREAS, while during all his years of service Gerard P. Conley has fought hard and well for his people, he has done it with style, wit, grace and charm that are both a tribute to his Irish heritage and his home State of Maine; and

WHEREAS, there are, in the State, thousands of Maine people from all walks of life who proudly carry "Gerry" as their friend; and

WHEREAS, the loss of Gerard P. Conley from the Maine Legislature will leave a void that can only be filled with the fond memories and cherished triumphs that he leaves in his wake; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature, now assembled in Second Regular Session, join at this time to honor and pay tribute to the Honorable Gerard P. Conley, of Portland, as a citizen and public servant who, through his acts and deeds, has served his State with the highest distinction; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be presented to President Conley in token of our esteem.

Came from the Senate, read and adopted.

The Resolution was read.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I realize the hour is late and I do not intend to speak very long about this particular joint resolution, but I do feel very strongly that I should say at least something.

Over the last four years in my tenure here in leadership, I have had a chance to work with the Senator from Cumberland, Senator Conley, but more importantly than that, I guess, the ten years that I have served here from the Greater Portland Area, and we joke with the Speaker at times that we are from "The County," the County of Cumberland, Gerry has been a real friend to me. While we disagree on almost everything, and he understands that as well as I do, I do consider him a true friend. While we have disagreed on the issues and perhaps the philosophy of state government, I have never questioned nor do I believe he has ever questioned each of our own integrities and desires to do what is best for the people of the State of Maine.

I will miss Gerry around the halls because he has given me counselled advice from time to time and many times I have not taken it, but he has provided to me his words of wisdom, as I am sure that he has to you. Many of you from the other party, I am sure, have received his advice much more so than I have.

He has treated me as a gentleman and I hope that I have done the same to him. I respect his opinions and I, for one, at least from the minority party, want to wish him all the greatest success in whatever future endeavors he may plan for himself. I know we will be successful.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I, too, will be brief, but we simply cannot let this go by without a few words from this end of the House on behalf of the President of the Senate.

I want to tell you from a personal point of view that one of the reasons I decided to run for leadership way back when was because of my respect for Gerry Conley. To have an opportunity to work with him in a leadership capacity was one of the compelling reasons for my taking a chance for running for this seat. I want to assure you that I have not been disappointed. I think Mr. Higgins is absolutely right—he treats all of us with dignity and respect, whatever is appropriate, and his sense

of humor has been the grease that has kept this place moving along, hopefully in a very positive manner, but Gerry Conley never, ever gives up, don't ever forget that, on an issue that he believes in.

I guess the words that come to mind to me about Gerry Conley is that he is truly a man for all seasons. I think he leaves his legacy here in the House and in the Senate and the State of Maine for a long time to come. I, too, am proud to call him my friend, as I am sure each of you is.

Thereupon, the Resolution was adopted in concurrence.

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

Subsequently, Representative Mitchell reported that she had delivered the message with which she was charged.

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

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House has transacted all business before it and is ready to adjourn without day.

Representative BAKER of Portland
Representative ALLEN of Washington
Representative JOSEPH of Waterville
Representative NORTON of Biddeford
Representative CLARK of Millinocket
Representative McPHERSON of Eliot
Representative CURTIS of Waldoboro
Representative MURPHY of Kennebunk
Representative RANDALL of East Machias

Subsequently, Representative Baker of Portland reported that the committee had delivered the message with which it was charged and the Governor was pleased to say that he would forthwith address the House.

At this point, the Governor entered the Hall of the House amid prolonged applause, and addressed the House as follows:

GOVERNOR JOSEPH E. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I am delighted to be able to come up here and to thank you for the services that have been rendered. I think we have had some successes. Certainly, I am very pleased with the retirement bill that was passed that will save the taxpayers of Maine some \$60 million over the next 25 years.

I think we made progress for the business community with tax conformity.

I am delighted with what has been done for the Lewiston-Auburn area with the ethanol plant.

I think we retained our commitment to help the retarded citizens of this state with about a hundred jobs and sheltered workshops.

Again we made a pretty good commitment to help abused kids by additional protective workers.

We have had a number of successes, but like every legislative session, there were some disappointments; I guess it will never change.

I certainly am displeased that we could not do something with liquor stores. We will be back to work on that again along with homicides and things of that sort.

I was somewhat distressed today that the legislature refused to send to the people of Maine the opportunity to address some badly needed improvements in our court system and our prisons.

In regard to education, we did get a start with the certification process.

I hope to see you all back here in June. I can assure you that most of those bond issues will be back for the simple reason, just because you voted against them, the problems don't go away. Those are needs that must be addressed. I hope we can work together, both parties, to try to address them responsibly for the people of Maine in June.

Again, I want to thank you for your service for the last several months. I know that you have worked hard. I know of one issue in particular, Inland Fisheries and Wildlife, many of you worked very, very hard. The bill came to my desk. As you know, I didn't agree with every facet of it but I recognized the good faith that was put into that issue, and I think as a result you have responsibly funded that department for the next several years.

So, there have been a lot of achievements, there have been some setbacks; that's the way it has always been and probably the way it is always going to be. I look forward to working with you in the next couple of months so that we can have a productive, responsible session in June on education and some of these bond issues that I think should have been passed tonight.

Thank you very, very much.

Thereupon, the Governor withdrew from the Hall of the House amid prolonged applause, the Members rising.

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

Mrs. MARTIN: Mr. Speaker and Members of the House: I move that the House adjourn sine die.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 12:00 midnight Eastern Standard Time, Wednesday, April 25, 1984, the Speaker declared the House adjourned without day.