

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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HOUSE

Friday, June 7, 1985

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

Prayer by Reverend Timothy Buck, First Pentecostal Church, Skowhegan.

Quorum called; was held.

Reading of the Journal of yesterday.

Papers from the Senate

Bill "An Act Amending the Charter of Farmington Village Corporation" (Emergency) (S.P. 629) (L.D. 1647)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

Under suspension of the rules, the bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

Ought to Pass as Amended

Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-173) on Bill "An Act to Establish the State Employee Assistance Program" (S.P. 501) (L.D. 1362)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-173) as amended by Senate Amendment "A" (S-224) thereto.

The Committee Report was read and accepted and the Bill read once.

Committee Amendment "A" (S-173) was read by the Clerk.

Senate Amendment "A" (S-224) to Committee Amendment "A" (S-173) was read by the Clerk and adopted.

Committee Amendment "A" (S-173) as amended by Senate Amendment "A" (S-224) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended in concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-214) on Bill "An Act to Implement the Recommendations of the State Compensation Commission" (Emergency) (S.P. 91) (L.D. 289)

Signed:

Senators:

PEARSON of Penobscot
DOW of Kennebec

Representatives:

CARTER of Winslow
CONNOLLY of Portland
LISNIK of Presque Isle
CHONKO of Topsham
NADEAU of Lewiston
MCGOWAN of Canaan

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-215) on same Bill.

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

HIGGINS of Scarborough
BELL of Paris
FOSTER of Ellsworth
SMITH of Mars Hill

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-214).

Reports were read.

Representative Carter of Winslow moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion to accept the Majority

"Ought to Pass" Report and specially assigned for Monday, June 10, 1985.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Adopt the Uniform Conservation Easement Act" (S.P. 201) (L.D. 551) reporting "Ought to Pass" in New Draft (S.P. 626) (L.D. 1640)

Signed:

Senators:

CHALMERS of Knox
CARPENTER of Aroostook
SEWALL of Lincoln

Representatives:

COOPER of Windham
PARADIS of Augusta
LEBOWITZ of Bangor
STETSON of Damariscotta
PRIEST of Brunswick
MacBRIDE of Presque Isle
ALLEN of Washington
KANE of South Portland

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

Signed:

Representatives:

DRINKWATER of Belfast
CARRIER of Westbrook

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

On motion of Representative Paradis of Augusta, the Majority "Ought to Pass" Report was accepted and the bill read once.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed in concurrence.

Divided Report**Later Today Assigned**

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Include the Term 'Sexual Orientation' in the Maine Human Rights Act" (S.P. 446) (L.D. 1249)

Signed:

Senator:

SEWALL of Lincoln

Representatives:

ALLEN of Washington
DRINKWATER of Belfast
STETSON of Damariscotta
LEBOWITZ of Bangor
MacBRIDE of Presque Isle
KANE of South Portland
CARRIER of Westbrook

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-221) on same Bill.

Signed:

Senators:

CHALMERS of Knox
CARPENTER of Aroostook

Representatives:

COOPER of Windham
PRIEST of Brunswick
PARADIS of Augusta

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

Reports were read.

Representative Paradis of Augusta moved that the House accept the Minority "Ought to Pass" Report.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Maine Land and Water Resources Council Ground Water Review Policy Committee

(S.P. 353) (L.D. 961) (H. "A" H-295; H. "A" H-244 to C. "A" S-132) which was Passed to be Enacted in the House on June 4, 1985.

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-132) as amended by House Amendment "A" (H-244) thereto and Senate Amendment "A" (S-213) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning Coverage of Certain Trials by the Electronic Media" (H.P. 820) (L.D. 1161) (C. "A" H-275) which was Indefinitely Postponed in the House on June 5, 1985.

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

Representative Paradis of Augusta moved that the House recede and concur.

The same Representative moved that the matter be tabled for one legislative day.

Representative Higgins of Scarborough requested a Division on the tabling motion.

Representative Hayden of Durham requested a roll call vote on the tabling motion.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Paradis of Augusta that this matter be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 159

YEAS:—Allen, Baker, H.R.; Bost, Boutilier, Brannigan, Brodeur, Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Davis, Descoteaux, Diamond, Drinkwater, Duffy, Erwin, Gwadosky, Hale, Hayden, Hepburn, Hoglund, Joseph, Lacroix, MacBride, Manning, Mayo, McSweeney, Michael, Michaud, Mills, Mitchell, Murray, Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Priest, Reeves, Richard, Rioux, Roberts, Rotondi, Rydell, Simpson, Stevens, P.; Tammara, Tardy, Vose, Walker, Warren.

NAYS:—Aliberti, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Connors, Dellert, Dexter, Dillenback, Farnum, Foss, Foster, Greenlaw, Handy, Harper, Hichborn, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jacques, Jalbert, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, Macomber, Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McHenry, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Perry, Pines, Pouliot, Rice, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Taylor, Telow, Webster, Wentworth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT:—Carrier, Higgins, H.C.; Jackson, Kane, Lisnik, Melendy, Moholland, Nadeau, G.G.; Racine, Randall, Rolde, Ruhlin, Theriault, Weymouth.

58 having voted in the affirmative and 79 in the negative with 14 being absent, the motion did not prevail.

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

Representative SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: Two days ago, you gave this a sound thrashing of a better than two to one. I hope you would stay in that same position and vote against the motion to recede and concur so that we can vote on the motion to adhere.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: Having given some more thought to this bill, at first I was uneasy with it because I feared intimidation of witnesses. It is tough enough to be a witness in a trial but if you know there are cameras and recorders and so forth, I think that is rather disconcerting. The thing that occurs to me is, how many mistrials are we going to have because the jurors are not sequestered, kept separate for the 24 hours a day. They go home and start to watch the news on TV and they get selected bits and pieces. That is how you can be disqualified from being a juror. I think this has the potential of creating great problems in the court system.

Representative Swazey of Bucksport requested a division.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: How is justice going to be helped by having a TV camera in the courtroom? I say to you, there is no justice, justice will not be advanced, the witness will not be helped. No one is going to be helped by having a camera in the courtroom except the media. These are the only people that are going to be gaining anything by it. If you look at the sponsors and the cosponsors and the people that are supporting this, they are from areas where they have television stations. Fine. Well, I am not supporting this because I really and truly don't believe it is in the best interest of justice to have cameras in the courtroom. Furthermore if you want to say that cameras can bring to the people the true story of what is going on you know we have cameras here today and I assure you this is not bringing the true story of what is going on. You know, when you have people really working on their bills in the corridors and the back rooms, that is where the work is being done, but the cameras aren't there, they are here. This is not the true story of what is going on.

On motion of Representative Hayden of Durham, tabled pending the motion of Representative Paradis of Augusta to recede and concur and specially assigned for Monday, June 10, 1985.

Messages and Documents

The following Communication:

State of Maine

One Hundred and Twelfth Legislature
Committee on Marine Resources

June 6, 1985

The Honorable John L. Martin
Speaker of the House
112th Legislature
Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	43
Unanimous reports	29
Leave to Withdraw	12
Ought to Pass	7
Ought Not to Pass	1
Ought to Pass as Amended	2
Ought to Pass in New Draft	7
Divided reports	12
Carry Over Bills	
(Approved by the Legislative Council)	2
Respectfully submitted,	
S/ JEAN B. CHALMERS	
Senate Chair	

S/ NATHANIEL J. CROWLEY, Sr.
House Chair

Was read and ordered placed on file.

Reports of Committees Unanimous Leave to Withdraw

Representative ALLEN from the Committee on Judiciary on RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment (H.P. 151) (L.D. 185) reporting "Leave to Withdraw"

Representative KANE from the Committee on Judiciary on Bill "An Act to Amend the Law Relating to Spousal Elective Shares under the Probate Code" (H.P. 648) (L.D. 918) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Business and Commerce reporting "Ought to Pass" on Bill "An Act Relating to the Authority of Medical Service Organizations and Non-profit Hospitals to make Incidental Indemnity Payments" (H.P. 1129) (L.D. 1636)

Signed:

Senators:

BUSTIN of Kennebec
DANTON of York

Representatives:

BAKER of Orrington
BRANNIGAN of Portland
ALIBERTI of Lewiston
MURRAY of Bangor
TELOW of Lewiston
RYDELL of Brunswick
MARTIN of Van Buren

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-352) on same Bill.

Signed:

Senator:

SEWALL of Lincoln

Representatives:

STEVENS of Bangor
ARMSTRONG of Wilton
HILLOCK of Gorham

Reports were read.

Representative Brannigan of Portland moved the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" Report and specially assigned for Monday, June 10, 1985.

Consent Calendar

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 673) (L.D. 956) Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-353)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

Passed to be Engrossed

Bill "An Act Relating to the Administration of Vocational Education" (S.P. 628) (L.D. 1645) Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative Brown of Gorham, tabled pending passage to be engrossed and specially assigned for Monday, June 10, 1985.

Passed to Be Enacted

An Act to Establish the Maine Vocational-technical Institutes Administration (H.P. 1132) (L.D. 1639) (S. "A" S-206; S. "B" S-220)

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

The SPEAKER: The Chair recognizes the

Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Men and Women of the House: The Education Committee and the State Government Committee have been caught in a double-jeopardy position on this issue. I think it is very unfortunate. With my knowledge of the members on both of these committees, I can say without hesitation, that vocational education and its very important role in our states educational network, is a priority. On that ground, I think we stand together.

To our misfortune, we differ on methodology. For years, the VTI's have come under the jurisdiction of the State Board of Education. At times, it has been a stormy relationship but more often, the two worked together as allies.

The problem here is that we empower the state board with this charge but we do not equip it. It has no staff, no support system, and virtually no resources at its disposal. It is, therefore, unrealistic for us to expect a group of sincere and intelligent people, those that make up the State Board of Education to respond to the VTI's needs effectively. To this situation we, as a legislature, must decide something very, very important. Do we correct the current inequities and allow the state board to do its job or do we look the other way and establish a new level of bureaucracy and authority?

We have to decide that here, perhaps not today but very shortly. We also must determine what the bottom line truly is. I believe the bottom line to be what is best for vocational education in this state.

As many of you know, the second floor has made it clear and reiterated its position earlier this week that it will send back to us, without signature, the proposal to create a separate board. That end result appears to be inevitable. If that is done, we will be left with the education committees proposal or the status quo.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau, and inquires for what purpose the Representative arises?

Representative NADEAU: Mr. Speaker, I believe the current speaker is talking about the actions which have been spoken of from the second floor and, therefore, inappropriate for debate on this floor.

The SPEAKER: The Chair would respond that the Representative is accurate. The Representative is not to use the other floor or the other end of the hall in the course of the discussion to influence this body.

The Representative may continue.

Representative BOST: The State Government Committee has worked long and hard on Representative Crowley's bill and I believe they are to be commended for their efforts. But, by the same token, I hope that we are not going to fool ourselves regardless of the hours put in, if it is rejected, for any reason, it is all for not.

This is not a turf battle between members of this body. This is an instance where we are all trying to do simply what is best for vocational education. My own preference is to find some middle ground and I hope, through this process, as I have explained to Representative Gwadosky that we can get to that middle ground. Unfortunately, we are not in that posture right now because of technicalities.

As those who know me well will attest I am often a critic of the Department of Education and at times the position of the State Board. But in this case, I feel we haven't given them a fighting chance. If, under the plan before you, a staff of only four people will be required to run this separate VTI entity, why can't those same four people be assigned to enable the State Board of Education to do its assigned task to work through the bureaucratic snarl that Representative Gwadosky refers to make sure that the simple purchase of a bulldozer doesn't get plowed under with needless red

tape and the list could go on.

The Department of Education sacrificed most of its Part II request for vocational education this year in light of the Carl Perkins Act — cuts at the Federal level.

Not long ago, I stood before you with other members of the Education Committee and ask that you not cut the teacher placement office to provide for a position in the certification division. It was a very tough choice for me, as well as others in this House. But it did accentuate the grave lack of additional funds due to money the department allocated to vocational education. The Appropriations Committee is considering a \$1.8 million bond issue for VTI equipment. A strong vocational education program is a priority for many of us.

I hope you will make the right decision today, and with some reluctance, I would ask that you not support the bill before you.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is a unanimous committee report from the Committee on State Government. It is a bill that represents what we believe to be an exciting and dynamic change in the governance of VTI's in the State of Maine. Currently, the VTI's come under the jurisdiction of the Department of Education.

We have had this bill in committee for approximately seven weeks now, spent a great deal of thought and a great deal of work on this bill. We had an extremely comprehensive hearing on this bill. We were able to work with members of the Department of Education. We worked with those members on the current State Board of Education which is the governing board for the VTI's. We worked with MAVEI, the Maine Association for Vocational Educational Institutes. We talked with members of the individual VTI's to find out what their needs were. We received a great deal of information from many of you people sitting here today as individual legislators who had concerns about what was going on with VTI's and what can we do to improve the situation. Through this process we were able to identify a number of problems that are plaguing VTI's. Obviously, if you are going to go someplace, you have got to know where you have been and you have got to know what is going on.

To give you an idea of the types of problems the VTI's are having at this time, in the area of personnel, just for an example, one VTI currently has a need for a part-time coordinator to do an industrial survey. They have a state funded position accepted, which means the minimum of three months time and many hours of paper work just to establish this particular position that would only exist for two months.

In terms of classified employees, it is very difficult to drop, for example, a clerk typist position and to add a data processing clerk. The reclassification of a custodial worker I to something else after completion of the heating and electrical courses appears to be next to impossible, given the current structure.

The job description and classifications do not fit the school needs of the job descriptions if a persons job goes. The legislature has to act on an upgrade.

Representative Bost mentioned a situation where a particular VTI needed to purchase a bulldozer. This particular VTI put out a bid for a bulldozer at a purchase price of some \$25,000 with a 30 day quote. The VTI couldn't even get the purchase order through Augusta, which meant they had to pay a five percent increase on the \$25,000 price.

SMVTI had an offer from a company to contribute \$40,000 in equipment in exchange for a course or a skill that this particular company needed taught and the system wouldn't allow

for it to happen. There is just no way in the current system for that type of mechanism to work.

In terms of public improvement, there is no direction from the Bureau of Public Improvement on architect fees. One VTI is currently employing an architect without agreement on the fees because the work has to be done.

In terms of the budget, there is currently a need to be able to expand, drop, and add programs within the total budget based on need as well as the ability to respond more quickly to immediate training needs of industry. Education is a rapidly changing business and VTI's are locked into a line item budget at least three years ahead of time.

VTI's have always received some federal monies and there has always been a dispute how those monies were supposed to be spent. Some would suggest that federal money had always intended to be spent for new and expanded programs but, as a matter of fact, the State of Maine has always used the money from the federal government to maintain existing programs. One of the problems is that the VTI's don't have a budget which goes directly to appropriations. The VTI budget is a part of the budget of the Department of Education. So, they give their request to the Department of Education and the Department of Education then makes their request before the Appropriations Committee. Fortunately, that budget by the State Department of Education, as you can well imagine, is a state budget put together by the state agency for a state agency. As such, the VTI's have been target budgeted and they have only been allowed to grow at a small fixed percentage each year and are seldom funded in Part II. When they have been funded in Part II, it has been because the Maine Legislature has funded them. It hasn't been out of request from the State Department of Education. It has been the Appropriations Committee because the Appropriations Committee and the local lobbying efforts of Maine legislators have been given far more friendly treatment than the State Department of Education.

There is a fundamental problem also when you talk about budgets. This was something that Representative Baker from Orrington brought to our attention, others did the same, is that currently when each VTI collects fees, collects charges and program fees, that money goes into the general fund. So, you may be talking anywhere from two to three million dollars and that is going to be expanding, that goes automatically to the general fund, which is allocated among each VTI.

There is currently no incentive for VTI's to — let me use the words of Commissioner Boose himself — there is no incentive for our VTI's to go forward and expand to meet the current needs of our citizens. There is no financial reward for doing a good job since all the money they collect in fees and tuition and everything else simply goes back to the general fund to be allocated among each VTI. There is no flexibility in the programs. I think the most disturbing problem with VTI's — this was in a hand-out we gave you earlier in the week — deals with admissions and the numbers of people that are admitted to VTI's. Let me read these into the record. Central Maine VTI in Auburn; applications received 827; students admitted, 269. EMVTI in Bangor, applications received 870; students admitted, 330. KVVTI, Waterville-Fairfield, applications received 541, students admitted 217; NMVTI in Presque Isle, applications received, 851; students admitted, 364. SMVTI in South Portland, applications received, 1,380; students admitted, 509. WCVTI in Calais, applications received, 480; students admitted, 258. Total applications received in 1984, 4,900; students admitted, 1,900. Clearly, some 3,000 individuals who would like to get involved in VTI's are not being serviced. I think that is a disturbing trend.

The VTI's have always had a high placement, they teach skills that are needed and unfortunately these people can't get the training that they would like. Now who is to blame? Is it the legislature? Hardly. Is it the State Board of Education? Absolutely not.

As Representative Bost has indicated, the State Board of Education has had the responsibility, but they have never had the fiscal budgetary or managerial authority to accomplish the goals that they were given.

I think if we are really looking for a culprit in this whole process, you will look at that organizational chart that we passed out earlier in the week. That maze of boxes and squares, which describes the organization, the Department of Education, and where vocational education takes place in Maine. It may be a bureaucrat's dream but, for those people who like to take advantage of the service, it is an absolute nightmare.

This bill, which we put out through the assistance of all the people who I have mentioned, is a unanimous committee report. This bill would establish a Maine Vocational Technical Institute Administration with the powers and privileges of an independent agency, with an executive director who has cabinet level status. The purpose for establishing a Maine Vocational Technical Institute Administration is to provide the Vocational Technical Institutes with the flexibility required to respond to the changing needs of the states economy and the students at the institutes. Also, within this separate agency, would be a separate governing board. It would no longer utilize the State Board of Education but rather would put together a nine voting member policymaking board with three people from the private industry, a representative from labor, two from the current State Board of Education, a member from the board of trustees of the University of Maine, two members of the general public who have an interest in vocational technical institutes and then three non-voting members, the Commissioner of Education, the Director of the State Development Office and executive director of this agency. It is a makeup which we believe will provide for cross fertilization of the various economic and educational institutions.

This bill will solve problems which I alluded to and which Representative Bost has indicated. This separate agency would have the authority to prepare and adopt a budget for submission to the legislature. So, finally we will have a budget submitted by the VTI's that will go directly before appropriations. It won't be channeled through the Department of Education.

The Commissioner of Education has told us that he has some reservations about this, he has some concerns about this. He said, no matter what you do, it may seem nice to have a separate budget before appropriations, but they are still going to have to compete with Michael Petit in the Department of Human Services and you are going to have to compete with me in the Department of Education. From my perspective, we said that was fine. We think that there is grassroot supports in the Maine legislature and from people across this state for VTI's. I have no problems at all with allowing them to stand on their own two feet.

This bill will also allow VTI's for the first time to be able to receive and accept loans, aid, or any contributions they may get from private industry. It will allow them to establish and collect fees and charges to be placed in a revolving fund account. From now on, under this bill, any monies that they collect for tuition, fees, programs, rental fees, will go into a revolving fund account and it will be credited towards that VTI so that there is an incentive for each VTI to expand, to grow strong and to provide the services that it needs for the individuals in the particular area.

Also as a separate agency, it will be outside

the personnel system. The advantages of being outside the personnel system obviously they will still be represented by the various collective bargaining agreements but they will be outside the personnel system which means for greater flexibility in personnel, greater flexibility in transfer programs. It will allow this — when a company comes into Northern Maine or Southern Maine or Western Maine and says, we would like to expand to the State of Maine, we have got a business but we need a particular skill taught, we need a particular course to be offered, it will allow VTI's to respond quickly. Right now, it takes months, if not years, to offer a new program. We think this is a very important economic tool and we think it will allow the flexibility to the VTI that they need.

This bill will allow the VTI's to work closely with the private sector in order to ensure that the VTI's can respond expeditiously to the needs. Other states have done similar things as pulling a division out from under an existing department and many have done it successfully. The experience in New Hampshire has been, when they have come out from under the Department of Education and have gone into an agency, they now have 80 percent of the students that graduate from their VTI's are placed immediately upon graduation. 100 percent of those 80 percent end up working in New Hampshire. So, in the State of New Hampshire they are funding institutions, allowing people to get an education who will go back to work in the State of New Hampshire, rather than funding institutions, rather than giving people educations to go to work in some other state. In this manner, they are creating and enabling themselves to have an intelligent work force and a work force that is loyal to the state.

The final issue I want to address is the issue of focus. We believe that the concept of vocational education in Maine will be the trend of vocational education for the most part completely outside the scope in orientation of the policies of the Department of Education.

The average age of students attending the VTI's now is 25. Many of the students in the institutes in the future will be persons who are retrained to attain new skills as their job may require. So, VTI's will not only be providing first time skills but they will be providing second time skills, third time skills and fourth time skills as our mature industries die, as job requirements change, as industry dictates.

There are currently 3,400 daytime students at the VTI's and there are 18,000 part-time and evening students, which is pretty indicative that people are going back to VTI's. They attend VTI's to learn new skills.

Rather than have a state board of education spend part of their time—I understand they are spending approximately one day a month now in VTI's—and rather than having a commissioner who has to share his time with K through 12 and all the other various educational programs of the state education department, we believe that a board of trustees, operating exclusively towards vocational education, would have the time and ability to provide the necessary interests. The Maine Vocational Technical Institutes Administration, as an independent state agency, would be able to provide the flexibility and the resources to to enable the Vocational Technical Institutes around this state to meet the challenges and play a viable role in the changing economic development both in the state and in the nation. We think this is a very positive bill, we are excited about it, we think it is finally going to turn the corner for VTI's and we urge your support on enactment.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It is too bad that you

have got to address half the House on an issue as important as this one but I guess half the House is better than no House at all.

I do not serve on State Government, I do not serve on Education but I have given seven years of my life to the VTI in my local area. Some of you have always told me that I always seem to try to tell it like it is and I am going to try to do that today. If you take where I am coming from, I am not coming from State Government and I am not coming from Education, I am just coming from somebody who has tried to operate and deal effectively with the VTI's and the system we have now.

One of the big problems we have is that we have a group of what I like to call, for the lack of a better word, the educational elitists. Now, they can understand somebody going to school to get a PHD or a Masters but they fail to understand a person who goes to school because he can do something with his hands and he wants to learn how to do more with his hands. That is the problem you have. All you have to do is look at the placement that we have out of the VTI's in the State of Maine and you will understand that the program is effective. The only reason that program has been effective, and I know after seven years, it is because the VTI's have had to fight and to scratch and deal and give and work for every little thing they have got. What really got me was when the Department of Education tried to take credit just recently for Appropriations Committee giving the money they did to the VTI's due to federal cutbacks. I want to publicly and, on the record, thank the members of Appropriations Committee for what they did. There is only one reason why the VTI's have been able to survive and that is because of support that we have had on the Appropriations Committee and I can tell you that first hand because I spent a good time lobbying those members. Those members did help us out and I want to thank them for that. It wasn't through the generosity of the Department of Education because I know if we counted on the Department of Education to go down there and fight for the VTI's, we should have nothing.

One of the biggest travesties I saw was after we had expanded at KVVTI—we had a brand new classroom and we couldn't get the money to put the stuff in the classroom for the students to work with. We have a beautiful mechanical drawing classroom over there to teach mechanical drawing for the students in our area and we couldn't do it because we couldn't get the desks and the T-squares and the materials we needed. Now, you tell me if that makes a heck of a lot of sense.

When you talk about dealing with the VTI's, we have students from 18 to 58. Now how can you compare that with K through 12, which is what the Board of Education has dealt with most of the time in the past. That is what you have got here. We have people in this state, believe me, that are really good with their hands. We have got a chance to give them those trades and put them out there and contribute something to society, themselves, their community. They are really good with their hands, they are good with their minds.

I was talking with a member of this body last night. He talked about students and he had a term that he used and he said, that we have students of the mind, and students of the hands, with no insults to the students of the hands. There is a difference. At the VTI's, we deal mostly with students of the hands. I am not saying that they don't use their mind in conjunction with their hands but I will tell you one thing, they need the help that is not there.

Our VTI in Fairfield and Waterville started with nothing and it was through the dedication of one man, Bernard King, who was our former director, who passed away last year, that that thing got from nothing, ground level, borrowed equipment, borrowed instructors, men who donated their time and came along

to get the thing off the ground to the school that we are today. I am very proud of the school we are today. All you have to do is think back of the figures that Representative Gwadosky gave and, serving on that board, I can tell you the most frustrating thing is to find out that 500 and 600 students apply and we can only make room for 210 or 215.

We have worked with the area businesses and you and I can talk about pro-business environment and encouraging business to come to this state all we want to, but unless we have got the people right here to be able to provide these services and business needs, we are just using rhetoric, we are just paying lip service and, as has been said before, looks good on a campaign brochure but it doesn't do anything to help the people you and I are here to represent.

Now, what we have here is a bureaucracy and like all the other bureaucracies, it has too much work and not enough ability to deal with all the situations. I think the state government has taken Representative Crowley's bill and tried to work something out that will improve their situation and believe me, it needs improvement. It really does. The only reason that we have been able to succeed is because of the dedication of our employees. I can only speak for mine, but I am sure the other Representatives who have close ties with theirs, can tell you about theirs, who do a lot more than they are paid to do because they believe in this system, they work for that system. Let me tell you, we are tiring them out. They are getting frustrated, they are getting discouraged and when they do get discouraged and frustrated, the only people who are going to lose are the people in the State of Maine and the people that are in that system and are going to be coming into that system to improve themselves and improve their lot in life.

So, I hope that we would go along with the State Government report because it is very, very important to a segment of the people out there that need the VTI's and they need it right now, not tomorrow, not next week, right now. I thank you for taking the time to listen.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACROIX: Mr. Speaker, Men and Women of the House: The essential key for social and economic development in this state is a strong industrial base. Without this base, there can be no source of tax revenue for the social and economic assistance of our elderly and children or help for those in need.

The best way to develop this economic industrial base is to be sure that a skilled work force is available to encourage the expansion of existing industry and to attract new industry into this state.

The VTI's, over a long period of time, have demonstrated their ability to produce a skilled work force despite the fact that they have never been able to accommodate all the students who have wanted to attend or to produce all the graduates needed to fill industry demands. This legislation will help to move the VTI's forward and put them in a position to use their resources more effectively. A vote in favor of this bill will assure that more Maine citizens can get the training they need to become self-supporting contributors to our economy. A vote in favor of this bill will be a vote in support of Maine's industrial growth.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: First off, I want to congratulate the State Government Committee for the hours and hours they have spent in the last seven weeks of putting this bill together. They have fine-tuned it to a point where it is really operational and there won't be too many changes made in the future, I

don't believe. In drawing up this bill, they had the support of some members of the Committee on Education who worked with them, they also has the support of the Maine Advisory Council on Vocational Education. They also had the directors of the six vocational schools and some of the faculty. They had the MTA with them and they also had some of the state board of education members working with them. I am telling you, this was a long and arduous study and I think it is going to be a rewarding undertaking for their complete dedication to this bill.

This is my third year of trying to get this bill passed, and they say it needs a little further study. Let me tell you folks, this thing has been studied to death. In 1966, President Cole's of Bowdoin College had the Cole's Commission that ended up in finally in the merger of the state colleges and the University of Maine. Also in the Cole's Report, it said the VTI's should, because they are higher education, be taken out from under the K through 12 umbrella. Later in 1973, the Longley Commission and their management and cost survey that most of you have read from 1973 recommended the VTI's should be under a separate board.

Last year in 1984, when we had the status of education commission out there studying all of education and in their report they said, one alternative would be to place the VTI's under a separate board. Well, I tell you folks, that this is the time to place them in a higher education motive and make them under a separate board. As for role models, Representative Gwadosky told you that there are many role models and one of them as close as New Hampshire that has done this very same thing and they are having great success. For example, if you look at the statistics, New Hampshire has 6,000 students in two year colleges. Maine has 4,000. Little old New Hampshire is beating us by 2,000 in that category. The State of Maine is the 50th state in the United States in sending high school graduates on to college, 50th. The reason for this is what we are talking about today. There is no place for the kids or the adults to go. The average student, as you were told, is about 25 years old. The average student, in their evening school, is about 40 years old. We are not talking about K through 12 here, we are talking about adults and we are talking about another aspect of education that is training and retraining for the work force. This is exactly what they are doing.

We feel that the management expertise is running the VTI's, just like running your business, should be made up of experts that understand what the needs are. That is why we want business, industry, labor, medical service and education serving on this board of trustees to give them a high tech look, to give them a technical college look.

At the school that Representative Jacques mentioned, they have been struggling and, if you listen to what he said, this has been happening to the other five schools. The story you get there will be multiplied by the other five schools for the problems they are having of getting their needs met.

The schools we are talking about, and I know the Kennebec Valley will come to it, will become more and more technical. Right now, they are more vocational than technical but most of these schools are divided between vocational and technical courses. There are students admitted to the University of Maine in Orono, that wouldn't be admitted to some of these technical courses because they wouldn't have the math and science background that these course call for. They are high tech courses and they take great expertise. When they graduate from these courses at the VTI's, they go out into the market much higher than a teacher would and they are not talking \$11,000 or \$12,000 jobs, they start in at \$20,000 or more. This is what industry is looking for throughout New England,

throughout the United States. They want to go places where they can find people that are trained to keep their businesses going and to encourage them to come here.

I think the State Board of Education has more than they can handle. We have just given them millions and millions of dollars. I guess we are up to about \$500 million in our budget now and this is a great undertaking and there is nothing more important in this state than the K through 12 education. I don't think the State Board of Education should have time enough to play around with the VTI's because they have 210,000 students, they have 15,000 teachers and they have problems galore and we know we have problems when we are 50th in the nation in sending kids on to college. We have a drop out rate in our high schools, kids that start high school, 23 percent of them drop out before graduation. This is another problem that they have to meet. So, they have plenty to do without putting part time on the VTI's. I think the VTI's are worthy of being called what they are, higher education, and worthy of a board of trustees. There isn't a college in this state that doesn't have a board of trustees except for the six colleges we have out there, they call them colleges in New Hampshire, and they are no better than our technical schools here. I think they deserve this.

The New England Board of Higher Education did a survey of legislators and one of the questions was, what is the best way to train and retrain workers? They gave five or six categories. The Maine legislators, 60 percent said, training through the VTI's, was higher than any other New England State. We said, this is where the action is for training and retraining. Also, that New England Board of Higher Education talked about the knowledge intensive New England. The reason we have lower unemployment in New England in the past 70 months is because of our education. This has been proven over and over. New Hampshire, 3.5 percent unemployment. Massachusetts, 3 percent. We are not doing too badly but we are going to do better when we get these schools going so we can bring more industry into the state.

I called the New Hampshire schools the other day and asked them how they made out with Carl Perkin's money because there was a rumor around, we can't have federal Carl Perkin's money in the VTI's. Last year, in just one category of the Carl Perkins' money, New Hampshire got about \$315,000 just for training single parents, disadvantage and handicapped people, bringing them into the VTI's, people that were capable of learning these skills and learning these various technical jobs and Maine needs this desperately. We need to train our people the way they are training them there.

The national trend is for partnerships. You have heard this job training partnership. We are talking about this all the time. The VTI's should be a partnership with business and industry and labor. That is exactly where they belong and then we will be in tune with what is going on in the rest of the United States of making these partnerships work. Business needs this, industry needs this, they need to train and retrain their workers and this is the ideal place to have it.

Representative Gwadosky told you that they had some 4,900 applications last year and they could only take 1,900 people in, so there were 3,000 that couldn't get in. I have the statistics from the year before and it wasn't 3,000 that were turned away it was 3,100 that were turned away. So, this is a current thing. It will end if we can get these schools to expand and if we can get business and industry in there supporting them. Business and industry will bring machinery, it will bring engineers, all kinds of knowledge and so forth to these schools and they will make them flourish.

The Maine Advisory Council on Vocational

Education has been in Maine for 15 years. The Governor, for the past 15 years, has appointed some of the best minds he could get on what they call MACVE and these are people from business and industry and labor. So, for 15 years, they have been working with the state. These are federally mandated and we must have them. They are also federally financed, they don't cost us any state money and here is what they said about this situation we are in today. "The Maine Council on Vocational Education wishes to inform you that it was the unanimous vote of the council on May 30th to support Nat Crowley's bill creating the Maine Vocational Technical Institute Administration." They later went on to say, "as a policy advisory board, we have been studying the vocational educational system at both the secondary and post-secondary level for 15 years and have seen the need for the above changes. We are pleased that this legislation has given so much attention to the VTI's and that so many of you have worked so hard on their behalf." Ladies and Gentlemen, I think it is time that we go to work and put the VTI's out from under K through 12 umbrella and do like we have done with all the other higher education, the University of Maine, Maine Maritime Academy and put them under a separate board of trustees.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Bonney.

Representative BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: Many of you that know me know me as a person with a sense of humor and that I enjoy a good story. There are also times when I can be extremely serious and now is one of them. I am a retired industrial relations director, and for 20 years, worked with Southern Maine Vocational Technical Institute on their advisory board. I will tell you how we felt on that board. We felt like the little brother that had always been held down when we wanted to work with the Department of Education.

The needs for these students is greater in this state than graduates from our universities and law school. We need these boys. Most of these boys as you know have already heard or young men are hired before they graduate and many of them are hired by out of state companies and not just the State of New Hampshire. The Ohio Bell Telephone Company has been taking these boys for years and years and years with excellent pay, many of them with greater pay than any graduate from our university system.

I want to see these young men and these schools separated and let them grow on their own like you would want to with your own children. My company could never get enough of these boys from the machine tool department. Business, and my business, was more than willing to help, giving machinery, equipment, knowledge, information, anything we could do to help in that area.

I want to tell you about one graduate, to give you an example, that the brain is also good along with the hands. This young man came from Cape Rosier, Maine. He had never been away from home. He went all the way to South Portland to SMVTI. They told me when I hired this boy, we could never give this young man enough challenge he was so capable. He was capable of MIT but he didn't know how to get there. We hired him. He came up through the ranks from a machine tool operator to foreman to department head. I then took him to our corporate headquarters and introduced him to the director of engineering. They spend the day together. The director of engineering said, this young man should never be controlled, he has a greater ability than the founder of this company.

Today, this young man has free rein within my old company to develop people, machines, equipment, ideas in any way shape he wants to. So, don't think all the brains go to our

university system.

Please vote to help Nat Crowley's bill.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Crouse.

Representative CROUSE: Mr. Speaker, Ladies and Gentlemen of the House: It is with reluctance today I stand here and try to present to you how the Education Committee got involved with this issue. It is one of practicality. What is possible for governance of the VTI's, what is possible for an issue, a piece of legislation to go all the way through the process here this year and the Education Committee got involved because of that. They formulated an idea that they felt was going to be a viable alternative to Representative Crowley's bill and that is the issue here today, whether we support a separate department and a board of trustees or whether we give the tools to the present State Board of Education.

I would like to read to you a letter from a top administrator at the VTI's and he spells it out very, very well. He says, "I would like to restate, the nature of the governing board is not of prime importance to the central operation of the VTI's, as I feel that the State Board of Education has done a super job, especially in the last couple of years. They have not, however, had the budget and personnel authority necessary to properly manage Maine's VTI system. I strongly suggest that a compromise bill will do nothing unless it includes language to give the board sole authority over budget and personnel. Within the budget area, it is very important to provide the board with the opportunity to administer a block budget by determining what needs could best be met and what ways through out the VTI system. That is the issue that is before us today. Do we give the tools to the State Board of Education that they have not had in the past? Do we give them lump sum appropriations control? Do we give them control over personnel decisions? Do we give them the staff which is necessary for them to operate and govern the VTI system?"

In our piece of legislation, there is an alternative. There will be a request for implementing legislation that will be addressing these issues.

There is one further issue that I would like to clarify and that is one of applications to the VTI's and who attends, the numbers game that has been presented to you today. The percentage of people going to college, the percentage of people going on to the VTI's is similar throughout the State of Maine whether it be the University of Maine or the VTI system. About 40 percent of those people that apply to a particular campus, a particular university, 40 percent of those that apply go on and attend that particular institution. The reason for that is that of those that apply, they go to some other institution. They choose to go to some other institution, they decide not to go on to college or they are not accepted, they don't have the qualifications to be admitted. So, the statistics that have been presented to you today are somewhat misleading when you see that they have different feelings, different directions themselves and it is not a true picture of what does take place.

The same is true for the university that I worked at. About 40 percent of those who apply actually do attend for numerous reasons, not because there are not openings.

Before you today is this issue and I just want to read the end of this letter. "If we are to review the VTI system as an economic development tool, then any compromise must give the present State Board of Education the complete ability to manage in the budget and personnel area." I think that is what we have to see today, that is what we have to vote on today and then we also have to decide what governance piece of piece of legislation is going to get through the whole process. That is the issue.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: To briefly respond to Representative Crouse, I would cite back to some of the comments that the good Representative from Fairfield, Representative Gwadosky, made.

In particular, I would like to cite his last point he made, the point of focus. Certainly the State Board of Education, their primary objective is, as it should be, kindergarten through grade 12. In our system of education in this state, and I would like to add it was a pleasure serving on the State Government Committee on this particular bill, it isn't an area that I had a great deal of expertise on and I certainly appreciate the time and all the information which was given to us by everyone concerned.

In our system of education, K through 12, is a full-time job in and unto itself. I feel that the separate independent agency which is to be set up will have the flexibility to accommodate the needs and the changes as they come along and they will have the greater ability to put the focus where it belongs on these post-secondary VTI's.

Currently in our system, the University of Maine has separate governance, the Maine Maritime Academy had separate governance. We are simply asking that the post-secondary VTI's have that same type of effort and priority. I would hope that you would all support enactment of this legislation.

Mr. Speaker, when the vote is taken, I would request it be taken by the yeas and nays.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am listening intently and there is no doubt about it that what everybody has said about the value of the VTI's in our state is right on. However, I don't feel that the establishment of the governance of the VTI's is what the real need is. I am going to be voting against this measure simply because I believe what the education committee is going to be proposing is the more responsible route to take.

Establishing a different governance board is not going to do a single thing towards guaranteeing that the VTI's will be appropriated more dollars to implement the flexibility they need in funding for expansion of new programs. That is the problem. That is where the VTI's are getting into trouble. When an employer wants to quickly train a group, there are no dollars immediately available in a separate fund of any kind that they can draw on to do the job immediately.

I am very aware of the complaints that are being made that the State Board of Education only gives one day a month to the issues of VTI's. Well, ladies and gentlemen, they only give one day a month also to the issues of K through 12 education.

There is nothing in the bill before us now that would allow, for example, for tuition money to be set aside or a portion of tuition money to be set aside to be drawn upon for a quick need at the VTI level. It all goes into the general fund. That is wrong.

When I served on a blue ribbon commission seven years ago that brought about a lot of changes, that you have seen as good changes in the past several years, we were not able to secure that portion and that is the kind of flexibility that the directors at the VTI's need.

My understanding is that there is no prohibition right now against any business or any industry to help bring in equipment and establish new programs. So, putting it into statute is not going to make a difference.

No one has been more supportive or more active in the cause of vocational education in this state than I have, with an awful lot of other

people. I don't believe that having a board of trustees is going to make the difference. There are 151 advocates sitting in this room for the VTI's. So, having ten or twelve on an official board, isn't going to make a darn bit of difference.

I just recently spent a week out of state attending a conference for vocational education. While the conference was entitled, the role for vocational education in the high schools, the majority of the debate centered around the post-secondary schools and their tie in. I did not hear one single individual support the mechanism that is being proposed to you as the answer to help the VTI's in our state, as I explained the two pieces of legislation that were being proposed in our state.

As a matter of fact, probably somebody should have taken the time and energy, and I feel guilty because I didn't go to either committee and ask them to explore the Massachusetts experience, when their VTI's broke away from their Department of Education. I heard no one there, and these were professionals saying to me, go back to Maine and urge a board of trustees. Their response was, don't do it, keep it within the Department of Education, but do the job right by putting the schools in the Department of Education to get them to do their job responsibly and right for the VTI's. I feel that potential approach exists in the other bill, the governing board is not going to make a difference to the real nuts and bolts operations of the VTI's. So, I urge you to, not because you don't care, but because there is a better approach to deal with the problem and a better potential to deal with the real problem in the other bill as opposed to this one.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I don't speak to you this morning from a base of education or from my committee that has been involved in this process. I am just merely an observer that has passed down through the time and through my district where I have observed a large number of my constituents who have been the students of the VTI process.

To take you back, there are some of us here on the floor to the era before Pearl Harbor, when we remember that as young people we worked apprenticeship roles for small pay and, in many cases for no pay, in order to learn the process to be effective and productive on a job. But today we find ourselves with the wage laws that call for productive employee to be present to be producing on his first day of the job. That is very difficult for me to come by, a productive employee on this first day with no opportunity for experience and, at the same time, have employers who are reluctant to fund for that experience.

When we see that this is the role that the VTI's have played in our youth of today, all for the reeducation or redirection of our people in the work force. I applaud that effort and applaud the State of Maine for what it has done in the past for the large numbers that is has put through such courses in order to enhance our work force.

The Department of Education, as I view it, is based around and has a bias which directs them toward the K to 12 education, which is the development of the academic skills in the individual in order to prepare him to go on to meet the requirements of life. The VTI's are reoriented into vocational matters and dealing with an older group of people. I am convinced that they need an advocate that is responsive to that role and to those needs when they come before us and come before the legislature in order to meet their financial obligations of funding this type of education.

The other observation that I have made as a casual observer is that the word education is almost the only aspect where these two func-

tions came together within the Department of Education itself. Their interest is centered on that one word, it appears. So, hence, I do support the separation of these two functions and that we go ahead and create a department and I concur with Representative Crowley's efforts in order to bring this on board and I encourage you also.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: The future of the Vocational Technical Institutes and the effect that they will have on thousands of our constituents and the influence that they will have on the economic future of the State of Maine may well lie in our hands as we consider what we are going to do with L.D. 1639.

We have six Vocational Technical Institutes here in the State of Maine at the present time at Calais Presque Isle, Bangor, Waterville, Auburn and South Portland. They were created nearly 20 years ago by action in this legislature and, for 20 years, they have been under the Department of Education and for years efforts have been made to improve their situation.

We have come to a point today where we can actually do something, something that will be positive. The VTI's over the years have accomplished a lot but they have had problems and much of the problem perhaps may lie in the fact that there has been an identity problem, and some people feel that there has been a lack of identity in the eyes of some of the administrators in the Department of Education. This lack of identity has had serious results. There has been a deficiency in the understanding of the needs of the VTI's in the long range planning concerns in getting a fair share of the emphasis on their needs, support for the programs, and in taking care of the budgetary needs.

There is a feeling by many, and this is unfortunate that the VTI's are only a part of a three tiered program, and nothing could be further from the truth, there are many who think of the shop, industrial arts and other occupational oriented programs in the high school as being step one. Some have seen step two as being the 25 regional vocational secondary schools and, very mistakenly, are considered that the vocational technical institutes were step three.

The same observers have mistakenly seen the VTI's in this light because they did not understand perhaps that the true goal of the VTI was to provide specialized training for the apprentice, the technician and the specialist.

It has been pointed out that the average age of the people in attendance in the VTI's is roughly 25 years. I think it is understandable that perhaps the Department of Education, whose primary responsibility traditionally has been the academically oriented programs for K through 12, and that they should not see perhaps the needs of the VTI's in the same light as you and I, that they should not seem to have the interest and the concern and the desire to give the emphasis that this post-secondary program deserves and needs.

If this session of the legislature has had an opportunity to correct an error, to do something that will benefit our constituents in every part of the state, that opportunity is here today. This is a cost effective program, which properly directed, can tow in hundreds of thousands of dollars to meet the special needs of industry and to provide employment for thousands of our citizens. Passage of L.D. 1639 is the key to making these possibilities a reality. This is not a Democratic bill, this is not a Republican bill, this is a peoples bill. I hope when you vote that you will vote to support L.D. 1639.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: The past session of the legislature made substantial improvements in the future of Maine education. However, in the process, little was done to improve vocational education. We have viewed the demands for these programs in the past few years. Many things have created the need for vocational training. The growth of Bath shipyard, Digital, Fairchild and many other large concerns need people with qualified backgrounds for employment in their concerns, the large number of small businesses operating with the help of former vocational education students. We all recognize the many graduates of vocational training who have developed the background and ingenuity to develop successful business firms which provide employment for many Maine people.

The rising cost of college education has created a very acute situation to Maine families. We have a large segment of people who will no longer have the opportunity to acquire advanced training to permit them to progress in life.

Vocational training does provide them with that opportunity. It would be lack of vision on our part not to recognize the fact that the future of many Maine people rests in giving them the opportunity to acquire skills that will provide them to become productive citizens for our state. Their future rests in establishing a separate functioning organization. The Crowley bill is the best medium for meeting that problem.

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

Representative HANDY: Mr. Speaker and Members of the House: I have had the distinct privilege to sit in on the work sessions that the State Government Committee had as a member of the Education Committee and consider myself an advocate on the Education Committee for the VTI's in this state. In fact, probably to the extreme where some of my colleagues on the committee are getting a little tired of hearing from me.

The good gentleman from Waterville, Representative Jacques, seemed to indicate that a new governance structure is going to have something to do with filling up the empty rooms in the VTI's as they may exist. If you can recall, several years ago, a new science building on the campus of the University of Southern Maine had two floors that remained empty for a number of years. Now, the University of Maine system has a board of trustees and those rooms remained empty. Will a board of trustees, through this new governance structure, fill rooms of the VTI's? I say no.

I submit to you that those rooms are only filled by coalition building from members of this body and those who have influence outside this body to get the appropriate monies funneled to meet the needs of the VTI's, the equipment needs, and so forth. That coalition building is further exemplified when members of this body sought cargo facilities for their areas, dry docks, ethanol plants, coalition building is what fills the VTI's, not necessarily a new governance structure. Is a governance structure going to make the VTI's better? Is a board of trustees for the VTI's going to make them better? Is a new bureaucracy going to make them better? I say no.

I think today what we have to do is not go full stride and sprint but we have to jog a little bit and maybe go just a little ways toward addressing the problems that exist. I think the way to do that is to take one step at a time and not leap into what could pose more problems down the road. I think we ought to take the moderate view and I would urge you to oppose enactment of this legislation today.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Men and Women of the House: I am not standing before you here today as an educational elitist, which has been suggested as the posture of those who happen to oppose this bill, but as one who has always supported vocational education in this state and enhancing and strengthening their role.

I am also a member through this body of the Maine Job Training Council which oversees vocational education in this state and makes recommendations to the Governor. On that council, I am also a strong advocate of our VTI's.

What is becoming clouded here is the decision we have to make, and again, that is really quite simple. Do we create a separate entity with a substantial price tag to deal with this issue or do we empower and equip our current structure to actually do the job they have been charged with, the results of which we are so very critical here today.

I would suggest that we might try that route first. K through 12 is certainly a focus of the state board but it is also charged by law with the authority to oversee the VTI's. The main reason that K through 12 comes to mind as their priority is that we have not given them the tools, as Representative Crouse so eloquently stated earlier, to deal with this area of vocational education, hence the identity crisis.

I would like to pose a question through the Chair to the good gentlemen from Fairfield, Representative Gwadosky.

It is in two parts: first, what portion of the VTI budget currently relies on federal money? Secondly, are those federal dollars expected to dry up? If so, what will be the dollar request to the general fund to keep a separate board in place in the future?

The SPEAKER: Representative Bost of Orono has posed a series of questions through the Chair to the Representative from Fairfield, Representative Gwadosky, who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the Representative's questions. First of all, in regard to the Representative's questions. First of all, in regard to the cost of a separate board, he knows full well that the board envisioned in this bill would be reimbursed. It is similar to the State Board of Education, they receive no per diem, first of all, they are only reimbursed for expenses. That is the first thing I want to mention.

The second thing is that the total budget for the Department of Education is near \$500 million. I stand to be corrected on that, the VTI portion is approximately \$50 million. I think the Representative from Orono, Representative Bost, knows full well that the federal monies are a little over \$3 million.

In regard to his comments that this bill will have a substantial price tag, the original quotes on this bill was that it was going to cost \$250,000 a year. Then, as we began to prepare the fiscal note, we found out that it was going to be \$150,000 a year. Now it has been reduced to \$110,000 and now we know that, because of the creation of this separate agency, that is will qualify under the Carl Perkins Act monies. So, there is a very real possibility that certainly for the next two or three years that most of the cost for this whole thing could be picked up under the Carl Perkins monies.

The final word on that is being worked out now, hopefully, between the Commissioner of Education and the finance office. They have had a falling out over the last couple of days on how much exactly this was going to cost and they haven't been able to get the information from the Department of Education. Every indication that we have seen now and the fiscal note that is currently on the bill is \$110,000.

Obviously, we expect that to be substantially reduced by the time it hits the Appropriations table.

I would also like to respond to a statement made by Representative Beaulieu of Portland who said that there is nothing currently in this bill that would allow a VTI to retain a portion of their tuitions. Now, that is absolutely incorrect. This bill creates a revolving fund account in which any monies taken in for tuition, program fees, or dormitory fees is placed in a revolving fund account which is credited for each VTI in the event that a particular business wants to develop a contract and offer monies and offer equipment to this VTI in exchange for a skill or a course that is going to be offered. The board of trustees in this bill could channel that money very easily to that particular VTI. I hope that addressed the questions from the Representative from Orono. I wanted to state on the record the difference and the interpretation of how this revolving fund account would also work.

The SPEAKER: The Chair recognizes the Representative Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just a few points. I am hearing that the management of the governance is not important. I think the management and governance of the VTI's are all important. I think we have to have people with the expertise to run them above them. To say, that that is not important and not critical, I think, is a gross understatement.

In terms of the federal dollars, the Appropriations Committee just had to bail out the VTI system to the tune of \$1,800,000 because they were using monies that were for new and expanded programs, for continuing programs. They had to pick this up because we would have been in serious trouble if we had to continue using the monies in these ways.

If we had a board that had a full time to pay attention to these things and would understand them, I think, they would have been on top of it. I am not putting down the State Board of Education. I think they have done a wonderful job over the years but I think it is time to move on and specialize.

I would like to bring up one point about the — someone mentioned the fact on the attendance and those that were turned away — two years ago, two weeks after the school was opened, there were 707 young people waiting and hoping someone would die or something so they could get in one of these institutions. This year there were over 600 just waiting to get in. These are individuals who are being denied on the week after the schools open.

I hope you go along with the Maine Advisory Council of Vocational Education. Goodness knows, if anyone knows about this whole business, they do. They say, as the advisory board, we have been studying the vocational education system at both secondary and post secondary levels for 15 years and have seen the need for the above change and they were pleased that the legislature was finally going to make this change.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who wishes to answer.

Is it not true that the major reason there are students out there who cannot get into those schools and the programs they desire is because there is no money to expand the buildings and to provide the staff to teach those courses and what would a governing board appointed by the Governor or whoever, where would they make the difference? Does it not boil down to the issue of 151 people sitting in this body making sure that the dollars are there? Are we not really the true governing board for the VTI's?

The SPEAKER: Representative Beaulieu of Portland has posed a series of questions through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Fairfield, Representative Gwadlosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the questions from the Representative from Portland, I wish it was that easy that we could just throw money at this and solve this problem but that is not the case. When you have something that is sick, you have to try to make it better, you want to make it healthy. What we need is a healthy system. You can throw as much money into the current system as you want to and it won't make anything better until you change the system. You have to develop a system, you have to provide finally for this, as Representative Crowley said, to this marriage between the private industry and the VTI's. You have to develop a workable situation where the business interests are going to be contributing, they are going to be involved in the VTI's in exchange for the services that they are going to get out of it. There is no incentive now for business to get involved with the VTI's because they get nothing out of it. We have to make this a healthy system and I think this bill will do it.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I have noticed this morning and over the past few days when I have spoken to individuals around here, one of the big concerns that some people seem to have was, is this the time? This is a radical step, do we want to get into this? To that, I would like to say that I was at a graduation a few years ago, my sister's, the commencement speaker at that time left after a very eloquent speech, whose final statement was, "If not now, when?" and, "If not you, who?" I would just like to offer that challenge to us at this time.

One of my big heroes, one of the guys I looked to for inspiration, quotes and what not, was the late Bobby Kennedy. One of the things Bobby Kennedy used to say fairly often was, "Some men see things as they are and that is why, I see things as they could be and say, why not?" We have that kind of situation right here. We think we have the mechanics all worked out. I guess to those skeptics you could say, we don't really know until we give it a test run. What is wrong with giving it a test run? We think we have the thing in order. We think we can run this thing. It appears that it is not going to cost a dime more than it is costing right now.

Another example that I can use for some of the individuals around here who are saying, gee, this is a radical move, is this the time to do it? Well, back in the 1800's, when the Blacks were still slaves and we had all that sort of baloney going on, Abraham Lincoln and a few visionaries like him, decided that it would be a great step for this country to emancipate the slaves. If a radical move such as that hadn't been taken at that point, the Blacks would probably still be slaves. In this instance, you might put this similarity, the VTI system is almost a slave of the educational system. Why not emancipate them?

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: The VTI's in the State of Maine have the poor office of the Department of Education long enough. The problem has existed for many years and they have not chose to do anything about it. Through the passage of this bill, we will go a long way to correct the situation and I urge you all to support this bill and pass it as recommended by the State Government Committee.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to bring up a point here. MACVE, who has been quoted quite often this morning, is federally funded, which we know, and it has a staff and the question was just brought up a minute ago that the Appropriations table had to bail out the vocational schools and MACVE has been in existence for a long time — I wonder where they were as far as advising whomever they should have that the monies were not being properly used coming from the federal government?

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

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

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: This is a very important bill that we are dealing with today and I want to make a brief statement concerning the bill. Three things, consistency, fairness and priorities — what I mean by consistency is that, every college in this state, public or private, has a separate governing board except six, the six VTI's. What I mean by fairness is allowing the VTI's to have a fair shot at the monies available for education in the State of Maine by going before the Appropriations Committee separately. What I mean by priorities is the following: the University of Maine has a trustee system with their defined goal being the UM campuses. Maine Maritime Academy has a separate board of trustees with their defined goal of training officers to serve in the maritime industries. The Board of Education has a defined goal and their responsibility is K through 12 and the VTI's. I think it is important to note, and I think it couldn't be said often enough, that vocational technical institutes are colleges. They are colleges, they are not members of K through 12. The Board of Education's defined goal, in respect of K through 12, is to prepare for graduation and possible continued education. To slap the VTI system onto that same governing board, I think, is an insult to those six campuses.

If we are going to have skilled and qualified people to work in our industries in the State of Maine, we need to define goals and a way to achieve those goals.

Presently, the VTI system has a defined goal but no ability to get to that goal. I would again stress that it is very important that they have a separate entity with the ability to get to that defined goal to give them that increased visibility and the power to do what they would like to do.

I would hope that you would vote in favor of enactment of this important piece of legislation.

The SPEAKER: The pending question before the House is passage to be enacted. Pursuant to Paragraph 3, Section 8 of Part 1 of Article V of the Constitution of the State Maine, it requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 160

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Baker, H.R.; Begley, Bell, Bonney, Bott, Boutilier, Bragg, Brannigan, Brown, D.N.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Coles, Connors, Cooper, Cote, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond,

Dillenback, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Harper, Hayden, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Mayo, McColister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Priest, Reeves, Rice, Ridley, Rioux, Rotondi, Ruhlin, Salisbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, Willey, Zirkilton, The Speaker.

NAYS:—Beaulieu, Bost, Brodeur, Brown, A.K.; Cashman, Connolly, Crouse, Hale, Handy, Manning, Matthews, Randall, Richard, Roberts, Rydell, Soucy, Stevens, P., Taylor.

ABSENT:—Carrier, Drinkwater, Hepburn, Kane, Kimball, Michael, Nadeau, G.R.; Nicholson, Racine, Rolde, Stetson, Weymouth.

121 having voted in the affirmative and 18 in the negative with 12 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Orders of the Day

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

Bill "An Act to Amend the Reapportionment Law" (S.P. 619) (L.D. 1630)

— In Senate, Passed to be Engrossed without reference to a Committee.

(Committee on Reference of Bills had suggested reference to the Committee on State Government)

TABLED — June 6, 1985 by Representative NADEAU of Saco.

PENDING — Reference.

Under suspension of the rules, the Bill was read once without reference to any committee and assigned for second reading Monday, June 10, 1985.

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

An Act to Establish an Aroostook County Budget Committee (S.P. 310) (L.D. 799) (C. "A" S-98)

TABLED — June 6, 1985 by Representative DIAMOND of Bangor.

PENDING — Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Monday, June 10, 1985.

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

Bill "An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings" (S.P. 218) (L.D. 577) (C. "A" S-176)

TABLED — June 6, 1985 by Representative ALLEN of Washington.

PENDING — Motion of Representative STETSON of Damariscotta to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Representative Allen of Washington, retabled pending the motion of Representative Stetson of Damariscotta to indefinitely postpone bill and accompanying papers and specially assigned for Monday, June 10, 1985.

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

Bill "An Act Relating to Retirement Options for Legislators" (H.P. 703) (L.D. 1013)

TABLED — June 6, 1985 by Representative HAYDEN of Durham.

PENDING — Adoption of Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto.

On motion of Representative Hayden of Durham, retabled pending adoption of Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto and specially assigned for Monday, June 10, 1985.

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

Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542) (H. "B" H-310)

— In House, Failed to Recede from Passage to be Engrossed as amended by House Amendment "B" (H-310) and Concur with Passage to be Engrossed.

TABLED — June 6, 1985 by Representative HANDY of Lewiston.

PENDING — Motion of same Representative to Reconsider Failing to Recede and Concur.

On motion of Representative Handy of Lewiston, the House reconsidered its action whereby it failed to recede and concur.

Whereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

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

On motion of Representative McHenry of Madawaska, the House reconsidered its action whereby Bill "An Act Amending the Charter of Farmington Village Corporation" (Emergency) (S.P. 629) (L.D. 1647) was passed to be engrossed.

On motion of the same Representative, the Bill was referred to the Committee on Local and County Government in concurrence.

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

Reports of Committees

Unanimous Leave to Withdraw

Representative ALLEN from the Committee on Judiciary on Bill "An Act Concerning the Courtroom Use of Videotaped Testimony of Juveniles" (H.P. 528) (L.D. 748) reporting "Leave to Withdraw"

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

Consent Calendar

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 925) (L.D. 1327) Bill "An Act Relating to a Grievance Procedure Concerning Discrimination on the Basis of Handicap" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-354)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Provide Expanded Markets for Products and Services from Rehabilitation Facilities and Work Centers (H.P. 1075) (L.D. 1564) (C. "A" H-327)

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. 116 voted in favor of the same and none against and according-

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

Emergency Measure

RESOLVE, Authorizing the Somerset County Commissioners to Expend \$130,000 from the General Fund for the Purpose of Making Modifications to the Somerset County Jail to Increase the Jails Rated Capacity (H.P. 1103) (L.D. 1611) (H. "A" H-312)

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 Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Amend the Laws Relating to Absentee Voting (S.P. 32) (L.D. 33) (H. "B" H-322 and S. "A" S-144 to C. "A" S-129)

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

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I have three major objections to this legislation today, the least of which is that it continues to allow candidates to collect absentee ballots. I do understand that we are sort of at an impasse at that and that we agree to disagree and that aside, I would ask you to consider rejecting this measure on two other accounts.

First, this bill allows absentee ballots to be requested over the telephone. No applications are necessary, no notary necessary and no witness. You call up your town clerk, you give her your name, your birthdate, your residence and she or he sends you an absentee ballot to your home. You don't have to get that ballot notarized.

Secondly, this bill removes that safeguard in the law that requires all absentee ballots to be notarized. Now, we have heard, regarding this legislation, the politicians have been considered second-class citizens — I don't believe that for one minute but we are, however, political activists and potentially over-zealous. This provision of the bill removes a candidates protection. It allows any two people, perhaps not of our choosing, but working for what they believe is our best interest, to go out and collect absentee ballots. The potential abuses, through enactment of this legislation, I believe, are numerous. There is the possibility of coercion. The absentee ballot system does need reform but I suggest to you we are going, with this legislation, in the wrong direction.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: We have had many debates on this absentee ballot bill which is our unanimous committee report from Legal Affairs, L.D. 33, which contains several changes in the absentee ballot law. The change that you voted down last week, that we amended out, was the change that would have required candidates to have an extra witness when they circulated absentee ballots. It is true that the committee had testimony on many different bills and from many different sources on the need to streamline the absentee ballot process. Probably the most important streamlining that we did in terms of protecting elderly people from always having to get their ballots through a third person. In speeding up the process of students, who are out of town getting absentee ballots, was to initiate the system of absentee balloting by mail. If the ballot is requested by telephone and mailed to the voter at his or her residence, signed by the voter and mailed back to the clerk, we do not require a notary. This is a system which is followed in several other

states

The witness requirement is another attempt to make it easier for people to do third party absentee ballots, either to have a notary or to have two witnesses. There was testimony from the Secretary of State's Office and from the experience of other states, that people do not witness ballots lightly. The election laws regarding fraud of absentee ballots are still in place and any abuse of absentee ballots is an offense under the election laws and carries quite a severe penalty. So, I hope you will vote to pass on this bill, which we have debated so many and voted on two or three times and vote to enact it now.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 33 was the unanimous report out of the Legal Affairs Committee. It was a compromise of many long hours and testimony. It was never a partisan bill. We all realized that there were a few problems out there and we went on to see if we could streamline that a little bit. We worked very closely with James Henderson, Deputy Secretary of State and Mr. Jerry Berube, City Clerk of Lewiston, who had a lot of input and gave the committee the benefit of their expertise. I believe that out of all the late hours of working, and with the benefit of these two gentlemen, that this committee came out with a truly good bill, a compromise and it answered all of our concerns. The Committee Amendment had checks and balances on absentee voting to ensure everyone's right to vote. The integrity to keep absentee voting was there.

Now, in this House, with amendments we have stripped this report of its checks and balances, leaving possible loopholes for many improprieties. Therefore, I urge you to vote no on this bill.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to pose a question to the good Representative who chairs the Legal Affairs Committee. My question is, when somebody requests a ballot by telephone, for example, how are you supposed to know whether in fact he or she is actually the person who they say they are. If they can vote absentee ballot without having it notarized, again, how are you able to prove that the person whose name actually appears on the ballot did fill out that ballot? To go one step further than that, in some of the larger areas where lists are not always updated in time — for example, in cases of deceased members of the community, would it be possible for someone to request a ballot, knowing that it would be mailed to a home where someone had passed away, filled that ballot out, sent it in, and actually have it count? Is that possible?

The SPEAKER: The Representative from Mt. Desert, Representative Zirkilton has posed a series of questions through the Chair to the Chair of the Legal Affairs Committee who may respond if she so desires.

The Chair recognizes that Representative.

Representative REEVES: Mr. Speaker, Men and Women of the House: If a person did that, they would be violating the election law in a very serious way and I am sure that that ballot would be challenged and the person would be prosecuted. Clerks are always pretty careful about the absentee ballots that they send out and I am sure that they would be quite careful in monitoring this new system. The clerk would still be able to fill out the necessary information on the front of an absentee ballot application and also check the signature of the returned ballot with the signature that they have on file in their office. I think that an individual

would hesitate before they committed that kind of election fraud, which could be documented by an absentee ballot and which could be proved by the fact that that ballot was a fraud.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative ZIRNKILTON.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentlelady for her explanation. I would merely say that we have all heard of many cases in larger cities, the Illinois area, where more people who are deceased have voted than there are constituents in my district. I think this House should be extremely careful to pass anything that would make it easier for a crime to be committed for violation in the election laws area.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, I would like to pose a question through the Chair to the Chair of the Legal Affairs Committee. My question would be, if she knows when the last time a Maine resident was prosecuted for a violation under the election laws?

The SPEAKER: The Representative from Woolwich, Representative Cahill, has posed a question through the Chair to the Chair of the Committee on Election Laws who may respond if she so desire.

The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Members of the House: Because of so many doubts and flaws in this bill and so many chances of fraud, we know that fraud has happened and we know that there has been no prosecution, I move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: I hope that you will vote against indefinite postponement. In all of the testimony that our committee heard on all of the issues that were dealt with in this bill, there was a lot of talk about fraud but there was never one documented case or even any case that one wanted to bring to us with names and dates and events. The Office of the Secretary of State, the election division, was ready to follow up and prosecute any case of election fraud and there are plenty of opportunities for fraud, I don't see that this bill, in any way, creates new opportunities for election law fraud.

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

Representative HIGGINS: Mr. Speaker, first I would request the yeas and nays on the motion.

As many of you preface your remarks by saying you hadn't intended to get involved with the debate, I really hadn't because election laws is not my cup of tea. However, the discussion that is now invading the House, I guess, regarding election practices and the potential for fraud and the indication that everyone stands ready to prosecute these cases, I want to relate to you an incident that happened in my town without getting involved in the names of the people.

Let me just say to you that my counterpart, who serves on the Legal Affairs Committee, was directly involved with the case of, I guess, potential absentee ballot fraud. At that time, there was a great deal of concern by the people in the town and it was not a partisan election, it was a municipal election, which did not involve the political parties. The fact is that in the scheme of things, the Attorney General Office is not going to get involved with trying to prosecute an individual who is an over-zealous worker, perhaps, who was involved with

tampering or working in unscrupulous ways, however you want to describe it, on absentee ballots. They have bigger and better things to do and that is essentially what the Attorney General told me, told my friend from the other party, who represents Scarborough, and told the town council, when they crossed the issue off, when are you going to try to prosecute or bring a resolution to this particular case? They have cases on rape, murder and felonies and all kinds of other things that are much more important to the Attorney General's Office and the District Attorney's Office than someone who, perhaps, did something to five absentee ballots, who unfairly swayed their vote. They are not going to bring those people in and prosecute them. The courthouses are full enough as it is.

So, I don't want anybody here to think that I am accusing anybody of doing something in my town and I am not trying to cast any dispersions on the character of any member of this House but I don't want anybody to think that, just because we have a law on the books that says you shall not influence unduly an absentee ballot, that it is not going to happen and, if it does happen, those people are going to be harmed or punished in some way. It just doesn't happen. It is unfortunate but there are more important things, at least to the Attorney General and District Attorney's than voter fraud.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up and continuing this. However, after all the amendments that have been made to this bill, I cannot support it even though I supported it in committee. It is interesting to note that many people came forward with problems that have happened at the polls but who, in checking off the names, is going to court and swear in court that the person who appeared and was checked off was actually the person. Very difficult to prove.

Another very interesting thing that happened in the City of Lewiston recently was when they had their vote on the college monies, that the only group that voted in favor of that was the absentee ballots. Now, I ask you.

Representative Reeves of Pittston was granted permission to address the House a third time.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that I am speaking again for the third time but I would just like to point out to the House that putting the ballot by mail process in is an attempt to relieve the absentee voter from the necessity of having a third person, the possible interference with their votes so they can vote in privacy and vote in the kind of confidentiality that people do when they go to the polls and vote.

I hope you will vote against indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope you stick by your actions of the other day and see that we pass this. It is time for reform and don't be afraid of reform. We can always change things if you see that there is something happening out there. There is something happening and that is why this is needed. I urge you to stick by your former motion.

The SPEAKER: The pending question before the House is the motion of Representative Wentworth of Wells to indefinitely postpone the bill and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 161

YEAS:—Armstrong, Baker, A.L.; Begley, Bell,

Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Hale, Harper, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Pines, Randall, Ruhlin, Salisbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, A.G.; Stevenson, Strout, Taylor, Webster, Wentworth, Whitcomb, Willey, Zirkilton.

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Duffy, Erwin, Gwadosky, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Reeves, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Rydell, Simpson, Stevens, P.; Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, The Speaker.

ABSENT:—Carrier, Connors, Hepburn, Kane, Kimball, Macomber, Michael, Nicholson, Racine, Rolde, Scarpino, Stetson, Weymouth. 63 having voted in the affirmative and 75 in the negative with 13 being absent, the motion did not prevail.

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

An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance (S.P. 485) (L.D. 1313) (H. "A" H-337)

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

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Include the Term 'Sexual Orientation' in the Maine Human Rights Act" (S.P. 446) (L.D. 1249) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-221) on same Bill, which was tabled earlier in the day and later today assigned pending the motion to accept the Minority "Ought to Pass" Report.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that someone table this to a time certain, Monday at ten o'clock. The good gentleman from Westbrook would like to debate this bill. I believe the majority of the people in this House realize that he does have a concern. I told him I would ask that this bill be tabled.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: Though I realize the concerns just expressed by the Representative from Madawaska, I would urge you all not to make a motion to table this bill.

As you can all see from today's calendar, this is a Divided Report. As you can also see from today's calendar, I am on the Majority "Ought Not to Pass" side of that report, the same side as the gentleman from Westbrook. Our committee has met briefly today to discuss the possibility of tabling this bill and, regardless of the side of these issues that we are on and

regardless of the side of the political party that we are in, we have all agreed that we would like to run this bill today.

I can assure you that the members of the Judiciary Committee have fully explored both sides of this issue. We have heard, thoroughly, through the mail, on the telephone, in the halls and in committee arguments on both sides of the issue as I am sure all of you have.

So, we hope very much that we are able to deal with this issue today, regardless of what side you are on, that we discuss the issue at hand and we do it today. I might add though, in previous debate, some illusion has been made to the committees lack of good faith in certain issues. I can assure you that the gentleman from Westbrook did not discuss nor ask any member of our committee any kind of courtesy with regards to tabling this bill. He was here yesterday and knew full well that this bill would come before us today.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the Minority Report today so that you can accept the Majority "Ought Not to Pass" Report.

I request a roll call.

Representative McHenry of Madawaska moved the matter be tabled until Monday morning at ten o'clock a.m., time certain.

Representative Hayden of Durham requested a division on the tabling motion.

The SPEAKER: A division has been requested. The pending question is to table this matter to a time certain. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 100 in the negative, the motion to table did not prevail.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker and Members of the House: I have perhaps addressed this chamber on the record dozens of times in the last seven years. This is perhaps the most nervous I have ever been addressing you, my friends, about an issue of importance.

I have voted three previous times regarding this legislation, as a freshman member, as a second term member, as a third term member, and I voted against it. I voted against it for reasons I thought were right. I still have the same reasons today. But today, I stand before you as a signer of the Minority "Ought to Pass" Report. I think you have every right to know why I signed that report. It is not a change of heart as to how I feel about homosexuality, of gay rights. It has nothing to do with my moral beliefs. They are the same today as they were yesterday or a year ago or five years ago. My church is very clear on this matter. I do not condone, encourage, or accept homosexual behavior in any form whatsoever. It is personally repugnant to me and I find it distasteful.

The issue here is not accepting this type of behavior, it is one of tolerance, one of discrimination, of people who are like you and I in this very chamber. They are the same type of people, they are human beings created by God. Because of that, I think they have a sacred worth. I wouldn't stand before you today and say that if I didn't believe it with every ounce of fibre in my body, every ounce of moral courage, whatever I have, to believe in it.

If you read Committee Amendment "A" of the Minority Report, especially the Statement of Fact, I didn't make a speech this morning to give to you, so I kind of rely on some notes. The Statement of Fact I read about three o'clock this morning at home. It kind of reiterated for me what the argument would be for this bill. I ask you to keep an open mind.

The most sensitive part of the bill as

presented to the committee had to do with employment. I think there might be valid reasons for concern because it addresses such a large wide area of concern to everyone. That was amended out. What we have today is a limited housing section. Let me read this. This amendment does not take a moral stand on homosexuality. The question of morality is left to the judgment of each person as it should be. What the amendment does say, with regard to some economic activities, the extension of credit, the provision of services for the public and the provision of housing as a profession is that discrimination on account of sexual orientation is against public policy, in the same way that discrimination on account of race or religion is against public policy. For the state to prohibit discrimination on account of sexual orientation in these economic areas of life does not mean that the state condones homosexuality, just as the state, by prohibiting discrimination against the Buddhist or the Moslems, does not put its stamp of approval on those religions. The amendment does not interfere with how individuals, whether they approve of homosexuality or whether they do not, order their individual lives, rather the amendment focuses only on businesses serving the public. It states only that all members of the Maine public are entitled to equal opportunity to purchase or avail themselves of those business services. I don't think that it is far reaching, not here in 1985 in the State of Maine.

You know, if you were in a restaurant and you knew that someone was a registered member of the communist party, you could not object to the manager and say, I object to that person being next to me and my wife and my family because that person is a communist. There is no legal justification for that.

If you knew that another person was a child molester, had served time and been convicted and was now out, you couldn't say that. I object because that is a child molester, that person went to prison. But you could say that because a person is gay, I object, that person is gay, he is having lunch at that counter. I just cannot, in my own conscience, reconcile that with being correct. No matter what type of person you are, you have a right to certain basic necessities of life and enjoyments of life, public accommodations, a bowling alley, a restaurant, a theater. How about buying a car or buying a home? Isn't that basic to what we believe life to be here in the State of Maine? You make a moral judgment on the person, if that person should not get credit at a credit union or a bank or some other lending authority because the person is gay? Don't gay people pay taxes? Don't they need automobiles for transportation? Don't they enjoy movies in the theater and of free association?

You know I don't, in any way, want to see this bill made into a moral argument. I am very ready to discuss morality with anyone. I have had some schooling in moral law. I can remember my scripture classes telling me in the seminary that homosexuality is not the worst sin in the Bible, you can see that very quickly and very easily, pride was. Lucifer fell because of pride. Judas fell because of pride, not because they were gay. That is the worst sin. So, if we want to talk about sin, we have to be very careful. The issue is not morality, the issue is tolerance.

In the State of Wisconsin a few years ago, they passed similar legislation we are asking you to approve today. How many complaints did they get after this legislation was passed? According to the statistics I have, about 100 complaints out of about 4,000. That is one quarter of one percent that had to do with sexual orientation complaints. I submit to you that is not a very great number.

I don't know how those problems were adjudicated but regardless of how they were adjudicated before the Wisconsin Human Rights

Commission, it is not a very great number. There are millions of people, I think Wisconsin has about eight times more people in their state than we do here in the State of Maine.

The amendment has stripped the bill of the emotional provisions of employment and the parts of housing having to do with landlord living in that apartment building. What is left is purely economic. No Maine citizen should have any fewer economic rights than any other.

I am not going to bore you any longer with my remarks. I felt very comfortable signing this report after listening to the debate in the workshops on the bill. I would have signed it out alone. I think that any of the other signers of that report would have done the same. We don't put our signature on something we don't agree. We don't put our signature on something we are not willing to explain in debate on this floor.

Just by coincidence, my fellow colleagues, a few days ago I reviewed in the mail from the Maine State Prison a quote for something that had nothing to do with this at all. I believe it is called the Phoenix Magazine from the inmates of the Maine State Prison. The quote they used really kind of struck me. I want to share it with you. "If we accept and acquiesce in the face of discrimination, we accept the responsibility ourselves and allow those responsible to sell their conscience by believing that they have our acceptance and concurrence. We should therefore protest openly everything that smacks of discrimination or slander." That was written by Mary McCloud Berthume, who died a few years ago. That is about how I feel about the bill. I do not regret my past votes on this legislation whatsoever, but I could not vote that way today. But after listening to the debate and after questioning members of my family as to how they felt and people that I trust in the community, whose judgment I trust, whose judgment I value, I signed out "Ought to Pass." I hope, ladies and gentlemen of this House, that you will accept the Minority "Ought to Pass" Report.

THE SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate this subject. It is a beautiful day outside, I appreciate the comments that have been made, but there isn't going to be one vote changed in this House today regardless of what you say.

Representative Allen of Washington moved indefinite postponement of the Bill and all accompanying paper.

The same Representative requested a roll call vote on the motion.

THE SPEAKER: The Chair recognizes the Representative from Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, and Members of the House: by way of introduction, I hadn't intended to say this and I don't want to make this debate personal, but Representative Paradis, you are beautiful.

The issue that is presented in this amendment to the Human Rights Act is the same issue as the time it was first before the legislature back during the 108th. It is one of fundamental human rights. Despite any misleading attempts that might be made to color the issue otherwise, it is civil rights issue that is rooted in the basic principles of fairness and justice upon which this country was founded.

Initially for the Judiciary committee and now for the full legislature, to act favorable upon this bill, the committee and now we had to be convinced that there was in fact a compelling need to provide the protections of the Human Rights Act to gay men and lesbians because there was widespread discrimination against them in the State of Maine.

Throughout this past winter, the Maine Civil Liberties Union and the Maine Gay Lesbian

Political Alliance conducted a rather extensive survey of gays in Maine about the whole question of discrimination. The result of that survey, I am not going to bore you with numbers, but the results of that particular survey have been passed out to you along with some letters from church groups and I think that if you take the time to see them, the numbers would speak for themselves. The results of the survey demonstrate, not only is there significant discrimination against gays in the State of Maine, but there is also a vast majority of people who are gay who conceal their sexual orientation because they are afraid of the violence and harassment and discrimination that is practiced towards gays.

The results of the survey, which were rather reluctantly agreed to by the Christian Civic League, also show that in the State of Maine gays are the targets of abuse and bigotry that frequently result in personal harassment and sometimes in physical violence.

The fact that discrimination, prejudice and intolerance exists is, I think, in the minds of most people who have looked at this issue, undeniable. Sometimes that intolerance is very subtle but more often than not it is very open, it is very cruel and sometimes it can be very vicious.

The Constitution of the State of Maine — I will just read one sentence from Article I, Section I, Declaration of Rights: it says, "all men," and it doesn't qualify that in any way. It says, "all men are born equally free and independent and have certain natural and inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring possessing and protecting property, and of pursuing and obtaining safety and happiness." That really is what the issue is all about in this bill as it has been amended by the committee.

Discrimination against gays in the State of Maine does exist. Under the Constitution, we as legislators, have an obligation to prohibit it insofar as we are able to do that.

When you consider the historical arguments that have been made against this bill and are the same arguments that are used again this year, they were used in the committee, I think that it is legitimate to separate into two categories, two groups of people, those folks who are against this legislation. The first group are those people who consider that homosexuality is immoral and that it is a sin and that it shouldn't be given any level of acceptability by passing legislation such as that that we have before us. For these people, it is a matter of their religious beliefs and their own personal convictions and their attitudes.

But a very extraordinary thing has happened since this Legislature convened last December, the National Organization for Women and the Maine Gay Lesbian Political Alliance began to hold a series of coffees, breakfasts, and teas, both in our home districts and also here in Augusta. For many legislators it was the first time that we sat down face to face with someone who said, I am a homosexual and began to talk about the issue of discrimination against homosexuals. I think that out of those meetings that were held most, if not all of the legislators who attended, came away with the feeling that they are the same kinds of folks as Representative Paradis said, as you and I. They smile and they cry, they feel, they hurt and they have the same needs for love, personal dignity as the rest of us. That is what the issue in this legislation is all about.

If we also listen carefully to those folks who were talking with us at those meetings, we also discovered that there is, in the State of Maine, as across the rest of the country, an unacceptable level of prejudice and intolerance against people who are gays.

There were two specific incidences of testimony that were presented to the committee at the very long hearing that was held a couple of weeks ago. I would just like to sum-

marize these two. The first was a fellow who was an emergency Medical Technician. He was working for some company in a rural part of the state. He identified himself as a gay man. He said, that when it became publicly known in his community that he was gay, that he was fired from his job — the way he put it at the hearing, I don't give gay CPR and then to other people give straight CPR, I give CPR. The reason that I was fired had nothing to do with the way I performed my job, it had to do with the fact that I was gay.

Then there was another incident, a mother and a son testified. A young man got up and said that he was a homosexual and he began to realize it when he was in his early teens that he was different from other people. When it finally occurred to him, discovered that he was a homosexual, he didn't know how to deal with it. He was afraid to talk to people about it, he was afraid to talk to his friends about it, a result, he attempted suicide. His mother got up and spoke after he spoke and told about going to the hospital to see him after he had attempted to take his life. It wasn't until that point that she realized that he was a homosexual. She said, I was overwhelmed with emotion and with grief, not because he was a homosexual, but because of the prejudice and the intolerance that I know he will have to suffer for the rest of his life because he is gay and there is absolutely nothing that he can do about it.

Human rights, as Representative Paradis said, don't depend on morality. The point of this bill is not whether homosexuality is admirable but whether discrimination is intolerable.

There is a quote from Justice Alexander that I was going to read to you and I am not going to take the time to do that now, but those of you who are familiar with the intolerance day situation in Madison, if you read what Justice Alexander had to say and understand that he makes the best argument of anybody that I have heard so far, who is not gay, as to why this legislation is necessary. Because there is no enforceable law in the State of Maine that he had no other choice but to rule that it was okay to stop the intolerance day discussion that was to take place in Madison.

In 1980 or 1981, Mayor Koch in the City of New York issued an executive order in which he said that any agency, nonprofit organization or other agency in the City of New York, who received money from the City of New York, would be prohibited against discriminating against gays. That particular executive order was challenged by, amongst other, the Catholic Church. The Supreme Court in New York, in ruling on that challenge, said that Mayor Koch not only had a right to issue that executive order but that he had an obligation under the law as the court saw it to protect people against discrimination.

The second group of people, if you divide the opponents into categories who are opposed to this legislation or who will not vote for it today when we have the roll call, are those people who, if it were a secret ballot, would probably vote for it but see a vote, particularly a roll call vote, a political liability. It is easy for me to speak because I come from the city of Portland from a district that most people — at least when they talk to me up here — describe as a fairly liberal district and I haven't been opposed for the last several times that I ran, but I can give you the figures of the 103 that have voted for this legislation since 1978 and only six of those people who have voted for this have ever been defeated and their defeat had nothing to do with this political issue. I can talk to you about what happened in Wisconsin where they passed legislation which was basically a rural Republican conservative legislature and nobody there has suffered defeat as a result of their vote.

I can tell you the story about the fellow from Aroostook County named James McBrearty,

who in the last session of the legislature, for the first time since he has been here, voted for this legislation and the last week before the election occurred his opponent took out ads in a weekly newspaper to try to defame him over this issue and Senator McBreaity, who voted for this bill again yesterday, won by the biggest margin that he has ever won in his political career.

Those arguments aside, even if it were true that a vote for this bill is a political liability, when we came here in December, we took an oath of office to uphold the Constitution of the United States and there comes a time on certain issues when we simply have to do what is right. I think that I will end there and I would hope that you would vote against the motion to indefinitely postpone.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't like talking on this bill for the simple reason that, a few years ago, I offered a solution. I figured, why not come up with a solution to the problem of the young man that had no one to turn to, he had no confessor, he had no parent that wanted to talk to him, he had no friends to turn to, I suggested that maybe we should have a help line in the State of Maine to help these young people that have no one to turn to. You know, I was laughed at. As a matter of fact, I was laughed at by a doctor, a person who supposedly is very intelligent, a doctor from the University of Maine. I will not name him, he knows who he is, he said that I put myself in the same position as the gentleman from Bangor, Buddy Franklin. He said, in the odorous presence of Buddy Franklin.

Now, this person has no love in his heart in my opinion. I look at the problem with love in my heart and I really don't believe that we are looking for a solution. Where does this end? Do we say, my son who is 15 should have that right to decide what he wants to do with his body, what he wants to do with his life. He is not at an age, we say, that he can decide moral issues. Five year olds, who are being abused by older people and a five year old may say, they enjoy this, they may. Where do we draw the line? That is my position, where do we draw the line? When do we say, this is right, this is wrong. Should we have pornography shown to young children? Where do we draw the line? This is not dealing with the subject but should we not discuss moral issues? I believe we should. That is my feeling.

You know, beauty is in the eye of the beholder as well as sin. Human beings are the ones that decide what is sinful. What is sinful to one may not be sinful to another. I feel that I must represent the majority of my people and I just cannot vote for this. I will vote for indefinite postponement because I really don't believe there is any true solution to this problem. It has been around since human beings have been on earth.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desired of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I rise here with hesitation. I know that a lot of people have emotion on this subject but I wanted to mention a few things in the debate that have come up so far. Gays and lesbians are allying themselves in a minority group as the blacks

and Hispanics did in the 60's and landmark civil rights legislation was passed. If Martin Luther King was here with us today, what would be say if blacks can be discriminated against and under six units of housing, that is okay, I want the bill passed, or blacks can go in Class B restaurants but not Class A restaurants. To me, that is implying discrimination, that is putting it into law. I feel that our laws in the State of Maine deal with this "minority of people". I see no movie theaters that say, no gays or lesbians, although our history books, in our near recent past, showed movie theaters that said, no blacks. So, I see no parallel between that. I see implied discrimination here.

The laws that we have on the books in the State of Maine deal with assault on any group in our state. They apply equally. I am concerned about the influence of legislating intended discrimination for these people. I served my country for the rights of everyone to be equal. I did that without hesitation, but I will not support legislation that elevates one group of people above everybody else.

I urge you to support the indefinite postponement motion.

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

Representative BAKER: Mr. Speaker and Members of the House: There is another person also wishing to serve their country, a young woman by the name of Dianne Matthews. You might recall that she was, at one point, dismissed from the Reserve Officers Training Corps because she was an open lesbian. I bring that point out because I think it is important to keep in perspective, that while there may be no signs that say no gays are wanted here, there is certainly a policy in terms of the armed services that is just as clear as if you were to post a sign to say that we don't want gays. While this particular bill does not deal with that aspect of discrimination, I think it is important to point out.

I would also like to respond to the comments from the gentleman from Cumberland, Representative Dillenback. There is a climate that very often governs our debate on very controversial issues. I have been involved with this issue ever since I was a member of this body. There has always been a climate of fear and intimidation in regards to whether or not we can discuss this issue as a matter of public debate. I recall that as a freshman legislator, when I had introduced this legislation, I was laughed at by many of my fellow legislators. I was the butt of many jokes, one of them being that I was a two term legislator, that this was my first term and my last term.

I was discouraged from presenting this legislation by the former chair of the committee I served on because he wanted me to maintain my credibility before this body.

There is this terrible reluctance among so many of us to confront this very controversial issue. We want to sweep it under the rug. We don't want to debate it because we have insisted that everybody's mind is made up. Might I suggest that public debates are not simply for the benefit of this body but also for the benefit of the public at large, that hopefully, the actions that we take as political leaders may help at some point stir a debate within the broader community of the issues that are important. This is one of those issues.

I want to just mention one other thing because it is an issue that has bothered me greatly. I, at one point, served as a member of an Anti-Defamation League and we had reviewed a lot of discriminatory material. I used to review Nazi propaganda and all sorts of other racist materials that had been printed and handed out. Sometime during the hearing, I had found some pamphlets that had been distributed that were very anti-homosexual. One of these pamphlets here shows a young girl cowering in a corner, a hand poised over her

with an ax. The title of the pamphlet is: "Murder, Violence and Homosexuality." The pamphlet then goes on to state a thesis that most of you are murderers of homosexuals.

This type of literature that serves no purpose but to poison the atmosphere of debate on a subject like this is clear proof that discrimination does exist for at least 10 percent of our state's population.

Ladies and gentlemen of this House, the gay community are people that we all know. They are our friends, they are our neighbors, the people that we work with. We should not permit or tolerate intolerance like this. One way to show that we, as a body, object to this would be is to vote against indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: A couple of things before I would like to give a short prepared statement. First of all, I am greatly concerned and find it quite disappointing, certainly for a freshman legislator, to hear a statement made by a veteran Representative that nothing that anybody says here today will change a single vote.

Secondly, a definition of tolerance according to Webster is a sympathy or indulgence for belief or practices differing from one's own.

I would like to preface my remarks by stressing that I am speaking on behalf of human rights, on behalf of civil rights. I am not speaking to the question of whether homosexuality is right or wrong but rather I am speaking simply to the bill before you which, when passed, will extend most of the protections outlined in the Maine Human Rights Act to all Maine citizens regardless of their sexual orientation. As you listen to my brief statement, please keep these words in mind, homosexual persons, no less than heterosexual persons, are individuals of sacred worth. Further, we insist that all persons are entitled to have their human and civil rights insured. Now, these are not my words, my fellow Representatives, although I agree with them, those are words from a booklet entitled, "Social Principles of the United Methodist Church" which each of us in the legislature received only recently. They are words that truly speak to the spirit and the intent of L.D. 1249, which I stress again, is the only question that can legitimately be considered here today.

Along with my five brothers, I was brought up to believe that in God's eye all human beings had worth. My wife Beverly and I have tried very hard to instill that over the years into our two children.

Over the centuries, people have fought and died to first gain and then hold on to certain rights and freedoms that they saw others created by that same God enjoying. Throughout all history, some group or another has been singled out as unworthy. There has always been some social category that we have looked down upon as less than fully human and its members have been robbed of respect, opportunity, basic human rights and yes, sometimes of even life itself. We ostracize them, we assault their dignity, we tear down their pride. We keep them away from us, we never listen to them and, as a result, we never get to know them. We never really try to understand and yet we keep referring to the Bible in our attacks on them. All the while claiming somehow to be loving our neighbor as ourselves. The homosexual person is our neighbor but we haven't acted like it but rather we have held a stereotype in our minds. Of course we have done this over the years also with other groups, women, Jews, blacks, native American Indians, various other ethnic groups, and the poor. We haven't understood them, so rather than try, we rush to condemn them. Rather than try to uplift them, we use the

Bible to push them down. Throughout our history, we have brought much hurt to our fellow human beings, while all the time claiming we were doing the work of God, that we were somehow carrying out his will. This damaging approach has especially governed our attitude toward the homosexuals.

Now today, we, the members of the 112th Legislature, can begin the slow process away from this debilitating hurtfulness by supporting in a strong voice this basic human rights bill. I believe that the citizens of Maine as a whole, while again not speaking to the question of homosexuality itself, are deeply disturbed by the implications of denying the civil rights of a person. Knowing, as I believe Maine people do know, that when one group has been deprived of its civil rights, the rights of other groups are place in jeopardy as well.

On the subject of homosexuals and the law, and that is the issue, our goal should be for homosexuals to be treated with sensitivity and by the same standards as other persons. Homosexuals, like all other people, should not have their basic human rights denied because of prejudices. We have extended that reasonable belief to just about every other group we can think of without necessarily condoning what they do or stand for. I urge you to do so for this group.

I urge you to support this very basic human rights bill.

I want the record to show, Mr. Speaker, that Westbrook is represented here today.

THE SPEAKER: The Chair recognizes the Representative Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I know how difficult this issue is for some of you here today in this body. I do understand. I understand about fear, I understand about intimidation. I am objecting to that intimidation.

Two years ago in this body, I voted for a bill that was similar to this. I was dismayed to the point of almost being angry at the few votes that came out of this body. I gave strong consideration to being a sponsor of this bill but I did have a heavy schedule and decided that I would not put my name to something that, in fact, I did not have time to fight for. I did speak at the public hearing and I am proud to say that I did.

Many of you have said to me that this does take political courage to vote for or to support this piece of legislation. You and I are here because we are perceived by some people to be leaders. I consider part of our leadership, not only to reacting to problems and concerns that we see in our home districts, but to become leaders and to address the problems of 10 percent of Maine citizens.

One of the Representative's here today said, there was not need for this legislation because, in fact, he did not see the signs on the doors that said, no gays allowed. Implied discrimination of any type is abhorrent to me whether it is against a black person, a Catholic, an Irishman, a Jewish person, a Lebanese person or any type of a person.

The survey that was done earlier this year to determine the quality of life for and of gay people in Maine showed that 20 percent of them responded experienced discrimination in housing, 24 percent of those persons in public accommodations and four percent in credit. So, there is proof that L.D. 1249 is a necessary piece of legislation.

You do not have to vote for this bill or against indefinite postponement because you will feel that you are condoning a life style but I ask you to vote against indefinite postponement because there is a need for this bill.

I want to share with you a letter that you have received on your desk from the Maine Council of Churches. The members of those churches being the Episcopal Diocese of Portland, the Unitarian Universalist Associa-

tion, the United Church of Christ, the United Methodist Church, Church Women United, the Continuing Congregational Church, the Greek Orthodox Church. I don't speak here lightly today, I feel much like the Representative from Augusta, but I did discuss this with my four children, four young adults, three males and one daughter, and they said, "Mum, we will be proud of you if you speak on this issue, because it was only in your generation that, in fact, this had been allowed. We don't see these things."

Getting back to this letter, the Maine Council of Churches expresses its support for affirmative action by the Maine Legislature on L.D. 1249. The council has given prayerful consideration to this bill and while there were some members concerned the support for this bill might be misconstrued as condoning homosexual activity, it was our will that action be taken to alleviate the discrimination and even persecution now being experienced by some members of our society because of their sexual orientation. At the May 23 hearing, we expressed our specific support.

The Maine Council of Churches supports the passage of L.D. 1249. The council is opposed to all types of discrimination including discrimination based on sexual orientation. While we are all aware of the emotional response that this bill elicits from many, we feel that the primary consideration must be to end the obvious suffering experienced by those whose sexual orientation is found reprehensible by others. The Christian faith above all else recognizes the sanctity of human life and God's will that all people will live in peace and love.

I urge you people to do what is right today. There are gay people in your district as well as in my district.

THE SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Members of the House: I rise before you today to speak on this issue, not from a personal point of view. I do not disagree with anything that has been presented to us as a body. I, too, have very strong feelings but my responsibility to my constituency is their voice in Augusta. The process and the only process for their voice to be heard is through the voting process. My vote will and does reflect that voice of my constituency.

Each vote we cast as Representatives should reflect a portion of the people of Maine. When tallied assures that their voices have been heard through us, their Representatives. My vote, if a roll call is called on the bill, will be recorded as no, fulfilling my obligations to constituents. I have received no communications, telephone calls, letters, personal contact, to support the bill before us. I do not fear any political reprisals. Public policy I am concerned with. These are my personal feelings. If there were a secret ballot, I still would vote the same way because my purpose here is to represent my constituency, very small portion of the people of Maine, but their voice must be heard.

THE SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker and Members of the House: It is often said as a prelude to most of our floor speeches, I hadn't intended on getting up today and I sincerely hadn't until I read the testimony that was presented at the public hearing. Up until now, the debate has centered on protection for Maine's homosexual community. But what about those who may be of small physical build, those of us who like the arts and may participate in ballet? Those of us whose voices may not be of the low tones? Those of us who openly show our feelings and are not afraid to do so? Those of us who are not necessarily athletically inclined?

Distinguished men and women of the House, this bill will not help just that group that has

been spoken about today. This legislation will allow those of us who have been discriminated against because of someone's presumption. I stand before you today as one of those individuals. It is not something that I take lightly.

I would like to briefly read a line or two from a letter from Marvin M. Ellison, who is an associate professor of Christian Ethics at the Bangor Theological Seminary, and he is also a minister member of the Presbyterian Northern New England Presbyterian Church. I think he puts this quite nicely. "To condone or by silence to permit such patterns of abuse and degradation is to violate the democratic spirit of mutual tolerance and respect and to stand intentioned with a religious calling to extend care and loving support for the strangers in our midst. To fail to protect the basic human and civil rights of some members of our community prepares the way for the infringement of the rights and freedoms of any and all of us as well."

My family members came from Poland. I ask you here today not to fall into the trap that my family members fell into and those of Nazi dominated eastern Europe and not speak out. Let us speak out today against discrimination of all types for all people.

THE SPEAKER: The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and Women of the House: For those people who will be reading this debate in years to come, I want to make it clear that there has been but just the sound of the person speaking in this hall today, that those of you who are here, and there are many, are listening hard. This is not an easy vote for many of you and I want those people in the future who read this to know that.

We are dealing with very serious things here. As a Jew, I understand prejudice from the other side. I don't look any different from you, although I am a woman, I don't look any different from most women. That is the famous Shylock speech, "when you tickle me, do I not laugh; if you prick me, do I not bleed?"

I understand what prejudice is all about. I know when people talk about my particular religion and then I tell them that I am a Jew and they say, "Oh, but you are different. I didn't mean that." It can be very embarrassing for the one who spreads that venom of prejudice and those who receive it.

We are talking here today about a human right. A right. That is what we must be focusing on. I am sure, if you were to read the debate in the Bundestag back in 1933-34, you would be hearing similar debates about, of course, the homosexuals because they were one of the first to go with their purple arm band. There was similar debate about the rights of the Jews, of the mentally ill, of the mentally retarded. Good people in Germany listened, and good people in the Bundestag voted and good people were quiet and let it happen. We are good people, all of us here. We all work hard at what we think is right. We do try to do what is right. We think of the people back home and we filter it through our own values.

I believe that today when I vote, I am not just voting for homosexual rights, which I think is a misnomer, I am voting on human rights. I am voting for the right of a person to live in a house that may have four or more apartments in it. I am voting for the right of a person to sit down and be served in a public place. I am voting for the right of a person if they can afford it to get credit. The right of that person.

If you remember at the time of the holocaust, I read something into the record about those victims and it is as appropriate today as it was then, I said that we should that we should remember and recall the cries of those people were dead and that we must pledge ourselves never again to be silent in the face of tyranny and injustice. We recall their unanswered cries

and we pledge ourselves never again to be silent of in the face tyranny or injustice. We must transform into compassion, we must give evidence of our remembering them, through acts of kindness and courage. It does take courage to vote for something you believe in. Some people find it easy, some people find it a little harder.

I carry something inside my wallet all the time because it makes a lot of sense to me and I believe it deeply, that if you rob someone so flagrantly of their rights, you are bound to lose some of your own.

Today, I am very proud and lucky because when my children and my grandchildren ask me, what did you do that day when peoples rights were at stake, I can say to them proudly that I stood on the floor of the House and I spoke my heart and I pleaded with my friends and my colleagues to vote with me to allow for this human right for all human beings at least in the State of Maine.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have a six hour drive ahead of me, I don't care if we are here until midnight. There are some people that would like to see us not speak at all but I am willing to speak.

The Maine Council of Churches — I believe it was stated that the Portland Diocese of Roman Catholics — I am wondering how they voted on this, if it was unanimous or not. I recall the Roman Catholic Church was saying that they were for equal rights and, lo and behold, they were the ones that were fighting against it.

I never voted for it, I don't care what they say in these letters. Sometimes we are told things that aren't exactly true.

As far as the people that are for all these human rights, I assure you that these very same people, most of them, are the ones that are all for abortions. Now, where are the human rights? We, in the United States of America, preach human rights all over the world but we allow abortions left and right. I assure you those unborn children have a human right, they have rights also.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have the right to rise on this issue. My church was not included in that Council of Churches. I believe I know the reason.

I do feel this is a foot in the door approach and I feel the problem wouldn't be existing if they didn't flaunt the problem. It is written that marriage is both a physical and a spiritual union. Physical intimacy within a marriage bond is God's provision to meet our needs and carry out his purpose in populating the earth. Spiritual intimacy is the blending in love of two persons to establish a new relationship and assume new responsibilities in the fulfilling of God's will.

I finish with this thought. I wonder, who would be in this House today, if all our mothers had been gay?

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: I heard some people saying that they hadn't had any contact on this issue and I am here to tell you that I have on both sides of the issue. I had a very interesting conversation last evening for about three quarters of an hour with a young person who grew up in our neighborhood. I know the fellow quite well. He had called me asking my support for this legislation because he said he was gay. We discussed the issue from many different viewpoints. I can debate it from

a spiritual standpoint, I can debate it from a biological standpoint, I can debate it from a social standpoint and, although I don't have all the qualifications, there is a psychological standpoint that can be debated on. As we went through that exercise, as I have seen in the past, I couldn't find one point where it stood the test. I had to tell that gentleman that I am sorry I cannot support you.

My friends, it has been alluded to that this is an uncomfortable issue for many of us and that is true. I think it was brought out by one of the gentlemen in the debate in reference to the Bible when he said, that the Bible is used by many to push people down. That may be true but I think I have to stand to defend that because I believe what offends most people the most and why there is so much pressure against the Bible, so many people don't want to accept it, is because it is designed to reveal us for what we are. It sets a standard and we have to compare ourselves with that standard but it doesn't stop there because it offers a way to get through that. Which brings me to the point of the young man that said, there was not hope for him, I don't believe that is true. I believe there is a way. My heart was with that person that I was talking with last night but there are two words that I think are important here, one is sympathy and one is compassion. If you look up the definition of those two words and you will see, although we may use them interchangeably, there is a marked difference. Sympathy means identifying with another person in their hardship, in their problem, in their situation. Compassion means having pity, sorrow, feelings for a person because of the situation they are in. I submit to you that it makes a big difference how you feel about that issue, how you vote.

My compassion was with that person I was talking to last night and I know I am going to talk to him again. It wasn't a violent, heated discussion. We had a good exchange. I know where he is coming from and he knows where I am coming from. But there is a line and I can't move beyond that line. My belief is that there is no gray area. My works from now on have to be, I suppose if I commit myself to this type of feeling of compassion, that I have got to be ready to stand to help that individual at any point, any way I can.

In thinking through this, I couldn't help but think about the words that, I believe, wasn't it Trevka in Fiddler on the Roof, when he saw what was happening in his family and how it was dissolving, his standards that he was trying to hold up were not being supported. He was going through the whole thing of what was happening and he came to the point where he said, — good land, check my notes but what he said — this isn't stage fright, — they say there are four things that happen to you as you get older, one is you lose your hair and you get wrinkles and I can't remember the other two, that is where I stand, but what he was saying was, on the other hand, and he would go and rationalize his thinking and bring himself back to the point where he could accept the situation. He finally reached the point where he said but, on the other hand, there is no other hand. Comfortable or uncomfortable, that is where I find myself today.

Ladies and gentlemen, I ask you to support the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly. I think we all appreciated the remarks of the gentleman from Sidney just now. I just want to clear up what probably might be some confusion that my friend raised, the gentleman from Madawaska, the issue of equal rights with the Catholic Diocese of Portland and what they testified before the State Government Committee in February of 1983 for the Equal Rights

Amendment. It was passed by this chamber. Subsequently, Pennsylvania's Court of Appeals used the argument that the equal rights meant abortion funding. And the Bishop of Portland withdrew his support before the referendum campaign because of that. The issue has now been settled both in Pennsylvania and in Maine but there was no inconsistency on the Bishop's part as regards to that issue.

Secondly, the question was raised whether those who vote for gay rights today are really the same group that are voting for abortion rights, I would just counsel the gentleman that I am the cosponsor of the parental consent bill for the Maine Right to Life Committee and I am very comfortable doing both those things here today.

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington to indefinitely postpone the bill and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 162

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bost, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Cashman, Clark, Crouse, Crowley, Daggett, Davis, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Harper, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jackson, Jacques, Jalbert, Kane, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Paul, Perry, Pines, Randall, Rice, Richard, Ridley, Roberts, Rotondi, Salsbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Whitcomb, Zirkilton, The Speaker:

NAYS:—Baker, H.R.; Beaulieu, Boutilier, Brannigan, Brodeur, Carroll, Chonko, Coles, Connolly, Cooper, Cote, Dellert, Dexcoteaux, Diamond, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Joseph, LacCroix, Melendy, Michael, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Pouliot, Priest, Reeves, Rioux, Ruhlin, Rydell, Seavey, Simpson, Stevens, P.; Warren.

ABSENT:—Carrier, Conners, Hepburn, Holloway, Kimball, Nicholson, Racine, Rolde, Small, Stetson, Weymouth, Willey.

98 having voted in the affirmative and 41 in the negative with 12 being absent, the motion to indefinitely postpone did prevail.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

June 7, 1985

The Honorable Edwin H. Pert
Clerk of the House
112th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised the Senae Adhered to its previous action whereby it Indefinitely Postponed Bill, "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189).

Thank you.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Human

Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-225) on Bill "An Act to Provide Adequate Medical Services for Victims of Rape, Gross Sexual Misconduct or Sexual Abuse" (S.P. 427) (L.D. 1184)

Signed:

Senators:

BUSTIN of Kennebec
BERUBE of Androscoggin
GILL of Cumberland

Representatives:

SEAVEY of Kennebunkport
TAYLOR of Camden
MELENDY of Rockland
CARROLL of Gray
NELSON of Portland
KIMBALL of Buxton
PINES of Limestone
ROLDE of York

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

Signed:

Representatives:

BRODEUR of Auburn
MANNING of Portland

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-225)

Reports were read.

Representative Nelson of Portland moved the House accept the Majority "Ought to Pass" report.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: If you take the amendment which is before you, which is now the bill, you will notice that this amendment replaces the bill and it provides an information and referral service for medically indigent persons who have become pregnant as a result of rape, gross sexual misconduct, incest, or sexual abuse. As part of this service, the Department of Human Services will provide a list of medical and social services available to those individuals from the state and private sources. Each person receiving the information will be strongly counseled and urged to report the crime to the appropriate authorities. The information provided by the department shall also be made available to rape crisis centers, family planning agencies and other appropriate organizations.

Men and women of the House, we are talking of people who are victims of rape and incest, the most violent crimes known in society. We are talking about the victims. We are asking very simply that these people, who are medically, socially and economically indigent, Medicaid appropriate people be allowed to know of the services available to them for they are in this horrendous situation.

People feel so violated when someone steals their car or their tape deck out of their car, can you imagine the feeling that a person has who has been personally violated? Then, to find as an act of this horrendous nature, you find yourself pregnant. We are talking about the victim here and we are talking about a reasonable solution that this person have an opportunity to learn of all the services available to her.

I urge you to vote with the Majority "Ought to Pass" Report.

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

Representative BRODEUR: Mr. Speaker and Members of the House: I don't want to take too long on this issue but it is my conscience that requires that I speak and ask for a division on this motion.

The problem that I have with this is that is an information referral service but it does include abortion. While I am not here to judge

other people for the actions they will take, it is very difficult for me to cooperate in any way with that. I have taken the position in 18 years of debating both sides of this question, that while I try to refrain from judging others for what they are to do, I don't want to cooperate with that action. For that reason, I voted "Ought Not to Pass" on this bill.

Mr. Speaker, I request a division and please urge you to vote your conscience.

The SPEAKER: The Chair will order a vote. Those in favor of accepting the Majority "Ought to Pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 8 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-225) was read by the Clerk and adopted.

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

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

Non-Concurrent Matter

Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344) which was passed to be engrossed as amended by Committee Amendment "A" (H-214) as amended by House Amendments "A" (H-316) and "C" (H-332) thereto in the House on June 5, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-214) as amended by House Amendment "C" (H-332) thereto in non-concurrence.

The House voted to recede and concur.

Messages and Documents

The following Communication: (S.P. 631)
112th Maine Legislature

June 6, 1985

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons
Committee on Agriculture
112th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Barbara B. Lounsbury of Auburn for appointment to the Pesticides Control Board.

Pursuant to Title 22 MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/ CHARLES P. PRAY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Agriculture.

Was Read and Referred to the Committee on Agriculture in concurrence.

The following Communication: (S.P. 632)
112th Maine Legislature

June 6, 1985

Senator Judy C. Kany
Representative Dan A. Gwadosky
Chairpersons
Committee on State Government
112th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Rose-Marie Joseph of Winslow and Wanda P. Calder of Turner for appointment to the Finance Authority of Maine.

Pursuant to Title 10 MRSA Section 110, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,
S/ CHARLES P. PRAY
President of the Senate
S/ JOHN L. MARTIN
Speaker of the House

Came from the Senate, Read and Referred to the Committee on State Government.

Was Read and Referred to the Committee on State Government in concurrence.

The following Communication: (S.P. 633)

112th Maine Legislature

June 6, 1985

Senator Judy C. Kany
Representative Dan A. Gwadosky
Chairpersons
Committee on State Government
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Roger P. Michaud for reappointment to the Finance Authority of Maine.

Pursuant to Title 10 MRSA Section 110, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/ CHARLES P. PRAY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Came from the Senate, Read and Referred to the Committee on State Government.

Was Read and Referred to the Committee on State Government in concurrence.

Consent Calendar

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 166) (L.D. 453) Bill "An Act to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-222)

On objection of Representative Higgins of Scarborough, was removed from Consent Calendar, First Day.

Thereupon, the Committee Report was read and accepted and the bill read once.

Committee Amendment "A" (S-222) was read by the Clerk and adopted and the Bill assigned for Second Reading, Monday, June 10, 1985.

(S.P. 277) (L.D. 735) Bill "An Act to Clarify Recoverable Costs in Civil Actions" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-223)

(S.P. 505) (L.D. 1365) Bill "An Act to Make Additional Allocations from the Alcohol Premium Fund" Joint Select Committee on Alcoholism Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-226)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent.

Reports of Committees

Unanimous Leave to Withdraw

Representative THEIRAULT from the Committee on Transportation on Bill "An Act to Provide Financing for Rail Transportation" (H.P. 1112) (L.D. 1622) reporting "Leave to Withdraw"

Representative MURRY from the Committee on Business and Commerce on Bill "An Act to Create a Competitive State Fund for Workers' Compensation Insurance" (H.P. 713) (L.D. 1023)

reporting "Leave to Withdraw"

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

Consent Calendar

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 414) (L.D. 581) Bill "An Act to Protect Railroad Rights-of-way" Committee on Transportation reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent.

Papers from the Senate

The following Joint Order: (S.P. 634)

ORDERED, the House concurring that Bill, "An Act to Establish Medicaid Report," S.P. 592, L.D. 1555, be recalled from the Governor's desk to the Senate.

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

Ought to Pass as Amended

Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-210) on Bill "An Act to Establish Legislative Council Oversight of Expenditures for Joint Standing Committees, Joint Select Committees and Legislative Investigating Committees" (S.P. 587) (L.D. 1544)

Came from the Senate, with the report read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "A" (S-210) as amended by Senate Amendment "A" (S-236) thereto.

Report was read.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: There has been some question raised as to the validity of the amendment, which has been offered in the Senate, and in talking with the legislative assistant to the State Government Committee, they are checking it out with the Attorney General's Office. I would appreciate it if someone would table this item for one legislative day.

On motion of Representative Murphy of Kennebunk, tabled pending further consideration and specially assigned for Monday, June 10, 1985.

Non-Concurrent Matter

Bill "An Act Concerning the Forest Resources of Maine" (H.P. 1069) (L.D. 1550) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-318) as amended by House Amendment "A" (H-329) thereto and House Amendment "A" (H-340) in the House on June 5, 1985.

Came from the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-318) as amended by Senate Amendment "A" (S-231) thereto and Senate Amendment "B" (S-240) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent.

Papers from the Senate

Non-Concurrent Matter

An Act to Clarify and Improve the Laws on Education in the Unorganized Territory (S.P. 381) (L.D. 1048) (C. "A" S-182) which was Passed to be Enacted in the House on June 5, 1985.

Came from the Senate, Passed to be En-

grossed as amended by Committee Amendment "A" (S-182) as amended by Senate Amendment "A" (S-234) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent.

Papers from the Senate Non-Concurrent Matter

An Act to Authorize a Self-liquidating Bond Issue for the County of Cumberland to Raise Funds for the Construction of a Courthouse Addition, Capital Improvements to the Existing Structure and a Related Parking Facility (S.P. 547) (L.D. 1460) (H. "B" H-251 to C. "A" S-160) which was Ruled not Properly Before the House pursuant to Joint Rule 21 and Ordered Returned to the Engrossing Department by the Chair on June 6, 1985.

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-160) as amended by Senate Amendment "B" (S-241) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent.

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence.

Local and County Government

Bill "An Act to Authorize Franklin County to Raise \$1,432,085 for Renovations and Additions to the Franklin County Court House" (Emergency) (H.P. 1140) (Presented by Representative DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Allen of Washington,

Adjourned until Monday, June 10, 1985 until nine o'clock in the morning.