

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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August 29, 1985

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HOUSE

Wednesday, June 12, 1985

The House met according to adjournment and was called to order by the Speaker. Prayer by Reverend Donald Carrier, Poland Baptist Church. Quorum called; was held. The Journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

June 11, 1985

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

Please be advised the Senate Adhered to its previous action whereby it Indefinitely Postponed Bill "An Act Relating to Alcohol-related Birth Defects" (S.P. 431) (L.D. 1198). Thank you.

Sincerely,
S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Unanimous Ought Not To Pass

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" (S.P. 209) (L.D. 567)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Concerning Property Tax Exemptions for Veterans and Widows of Certain Veterans" (S.P. 362) (L.D. 983)

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

Divided Report**Later Today Assigned**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-265) on Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine" (S.P. 412) (L.D. 1142)

Signed:

Senators:

PEARSON of Penobscot
DOW of Kennebec
McBREAIRTY of Aroostook

Representatives:

McGOWAN of Canaan
NADEAU of Lewiston
LISNIK of Presque Isle
SMITH of Mars Hill
CONNOLLY of Portland
FOSTER of Ellsworth
CHONKO of Topsham
CARTER of Winslow

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

Signed:

Representatives:

HIGGINS of Scarborough
BELL of Paris

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-265)

Reports were read.

Representative Carter of Winslow moved the acceptance of the Majority "Ought to Pass" Report.

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

Messages and Documents

The following Communication:

State of Maine

OFFICE OF THE GOVERNOR

Augusta, Maine 04333

June 11, 1985

To the Honorable Members of the 112th Maine Legislature:

I am returning without my signature or approval L.D. 517, "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations."

The principle of equal treatment under the law for individuals goes back to the Greek and Roman foundations of Western law. It is embodied in our Constitution and it guarantees that all who are similarly circumstanced will be treated alike.

L.D. 517 violates this basic principle of equal treatment. It does so in two ways. First, it gives a special revenue tool to some local governments, while denying it to others. It gives the Penobscot Nation and the Passamaquoddy Tribe — defined as municipalities under Maine law as a result of the 1980 Indian Land Claims Settlement — special privileges not available to other local governments in Maine. During the debate on this bill several legislators suggested that the Tribes needed high stakes beano as a revenue source because they lacked the power to assess property taxes and other taxes. This is simply not true. The tribes already possess the same powers of taxation which the legislature has delegated to Maine municipalities. This power of taxation is guaranteed by the State and Federal Indian Settlement Acts, 30 M.R.S.A. section 6206. *The tribes have the power to impose local property taxes like other municipalities* to meet their governmental obligations. They have declined to exercise this power.

Second, it sets up a special set of rules for Indian "beano" games that are more advantageous than those governing all other "beano" game operations in the State. It would allow the Indian games to have unlimited prize amounts; unlimited admission charges; and expanded hours of operation.

"Beano" games are relied upon by over 400 civic and nonprofit organizations around the State to provide revenues. These organizations — like the American Legion, the Veterans of Foreign Wars, Granges, church groups, volunteer fire departments, and so forth — do not have the alternative revenue sources available to a municipality. Setting up a competing game, with higher prizes and expanded hours, will unquestionably reduce participation in the games currently operated by the nonprofit organizations. The Licensing Division of the State Police estimates that 40 to 50 nonprofit groups currently relying on "beano" revenue would have to cease operations within two years if this bill became law.

Some have argued that the "equal treatment" principle does not apply in this case because of the unique history of discrimination and unjust treatment the Maine Indians have endured.

I do not agree with this. The whole point of the \$81.5 million Indian Land Claims Settlement, reached 5 years ago, was to clean the slate — however imperfectly — for past injustices, and to proceed ahead, treating the Indians with the dignity and responsibilities of all other Maine citizens.

The Indian tribes are now partners in Maine's economic development. They are venture capitalists in cement plants, blueberry operations, dairy farms, tourist camps. It is time to develop a new relationship of mutual respect and responsibility. This bill does not further the new relationship. It is a throwback to the past.

For this reason, I veto this bill.

Sincerely,
S/ JOSEPH E. BRENNAN
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 376) (L.D. 517) (C. "A" H-193).

On motion of Representative Reeves of Pittston, tabled pending reconsideration and later today assigned.

Reports of Committees**Divided Report****Later Today Assigned**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-381) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,700,000 for State Facilities Improvements" (H.P. 922) (L.D. 1326)

Signed:

Senators:

DOW of Kennebec
PEARSON of Penobscot

Representatives:

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

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

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

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

Reports were read.

Representative Carter of Winslow moved acceptance of 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 later today assigned.

Consent Calendar**First Day**

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

(H.P. 937) (L.D. 1343) Bill "An Act to Establish Competitive Insurance Rating Under the Maine Workers Compensation System" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-373)

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

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

(H.P. 907) (L.D. 1306) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Sewage Treatment and Water Quality Improvement Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-380)

(H.P. 916) (L.D. 1309) Bill "An Act to Improve the Administration of General Assistance" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-384)

(H.P. 923) (L.D. 1330) Bill "An Act Relating to Investigations of Child Abuse in Institutions Licensed by the State" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-385)

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

Passed to Be Engrossed

Bill "An Act to Allow the Department of Human Services to Investigate and Provide Information on Community Health Issues" (S.P. 535) (L.D. 1436)

Was reported by the Committee on Bills in the Second Reading and read a second time.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: If you will remember, we had a very good healthy debate on this bill yesterday, and in the course of the debate, it was recognized that this bill needed an appropriation. We are now waiting for that amendment to come forward so I ask that it be tabled until later in today's session.

Representative Brodeur of Auburn moved that L.D. 1436 be tabled until later in today's session.

Subsequently, the Bill was passed to be engrossed and sent up for concurrence.

Bill "An Act to Reform the Law Relating to Farm Equipment Sales Tax Exemption" (S.P. 187) (L.D. 505)

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

As Amended

Bill "An Act to Amend the Offenses for Operating under the Influence" (S.P. 562) (L.D. 1491) (C. "A" S-260)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Representative Bost of Orono offered House Amendment "A" (H-386) and moved its adoption.

House Amendment "A" (H-386) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

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

TABLED—June 10, 1985, (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING—Passage to be Engrossed

Representative Gwadosky of Fairfield offered House Amendment "A" (H-377) and moved its adoption.

House Amendment "A" (H-377) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is more of a technical amendment to assure that the changes in the particular legislative districts are non-substantive changes and has the unanimous consent of the State Government Committee.

Whereupon, House Amendment "A" (H-377) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-377) and sent up for concurrence.

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

Bill "An Act Relating to the Administration of Vocational Education" (S.P. 628) (L.D. 1645)

TABLED—June 10, 1985 by Representative BROWN of Gorham.

PENDING—Passage to be Engrossed.

On motion of Representative Brown of Gorham, retabled pending passage to be

engrossed and tomorrow assigned.

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

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

TABLED—June 10, 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 later today assigned.

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

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

TABLED—June 10, 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 Diamond of Bangor, retabled pending adoption of Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto and later today assigned.

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

Bill "An Act to Establish a State Policy Relating to the Disposal of Low-Level Radioactive Waste" (H.P. 1141) (L.D. 1649)

TABLED—June 11, 1985 (Till Later Today) by Representative MURPHY of Kennebunk.

PENDING—Passage to be Engrossed.

On motion of Representative Jacques of Waterville, retabled pending passage to be engrossed and later today assigned.

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

An Act to Amend the Wood Measurement Laws (Emergency) (H.P. 960) (L.D. 1381)

— In House, Passed to be Enacted on June 4, 1985.

— In Senate, Failed of Passage to be Enacted in non-concurrence.

TABLED—June 11, 1985 (Till Later Today) By Representative DIAMOND of Bangor.

PENDING—Further Consideration.

On motion of Representative Jacques of Waterville, retabled pending further consideration and later today assigned.

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

Bill "An Act Relating to the Authority of Medical Service Organizations and Nonprofit Hospitals to make Incidental Indemnity Payments" (H.P. 1129) (L.D. 1636)

— In House, Bill and Accompanying Papers Committed to the Committee on Taxation on June 11, 1985.

— In Senate, Passed to be Engrossed in non-concurrence.

TABLED—June 11, 1985 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING—Further Consideration.

On motion of Representative Diamond of Bangor, retabled pending further consideration and later today assigned.

The Chair laid before the House the first Tabled and Today Assigned Matter:

An Act Concerning Nomination Petitions for Unenrolled Candidates (H.P. 1063) (L.D. 1542)

— In House, Bill and Accompanying Papers Indefinitely Postponed on June 10, 1985.

— In Senate, Passed to be Enacted in non-concurrence.

TABLED—June 11, 1985, by Representative DIAMOND of Bangor.

PENDING—Motion of Representative SMITH of Island Falls to Recede and Concur.

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

Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the motion to recede and concur so that we can adhere to our former vote of two days ago. If you will remember, this is the bill which radically changes the way that independent unenrolled candidates get their signatures on their petitions and we spoke of how the development of a fair sense of party, that there would be special procedures for unenrolled people to sign unenrolled petitions could very well have the effect of strengthening a third party and strengthening unenrolled peoples' identification, that they belong to a third party. We indefinitely postponed the bill two days ago for that reason. I think the intentions of the committee, when we signed out the bill and the intentions of the sponsors were to try to diminish the effect of a third party, to try to strengthen the Republicans and Democrats, but the possible effects of this bill could be to strengthen the independent voter and his sense of identification with the independent candidate.

I hope that you will vote against the motion to recede and concur.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We have before us today the bill as it came from the Legal Affairs Committee with the unanimous report, no amendments, just as it came from the committee. The other body has found no problem in passing this bill. I might add that Senator Trafton, Chairman from the other body, an astute and well informed attorney was not only well versed in Maine election laws but constitutional laws as well and found that there were no problems with this bill.

I wonder why the House Chair has not been able to convince him of her concerns. Are they valid? I talked with Senator Trafton about this bill and if he had told me that the bill would create a problem, I certainly would want it to die. The problems are not there, ladies and gentlemen.

There are more unenrolled voters than are enrolled in either party. In 1984, the last figures that I have, the total of registered voters was 810,661; enrolled Republicans was 219,331; enrolled Democrats were 252,179 for a total of 471,510 of enrolled in either party. Those unenrolled were 339,151, more than in either party so the problem of getting signatures is certainly not there.

When we have complaints about our government, do they complain to the unenrolled? Never. Do they complain to the Republicans? Sometimes. The Democrats? Quite often. So, why are we going to give them the right that we do not have? Again, this bill, as it is, came from the committee with a unanimous "Ought to Pass" and I believe that it is a good bill and it will strengthen both parties.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Masterman.

Representative MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Legal Affairs Committee, one of those 13 who voted unanimously that this was a good bill, was a fair bill, and I just want to put on the record that I have not changed my position, I will be voting to recede and concur.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This bill did come out of committee unanimous and I had a concern on it and it was debated in committee and my concern was resolved and I was satisfied with the bill and I believe that Representative Smith from Island Falls is correct. They do have

an advantage over the two parties and, therefore, I go along with the recede and concur motion.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: As a member of the Legal Affairs Committee, I, too, hope that you will vote to recede and concur. I honestly don't know what is going on with these unanimous committee reports out of Legal Affairs — I mean, this is going to be the second or third one that is overturned here and I wish I knew who was calling the shots here. I hope you will vote to recede and concur. This is a good bill. We sat down, took care of the concerns that were raised and everyone seemed satisfied that this was not going to weaken the two parties and I don't believe it will. I believe that it will strengthen them and I stand behind my Senate Committee Chair and the rest of the members on recede and concur.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I am not a member of the Legal Affairs Committee but I have been a member of the Elections Committee for several years and when we get a unanimous consent on a voting bill, let's stay with it.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: I explained to you the other day what my personal concerns are about the bill. Yes, it was a unanimous committee report and the criticism to the bill and the explanations of the bill, which made me realize that it might have the opposite effect from that intended, came to me after the bill was out of committee.

I have never heard members of the other body quoted on the floor of this House in the manner that they have been in this debate. I really don't know how to respond to it.

I have given you my personal reasons why I think this will be a bad bill for both of our parties and I hope that you will vote against the recede and concur motion.

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

Representative HANDY: Mr. Speaker, Men and Women of the House: To suggest that this would cause a defect to a third party, I think, is erroneous. When you consider the election laws that we operate under today, the two major parties are at the disadvantage because they may only gather signatures from members of their own party while those people who do not belong to either major party may gather signatures from anyone who is a registered voter. People enroll in one of the two major political parties for any number of reasons. Some may have an ultra-conservative viewpoint and some may have an ultra-liberal viewpoint; therefore, to suggest that all these people who do not belong to one of the two major parties have the same point of view is not correct. I feel very strongly that this is not going to cause a third party upsurge in the state, I think that this bill serves to strengthen our two party system and to put all people running for office under the same footing, as well they should be.

Representative Connolly of Portland requested a roll call.

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 Portland, Representative Connolly.

Representative CONNOLLY: Mr. Speaker, I would like to pose a question through the Chair to the sponsors and supporters of this legislation.

In my reading of the bill, as it is presently before us, if it were to pass, would it mean that insofar as presidential elections are concerned, the only people who would be able to sign the nomination papers for presidential electors, either the Democratic or the Republican party, would have to be unenrolled voters?

The SPEAKER: The Representative from Portland, Representative Connolly, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: That is correct. We did attempt to attach an amendment to the bill to rectify that situation but that amendment failed.

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

Representative CONNOLLY: Mr. Speaker, Members of the House: I can't quite understand why we would want to pass a bill, those of us who are Democrats or Republicans, that would then say that the people who are going to be the presidential electors for our party, that the only people that can nominate them are unenrolled voters, that members of our parties will not be able to sign the nomination papers for the presidential electors for our parties. This bill is a bad bill.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: We did have an amendment which would correct this bill before it was killed by the opponents of this bill. It is a really parliamentary gag to defeat an amendment that would correct a bill and then oppose the bill because the amendment didn't pass. I hope you will still vote to recede and concur and we will get this straightened out.

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

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I hate to get up on this bill because of the hard work that the sponsors have put into this bill and their good intentions on it. I truly believe that they mean well in their effort but, as the gentleman from Portland just pointed out, there is a very serious, grave flaw in this bill, and I think it would be irresponsible for us to let this bill go through in the fashion that it is in now. We are saying and knowingly passing a bill that freezes out members of the political party from taking part in nominating their party's electors and it is ridiculous. I don't care what party you belong to, to pass this bill is foolish and, for that reason, I hope you vote against the motion before you.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: There was an amendment that attempted to amend this bill to address those concerns and it was rejected so if you are really serious about wanting that amendment, then I suggest that we table this bill and get the amendment ready again.

On motion of Representative Bott of Orono, tabled pending the motion to recede and concur and later today assigned.

Bill Held

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Hayden.

Representative HAYDEN: Mr. Speaker, is the House in possession of: Bill "An Act to Exempt Veterans' Memorial Cemetery Associations from Maine Sales and Use Tax" (H.P. 748) (L.D. 1071)? (In House, Passed to be Engrossed on June 11, 1985.)

The SPEAKER: The Chair would answer in the affirmative having been held at the Representative's request.

Representative Hayden of Durham moved that the House reconsider its action whereby L.D. 1071 was passed to be engrossed.

On further motion of the same Representative, tabled pending his motion to reconsider passage to be engrossed and later today assigned.

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

Representative BOST: Mr. Speaker, is the House in possession of: Expression of Legislative Sentiment recognizing the Town of Eddington (SLS 270)?

(In House, Passed in concurrence on June 11, 1985.)

The SPEAKER: The Chair would answer in the affirmative having been held at the Representative's request.

Representative Bost of Orono moved that the House reconsider its action whereby SLS 270 was passed in concurrence.

On further motion of the same Representative, tabled pending his motion to reconsider passage in concurrence and tomorrow assigned.

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

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

Bill "An Act Relating to Cumberland County Budget Process" (S.P. 618) (L.D. 1629) (C. "A" S-237)

TABLED—June 11, 1985 (Till Later Today) by Representative NELSON of Portland.

PENDING—Motion of same Representative to Indefinitely Postpone House Amendment "A" (H-355). (ROLL CALL ORDERED)

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

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that we have an amendment before us, Amendment "B" which is a compromise that has been worked out between the Representative from Gorham and others that were concerned about this bill.

I would hope that you would indefinitely postpone House Amendment "A."

Representative Brown of Gorham withdrew House Amendment "A."

The same Representative offered House Amendment "B" (H-382) and moved its adoption.

House Amendment "B" (H-382) was read by the Clerk.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to provide that the member appointed by the Cumberland County Human Services Board shall serve as a non-voting ex-officio member. This compromise has been

worked out with the sponsors of the bill and I would hope that you would vote for it.

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

Representative CONNOLLY: Mr. Speaker, Members of the House: This legislation represents a new and experimental process that will be used if it passes. It will be used in Cumberland County to take away from the legislature final decisions on the county budget. When this was originally proposed earlier this session, the person that came to me, it was Representative Cooper, and he began to explain how this would work and I initially said I would agree to go along with an experimental program although I had some reservations about it. My concerns, since the time I was first in the legislature, with the county budget, the only thing that I care about in the county budget is the whole questions of funding for Human Service projects. There really isn't anything else that is of particular interest to me. When Representative Cooper and the other people began to explain to me the negotiations that were going on about how this package was being put together and the things that were being included, my reservations began to be ameliorated to some degree and particularly when Representative Cooper told me that there was going to be this special advisory committee that was going to be put together and included on that advisory committee with full voting powers as everybody else would be a representative from the Human Services project. The bill then began to make its way through the House and it seemed as though it was going to pass and then a couple of days ago I saw this amendment that had been laying on our desks, the original amendment, which said that now some people, at least, wanted to take away this Human Services person who was going to be on the advisory committee and then yesterday apparently, there was a compromise that was struck between differing parties to say, okay, we will let that person sit on the committee but we are not going to let that person vote. I think that that, at least as far as I am concerned, is going back a little bit on the original understanding that I had about how this was going to work. I have talked to various people, who were involved in the negotiations and I don't think that my position is going to prevail.

I am opposed to this amendment and I would like to move for its indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Each year since I have been here we have gotten into some argument concerning county delegations. There are only two ways that I know we can find out which way I should vote — one way is to let the delegation meet and decide on what they want to do and take the majority or, better yet, why not all of us just wait ten seconds on this vote and let the delegation vote first and we will find out which way they are and then we can go with them.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eastport, Representative Vose, has a very innovative idea but I really don't think we have to go by that method. I hope you will vote against the indefinite postponement of this particular amendment. I think the only person who is opposed to it that I know is Representative Connolly. We have worked on this — Representative Cooper and other members of the special committee — this is what we have been able to come up with. The person from Human Services will attend all meetings, sit at the same board as all the rest

but will not have a voting right. I think that that is a very legitimate compromise. All the other people who are there and who are speaking and who are voting have a financial input into the county budget; Human Services is not there as a financial contributor, they are there looking for money, let me put it that way. I would sort of compare it to giving Mike Petit a vote on the Appropriations Committee and I don't think that is really what we want to do.

I hope you will go along with this compromise we have worked out.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Portland, Representative Connolly, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

6 having voted in the affirmative and 99 in the negative, the motion did not prevail.

Whereupon, House Amendment "B" (H-382) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-237) and House Amendment "B" (H-382) in non-concurrence and sent up for concurrence.

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

At this point, Representative Gwadosky of Fairfield assumed the Chair to act as Speaker Pro Tem.

The House was called to order by the Speaker pro tem.

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

Reports of Committees

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Require Prior Consent of a Patient before a Medical Consultant can Provide a Billable Service" (H.P. 574) (L.D. 845)

Signed:

Senators:

BERUBE of Androscoggin

BUSTIN of Kennebec

GILL of Cumberland

Representatives:

PINES of Limestone

SEAVEY of Kennebunkport

KIMBALL of Buxton

MELENDY of Rockland

TAYLOR of Camden

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-383) on same Bill.

Signed:

Representatives:

CARROLL of Gray

BRODEUR of Auburn

NELSON of Portland

MANNING of Portland

ROLDE of York

Reports were read.

Representative Nelson of Portland moved the acceptance of the Minority "Ought to Pass" Report.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: This bill came to our committee because there was a great concern regarding people who are hospitalized, who then become well and go home, then receive a bill and find that on that bill they were charged for a consultant's fee, which they didn't remember either seeing a consultant or giving the approval to have the consultant. So, the minority of the committee believe that there are circumstances like that and we hope

that this piece of legislation would alleviate that concern. We believed, the minority, that there are circumstances under which people, not under emergency circumstances, really need to give prior consent to allow for a consultant to come in and review their case. We all know of circumstances where these things happen, that people for one reason or another, simply don't remember being consulted to have a second opinion and are billed for it.

This is a modest proposal that would allow people to sign a consent form if they wish to have a consultant. We have allowed for emergency circumstances, we have allowed for the area in which people might need a guardian where there are children involved and we think it is a modest proposal and we hope that you will go along with the Minority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: This may appear to be a very modest proposal and I do understand the problem. Many of these people have not used the avenues that are available to them through the Medical Society for a grievance and they have approached it in this manner. I think if there is a misunderstanding that it can be settled without having legislation.

I will read to you a short note received from two family practitioners in the area who are very concerned about this bill. "This note is in regards to the proposed bill, 845, concerning Prior Consent Before a Medical Consultant can Provide a Billable Service. I am not aware that the practice that this bill intends to stop is widespread, thus, a medical consultant billing for his advice when he has not seen the patient. In this area, I have not heard of it happening. The telephone or hallway consultation is a daily occurrence, which facilitates patient care by allowing discussion regarding a patient's condition in a timely fashion. I would guess that 99 percent of the time that this does not result in any cost to the patient unless there is a subsequent formal consultation. My major concern is that this bill might inhibit this free flow of discussion between physicians. This bill could also increase cost by (1) encouraging physician's to bill for informal consultations; (2) primary physician's might obtain more formal consultations; thus, sending patients to consultants for information that could be obtained by telephone. For this reason, these two family practitioners ask you to please oppose this bill.

The problem does arise occasionally and, in those cases, I am sure that a grievance filed against those physicians that have committed this injustice to patients, can be taken care of through a formal grievance with the county and Maine State Medical Association. I find this bill is involving the hospitals in a problem.

The bill reads: "Prior to or at the time of admitting an individual as an inpatient of a hospital, licensed by the state under Chapter 405, each hospital shall inform the patient or his legal guardian in writing of the patients right to refuse medical treatment including any consultation by physicians or other health professionals other than his attending physician and that if a consultation is provided to him without this implied or expressed consent, that he is not obligated to pay for the consultation." I think that this will cause an awful lot of confusion. Under the emergency clause, I don't see any definition of an emergency in the bill or the amendment, which is now the bill, and I think there will be a lot of unnecessary paperwork for these physicians and for the hospital for a problem that could be solved through regular channels at the present time.

I urge you to vote against the "Ought to Pass" Minority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunkport,

Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: The attitude in this bill is that physicians seek consultations frivolously whereas a greater problem may be that physicians don't seek consultations frequently enough.

There may be instances in which physicians mutually feed consultations to one another but I think such instances are few and far between.

There is also an attitude of legalism that implies that written releases are an improvement over civilized patient-physician relationships. The content of the proposed act simply adds another level of impediments to smooth patient care. It makes no exception for emergency situations and opens a huge legal door, not only for patients but for the third party payers. Perhaps more importantly, the simple act of obtaining written releases allows a suspicion in a certain proportion of the population, which seriously poisons patient relationships.

I hope you defeat the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This is my piece of legislation and as the Chair of the Committee has pointed out, I think it is a modest proposal. I thought it was when I put it in.

All it requires is, as it is presented here in the form of the Minority Report, is that when someone is admitted into a hospital that they be advised of their right to be consulted before their attending physician calls in another physician on their case. I don't think that that is an unreasonable request. It seems to me that any other profession that you consult, whether it be an accountant or legal advice or whatever, it is not the common practice to go and see an attorney and, after your case has been resolved, you receive a bill from five or six different attorneys, who your attorney may have consulted with. I think that it is a fairly common practice to be in a hospital bed and have another doctor, who you may or may not have seen before, walk in and talk to you for a few minutes and then send you a bill. I think before this is done, the patient ought to know about it. I think he or she ought to be informed of their right to refuse to pay that.

Representative Pines points out that the letter from the doctors that she read into the record states that 99 percent of these hallway consultations don't result in a bill and they are concerned that it will inhibit this free flow of information. All this bill does is prohibit the consulting physician from sending a bill. If 99 percent of them don't result in any billable service anyway, then it shouldn't be a problem.

Getting hospitals involved in this has been raised as an objection and it seems to me that whenever I have been admitted to a hospital, the forms that you fill out before you go in, inform you of any number of rights. I think all we are asking here is one more patient right be given them as they are admitted to the hospital.

I would only point out one other thing — it has been raised that there is no exception to emergencies in this Minority Report, that emergencies weren't defined. I think if you look on Page 2 of the Minority Report or the Minority Committee Amendment, that emergencies are defined very clearly.

I don't think that this bill is going to create all of the problems that you are hearing here on the floor. I didn't think so when I put it in. I do think that there is a problem in medical billing practices that this bill tried to address and it is a very modest proposal.

I hope that the House will support the Minority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker,

Members of the House: I do think that there is a vital issue here of the whole sense of when you are in an emergency as a patient. I think this sounds good on the surface and I think you would hope that people would do exactly what this bill implies; I, however, do not want to be the person that is taken in on a stretcher with some sort of problem and somebody defines emergency for me and decides what they want out of me in a written consent. I simply don't want to be put in this position and I do hope you will defeat the motion before you.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to go with the Majority vote. Speaking from a personal point of view, which I do not advocate, and hearing from physicians, when I myself pick a physician, I have complete confidence in his ability and if he feels that it is necessary to have a consultant, I don't expect him to confer with me in an emergency situation and I urge you to vote against the minority.

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

Representative BOST: Mr. Speaker, Men and Women of the House: As a cosponsor of this legislation and as one who believes in accountability in the medical profession, I hope that this House will accept the Minority "Ought to Pass" Report today.

As Representative Cashman has stated several times, it has been altered considerably since the original bill. The original bill was quoted on the floor earlier and it was altered to alleviate many of the concerns particularly about comatose patients to patients who are unable to render a decision because of a medical problem. The new bill, as amended, simple states that an individual, as an inpatient, has a right to know of any consultants that the doctor has billed the patient for. If a consultation was done without implied or expressed consent, he is not obligated to pay for that consultation.

Referring to the bill or the amendment rather, consultation refers only to instances where a bill, separate from that of the attending physician, is generated and does not include professional services rendered in connection with diagnostic tests including but not limited to X-rays and lab tests.

Unfortunately, as is evident often, when one scans their hospital bill, if you indeed get the opportunity to scan that bill before it is sent on to the insurance company, regardless of the length of stay, many consultant fees appear quite mysteriously on that bill. The patient either never saw the physician who rendered that service or they did, indeed, see the physician and he or she came in with the clipboard, scanned the situations, left, leaving behind a \$150.00 bill. Fortunately, I would imagine that this is probably not the norm but is enough of a problem to warrant this type of accountability. I see no reason not to pass this legislation and the doctors who wrote many legislators, including myself, about the original bill, I believe have had their concerns met in the amendment, that of those patients, in emergency situations or those unable to make a reasoned decision, not being included. Why would physicians be afraid of this bill? We require similar accountability in so many other areas — why should the medical profession be exempt? That is the question and I urge the Minority report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: To answer Mr. Bost's question as to why doctors should be afraid of this bill, I got several letters from doctors myself opposing the bill, and their comment

was that in time of medical need, there already is a stress between the patient and the doctor anyway, but as somebody mentioned a minute ago, you select a doctor that you trust. To immediately require a signed statement that this doctor cannot take any consultation without previous agreement, just throws an amount of suspicion between the doctor and the patient.

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

Representative BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make one correction to the previous speaker, the bill as amended does not require a signed statement so that is not an issue.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to go with the Majority "Ought Not to Pass" Report.

I really wonder, while I empathize with the sponsors of the bill and the people who have signed the Minority Report in terms of people needing to know when consultants are called in, I think that that is a question that anybody has the right to an answer when they receive a hospital bill. I think that it can be addressed at that time.

My concern is that, at those times that Representative Law was mentioning where a decision needs to be made as to whether or not a consultant can be called in, either due to age in terms of elderly people who sometimes are justifiably concerned about where their money is going to go, or in terms of youth where a parent may decide that a service may not be needed, and the physician may decide that perhaps this service would be needed, that they are in the position of taking that person out of the hospital at that time and my concern would be that, if the consultant had been called in, perhaps more information could be added to the case. My concern is that medical decisions these days take a great deal of information to come up with the right answer and I really would hope that we would have a little bit more confidence in the professional community whereby, at the same time, anyone has the right to question their bill that they receive from the hospital. Certainly I do and I would encourage anybody else to do that.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Not to prolong this any longer but a couple of points I would like to make — this bill deals with hospitals and primarily that is where the problem is — if I go to my very trusted physician and he says, I think you should go to see Dr. X, I am going to go to see Dr. X and I am going to expect to get a bill from that physician. If I am in the hospital, I would assume that that physician would come in and say, I think I would like to have you see Dr. X. If Dr. X comes in, then I am going to know that I am going to get that bill. The problem we are trying to address is when Dr. X comes in without my knowledge and, not a hospital bill do I receive from Dr. X, but an individual separate bill that makes it kind of difficult when you are home and all of a sudden, three weeks after you think everything is taken care of, suddenly there arrives a bill from a physician who you did not expect. From personal experience, not too many weeks ago, a member of my family went into the hospital, we thought everything was taken care of, and suddenly out of the clear blue sky came a bill from a group of emergency physicians, who weren't even there. They use that emergency room, that emergency room was used. The cardiologist sent us a bill and we knew that was coming; the hospital emergency department, that billing charge was

there, but suddenly three weeks later, we received a bill from a group of emergency physicians that we never saw so I think that that is the thing we are trying to take care of. That is the thing we are looking for. I think it is only right that the individual has a right to know that he or she will be receiving a bill from a physician before that service is taken care of.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Gray, Representative Carroll.

Was the bill from the group of physicians considered a consultation?

The SPEAKER: Representative Pines of Limestone has posed a question through the Chair to the Representative from Gray, Representative Carroll, who may respond if he so desires.

The Chair recognizes that Representative. Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I guess I wouldn't be able to answer that question one way or the other. The bill didn't say for what that service was for, it was just a bill from this group of physicians. I would have to assume, if I had to, that that was simply because we used that hospital, those physicians contract with that hospital, so I am not sure if that would be a consultant fee from the hospital, from the cardiologist or from the member of the family's own family doctor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: I think this is one of the reasons that this bill will be very confusing and cause more confusion than we have right now because following federal guidelines and meeting all the hospital requirements that the state and the federal government are requiring now of hospitals and contracting physicians, I think you will find a lot of confusion, more confusion, than we have now. If that group of emergency room physicians is responsible for the care given there, I would assume that they are the primary care and not a consultant and that bill would be a perfectly legal bill, if you use their facility.

I still urge you to vote against the "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from Portland, Representative Nelson, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 66 in the negative, the motion did not prevail.

Whereupon, the Majority "Ought Not to Pass" Report was accepted.

Sent up for concurrence.

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

Passed to be Enacted Emergency Measure Later Today Assigned

An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1985, June 30, 1986, and June 30, 1987 (S.P. 222) (L.D. 585) (H. "A" H-378 to C. "A" S-250)

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

On motion of Representative Carter of Winslow, tabled pending passage to be enacted and later today assigned.

Emergency Measure

An Act Converting Caswell Plantation into the Town of Caswell (S.P. 636) (L.D. 1650)

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. 119 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Supplemental Allocations from the Federal Expenditure Fund, Special Revenue Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June, 30, 1986 and June 30, 1987 (H.P. 472) (L.D. 675) (C. "A" H-359)

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

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-359) was adopted.

The same Representative offered House Amendment "A" (H-374) to Committee Amendment "A" (H-359) and moved its adoption.

House Amendment "A" (H-374) to Committee Amendment "A" (H-359) was read by the Clerk and adopted.

Committee Amendment "A" (H-359) as amended by House Amendment "A" (H-374) thereto was adopted.

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

Emergency Measure

An Act to Amend the Provisions Governing the Conversion of a Mutual Insurer (H.P. 1024) (L.D. 1476) (C. "A" H-279)

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. 115 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (S.P. 321) (L.D. 810) (Conf. Com. "A" H-370)

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

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

An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System (H.P. 212) (L.D. 246) (S. "A" S-249 to C. "A" H-342)

An Act to Establish Special Motor Vehicle License Plates for Firefighters (H.P. 617) (L.D. 887) (H. "A" H-369 to C. "A" H-362)

An Act to Increase Fees for Licenses Issued by the Department of Marine Resources (H.P. 761) (L.D. 1081) (H. "B" H-294 and H. "C" H-360 to C. "A" H-237)

An Act to Revise the Maine Securities Act (H.P. 1022) (L.D. 1500) (H. "A" H-368; C. "A" H-333)

An Act to Amend the Laws Related to Motor Vehicle Dealers and to Address Certain Problems Related to Motor Vehicle Auctions in Maine (H.P. 1084) (L.D. 1575) (S. "A" S-256 to

C. "A" H-348)

An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings (S.P. 218) (L.D. 577) (H. "A" H-361 to C. "A" S-176)

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-244 and H. "B" H-367 to C. "A" S-132; S. "A" S-213)

An Act to Protect Works of Art (S.P. 415) (L.D. 1145) (C. "A" S-245)

An Act Concerning Access to Telephone Toll Records by Prosecutors (S.P. 536) (L.D. 1437) (C. "A" S-238)

An Act to Establish a Medicaid Report (S.P. 592) (L.D. 1555) (S. "A" S-258)

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

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

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

Messages and Documents

The following Communication:

State of Maine

One Hundred and Twelfth Legislature

Committee on Energy and

Natural Resources

June 12, 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 Energy and Natural 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	75
Unanimous reports	65
Leave to Withdraw	22
Ought to Pass	8
Ought Not to Pass	4
Ought to Pass as Amended	19
Ought to Pass in New Draft	8
Divided reports	10
Carry Over Bills	

(Approved by the Legislative Council) 4

S/ RONALD E. USHER

Senate Chair

S/ MICHAEL H. MICHAUD

House Chair

Was read and ordered placed on file.

Reports of Committees

Unanimous Leave to Withdraw

Representative ALLEN from the Committee on Judiciary on Bill "An Act Concerning Pretrial Determination of Ownership of Personal Property" (H.P. 727) (L.D. 1036) 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. 962) (L.D. 1383) Bill "An Act to Fund Community Response Programs to Address Child Sexual Abuse in Maine Communities" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-388)

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.

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

(Off Record Remarks)

On motion of Representative Parent of Benton.

Recessed until the sound of the gong.

(After Recess)

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

Reports of Committees

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-387) on Bill "An Act to Create a Cause of Action Against the State for Wrongful Imprisonment" (H.P. 171) (L.D. 205)

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox

Representatives:

MacBRIDE of Presque Isle
DRINKWATER of Belfast
COOPER of Windham
PRIEST of Brunswick
PARADIS of Augusta
LEBOWITZ of Bangor
ALLEN of Washington

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

CARRIER of Westbrook
STETSON of Damariscotta
KANE of South Portland

Reports were read.

On motion of Representative Allen of Washington, the House voted to accept the Majority "Ought to Pass" Report and the Bill read once.

Committee Amendment "A" (H-387) read by the Clerk and adopted.

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

Consent Calendar

First Day

Later Today Assigned

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

(H.P. 963) (L.D. 1384) Bill "An Act Concerning Employment of Certain Individuals in Contact with Children" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-389)

On objection of Representative Brodeur of Auburn, was removed from the Consent Calendar, First Day.

Whereupon, the Committee Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-389) was read by the Clerk.

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

Representative BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared. Would somebody please table until we can get that printed and I will go sign it right now?

On motion of Representative Diamond of Bangor, tabled pending adoption of Commit-

tee Amendment "A" and later today assigned.

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

Papers from the Senate

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on RESOLVE, Creating a Commission to Study Procedures for Exercising the Legislative Powers of Impeachment and Address (S.P. 445) (L.D. 1248)

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-242) on RESOLVE, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine (S.P. 550) (L.D. 1467)

Signed:

Senator:

TRAFTON of Androscoggin

Representatives:

PERRY of Mexico
PAUL of Sanford
RIOUX of Sanford
WARREN of Scarborough
BOTT of Orono
NICKERSON of Turner
REEVES of Pittston

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

Signed:

Senators:

NAJARIAN of Cumberland
STOVER of Sagadahoc

Representatives:

MASTERMAN of Milo
MURPHY of Berwick
DILLENBACK of Cumberland

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-242).

Reports were read.

On motion of Representative Reeves of Pittston, the House accepted the Majority "Ought to Pass" Report in concurrence and the Bill read once.

Committee Amendment "A" (S-242) read by the Clerk and 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 Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-263) on Bill "An Act Concerning Liability for Injuries Caused by Drunken Persons" (S.P. 598) (L.D. 1568)

Signed:

Senators:

TRAFTON of Androscoggin
STOVER of Sagadahoc

Representatives:

NICKERSON of Turner
DILLENBACK of Cumberland
PERRY of Mexico
MASTERMAN of Milo
MURPHY of Berwick
PAUL of Sanford
REEVES of Pittston
RIOUX of Biddeford

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

Signed:

Senator:

NAJARIAN of Cumberland

Representative:

WARREN of Scarborough

(Representative BOTT of Orono - of the House - Abstaining)

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-263).

Reports were read.

Representative Reeves of Pittston moved acceptance of the Majority "Ought to Pass" Report.

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

Representative WARREN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. The report before you concerns L.D. 1568. I have asked that a fact sheet be passed out to all members on this bill and, hopefully, you have that in front of you by now. If you do, you will see that this has to do with the bill to reduce the liability of private sellers of alcohol in cases of alcohol related deaths or injuries.

As you know, Maine has what is called a Dramshop Act, which allows people injured in alcohol related accidents to sue the individuals providing the alcohol. The restaurant and bar industry came to the Legal Affairs Committee with a bill that would reduce the liabilities of the providers of alcohol. They said that they were having a great deal of trouble getting insurance from the insurance industry to protect them against this liability. We all wanted to help them.

We wanted to pass a bill that would enable the insurance industry to write policies for the bar and restaurant people. We held a public hearing and at least eight work shops on this bill. We were anxious to help the industry but, despite the work sessions we held and the cooperation we tried to extend to the restaurants, bars and insurance people, the insurance industry to this date has still not agreed to help Maine bars and restaurants with this problem.

So what we have before us today is a measure that really does not accomplish the goal that it seeks to accomplish. I don't really know what it does. It does limit the liability of bars and restaurants in some instances but I think it will also result in injured innocent victims having to pay medical and hospital bills that perhaps they cannot afford. Under current law, they would be allowed to get these bills paid for by the restaurant, bar or insurance company — under this bill now, I don't know where the money will come from. I am afraid a lot of it will come from the state through increased Medicaid payments, AFDC, local General Assistance.

I understand an amendment has been prepared to put a two year sunset on this bill and I think that would be a good idea. The Legal Affairs Committee plans to study this very complex issue this summer to decide what we can do to strike a balance in this field, how can we help the bar and restaurant people but how can we also look out for the rights of the victims.

I will be voting against the Majority Report today and I urge you to follow my vote.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, it is true that the bars and restaurants, first-class restaurants, any kind of a bar, cannot get insurance. But it is also true that we have recently passed a bill to allow bars for a \$2,000 license just to open up and have a barroom. Now, these people aren't going to have any great assets either.

We would like to have you support this bill in the interim so that we can come up with something much better. But right now, you are protecting yourselves as well. You could have

a cocktail party at your home, it is not just for bars and restaurants, it is for you, the individual. Somebody comes there that has had four or five drinks and you have an open punch bowl and they have another drink and they go out and have an accident, you are going to be held responsible. We don't think that is true. We think that the person that had the five drinks before should be partially responsible wherever he had those drinks, whether he had them at home, whether he had them in another bar or someplace else. We would like to have done more on this. We talked about putting a cap on. I don't think you should have a cap on liability unless you have a mandatory insurance program. The bill is very complicated. There is no easy answer but I suggest that you vote for this bill.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge you to vote for the Majority Report.

Just very briefly, my interest is partly because of an incident that happened in the town of York and what happened was, you had three fellows, I think they were from New Hampshire, who were basically on a three day bat and they were off drinking all over the place and they came to a bar in York and apparently had one beer there. While they were having this sort of drunken weekend, they crashed and one of them was paralyzed from the crash and then they sued this place for a million dollars for serving them one beer.

I think this bill is obviously not everything that the innkeepers asked for but it does establish the idea of comparative negligence. It does allow judges in the courts to decide whether somebody was really negligent in serving this person rather than holding them to strict liability just by being in the business.

I certainly think it is a very good interim measure and I hope you will go along with it.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Reeves of Pittston to accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

111 having voted in the affirmative and 3 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-263) was read by the Clerk and adopted.

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

Non-Concurrent Matter

An Act to Provide for State Research Grants (H.P. 707) (L.D. 1017) (C. "A" H-297) which was Passed to be Enacted in the House on June 5, 1985.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-297) as amended by Senate Amendment "A" (S-268) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Make Additional Allocations from the Alcohol Premium Fund (S.P. 505) (L.D. 1365) (C. "A" S-226) which was Passed to be Enacted in the House on June 10, 1985.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-226) as amended by Senate Amendment "A" (S-262) thereto in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

At this point, Representative Gwadosky of

Fairfield assumed the Chair to act as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

The Chair laid before the House the following matter: "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 376) (L.D. 517) (C. "A" H-193), which was tabled earlier in the day and later today assigned pending reconsideration whereby the Governor vetoed the bill.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: I would like to respectfully request that you vote yes to override this veto. This Indian Beano Act was another unanimous report which we were proud to put out of the Legal Affairs Committee and it has been passed and enacted by both Houses of the legislature. We believe that this is a really creative economic development program for the tribes which will earn them the money that they need for basic programs, alleviate the welfare burden of the state and will be a new source of income for these programs, not tapping the state treasury.

In response to some of the reasons that the Governor has given why he vetoed this bill, saying that it doesn't give equal treatment, there are many cases where the legislature with the Governor's approval has decided to give special treatment to corporations, the Bath Iron Works Bond Issue is perhaps the most memorable example of this, and recently the plan for Keyes Fibre. These special treatments involve great sums of the taxpayers money.

This Indian beano program, which has been a proven success in the past and which was a popular and effective program for the tribes, will bring in money to the tribes and not cost the state anything.

In terms of the taxation situation, the state valuation of the Penobscot Reservation is \$2.2 million. The tax revenue that this would bring into the tribe, if it were taxed, is \$35,000 a year. Most of the land on the reservation is owned in common and, therefore, it is not appropriately taxable.

The funds from this Indian beano program will be used exclusively for basic welfare and education programs to make up for that severe decrease in federal funds that are available for these programs.

I know that there are several other people who want to speak on this bill and I hope that you will vote yes to override this veto.

Representative Attean of the Penobscot Indian Reservation was granted unanimous consent to address the House.

Representative ATTEAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition of Governor Brennan's veto. This bill was submitted to the Legal Affairs Committee, received minimum opposition, and was passed out of that committee with the unanimous "Ought to Pass". We proved to that committee and later to the House that this measure was indeed needed by the Penobscot Nation.

I would like to address the concerns expressed in the Governor's veto message. The previous speaker has addressed one of them as to the principle of equal treatment under the laws of individuals and others. Others in this state have been given a helping hand. That is all we are asking, a helping hand to aid us, to give us back the means by which we can help ourselves. We are not looking for a hand out, we are not looking for a bail out. We are willing to work for it.

I would like to address the Governor's concern about the municipalities. Yes, we have the powers and obligations of a municipality. We have the power to assess property taxes and other taxes. We have not chosen to exercise

that power because we would not raise enough money and would cause undue hardship on our people. We do have the duties or an obligation to provide fire protection, police protection, sewage treatment, sewer lines, road repair, these obligations cost money. We do not have the means to raise that money.

I also would like to address the fact of his statement that there are 400 civic and non-profit organizations in this state who would be hurt by this bill. I have a letter here from our local Knights of Columbus. I would like to quote from this, if I may. "As an organization that is always looking for and at the needs of others and trying to assist in every way possible each segment of our community, we can attest to the fact that without the monies you generated through your past bingo games, several of your programs on the island, (meaning the Penobscot Reservation) have not been funded to past levels, leaving the young and the old to bear the brunt of budget cuts. I remember specifically the youth recreation programs, the senior citizen day trips and get togethers. These activities were the only recreation that most of them had or could afford. We, perhaps better than some of the other organizations in the area, realize just how much the loss of bingo has hurt the Penobscots and the Old Town area."

It goes on to say, "We certainly do look forward to your being able to assist us in the charitable needs of our community and to that end support any endeavor that will meet that goal."

"If by sharing this letter with Governor Brennan and the legislature, we can help any charitable cause or decrease the suffering of the elderly and young, then I urge you to do so." It is signed by the Grand Knight of this local Knights of Columbus Chapter.

This morning on your desk I am sure you all received a letter from our Tribal Governor, Timothy Love and our Lieutenant Governor, James Sappier. It points out the purpose of our beano games. It did fund vitally needed tribal programs. I will quote, "the purpose of our bingo is honest and simple, we need to raise monies to fund tribal programs and to put members to work."

I would like to stress one fact that perhaps has not been mentioned. While we were operating our bingo games, they were very popular with the public, not just the local public but from various states and the provinces. Picture if you will, the local practice that is going on now of carloads and busloads of people leaving this state, spending their money elsewhere. Now, reverse the picture and see these same busloads and carloads of people coming into our state, leaving their money in this state. I am not sure what the multiplier effect is on a tourist dollar but I would guess it is higher than three. These out of state people brought their money in, they paid for the hotels, they needed to eat, they paid for gas, they paid for tolls, plus whatever incidental Maine products that may have appealed to them. This is one of the factors that I think made the people so tolerant of the Indian Island beano, that this was producing money for our economy, badly needed money.

I hope you bear with me. Since this is my first speech, I am not quite together.

Mention has been made of federal funding. I would like to address that. You have all read and heard about federal programs that are being cut, especially the programs funded by the Department of Interior, which funds the Bureau of Indian Affairs. Our programs are in serious trouble. We need this beano revenue.

Our games do not conflict with local games or statewide games. When they were being held, they were held on Sunday. The local games were held during the week. Personally speaking, I have been all over state to play beano. I can tell you that these people would go to any beano, six to seven days a week. No

local beano would suffer.

This bill was asked for by a former Appropriations Committee member. He felt it was justified as a fair and reasonable means of raising the revenue that we need. I don't think anyone can doubt our contributions to the economy of the State of Maine. The monies that we are receiving in land income, we have received in UDAG Grants and various things, are being invested in this state. This money has not been sent out of state, it is being kept here to fund state businesses. As a matter of precaution, these investments are on the conservative side. The rate of return is very minimal. Until these projects can turn around and we can meet our expenses, we desperately need the revenue from the bingo games.

Our games put people to work and took people off the welfare rolls. We had four to five full-time positions and 40 to 50 part-time positions. That is money that is not spent on welfare.

Many of the programs supported by the beano games have had to be drastically cut or eliminated. Amongst them are the senior citizens club, the recreation department, our humanities project which includes our museum, arts and crafts preservation, and our language preservation. Our community projects have had to be curtailed. We have had a community garden, a solar garden, which is in the process of being closed for lack of money. We have put our money into conservation efforts, into fish and wildlife conservation, especially the conservation of the salmon.

I would like to quote just one sentence of an editorial that appeared in our local newspaper, the Old Town-Orono Times. "The Maine Legislature has passed and sent to Governor Brennan a bill that would permit Maine's two Indian tribes to resume holding high stakes beano games on their respective reservations. We hope Governor Brennan will sign the bill.

"The games will provide a much needed source of revenue to the tribes and we do not believe that the limited exception to the gaming statute would compromise Governor Brennan's legitimate concern that all Maine citizens should be treated equally under the law. We believe that the bill on Governor Brennan's desk does not threaten state sovereignty or the basic principle of equal justice.

"If the legislature believes that the public interests is served by permitting high stakes beano on the state's Indian Reservations, we see no reason to object."

Ladies and gentlemen this is a complete turn around from the tone of the editorials that were presented during the beano case. I cannot add much more than that. I would just ask you to pause and think a moment before casting your vote, think about what I had said. I would ask your support and help and ask for your vote in overriding the veto.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote to override the Governor's veto on this issue. Since I have been here in the legislature, I have heard many times of the equal treatment of the Indians. Well, I guess I haven't seen it, because they are treated as a municipality or supposed to be. Yet, I was shocked when I came to this legislature and found out that their Representative did not have a vote here. I would not have believed it if I hadn't seen it.

Another thing, these people want to be independent, they are proud and they want to support themselves and get off the welfare rolls of Maine and I, for one, want to help them do that. If they have got the gumption to get up and do it on their own without our help, I say we should take our hats off to them and maybe we ought to take an example from them.

As far as bringing busloads of people into the

state, I think that Representative Attean has a good idea when it comes to dollars coming into our state instead of going out. I urge you to override the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I agreed to cosponsor this bill because of the issue of fairness. We have heard from the Representative of the Penobscot Nation that the property tax is incapable of paying for those needed services. We have also heard from that Representative in terms of how successful and self-sustaining that program is. It was a fairness issue when the bill was drafted. It was a fairness issue before the committee and it won the overwhelming support of those committee members and today as the Representative from Kennebunk in the issue of fairness, I will be voting to override the veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I just wish that the good Representative from the Penobscot Nation could argue a few of my bills as well as she has on this particular measure. She has done an admirable job. I, for one, will be voting to override the veto.

I read the veto message with some confusion and with some doubt because it is based on an equal treatment argument. I think it is a fallacious argument because, if you stop and look at our state liquor stores, look down there in Kittery, you will see that we have an unequal treatment in regard to the raising of revenues in the State of Maine and we are about to authorize another five or six discount liquor stores in the State of Maine and that is unequal treatment and I approve of it because it is unequal treatment where it is needed.

This business of equal treatment applies only where it is absolutely justified and where it is needed.

I also question the message when it says that the one example of beano in the Penobscot Nation will unquestionably reduce participation in the games currently operated by the non-profit organizations, I don't believe that for a minute. I ask every one of you to join in overriding the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: As is usually the case, I am in total agreement with Representative Murphy of Kennebunk. I can't add a thing to what Representative Attean had to say about what the games meant to the Penobscot Nation, only to say what she said is absolutely true. I witnessed it myself. I know how that money was spent and I know who we hurt by doing away with the games. We hurt a lot of kids who took part in the recreation programs, we hurt a lot of senior citizens on the island who took part in those programs. I don't know who we really hurt by running the games. I don't know why we stopped them. But I do know this, it was not only a boon to the Penobscot Nation, it was a big advantage to the economy in our area in general. It brought a lot of people in to our area, it was very popular in our area and, if you put it to a referendum in my district, I know how the vote would be.

I have read the Governor's message and I am not going to quarrel with the Governor, I know why he made his decision, he has stated it very plain. I understand what he is saying and that is his opinion, I don't happen to agree with him. I would ask this House to override the Governor on this simply because I think he is wrong.

The Governor states that this is unequal treatment in terms of how we handle the

Penobscot Nation and Indians in general. My only answer to that would be that it is not the first time we have had unequal treatment for Indians, but it may be the first time that that unequal treatment was in their favor.

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

Representative PARADIS: Mr. Speaker, Members of the House: I hope we do vote to override the Governor's veto that is before us right now. As has been pointed out, the tax base of the Penobscots is very small. The mill rate generates a very small amount of revenue for them to accomplish their functions and the municipal functions for their people. The real example of this that I have was when the tribes were granted municipal status and they made application for grants and block grants and other forms of assistance in competition with our other municipalities throughout this state. They immediately surfaced to the very top and they were awarded immediate recognition and awards were made in their behalf in order to assist them in practically every category that they applied for. That gives you an indication as to the low status that they found themselves in and the great need that they had in order to accomplish their way of life and to improve their way of life on the reservation.

The reservation at Old Town has a long tradition as a tourist attraction. I think we have heard that here this morning. It has brought revenue, limited amount of revenue to the town, but it has been probably the largest source of their revenue centered in the tourist business which came to them. I would hope that this measure to allow them to continue their bingo operations, which would be the center point of their tourist business, would pass this morning and that we would vote to override.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I would urge you to support the Indian Representative from the Penobscot Nation. I use the word nation very intentionally. The way I look at the tribes, the Passamaquoddy and the Penobscots and this precedent on the federal level for this view and I will explain it a little later is that those individuals, those members of the Penobscot Nation and the Passamaquoddy tribe hold dual citizenship that they are, in fact, a nation within a nation. I urge your overriding of the Governor's veto to enable a nation to govern its own internal functions as we govern ours and we are continually involved with international affairs attempting to make sure other nations are capable of maintaining their own internal affairs.

The United States federal government recognizes dual citizenships in two and only two cases. Both of them are based on ethnic origins. If one is a Jew, one may hold dual citizenship in the nation of Israel and the nation of the United States. If one is a member of the North American Indian tribes, the Nation of the North American Indian Tribes, one can hold a dual citizenship in the Nation of the North American Indian Tribes and either the nation of the United States or the nation of Canada.

That situation exists because those particular tribes warred with Great Britain prior to the United States existence and Great Britain could not beat them. So, a treaty was signed. When the United States and Canada became in effect independent countries, that treaty had to

be honored and was honored.

The United States government, in my opinion, in refusing to recognize the tribes that came to a peaceful agreement with the new settlers in this country, is a miscarriage, and those nations that still exist in total, those that have maintained their tribal existence, their ethnic existence, deserve the same treatment. I say to you that the Indians, the Penobscot Nation and the Passamaquoddy's, are a nation within a nation. They deserve to be allowed to govern their nation in the manner in which they desire. I most certainly hope that you would support this motion and override the Governor's veto.

The SPEAKER: The pending question is, shall this bill become law not withstanding the objections of the Governor? Pursuant to the Constitution of the State of Maine, the vote will be taken by roll call. This requires a two-thirds vote of all those present and voting. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL No. 179V

YEAS:—Allen, Baker, H.R.; Beaulieu, Begley, Bonney, Bost, Bott, Boutillier, Brodeur, Brown, D.N.; Callahan, Carrier, Carroll, Cashman, Chonko, Clark, Coles, Connors, Connolly, Cote, Daggett, Dellert, Dexter, Drinkwater, Erwin, Farnum, Foss, Greenlaw, Hepburn, Hichborn, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lacroix, Law, Lawrence, Lebowitz, MacBride, Masterman, McGowan, McHenry, McPherson, Michael, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pouliot, Rice, Rioux, Rolde, Rotondi, Ruhlin, Salsbury, Scarpino, Sherburne, Simpson, Small, Smith, C.B.; Stetson, Stevens, A.G.; Tardy, Taylor, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, Zirkilont.

NAYS:—Aliberti, Armstrong, Baker, A.L.; Bell, Bragg, Brannigan, Brown, A.K.; Cahill, Carter, Crouse, Davis, Descoteaux, Diamond, Dillenback, Foster, Gwadosky, Hale, Handy, Harper, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Joseph, Lander, Lisnik, Lord, Macomber, Manning, Matthews, Mayo, McColister, McSweeney, Melendy, Michaud, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Paul, Pines, Priest, Reeves, Richard, Ridley, Roberts, Rydell, Seavey, Smith, C.W.; Soucy, Sproul, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Telow, Theriault, Willey, The Speaker.

ABSENT:—Cooper, Crowley, Duffy, Kane, Martin, H.C.; Racine, Randall, Weymouth.

81 having voted in the affirmative and 62 in the negative with 8 being absent, the veto was sustained.

Representative Reeves of Pittston, having voted on the prevailing side, moved the House reconsider its action whereby the House failed to override the Governor's veto.

The same Representative further moved the matter be tabled for one legislative day pending her motion to reconsider.

Representative Strout of Corinth 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 Reeves of Pittston that this matter be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 180

YEAS:—Baker, H.R.; Beaulieu, Begley, Bon-

ney, Bost, Bott, Boutillier, Brodeur, Carroll, Cashman, Chonko, Coles, Connors, Connolly, Cote, Crouse, Daggett, Dellert, Dexter, Drinkwater, Erwin, Farnum, Foss, Greenlaw, Gwadosky, Harper, Hepburn, Hichborn, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lacroix, Law, Lawrence, MacBride, Masterman, Mayo, McGowan, McHenry, McPherson, Michael, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pouliot, Reeves, Rice, Rioux, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Stetson, Stevens, A.G.; Tardy, Taylor, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, Zirkilont.

NAYS:—Aliberti, Armstrong, Baker, A.L.; Bell, Bragg, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Clark, Davis, Descoteaux, Diamond, Dillenback, Foster, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Joseph, Lander, Lebowitz, Lisnik, Lord, Macomber, Manning, Matthews, McColister, McSweeney, Melendy, Michaud, Murray, Nadeau, G.G.; Paul, Pines, Priest, Richard, Ridley, Roberts, Salsbury, Seavey, Soucy, Sproul, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Telow, Theriault, Willey, The Speaker.

ABSENT:—Allen, Carrier, Cooper, Crowley, Duffy, Kane, Martin, H.C.; Racine, Randall, Weymouth.

83 having voted in the affirmative and 58 in the negative with 10 being absent, the motion did prevail.

The Chair laid before the House the following matter: Bill "An Act to Establish a State Policy Relating to the Disposal of Low-level Radioactive Waste" (H.P. 1141) (L.D. 1649) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Scarpino of St. George offered House Amendment "A" (H-375) and moved its adoption.

House Amendment "A" (H-375) was read by the Clerk.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: A brief explanation of this amendment to start with.

First, in reference to the questions I had raised yesterday in the debate, this amendment on Page 3, lines 16 to 20, would change the wording involving interstate compacts. If the terms of the compact do not exclude this state from the possibility of hosting a waste facility, that compact must be approved by the voters in a statewide election.

That wording would change that, "if the compact required this state." It would take care of what I view as being an inconsistency or the capability to agree to a compact that did not require this state but would hold out the possibility of the state hosting the facility.

If I just read the Statement of Fact, perhaps it will cover it. "It is the intent of this amendment to change the competing measures sponsored by the Joint Standing Committee on Energy and Natural Resources, so that it calls for voter approval of any facility which would be established in the state to extend its power to the regulation of long term storage as well as permanent disposal of low-level radioactive waste and to call for voter approval of any compact which holds out the possibility that Maine might have to host a facility for out of state waste."

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I move the indefinite

postponement of House Amendment "A".

I hope you will go along with me on indefinite postponement of House Amendment "A". There are several problems. If you recall, Representative Scarpino was against the Majority Report. If you look at the question that he has in his amendment, which will be the competing measure against the bill that he is in favor of on the Minority Report—I had that question run through the flush test which the Secretary of State's Office does. He informed me that this here is at least a sophomore in college and it is a difficult test.

Another concern I have with his amendment is that when the federal government gave the state authority to deal with disposal, it does not give them authority for long term storage so there are constitutional problems with his amendment.

In the Majority Report of the committee, he is talking about compacts, I will make it clear—if there is a compact and the State of Maine enters into a compact, first of all, the legislature would have to approve that compact. If in that compact, a site is chosen in Maine, then the voters will have an opportunity to vote on that site.

So, I hope you will go along with me on the motion to indefinitely postpone House Amendment "A".

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the chair to the Chairman of the Energy and Natural Resources Committee.

If the site of Maine Yankee was picked as a site at that time in a compact, would the voters have a chance to vote on the Maine Yankee site if that is chosen to be the area of the waste being kept?

The SPEAKER: Representative Mills of Bethel has posed a question through the Chair to the Representative from Medway, Representative Michaud, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I do appreciate Representative Mills question as I know he is very concerned about this issue and he has spent a lot of time on the issue.

If there is a compact and Maine Yankee is the site and we are going to have waste imported from out of state, the voters will vote on it. The only time the voters will not vote on whether or not Maine Yankee is to store waste is, if it is for Maine waste only. If it is out of state waste, they will have a chance to vote.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: There has been a lot of confusion about this issue. I think that the amendment before us confuses it even further. As an additional response to the recent question just asked concerning the Maine Yankee site, I think it is important to point out that, with the competing measure, this Fall the voters will have an opportunity to vote on the Maine Yankee site. I think that is important. I think it is also important to point out that we should keep at a minimum the kinds of technical questions dealing with a singular issue that we passed out to the voters of Maine.

If this amendment before us were to be adopted, this amended version as presented by Representative Scarpino, let me lay out a scenario that could develop. If Maine, New Hampshire and Vermont entered into a possible compact, which again, as Representative Michaud pointed out, would have to be approved by the Maine Legislature and if that compact even hinted that Maine may be the host state, along with the other two states, then Representative Scarpino's amendment

says that that compact shall go out to the voters. So the voters of Maine would have to determine whether or not that compact should be accepted along with the Maine Legislature. If that compact were accepted by both the Maine Legislature and by the voters of Maine, then there would be a follow up referendum of — should Maine be included as a site?

I think that we are really confusing the voters. We are confusing them badly by trying to shove so many referendum questions to them on the same issue. Our committee worked long and hard at coming up with this competing measure. There was a lot of time spent trying to iron out all of the problems and trying to come up with a question that met the test that Representative Michaud spoke of earlier; which met the test in similar fashion as the initiated bill did. So, let's not confuse this issue any more. The issue before the voters in the Fall will be very clear. Let's keep it that way.

I urge you to support the indefinite postponement motion.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

On Page 2 of the amendment, lines 27 through 31, it talks about curtailment of existing disposal facilities and it says that those facilities will be closed by January 1, 1993. It is my understanding of federal law that those facilities will be closed on January 1, 1986. Am I right or are you right?

The SPEAKER: Representative Mitchell of Freeport has posed a question through the Chair to Representative Scarpino of St. George, who may respond if he so desires.

The Chair recognizes that Representative. Representative SCARPINO: Mr. Speaker, Men and Women of the House: In response to that, let me say quite simply that the Representative from Freeport has raised some doubt in my mind and to be quite frank at this point, I would have to do a little further research. I thought I was correct. I may not be based on your information. I would like time to check it before I make an answer.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose another question.

On Page 4, lines 33 through 38, where it discusses long term storage and processing facilities, it separates nuclear power plants from biomedical and research facilities — do you think that provision will stand the equal protection test of the United States Constitution?

The SPEAKER: Representative Mitchell of Freeport has posed an additional question through the Chair to Representative Scarpino of St. George, who may respond if he so desire.

The Chair recognizes that Representative.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: In response to Representative Mitchell, yes, I do. However, I am not a constitutional lawyer, neither is the Representative from Freeport.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: The competing measure — I voted against it yesterday because of the questions I had about whether or not we would be required to take out of state waste without being able to vote on it. I think the competing measure has a lot of things good about it. It mentions Maine Yankee in it as being the preferred site if we are able to find that it is geologically acceptable. I like that. I think it is good to start zeroing in on an area and start

looking into that area and finding out what the site is.

One of the things that I am disturbed about though with the current proposal, the competing measure that we have, is that the voters will not vote on what type of facility we will be using if the Maine Yankee site is accepted. Now, the reason that I am disturbed about that is, currently in the United States we have had six commercial sites for low-level storage of disposal waste and three of those facilities have been closed out of the six, West Valley, New York; the Mini Flats in Kentucky and Sheffield, Illinois. Three out of the six were closed because of leakage. I think it is very important that, even if Maine Yankee is picked as a site, that we know what type of storage or disposal unit they are going to be using. That is one of the things that disturbs me about the competing measure and one thing that the amendment by Representative Scarpino helps, I feel, to make the bill better in that sense is that the people will have the right to vote on what type of facility will be used at Maine Yankee, not just whether or not we want to have it stored at Maine Yankee, which I agree with, which I would like to have if we could but beyond that, to know what type of facility is going to be built and whether or not the voters of Maine think that is a good facility to have there. Whether or not they want to go with the type that has been used in other states where perhaps there has been leakage or a new above ground storage or whatever. I think that whatever is decided upon should have to go out to the voters of Maine and for them to have a chance to decide whether or not they think that is going to be a safe disposal or storage facility. So, that is something I think is very good about the amendment that Representative Scarpino is offering and I hope you will consider that.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: The critical passage of this amendment is not the issue raised by Representative Mills but the question which we pose to the voters. If you wish the alternative referendums ultimate fate to be determined right now, you should support this amendment, because if this amendment is approved, the alternative referendum will be defeated surely.

The initiated referendum and the committee referendum or committee proposal has a degree of difficulty, rating on the question of approximately grade nine. This has a degree of difficulty reading of grade 18 or 19. History has shown very clearly that if people don't understand the question, they won't vote for it. If you want to offer the people a real choice of alternatives rather than predetermine the results today, you should support the motion to indefinitely postpone.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Just a little thing in response to what has been presented by the good Representative from Harpswell, Mr. Coles. He claims that this question would require an education level of grade 18 or 19. I don't have that degree of education, I only go up to grade 16 myself. Let me read it to you. "Do you want the right to vote on any plan for the storage of or disposal of low-level radioactive waste in those cases where the State of Maine may be required to locate the disposal facility inside its borders? If it takes a masters degree to understand that sentence, we had best very seriously look at our educational system. That is a simple question, every person I have run it by, some of whom do not have high school diplomas, haven't had any difficulty understanding it. I don't feel it adds to any confusion. I think it

clarifies by simplifying.

I would urge you to oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct myself, I did make a mistake. It was not grade 18, I was thinking of age. It was grade 14 or 15. This is based upon the Secretary of State's so-called flush test, which the state instituted as a policy a few years ago when it found the voters were becoming confused by questions on the ballot. This test is intended to indicate how understandable a question is. If you have competing questions and wanted substantially it more easy to understand than the other, the easier question wins.

Representative Scarpino of St. George requested a roll call vote.

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 Michaud of Medway that the House indefinitely postpone House Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 181

YEAS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bost, Bott, Boutilier, Bragg, Brannigan, Brown, A.K.; Brown, D.N.; Carter, Clark, Coles, Cooper, Cote, Crouse, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Hale, Handy, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jacques, Jalbert, Joseph, Lacroix, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, Moholland, Murphy, E.M.; Murphy T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Parent, Paul, Perry, Pines, Pouliot, Rice, Richard, Ridley, Rioux, Roberts, Rotondi, Ruhlman, Salsbury, Seavey, Simpson, Small, Smith, C.B.; Stevens, A.G.; Stevens, P.; Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Whitcomb, Willey, The Speaker.

NAYS:—Allen, Baker, H.R.; Bell, Brodeur, Cahill, Callahan, Carroll, Connors, Connolly, Greenlaw, Gwadosky, Jackson, Kimball, Manning, McHenry, Mills, Priest, Reeves, Rydell, Scarpino, Sherburne, Smith, C.W.; Soucy, Sproul, Stetson, Stevenson.

ABSENT:—Beaulieu, Bonney, Carrier, Cashman, Chonko, Crowley, Duffy, Higgins, H.C.; Kane, Lander, Mayo, Paradis, P.E.; Racine, Randall, Rolde, Weymouth, Zirnklinton.

108 having voted in the affirmative and 26 in the negative with 17 being absent, the motion did prevail.

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

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

The Chair laid before the House the following matter: An Act Concerning Nomination Petitions for Unenrolled Candidates (H.P. 1063) (L.D. 1542) which was tabled earlier in the day and later today assigned pending the motion of Representative Smith of Island Falls that the House recede and concur.

Representative Smith of Island Falls

withdrew his motion to recede and concur.

On motion of the same Representative, the House voted to insist and ask for a Committee of Conference.

Sent up for concurrence.

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

Consent Calendar First Day

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

(H.P. 985) (L.D. 1415) Bill "An Act to Encourage the Establishment of Statewide Standards for the Identification and Management of Child Abuse and Neglect" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-390)

There being no objections, the above item was ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

(Off Record Remarks)

The Chair laid before the House the following matter: (H.P. 963) (L.D. 1384) Bill "An Act Concerning Employment of Certain Individuals in Contact with Children" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-389) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

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

Representative BRODEUR: Mr. Speaker and Members of the House: I would like to pose a question through the Chair. My question is to the sponsor of this bill. Would this bill affect those people who are currently employed but are convicted for operating under the influence and force them to lose their jobs?

The SPEAKER: Representative Brodeur of Auburn has posed a question through the Chair to the sponsor, who may respond if she so desires.

The Chair recognizes that Representative.

Representative STEVENS: Mr. Speaker, Men and Women of the House: As the bill is drawn, it would not affect people who are currently involved in driving children. Those people, as a result of a current OUI conviction, would have their license suspended and that would have to be a decision between the employer and that employee as to whether or not that person would retain their job. But it does not require that people get discharged from their jobs.

Thereupon, Committee Amendment "A" (H-389) was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

On motion of Representative Jacques of Waterville.

Recessed until two-thirty in the afternoon.

(After Recess)

The House was called to order by the Speaker.

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

Bill "An Act to Improve the Workers Compensation System and Reform of the Rate-Making Process" Emergency, (H.P. 1127) (L.D. 1634) PENDING — Passage to be Engrossed.

Representative Brannigan of Portland offered House Amendment "C" (H-394) and moved its

adoption.

House Amendment "C" (H-394) was read by the Clerk and adopted.

The Bill passed to be engrossed as amended by House Amendment "C" (H-394) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent.

Papers from the Senate Non-Concurrent

An Act to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings (S.P. 185) (L.D. 503) (C. "A" S-123) which was passed to be enacted in the House on June 3, 1985.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-123) as amended by Senate Amendment "B" (S-227) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend Certain Provisions of the Laws Pertaining to Child Support" (S.P. 385) (L.D. 1065) which was passed to be engrossed as amended by Committee Amendment "A" (S-253) as amended by House Amendment "A" (H-376) thereto.

Came from the Senate recommitted to the Committee on Judiciary in non-concurrence.

On motion of Representative Allen of Washington, the House voted to recede and concur.

Consent Calendar First Day

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

(S.P. 525) (L.D. 1408) Bill "An Act to Amend Certain Sex Crimes Under the Maine Criminal Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-267)

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

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent.

Consent Calendar Second Day

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

(H.P. 985) (L.D. 1415) Bill "An Act to Encourage the Establishment of Statewide Standards for the Identification and Management of Child Abuse and Neglect" (C. "A" H-390)

On objection of Representative Diamond of Bangor, was removed from Consent Calendar, Second Day.

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

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

The Chair laid before the House the following matter: (Emergency) An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1985, June 30, 1986, and June 30, 1987 (S.P. 222) (L.D. 585) (H. "A" H-378 to C. "A" S-250) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Carter of Winslow, retabled pending passage to be

enacted and tomorrow assigned.

The Chair laid before the House the following matter: (Emergency) RESOLVE, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (S.P. 321) (L.D. 810) (Conf. Com. "A" H-370) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 2 against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-265) on Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine" (S.P. 412) (L.D. 1142) which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

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

Committee Amendment "A" (S-265) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter: Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-381) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,700,000 for State Facilities Improvements" (H.P. 922) (L.D. 1326) which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to Pass" Report as amended.

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

Committee Amendment "A" (H-381) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-381) and sent up for concurrence.

The Chair laid before the House the following matter: (H.P. 937) (L.D. 1343) Bill "An Act to Establish Competitive Insurance Rating Under the Maine Workers Compensation System" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-373) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

On motion of Representative Diamond of Bangor, tabled Unassigned.

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending further consideration.

(In House, Bill and Accompanying Papers Committed to the Committee on Taxation on June 11, 1985.

— In Senate, Passed to be Engrossed in non-concurrence.)

The House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Exempt Veterans' Memorial Cemetery Associations from Maine

Sales and Use Tax" (H.P. 748) (L.D. 1071) which was tabled earlier in the day and later today assigned pending reconsideration whereby the bill was passed to be engrossed.

(In House, Passed to be Engrossed on June 11, 1985.)

Representative Hayden of Durham withdrew his motion to reconsider.

Ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent.

Consent Calendar First Day

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

(H.P. 1111) (L.D. 1621) Bill "An Act to Establish a Portion of the Boundary between the Town of Clinton in the County of Kennebec and the Town of Pittsfield in the County of Somerset" Committee on Local and County Government 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.

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

(Off Record Remarks)

At this point, Representative Michaud of Medway assumed the Chair to act as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

At Ease

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent.

Communications

The following Communication:

State of Maine
OFFICE OF THE GOVERNOR
Augusta, Maine 04333

June 12, 1985

To the Honorable Members of the 112th Maine Legislature:

I am returning without my signature or approval (H.P. 1132), (L.D. 1639), "An Act to Establish the Maine Vocational-technical Institutes Administration."

There are two reasons why I can not approve this proposal.

1. In the early 1970's, Governor Curtis proposed, and the Legislature enacted a significant reform in the organization of Maine State government. That law created several umbrella departments under which were placed the myriad of agencies, bureaus and committees which had previously operated almost independent of control by a Governor. The result of Governor Curtis' reforms is a system of governmental organization that is accountable to those elected and appointed officials charged with administering State government.

The proposal in L.D. 1639 for a separate agency to operate the Vocational-Technical Institutes would reverse the wise movement towards accountability and would result in two departments with responsibility for vocational education. The existence of two departments with similar responsibilities can only weaken our ability to address the real needs of our citizens for vocational and technical education while needlessly increasing the costs for administering two duplicative agencies.

2. Last summer the Commission for the Status of Education in Maine reported that there were management shortcomings in our vocational education system. Goals were not

being set properly, personnel and fiscal practices were constrictive, and coordination was lacking. The Commission considered a variety of administrative alternatives to address these problems — including a separate VTI Board of Trustees — and concluded "that the State Board of Education presently has the authority to effect needed changes."

This bill is designed to address the management problems the Commission found. However, it does so by choosing a solution explicitly rejected by the Commission.

This L.D. would set up a new government bureaucracy — complete with a Board and a staff and an office and a budget — in order to solve the problems of goals, administrative practices, and coordination. It is a costly, inefficient, and possibly counterproductive solution. Indeed, one thing State Government doesn't need is another new bureaucracy.

It would break the management continuity between the secondary vocational schools and the post-secondary vocational schools — thus making the system even less coordinated and more fragmented than it is now.

It would reduce the amount of funds available for direct training activity, in order to pay for new administrative costs. This year the funds would be taken from Federal sources. In two years the funds would have to come from State sources.

According to the Federal law, the State Board of Education is responsible for receiving and expending Federal vocational training funds. If a new Vocational Board were to be set up, it would still have to apply to the responsible body — the State Board of Education — in order to receive any Federal support. So rather than streamlining administrative procedures, as everyone agrees is needed, this bill would add new paperwork and delays into the system.

There are management improvements which must be made to the vocational education system in Maine. The Department of Education and the State Board of Education have identified how to make some improvements, and are in the process of making further recommendations. The approach they suggest is incorporated in L.D. 1645, "An Act Relating to the Administration of Vocational Education." A prudent approach in this situation would be to wait and see how the improved system within the Department of Education works out. If it doesn't work, a more drastic solution, such as setting up a separate Board, could be reconsidered.

The recommendation to set up a separate Vocational Education Board is premature, expensive, and inefficient. For these reasons, I veto this bill.

Sincerely,
S/ JOSEPH E. BRENNAN
Governor

Was read and ordered placed on file.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Ordinarily, I would have some mixed feelings speaking before the House on the Governor's veto and, to be truthful, in the seven years that I have been fortunate to be a member of this body and I do feel fortunate to be a member of this body, I can't remember of a time when I have ever voted to override a Governor's veto. But I don't have a problem today. I don't have a problem with this bill because I think this bill is going to make some dramatic and positive changes with the governance of VTIs.

This was a unanimous committee report from the State Government Committee. It is a bill we had in committee approximately seven weeks. This bill was enacted in this body last Friday on a vote of 122 to 18. It was passed to be engrossed in the Senate by a vote of two to one. Yesterday, it was enacted in the Senate

under the hammer and, somewhat of an unusual precedent that rather than being placed on the Appropriations Table, it was sent down immediately to the Governor's desk, who promptly vetoed it.

So what happened and what has changed? From our perspective since the time we enacted this bill last Friday, very little has changed. No new information has been brought forth suggesting that there were reasons to change our votes.

I think clearly the Department of Education feels threatened by this bill. Clearly the Department of Education probably feels that the blame is being placed upon them. Yet, everyone I talk to and everyone that we have asked questions about it have said that they feel that there is a problem with the VTIs. I think I speak for most members of this body when I say that we are far less concerned on who is to blame than we are concerned with how we are going to solve this problem.

This is the same bill that we worked hard and long on with many members of this body, many members of various associations and groups. It is the same bill which we were able to identify and crystalize the various problems that are affecting our VTIs today. It is the same bill which we were able to put together, pinpointed and solved each one of those particular problems.

The VTIs in the State of Maine are the only publicly funded post secondary institution that doesn't have a separate governing body. I think the people across this state are extremely in favor of the VTIs and the VTI concept. Unfortunately, the people aren't being served. I think we indicated last Friday that there were some 5,000 applicants to the VTIs in the 1984 and only 2,000 people were accepted, meaning that some 3,000 people were not being served.

The advantages of having a strong VTI system is that they have incredibly high placement. 80 to 90 percent of those people who attend VTIs are directly placed upon graduation, not only are they directly placed, they are placed in the State of Maine. 80 to 90 percent of the students who graduate from the VTIs are placed immediately in Maine jobs. So, unlike our University of Maine system, with VTIs, we are paying to fund an institution to educate people to go to work in Maine. It is an investment in ourselves to have VTIs.

Most importantly, I think is the issue of focus. We sincerely believe that the trend of vocational education and the concept of vocational education are, for the most part, completely outside the scope and orientation of the policies of the Department of Education, which is primarily involved with K-12. We think it makes a great deal of sense, rather than to have a part time board — the state board of education now puts one day a month into VTIs — rather than to have a part-time commissioner, who now works on VTIs along with all the other educational issues, we think it makes a great deal of sense to have a board exclusively focused on VTI issues, VTI concerns, to have a full-time executive director who could help the VTIs grow strong, help them adapt to the needs of industries, help prepare our Maine workers, help them become more adaptable in the skills that they need as the job requirements change.

I would certainly hope that those 122 people who supported this concept just a couple of days ago would still be willing to support this concept and show our concern that we think VTIs are an important issue. We think this bill will address the problems the VTIs have and I would urge you to join with me today in voting yes to override the objections of the Governor.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, as

Representative Gwadosky says, hope that we can override this veto. I have great respect for Governor Brennan. I think he had done a tremendous job in the past five years. But to err is human and I think he has made a mistake on this one and being human like the rest of us, he is entitled to a mistake. But I don't think we should make a mistake and not go forward with this bill.

Ladies and Gentlemen, there is a technological revolution going on out there and Massachusetts knows it, New Hampshire knows it, and Maine had better wake up before it is too late. They are running with three and four percent unemployment, while we are still hanging in there at seven so we have got to make some moves and this is just one of them.

I think in addressing some of the things that were said in the letter — I think the VTI's are being shortchanged in having K-12 management because they are not K-12, they are higher education. They should be connecting with the University of Maine and all the other colleges in the state. This is who they should be connecting with. The high schools are made to prepare the kids to go on to college and the VTI's are colleges.

As I told you the other day, some of the technical courses in the VTI's are higher level courses than they get at the University of Maine in some of their courses. They are very demanding.

As far as the federal funds are concerned, I discussed this with you the other day and told you that last year New Hampshire got \$300,000 in their VTI's, they call them vocational colleges, over \$300,000 of Carl Perkins money to take care of the handicapped, the single parent and the disadvantaged. So, by going to this system, we will not be losing Carl Perkins federal monies any more than they did in New Hampshire.

In the last paragraph it says, it is premature, this is what I have been hearing since 1966, this is premature. We are not ready to make this move, it is expensive. I say it is far too expensive to turn away 3,000 kids every year. We can't afford to do this any longer. If you talk about being inefficient, if you talk to the Appropriations Committee, you will find out that there is quite a bit of inefficiency in what is happening now in the VTI system.

So, we know that we are 50th in the nation of sending school kids off to college. We know 23 percent of our high school kids drop out of school before the end of four years. I think the people in K-12 have a devil of a lot of work to do to get caught up and get those children that are in K-12 on the road so they can get into the VTI's.

I don't want to go on and on too far with this, but I do hope that you people will stick with your conviction of the first vote. I think this is an excellent bill and I think the 25 year old kids that go to the VTI's and the 40 year olds that go to the evening divisions of the VTI's deserve our support.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: You know we have many different jobs down here and we wear many different hats. I have always felt that one of our jobs is that, when our Governor and my Governor makes a mistake, it is our job to point that mistake out to him and it is also our job to fix that mistake. I will grant you that my Governor hasn't made many and he is a fine fellow, he really is, he really does what he thinks is right for the State of Maine and 99 percent of the time my Governor has been absolutely right, but this time, he is not. I don't see anything wrong with this body, the body of the people pointing that out to the Governor and, being the kind of man he is, I am sure that he will understand that and he understands the process, and he understands what

we are here for and I think that is one of the reasons we are here for.

Now, since this whole thing has come up, we have received many promises. As Representative Crowley has said, it is probably a lot like the promises that they have been receiving since 1966. Ladies and gentlemen, promises don't feed the bull dog. Only when this bill was right here, right there, the proverbial sword hanging over their heads, did the movement start to happen. Well, this is a movement that I want to see follow right through and I think we can do that.

I ask you to look at it like a real small investment in the future of the State of Maine, the people of the State of Maine, and it is really is not too much to ask when we look at the overall big picture of how much money we spend to make a better way of life in this state for the people we represent. I think if you look at what we are asking and how much money we are asking to spend, it is really a very small investment. I don't think the Governor is going to mind an awfully lot if we point him to the right path and if we help him do the right thing. You can do that today by voting green on this motion. This body showed some courage and some foresight and some intestinal fortitude and I hope this body will continue in that vein and vote with a whole lot of green lights today. Thanks for hearing me out.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I, too, rise and urge you to vote green to override the Governor's veto. In his message to us, the Governor said that this bill would break the management continuity between the secondary vocational schools and the post secondary vocational schools. I don't believe that is the case. In fact, I believe that right now there is obviously a lack of continuity between the two to such a degree that there are students who attend the vocational courses in the secondary level and cannot go on to post secondary vo-tech schools because they do not have the academic background to do so. I believe that by forming this separate board, we will have more flexibility to respond to the needs of those secondary vo-tech students.

You have all heard, and I will say it one more time, every other post secondary education in this state has a separate governance board, the University of Maine Board of Trustees, and the Trustees for the Maine Maritime Academy. This will simply put the post secondary vo-tech schools on an even par with them so that they can adequately compete for the resources which they need to do their job. I urge you to vote to override the Governor's veto.

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

Representative BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: There is always a way to simplify a situation and to simplify this, we are talking about one thing which is jobs. Our friends, Mr. Crowley, Mr. Jacques, Mr. Gwadosky, Mr. Sproul didn't mention the word jobs but this is what it is all about and it is difficult for me to understand that our Governor can't see this. If this group, the VTI's were separated from the administration they are connected with now, growth will take place because there are four times as many young people wanting to go to the VTI's as we can admit. If we separated it, the growth could come, the jobs could be here and isn't jobs what we are talking about?

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

Representative BOUTILLIER: Mr. Speaker, Men and Women of the House: I made a short speech the last time we had this issue before us, before the veto, and I now have the chance

to repeat myself, I would like to make that same speech.

There really are three issues to deal with in this particular case and they are the following: fairness, consistency and priority. The fairness issue is this, the VTI's do not have equal access to the educational monies available in this state. They are secondary under the Board of Education's governing rules to K-12. That is not fair for the VTI's in this state. Vocational Education is no less important than any liberal arts institution or any business institution and especially not K-12. They are colleges.

Secondly, consistency. The VTI structure, six colleges in the State of Maine are the only colleges, public or private, which do not have separate governing boards. That is not consistent. I don't think it is a public policy that we want to continue.

Thirdly, priority. Where is your personal priority? Is it economic development? Is it the jobs? Is it a strong and capable work force? Then you will vote to override this veto.

The SPEAKER PRO TEM: The pending question before the House is: "Shall this bill become a law notwithstanding the objection of the Governor?" Pursuant to the Constitution of the State of Maine, a two-thirds vote of the members present and voting is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 182V

YEAS:—Armstrong, Baker, A.L.; Baker, H.R.; Begley, Bell, Bonney, Bott, Boutillier, Bragg, Brannigan, Brown, D.N.; Cahill, Callahan, Carrier, Carter, Cashman, Chonko, Clark, Coles, Conners, Cooper, Cote, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foster, Greenlaw, Gwadosky, Hale, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Kimball, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Masterman, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Reeves, Rice, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Salisbury, Scarpino, Seavey, Sherburne, Simpson, Smith, C.B.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Zirnklint.

NAYS:—Aliberti, Allen, Bost, Brodeur, Brown, A.K.; Carroll, Connolly, Crouse, Diamond, Foss, Handy, Hayden, Manning, Martin, H.C.; Matthews, McCollister, Priest, Randall, Richard, Rydell, Small, Smith, C.W.; Soucy, Stevens, P.; Warren

ABSENT:—Beaulieu, Higgins, H.C.; Joseph, Kane, Michael, Willey, The Speaker

119 having voted in favor of the same and 25 against with 7 being absent, the veto was not sustained.

By unanimous consent, was ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: An Act to Establish an Aroostook County Budget Committee (S.P. 310) (L.D. 799) (C. "A" S-98) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Crouse of Caribou, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-98) was adopted.

The same Representative offered House Amendment "A" (H-396) to Committee

Amendment "A" (S-98) and moved its adoption.

House Amendment "A" (H-396) to Committee Amendment "A" (S-98) was read by the Clerk and adopted.

Committee Amendment "A" (S-98) as amended by House Amendment "A" (H-396) thereto was adopted.

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

The Chair laid before the House the following matter: (H.P. 985) (L.D. 1415) Bill "An Act to Encourage the Establishment of Statewide Standards for the Identification and Management of Child Abuse and Neglect" (C. "A" H-390) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

On motion of Representative Diamond of Bangor, retabled pending acceptance of the Committee Report and tomorrow assigned.

(Off Record Remarks)

On motion of Representative Duffy of Bangor,

Adjourned until eight-thirty tomorrow morning.
