

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD  
OF THE  
*One Hundred and Twelfth*  
*Legislature*

OF THE  
STATE OF MAINE

**VOLUME II**

SECOND REGULAR SESSION  
April 3 - April 16, 1986  
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SECOND SPECIAL SESSION  
May 28 - May 30, 1986  
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THIRD CONFIRMATION SESSION  
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THIRD SPECIAL SESSION  
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FIFTH CONFIRMATION SESSION  
November 24, 1986  
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The House was called to order by the Speaker.  
Prayer by Chaplain James W. Daniels, Green Street  
United Methodist Church, Augusta.  
The Journal of April 11, 1986 was read and  
approved.  
Quorum call was held.

PAPERS FROM THE SENATE

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government and Changing 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" (Emergency) (S.P. 800) (L.D. 2006) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 948) (L.D. 2375)

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

Report was read and accepted and the New Draft read once.

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

Ought to Pass in New Draft/New Title

Report of the Committee on Legal Affairs on RESOLVE, to Permit John Taylor, Personal Representative of the Estate of Sharon Taylor, to Sue the State for Wrongful Death (S.P. 889) (L.D. 2238) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Compensate John P. Taylor of Augusta as Personal Representative of the Estate of Sharon Taylor, also of Augusta (S.P. 949) (L.D. 2376).

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

Report was read and accepted and the New Draft read once.

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

Divided Report

LATER TODAY ASSIGNED

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-485) on Bill "An Act to Implement the International Registration Plan to Apportion Fees for Certain Commercial Vehicles" (Emergency) (S.P. 804) (L.D. 2019)

Signed:

Senators: ERWIN of Oxford  
DOW of Kennebec  
SHUTE of Waldo

Representatives: POULIOT of Lewiston  
THERIAULT of Fort Kent  
SOUCY of Kittery  
McPHERSON of Eliot

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

Signed:

Representatives: STROUT of Corinth  
MACOMBER of South Portland  
CALLAHAN of Mechanic Falls  
MOHOLLAND of Princeton  
CAHILL of Woolwich  
MILLS of Bethel

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-485)

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought to Pass" Report.

This bill would allow Maine to petition the International Registration Plan member states to join that organization. It would allow the states that are members to recognize Maine's vehicle registration as their own, which would allow intrastate activities within the member states.

There is a tax issue before Taxation that affects this bill and that is the removal of the exemption on vehicles used in intrastate commerce. If this tax exemption is allowed to remain as it is today, this report will become a 12 to 1 report in favor of it. So pending that tax issue, I would ask someone to table this bill.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Theriault of Fort Kent to accept the Majority "Ought to Pass" Report and later today assigned.

Non-Concurrent Matter

Joint Resolution Requesting the Public Utilizes Commission to Reduce Certain Fuel Adjustment Rates (H.P. 1685) which was read and adopted in the House on April 11, 1986.

Came from the Senate read and adopted as amended by Senate Amendment "A" S-486 in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (Emergency) (S.P. 813) (L.D. 2045) which was passed to be engrossed as amended by Committee Amendment "A" (S-443) as amended by House Amendment "A" (H-684) thereto, and Senate Amendment "A" (S-459) in the House on April 11, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-443) as amended by House Amendment "A" (H-684) thereto in non-concurrence.

The House voted to recede and concur.

#### ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Ralph M. Willey of Hampden be excused April 12 for personal reasons.

Was read and passed.

#### CONSENT CALENDAR

##### FIRST DAY

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

(S.P. 695) (L.D. 1781) Bill "An Act to Authorize the Issuance of a Bond not Exceeding \$8,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-481)

Under suspension of the rules, Second Day notification was given and the Senate Paper passed to be engrossed in concurrence.

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. 2 was taken up out of order by unanimous consent:

#### REPORTS OF COMMITTEES

##### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-697) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,700,000 for Various Projects at the University of Maine" (H.P. 1639)

(L.D. 2311)

Signed:

Senators: BERUBE of Androscoggin  
PEARSON of Penobscot

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-698) on same bill.

Signed:

Senator: MCBREAIRTY of Aroostook

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

Reports were read.

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

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion to accept the Majority Report this morning so that we might be able to accept the Minority Report.

There are two differences between the Majority Report and the Minority Report. The first one is obviously a \$4.5 million increase for an additional building at Lewiston.

The second one is that the Minority Report, of which I am a signer, calls for the referendum to be held on this bond issue in June rather than in November and, therefore, has an emergency preamble on it which we, as a minority, felt would be much more beneficial to the university system if they had the money that much sooner.

Obviously, the big contention with this piece of legislation is the additional \$4.5 million for the Lewiston classroom. I want to take this opportunity to reiterate the remarks that were given to the House the other night by the good Representative from Lewiston, Representative Nadeau. I was not trying to deceive anybody but I was very concerned about the whole issue of the university system. Our committee has been dealing with it as has Education and certainly Taxation and others of you here have been working very diligently in an attempt to try to resolve the issue of funding the university. I was quite surprised to find this issue come before us.

As I said, I hope you would vote against the Majority Report for that reason, not because I don't feel that there are needs at the Lewiston campus, but I do feel very strongly that we were brought here to deal with a very critical need that was identified by the Visiting Committee Report.

The most critical need that I understand is cash,

certainly, but cash to run the existing programs that they have now much more beneficial or not to dilute the funds that the university system has presently. That is the big concern that I have with adding an additional classroom in Lewiston. I feel that if we do that we are going to end up in a situation where we have to hire additional staff to teach in that classroom, staff that we don't have already which will be a further drain on the university's cash system now. I don't think the university can afford it. I think we came here to identify the most critical needs, to try to build up and bolster up the university system as it is now, without further dilution. Frankly, this is what is going to happen if you add some additional classroom space at Lewiston. We need to do better at what we are doing now before we expand ourselves into other horizons.

I have talked with a member of the Board of Trustees, that individual indicated to me that this was contrary to what the trustees were trying to do, that it would be counter-productive and, to add this particular section of the bond issue to the total package, would probably mean defeat of the bond package as a whole. I don't want to see that happen. I don't think those people who support the university system want to see that happen.

I would hope you would vote against the pending motion so that we might get back to the original bill that was presented to us by the Governor's Office, \$7.7 million and that we could enact that bond issue and really help the university system as it is today.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Scarborough, my good friend, Representative Higgins, would have us believe that we were called here to deal specifically with university items. I disagree with him, we were called here with any issue that we, as legislators and representatives of our constituents, felt that it was important to deal with.

The bill that we have before us was requested long before the Governor made his decision on a Visiting Committee recommendation. These are items that had been recommended to the Governor back in November for various projects needed at the different campuses throughout the state.

What the committee decided to do, after listening to some Representatives from the Lewiston area, which happens to be the second largest city in the state, we heard their plea and we decided to incorporate it into this bill as a legitimate issue to be presented to you and to the people of the state. I would urge you to adopt Report "A".

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: First of all, this issue caught many people by surprise. I want to explain to you how that all came about and give you a little history about this issue. Many of you who served in the 111th Legislature have some background on this issue, some of you haven't, but I am sure you have heard discussions about it.

We were informed there was going to be a bond package for the university in the first place, some two or three weeks ago, if I recall correctly. We didn't see the actual bond package itself, we being the Appropriations Committee, until the end of last week or last weekend, I believe. So this entire bond

package is relatively recent, not just this particular provision of the Minority Report. I just want to make that very clear.

Secondly, the history on the issue, in the 111th Legislature, there was extensive debate caused by contributions (if you will) for the Lewiston-Auburn area from municipal officials, business leaders, working people, a large coalition of folks that had determined that our service needs in Lewiston-Auburn or the greater Androscoggin Valley area were simply not being provided by the University of Maine system. A great deal of work and effort went into this issue at the local level before the Governor was approached, the legislature, and obviously, the Board of Trustees at the University of Maine. I think we went to them with a very strong case that our needs were certainly not being addressed.

The Board of Trustees commissioned a study which was conducted by the Arthur D. Little Company. That study basically determined that the need for higher education services in the Lewiston-Auburn area was greater than anyone had ever anticipated.

The study clearly indicated that there were a large number of students that, had they had the opportunity to go to school in the area, to take advantage of higher education programs, particularly baccalaureate degree programs, that they would attend, but because of financial situations or professional considerations, they simply could not attend at the institutions in Portland or Augusta. So, the fact remains the need was documented by an objective professional study.

The Board of Trustees, armed with that information, concurred that the need was there and that something ought to be done about it.

In the last legislative session, our fiscal situation, coupled with many other considerations, a deal was struck whereby the university or the State Legislature would fund essentially half of the money necessary to get this facility off the ground and that the other half would be raised by the property taxpayers of Lewiston and Auburn -- the condition being that local matching money be approved by the voters of Lewiston and Auburn -- obviously generated with property taxes.

In 1985, two votes were taken by the people of Lewiston. The first time the issue was defeated by a very, very narrow margin. I supported the local matching money, just for the record, and many of us felt, because of the closeness of the vote, the issue was important enough to deserve a second consideration by the people of Lewiston and Auburn. Over great opposition by many for a second referendum, the city councils of both cities decided to do so. I again supported that effort, a second referendum to see if we could come up with the local matching money. The second time it failed by a large margin, a combination of opposition to using property tax money for this purpose and the second referendum itself.

So I have received the message loud and clear from the people of my city and my twin city across the river that they do not concur with the use of property tax funds to help establish university services as appropriate. I, as a taxpayer and a legislator, was willing to do so. The people of Lewiston-Auburn said they were not. That is the case. I accept that mandate and have dismissed any possibilities of property tax money being used. Therefore, the need is still there. The services

still have to be rendered. What is left, the State of Maine has an obligation to fund those services as they do in every other region of this state.

In October, the Board of Trustees of the University of Maine voted that the University of Southern Maine should administer baccalaureate programs in the Lewiston-Auburn area, York County and the Augusta area in terms of the new goals and objectives that have been devised and I think in keeping with the Visiting Committee's Report that the system define missions more carefully.

The trustees have already decided that the University of Southern Maine will administer, at some point, the baccalaureate programs in our area. What that says is that, in several months, the Board of Trustees will receive a request from the University of Southern Maine that this is the program that ought to be run, this is the money it will take, this is the facility we will need. At that point, we are going to be back to this debate next year. We are going to be back saying we need a facility, the state has to pay for it and obviously we ought to bond it because it is capital construction, it only makes sense, you are not going to pay for a building of that magnitude with General Fund dollars. So this is going to put everything off another year. I am simply anticipating the inevitable. The legislators in my area, since discovering the bond packages existence, since discovering what was incorporated into the bond issue, have discussed it with one another. The bulk of us, I think, have agreed that this effort must be made.

We are talking about a bond issue, \$4.4 million which is for the construction of a classroom building that is going to house ultimately the program that Southern Maine administers. That is bonding authority. The trustees are going to have to go through a site selection process. They are going to have to go through engineering. There is going to have to be a construction phase. That process alone could take a year or year and a half, possibly two years. Don't hold me to that, I am not sure. It is going to take some time.

Obviously, if this bond issue for this capital facility is put off until a year from November, that process begins from that point and we are talking another year and half beyond that. In Lewiston and Auburn this issue that has been documented by objective studies, by trustees, by the citizens and business community and the educational community in Lewiston and Auburn and, indeed, in the past by this state legislature, the issue that those services are needed, is clearly there. Now we have got to figure out how to deliver those services. We are talking about a classroom facility. We are talking about bonding for this capital construction. The operating monies necessary are going to come in the next regular biennial budget submitted by the University of Maine.

The program that the trustees has set up the last time around, which is essentially the model that Southern Maine will use, was devised by the presidents of Southern Maine, Augusta and Farmington with a committee made up of local people, business leaders, community leaders, educational leaders, it was an incredible coalition of many, many points of view to come up with the kind of program that would be tailor made for that region of the state -- essentially serving commuter students.

The Visiting Committee documented that the

largest unmet need in the university system today is the commuter student. The Visiting Committee and the Governor stated that this money we are dealing with today is a down payment. When I hear the word down payment, I automatically assume that means we have got another payment down the road. My assumption that this legislature buys this university package, and I think it should, then we are coming back next year to continue our new commitments to proper financing of the university system.

What I am going to employ you today is consider that that system includes Lewiston and Auburn, the second largest population center of this state -- within a 20 mile radius you are talking about 120,000 people. The study documented that a large segment of that population would take advantage of the baccalaureate services should they be available. That is all we are talking about here. We are talking about getting ahead of the game, getting this bonding authority on line for the facility that will be needed but the burden, if you will, on the university's operating budget won't come this year, it will come in the next regular budget process. They estimated the operating cost of that facility to be \$2 to \$3 million a year. I understand the university budget is somewhere upwards of \$90 million. I don't think it is going to triple the system.

I do think it is going to enhance it, it is going to broaden its base of support around the state, it is going to provide young people and adult learners alike the opportunity for that higher education that they may not receive otherwise. The Lewiston-Auburn area has one of the lowest per capita income in the state. We don't have kids and adult learners that can afford to go to school in the traditional sense of the term "going away to school." You have got people who have to work for a living and go to school at the same time, who have got to raise families and go to school at the same time, a large professional community that is being developed and needs those kinds of services.

We have a health care industry in Lewiston and Auburn that has somewhere between 2,500 and 3,000 people, lab technicians, nurses, they all need upgrading in their training.

I have got much more to say about why the university should be upgraded in terms of where it has to go in the next 20 to 25 years but I want to restrict my comments at this time to what the needs are in Lewiston and Auburn, why it is essential that we get this particular classroom building on line immediately to anticipate what I think is inevitable next year.

Ladies and gentlemen, I really do ask you to give this very serious consideration. It is a down payment on the system this year. I think this should be considered part of that down payment.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: To be effective, I have posed to myself several questions. Why is the Lewiston-Auburn area so ineffective in convincing the legislature of our many needs for assistance in funding? Why is the Lewiston area the most lobbied area for support by other legislators in their needs, especially candidates in their political office? I said, why not use a new approach, that of taking hostages? This is an effective technique according to our daily

tabloids. The most lucrative candidate was the \$15 million commitment to higher education as submitted to the select committee.

The second most likely target was the \$7.7 million educational bond. Should I ransom the \$15 million educational package that says to the Lewiston-Auburn area, you will forever be exiled to a non-university presence because you cannot share in this proposal?

So, let's attack the second alternative package, the bond issue because all indicators say and prove a terrible, terrible social injustice exists in a dire need for higher education in the Lewiston-Auburn area is a must.

Who says and implies that this truth is self-evident? The present Chief Executive of the State of Maine? The leading Republican candidate to succeed the Chief Executive and one leading Democratic candidate for the Chief Executive's Office? Every criteria utilizing the business community, the professional community, the general community was enlisted to serve the cause. We thought we had the guns, the ammunition, the tactics but somehow the opposition prevailed. Our reward has been defeat, defeat, defeat, surrender, surrender, surrender. I cannot and will not use hostage tactics. The cause and the consequences overwhelm reason. You may be awakening a sleeping giant. I promise you that you will have to respond to our supreme efforts or disenchant a whole bastion of democratic support by your insensitivity and complacency. You may have said no, I hope, for the last time.

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

Representative ROBERTS: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize very much with my old friends, Representative Aliberti, Representative Nadeau, regarding the Lewiston situation. If a hostage is being held, I suppose I am sort of a hostage since my name is on the original bond bill. I think that the chief factor we have to take into consideration now is a very practical one. In the original bond bill, for instance, the one item I know best, the larger single item is \$1 million for the addition to a classroom building at Farmington. This project was suggested nine years ago and went out on the ballot at about that time in the form of a \$3.8 million building. It lost by about 1,000 votes out of 215,000 votes cast. It has not been brought up again. It was brought up because the education programs at Farmington are crammed into all sorts of nooks and crannies of wooden buildings -- very, very impractical, a horrible way to try to run a program. Somehow they are still carrying on. From that \$3.8 million they selected the greatest needs, which are in early childhood education and special education through Farmington special, and put in an item for \$1 million to get these programs out of some of the worst places that they are being held.

My reason for opposing the Majority Report is a very practical one. I sympathize with the Lewiston wishes. I do not want to argue the fairness of Lewiston's treatment over the years but I do know that the true ballot in which the Lewiston voters turned down the matter of providing funds, as Mr. Nadeau said, from local taxes for the Lewiston Campus, are very well publicized and very well remembered. Whether it is fair or not, I believe that to tack that \$4.4 million item on the bond issue

at this point will assure the defeat of the bond issue, which includes so many things that have been needed for so many years in so many campuses of the state. I urge you therefore to defeat the Majority Report.

The SPEAKER: The Chair recognizes the Representative from South Paris, Representative Bell.

Representative BELL: Mr. Speaker, Men and Women of the House: I think it might be helpful to talk about what was in the original bond issue so we all know what kinds of projects are in both reports and then I would like to speak to the difference between the two reports and hope you support the Minority Report.

In the original \$7.7 million request coming from the University of Maine there are three projects which effect the system as a whole. \$1.6 million is for library automation within the University of Maine system. There are two million volumes essentially in that system and what they hope to do is automate that so that we can better utilize those volumes.

\$500,000 goes for asbestos abatement and \$400,000 goes for handicap accessibility -- about 17 percent of the buildings at this point are accessible.

Academic computing, phase II is \$750,000. There is an \$800,000 appropriation for the science lab addition in Augusta, a million dollar project as Representative Roberts mentioned in Farmington expanding a program in Early Childhood Education which has been proposed for a number of years.

There is a library expansion at Fort Kent for \$400,000; a library addition at Machias for \$700,000. Renovations to a Bear Hall at Orono, \$800,000 -- this building was originally constructed in 1914. Street relocation and parking at Presque Isle for \$250,000 and renovations for Fine Arts at Gorham, \$500,000. As you can see, there are a number of very important projects that have been in the process for some time in that request coming from the University and the Board of Trustees.

Representative Nadeau talked about the need for higher education in Lewiston-Auburn and I am convinced that everyone in the State of Maine recognizes there is a need in that area and I certainly don't dispute that. My concern is adding a \$4.4 million addition to the bond issue and the implications of what that might mean when it goes out to referendum.

At times, many of us have been somewhat concerned about the structural setup within the University of Maine system. We have certainly had different points of view with the trustees, not only on how they spend the appropriation now but also how decisions are made. This legislature approved the super-university concept some time ago and I have not seen a move to change that at this time. The Board of Trustees in the process that they have gone through have recommended to us that the priorities within the system is \$7.7 million. At this time before this legislature, there is also a request for \$15 million more dollars. That would make that total appropriation \$100 million per year. We are all struggling with, can we afford to spend an additional \$15 million? The Visiting Committee said we can't afford not to. I think we have all been contacted by people in this state that there is a need for an additional set of resources to go to a system that really needs additional funds.

From the Visiting Committee's Report I would like to read to you one section about financial support.

"At the same time, the Visiting Committee urges the board to integrate its academic and financial policies so that growth of one area or program does not occur at the expense of others. The board should establish clear standards for all academic programs in terms of the missions of the institutions in which they are located and then should provide financial support necessary to meet them. New programs should be established only with the additional funds or with funds released through the diminution or termination of another program."

What I would suggest to this body today is that those trustees have acknowledged and supported the University of Southern Maine having a greater presence in the Lewiston-Auburn area and, through that process which has been reaffirmed by the Visiting Committee, allowed them to do the appropriate planning and make the appropriate requests at the appropriate time. I would hope this body would vote against the pending motion and then support the Minority Report.

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

Representative HANDY: Mr. Speaker, Men and Women of the House: I find myself in kind of a unique position once again. As you may recall in the past session of the legislature, I opposed the bond issue that we had before us that would have appropriated money for a greater presence in the Lewiston-Auburn area, as one of two members in our delegation to do so and that was a rather tenuous position.

When the second referendum was proposed, I also opposed that but today I am very proud and pleased to rise in support of this proposal because this proposal addresses concerns of fairness that I had with the previous proposals. I would like to think that I, in voting for every university bond issue that has been placed before the voters in the past, that I have supported each one of those without a sense of parochialism with the idea of supporting what is best for the people of the State of Maine as a whole. I would also like to think that we as members of this body would do the same. I would also like to think that the makeup of this bond issue is basically a little bit of something for everyone. We can look at it in a political light but I like to look at it in the light of what is best for the university system and the people of the State of Maine as a whole.

With respect to my good colleague on the Education Committee, Representative Robert's comments about he possibly being held hostage and maybe losing in the long run if this were put out before the voters. I have every bit of faith in the voters of the State of Maine that they will look at the bond issue in the light that I have just suggested -- looking at the university system as a whole. There is no question that the needs of Lewiston-Auburn, as far as post-secondary education, are unmet. This is one very small step toward addressing those needs; yet I believe it is adequate at this time and certainly in keeping with the Visiting Committee's Report.

The aspect of the bond issue which deals with that greater presence of the university in the Lewiston-Auburn area does not set up a new university administration, it does not set up a whole full-fledged realm of university programs, it does not set up a new campus, it's the down payment that the university's Visiting Committee reported on that

is being applied to the university as a whole with the other proposal that we will soon have before us, and with this specific proposal here.

Today, I think we're on the edge of a new horizon as far as the university goes, how it is perceived by the people of the State of Maine and how it is perceived by the legislature. I know as a member of the Joint Standing Committee on Education that I feel a great deal better with our relationship with the university, the university Board of Trustees and its administrators. There is a new dialogue ongoing, a new greater sense of communication. There is a greater awareness of responsiveness, of responsibility by the Board of Trustees and the university community, among and between the legislature. I think today that we can all take that step over into that new horizon, support this bond issue because it is best for the university system. I sincerely believe that and I know you do too.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think someone other than from Lewiston might speak for this bill. I spent fourteen years as an educator in the City of Lewiston -- first on the bond issue, there is no area in the whole State of Maine that would use property tax money to build a building for the University of Maine and I think to say that they should do this is ridiculous.

Let's think about taking the University of Maine out of Farmington, what would they have left? It would leave a tremendous dent there. The school adds a tremendous amount to that town. Let's take it out of Gorham, let's take the University out of Augusta, let's take it out of Presque Isle, what a dent it would make -- or Fort Kent or Machias -- say nothing of Orono. This University, as we know it now, is more and more important to the economy of our state. The education and the economy are tied in hand and glove. We know that now because we did a survey here with The New England Board of Higher Education and this legislature, two years ago, said that there is a direct tie between education and the economy. I will tell you I was in Lewiston for fourteen years as a teacher and there is a direct tie in their economy. The youngsters there come from low income, they did back then, it's changing now, but they had absolutely no opportunity for higher education as we see it in other parts of the state. So therefore, they are low in aspirations.

I think these people deserve the same thing that the rest of the state has. In 1954, I started a youth employment service and, because I was the Director of Guidance, the Chamber of Commerce wanted to know what can we do for education in Lewiston. I figured that aspiration was one big thing so we tied a youth employment service in with all the schools in the area, St. Dominique's, Edward Little and Lewiston High School. In less than a year, we had employed a thousand kids in the industries and part-time workers just to try and keep them in school. We only had about 1300 kids in the high school; today there is 2000. The population hasn't changed all that much in Lewiston.

I say that this is a very important item for the City of Lewiston and also for the State of Maine so they have the same opportunity that the rest of us have.



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

Representative BRODEUR: Mr. Speaker, Men and Women of the House: First of all, I would like to say that I went to the University of Maine at Orono. In fact, I was a member of the Representative from South Paris's class. I have real fond memories of that school. I first started out in the College of Technology, which is now the College of Engineering and Science, and was a dean's list student, but I decided that wasn't what I wanted to study so I changed to another college, the College of Arts and Sciences. I graduated from that college and, in addition to my major there, I also added on courses in education which gave me certification in Elementary Education, so out of the five colleges, I attended three of them. My experiences in those three colleges there were very positive, they were all worthwhile. I thought I received a very good education.

What I also did at the University is that I looked at who was there and who wasn't. There was a research study done about who attended the University of Maine at Orono. Although I don't remember the statistics, it was pretty outrageous in the sense that only 15 percent of the students there came from homes which were of an income level, which 80 percent of the Maine population represented. That study was done in the early 1960's and also done in the early 1970's and the results were basically the same. Like I said, I am not sure of the details, but that is what I remember. There was also a study that showed that only 10 percent of the students at the University of Maine at Orono were of a Franco-American background. There is an estimated 30 to 40 percent of the population of this state that is Franco-American.

When I was a student at the University, there were many bond issues that were being presented to the State of Maine and they were being defeated. They were being defeated because the people in the Lewiston-Auburn area, as well as the people in the southern Maine area, I believe York county, were voting against those bond issues. It was very difficult for me and it still is to get people in the Lewiston-Auburn area to support the university system when they don't see it there. It seems to me that, if the university system had a presence there, the people could vote for their university as opposed to the university that is only for a few of their people and that they would be very willing, very supportive, and would be willing to contribute to a truly State University System.

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

Representative POULIOT: Mr. Speaker, Men and Women of the House: If by chance I should sound a little nervous today, I may be. Normally, I wouldn't be nervous, but I honestly feel today that I stand here for my community. I was here last night, I stayed here until about eight-thirty trying to think, what do you say to this body? I came in this morning at 5:15 -- confused -- dark -- just walking around, just wondering, what do you say. I took out all the facts, all the things that you have been hearing, especially the parts about brick and mortar. I have decided that today I don't want to talk to you about bricks and mortar. I really want to talk to you about a dream. It's a dream that my people in Lewiston have had for a long time -- Androscoggin

County, Auburn, Lisbon, Durham, Mechanic Falls, you name it.

There is a direct relationship, economically, between the State of Maine and Lewiston-Auburn. When the state catches a cold, Lewiston gets pneumonia; when the State overall has a problem with foreign imports, Lewiston has a catastrophe. When Maine overall has a difficulty in industries such as textiles, Lewiston suffers an economic disaster. You have read in recent years about Lewiston losing hundreds of jobs in much of its industries bases. 2000 - 3000 possibly more, jobs have been lost -- poultry industry, the shoe industry, the textile industry.

I must say that Lewiston has received some help. For instance, we have benefited some by our federal legislation to help retain displaced shoeworkers. This program's future is bleak; however, it's not a truly long-range solution to our problem. We all know what the long-term solution here is, each and every one of you know.

That solution to my community, to Androscoggin County and the State of Maine is one word, ladies and gentlemen -- education.

I am asking all of you for your help today. Lewiston is a really good sized city. We have an extremely big population, we have a solid number of voters in this legislature. Despite this, we have never asked for much. A lot of things other cities have, we don't, whether it is public facilities, transportation or a university. Lewiston, Auburn, Mechanic Falls, the entire county, the legislators have never asked. I do remember, in the short term that I have been here, the BIW pier for Portland, they wanted it and we voted with them. I recall Eastport fish piers -- Representative Vose wanted it, we helped. I recall Keyes Fibre in Waterville -- Representative Ruth Joseph, Representative Jacques, Representative Gwadosky, we helped. We have always helped. I tell you now, we always will. Today, I ask for your help, ladies and gentlemen. I wouldn't be asking for this help if I didn't think we were going down, but we are in need of your help, to achieve our dream, the dream we all have for education for our kids and for our city.

I have heard many of your questions, many may possibly be difficult to answer. I have heard some say, there is a need. Some say, we are sorry. Some say, if the bond goes as it is now, it will fail. I ask you the question that I must toy with myself and possibly the members of my delegation must toy with also -- if this bond issue fails now, and the Minority Report does pass, I honestly ask you to search your souls today, would you go home, knocking on doors, knowing that you have a campaign -- saying yes, it's not Lewiston's time today. You must wait, the hour is not right. Would you not encourage me to tell my people -- support this bond issue, \$7.7 million, it is good for you, but the time is not right? I ask you ladies and gentlemen, give the people of Androscoggin County their chance.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I speak to you as someone that comes from an area that does not have within its bounds, three of the finest private colleges a half hour or three quarters of an hour away, or a university campus either way, vocational schools in the area and I speak to you as a citizen and as a

person of that area who has a house and outer buildings that are in need of repair. I say to you, do I repair that which I have before I build a new building? I will.

I look at the university and all of these systems -- well safe and sound. That is what we are trying to do with this bond issue and the funding package that will follow. I say to the people of Lewiston, pick yourselves up and be proud. Be proud to say that, within and around the boundaries of Lewiston, we have the finest schools that are only there for your use if only you so choose to go. I cannot say that to my people, but you can. I am here to say to you, pick yourselves up and be proud, do not be in despair.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The last time we debated this issue, I voted against the University of Maine at Lewiston but today, I am going to vote for it.

I was a student at the University of Maine at Orono in 1965, and at that time we had the Centennial Convocation of the University. There was a very eloquent speech given about the mission of the University of Maine. This very eloquent speaker looked at the Merrill Land Grant Act passed by the Congress of the United States in 1865, which commissioned that University as a common man's institution of higher learning.

I spent four years at the University of Maine and I looked at the bricks and mortar and it seems to me that the bricks and mortar and the dates in the corner of those brick buildings correspond to the years of prosperity in this state. You will see that there a lot of buildings built in the 1880's, which was a era of prosperity. There were a lot of buildings built in the 1920's, which was an era of prosperity and there were a lot of buildings that were being built when I was there in the 1960's, which was a very prosperous time.

Four years ago, the economy of this state did look pretty bleak, interest rates were high, unemployment was high, the economy didn't look very good, but you can't say that today. Unemployment is down and some parts of this state are really booming. I think it's time, we have an economic boom in southern Maine, times are not bad, I think it's time to invest some more money in bricks and mortar and give the people of Lewiston a university that will, in fact, meet the original goal and mission of the university and that is to provide an institution of higher learning for the common people of this state. I hope you all vote for this measure today.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: As a member of the committee who signed the Majority Report, I would like to apologize to Representative Roberts, a sponsor of the bill, because we did not consult with him. I do apologize for that on behalf of the committee.

As a University of Maine at Farmington graduate and someone who is very much concerned over the \$1 million portion of that bond for Early Childhood Development, I would say that, when we weighed the issue of the Lewiston addition to this bond, and when I personally weighed it, I felt that there was still a need for the people of Lewiston. I realized at the time that it could possibly jeopardize the bill

politically in this state, but then I asked myself the same question that I asked last year when I voted to fund the University of Maine at Lewiston before it was defeated in the local referendum. There is a need in the Lewiston area.

Representative Foster alluded to the three finest schools in the State of Maine in that area and I would say that she is correct. Bates' College annual tuition is \$14,000. What do we tell a Bates Manufacturing mill worker that wants to send his kid to college about a \$14,000 tuition? We tell them we are sorry, you can't go. If he is so poor or unfortunate not to have an automobile, he is still left in the City of Lewiston as a graduate of the high school without any place to go. It is the second largest population center in our state. There is still a need.

I ask you people to please support the Majority Report of our committee. We weighed the political considerations out. If the bond failed for the \$1 million Early Childhood Development Center at the University of Maine at Farmington, believe me, I would be sick but I still believe there is a need in Lewiston. I ask you all to ask yourself that question.

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

Representative TELOW: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to get up here today to explain my stand on why I am voting on the Majority Report. I will try not to cover the excellent remarks that have been made by the previous speakers that are supporting a university.

I have lived in Lewiston for twenty-six years. I am not a native Mainer, I married a native Mainer with an old Maine name, so I am part of it. In my twenty-six years, I have served on planning boards, the Board of Health and Welfare, so I have become very familiar with what is happening in Lewiston. I was also associated with a retail business, where we hired young people and then see the opportunity was lacking because they didn't have the money to go on to further their education.

I didn't have a prepared speech for this morning but I was involved in this from the very beginning. I fought and gave my blood to help because I remember what I had to face when I wanted to go to college way back, and I won't say when. I spent two and a half years in the CC's, saved up \$400 and headed for Northeastern University. The opportunity -- I am just saying to you that the fact is this, we need that school. Maybe it's an opportunity, with the businesses calling for high tech, maybe this can be involved there. We just passed a nurses bill where we need the education, the curriculum for nurses. There is such an opportunity here.

Let me say this, when I went around my district -- I know now that in addition to my district, I have Lewiston, Greene and Wales and I hope they will agree with me, what was the main thing they threw in my face? Why should we have to support it with a property tax? I say to you that here is an opportunity -- you can yes, we have Bates College, you can say that we have a Mid-State, that's small, but we don't have the facilities that we need as the second largest populated area in the state. I went through those two referendums, I sat on the city council and I stuck my neck out in support of this school. That is why when you see my light today, you see it on the majority side and you will understand

the feelings that I have personally to further the educational opportunities for the younger people of the Lewiston-Auburn area.

Just remember one thing -- one thing I have stressed, I don't care where the school goes -- if I had enough land in the back of my house, they could put it there. I am only pointing out, as long as we can get it, I would like to put it out by the vocational area but we can't do it there. That is what I have been told. I don't care. As long as we can get the school, as I said, that is the main part.

I thank all of you for listening so you will understand that my light will be on the majority side and I haven't mentioned party at all but I do want to stress this, please give us your support.

Representative Bell of South Paris requested a roll call vote.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the House being so patient. It has been a lengthy debate and I don't want to keep going too much longer.

I would like to sum up with a couple of things. Some very good testimony has been presented to you today. I think you have a real basic understanding of what we are talking about. I have heard the word sympathy mentioned for our problem. Everyone has been very kind, but the fact of the matter is, we have got a choice to make.

There is no question about it, if you are not representing the Androscoggin County area here, I think it is a reasonably easy decision for you if you are going to vote no.

Quite frankly, there is not a great deal of vested interest for most of you to vote for this particular portion of the bond issue, as I suppose there is no vested interest for any of us to vote for those items for the rest of the state, but it is a package. I think you have to look at the issue, not based on what region is going to vote this way and that way, but based on what is right.

I think you have heard a lot of reasons why expanded higher education services in the Lewiston-Auburn area are important. Many of you participated in the economic tours of the state through the Maine Development Foundation in the last year or so. I was privileged to serve on the advisory board and help put that program together. I think it was very, very successful. One of the things I observed in that tour was everyone's amazement, in some cases, on how the University of Maine fit into the emerging economy in this state. More and more, higher education is going to become an integral part of economic development, not only in this state, but in this country.

You have got a situation where 80 percent of the people in the work force in the year 2000 are in the work force today -- that means, with the changing technology and the changing economy in all parts of the state, particularly in an area like Lewiston-Auburn, which for so many years was dominated by mature industries. You have a situation now because of import problems and all the other problems you are familiar with, the basis of the economy is changing dramatically.

At one time, 45 percent of our people were employed by shoe and textiles, that is down somewhere between 8 and 10 percent. I don't recall the figure exactly, but that is the kind of situation we are

faced with. What this kind of service provides is an opportunity for those people to train and retrain for those opportunities that are coming down the line. The Visiting Committee was very clear on that. I think we all understand that. The university's mission has and is going to change significantly. The VTI's are an integral part of that change, they are readjusting their missions to some degree to meet the changing needs of the economy.

Ladies and gentlemen, this investment is going to come back. The people of Maine are going to share in the burden of this bond package right across the board but the money is going to come back through increased wages in an area like Lewiston and Auburn, better economy, sales taxes. The whole interdependence of the economy affects, not only our area, but the entire state. State revenues will benefit in the long run from this kind of forward visionary investment. That is what we are talking about, it is more than a building.

The fact of the matter is the university is made up of what? The bulk of their expenditure is capital facilities, bricks and mortar, faculty and staff. That is what a university is. It is teachers, it is people and it is facilities to do your thing in. That is essentially what we are talking about. So, bricks and mortar on the surface doesn't seem like an integral part of the educational experience but obviously it is essential.

The kind of program they are talking about, faculty sharing between the various campuses in Southern Maine, in Augusta, a very unique approach to serving a commuter population in the university system has been discussed in the last two or three years with all the people involved. It is going to be, I think, a program that essentially could become the pilot, if you will, for that kind of service to the rest of the state. We have got to get going on it. They have already begun working on it, the trustees have already made that determination that it has to be done, and it is going to proceed forward. What I am saying is, we grant the authorization to bond. That takes time, we ought to get started now.

Lewiston and Auburn has faced some hard times economically because of some of the reasons outlined. We have fought adversity, largely on our own, as I think the Representative from Lewiston, my friend, Mr. Pouliot, outlined. We haven't asked for much, but in the last two or three years, this is something that has clearly been on the top of our agenda. My colleagues in the area have worked very well together, we have had disagreements in the past as Representative Handy outlined but we are all together on this. We know it is important and we are asking you for some help.

It is easy for most of you to vote no. I think some of the testimony you have heard from our friends outside the area took some courage for them to do that but I think they have outlined to you that they think it is important. I am asking you to give it some consideration, give us the bond authorization to move ahead. I think in a couple of years, when all of this comes to fruition, you are going to be awfully glad you did.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I didn't exactly want to get up because I don't feel this is particularly just a

Lewiston issue, so I hesitated to stand before you today. I really do feel that this is a state issue. I almost take exception to some of the statements by other Representatives on this floor in reference to inferring that because we have Bates college or CMVTI that we don't need a Lewiston presence, that we don't need a university in our area.

I would also almost take exception to saying that attaching this \$4.4 million to the bond is going to cause the bond to fail, not only fail, but fail in Lewiston. I think that is ironic. Having to be in one of those districts where in every precinct there was a huge amount of support, not only for the university presence but also paying for it.

I represent the oldest district in Lewiston. I also have the highest population of low income but they were willing to pay for it.

I also was lucky enough to attend Bates College. When I went to Bates, one of the things I attempted to do, and partially did, was set up a committee called the Maine Committee. That committee was set up specifically to put pressure on the Admissions Committee to accept more Maine students to that college and also accept more Lewiston graduates who met the qualifications.

We were successful in some aspects of at least raising the issue of the decline in the admissions of Maine students to that academic facility. We were told, time and time again, that the school felt that if they accepted a large percentage of Maine students and specifically a large percent of Lewiston students, even if they were qualified, that they would lose some of their stature in the academic community. Where does the state responsibility enter into this?

I would think that, if you think about having buildings that are run down, that before you build a new building, you fix the old ones. I will give you another illustration and that is the broken circle. The circle is not complete yet. The second largest community in the state is not being served adequately. I would just leave that last impression in your mind. If you want it to truly be a state system, serve all of the people as best as you can and keep that lasting thought, the state does have a responsibility to this area.

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

Representative TELOW: Mr. Speaker, Ladies and Gentlemen of the House: Getting up the second time is very unusual for me but I do want to stress this, we have been mentioning Lewiston and Auburn but the towns are very important too. I want the people in Mechanic Falls, Turner, Greene, Wales, Sabattus, realize that they are part of this too. I just wanted to get up and just mention that, that the surrounding area towns are very much involved and will have the opportunity to send their children there too. Wherever it is located, they have got that opportunity.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard eloquent statements by proponents of this amendment this morning. I would urge you to give them the support that they are seeking. You have heard the old saying that "where there is a will, there is a way."

The citizens of the Lewiston-Auburn area, in my humble opinion, were asked to do something that I

consider very unfair but I supported it in the past. They were asked to see if they were willing to pay property taxes to support having a system or representation in their area. No other community has been asked to do that but the people of the Lewiston-Auburn area were willing to do that, not the majority, but a good portion of them were. I think asking them to do that was really unfair. This morning we have an opportunity to let them share in a system that is really needed in this state. We have all heard that education is a vital link for the economic development in the future prosperity of this state. I agree with that and I would hope that we would all agree that it is a vital need. I would urge you to support Report "A."

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: My instincts at first were to agree with the Representative from Ellsworth and South Paris who are urging us not to support the Majority Report. I began to contemplate the reasons and the emotions expressed by members of the Lewiston-Auburn delegation and I began to think about my own personal orientation. I do not live in a town where there is a branch of the University of Maine but I do live in a community where there are two higher education facilities.

We all know about Bowdoin College but perhaps some of you don't know that in Brunswick we also have a branch of the New Hampshire college at the Brunswick Naval Air Station and at this facility anyone in the town of Brunswick can take one course, can pursue an undergraduate degree or can pursue a graduate degree in several different fields. You can take the course in the morning, the afternoon, the evening, even on Saturday. The residents of Brunswick and the surrounding communities thus have an opportunity to pursue many different kinds of higher education in different situations and in different milieus.

I feel very fortunate to be able to live in a place where these opportunities are available and I know that it would be a very different kind of life if both of these facilities were not available in Brunswick and were not open to all the residents, not only of this town but all the surrounding communities. I know many people in our area who cannot travel even as far as Portland from Brunswick or even to Bath where there are some courses offered by the University of Maine at Augusta but who do travel to the Brunswick Naval Air Station and who are part of a college milieu and who have increased their education and their career opportunities because they started with just one course, dared to take one course at New Hampshire College.

Maine is still a state where higher education is for the few, not only because of family finances, but because of one other very important reason which I think we may all tend to forget about and that is, that for many families, higher education, education beyond the high school level, has never been within the orientation of that family. They have never thought about their family members going on to school beyond high school. In fact, many of them have been very overjoyed that their sons and daughters have graduated from high school. For these families to think about traveling a half hour, an hour, not to mention spending thousands upon thousands of dollars, would be out of the question.

If we are going to change the educational orientation of our second major metropolitan area in Maine, we are going to have to develop a system that takes into account the orientation of these families, a system that will allow a factory worker, a homemaker, a preschool aide, a headstart, anyone in that area to start their road to higher education by perhaps only taking just one course, but that one course needs to be within the context of a larger system. It needs to be, not in just an isolated classroom, maybe one in this building, maybe one in that building, but it needs to be in an arena where there is an academic system, where there is a feeling that this is an academic community and where they will have people around them pursuing other courses of study, perhaps not just one course, perhaps a degree program. I don't believe it can be accomplished in a scattering of classrooms.

I think that the Lewiston-Auburn area and the surrounding towns would like to change their educational orientation. They want to be part of the move towards higher education. They want their sons and daughters, not only to graduate from high school, but to begin to develop feelings that they have a right to something more. We, as the people of Maine, beginning here in the Legislature, need to provide them with that opportunity.

Representative Nadeau is very right when he says that bricks and mortar are important. I would urge you please to vote with the Majority Report.

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 Carter of Winslow, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

62 having voted in the affirmative and 72 in the negative with 17 being absent, the motion did not prevail.

(See Roll Call No. 293)

Representative Pouliot of Lewiston requested a roll call vote on acceptance of the Minority Report.

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 acceptance of the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

82 having voted in the affirmative and 51 in the negative with 18 being absent, the Minority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "B" (H-698) 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.

(See Roll Call No. 294)

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

#### PASSED TO BE ENACTED

##### Emergency Measure

An Act Making Appropriations from the General Fund and Allocations from Other Funds For the Expenditures of State Government and Changing 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 (S.P. 948) (L.D. 2375)

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. 112 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.

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

#### REPORTS OF COMMITTEES

##### Ought to Pass in New Draft/New Title

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Provide Funds for School Construction Costs to Meet the Requirements of the Education Reform Law" (H.P. 1650) (L.D. 2328) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 to Provide Funds for School Construction Costs to Meet the Requirements of the Education Reform Act and for the Construction of an Activity Building at Augusta Mental Health Institute" (H.P. 1695) (L.D. 2388)

Report was read and accepted and the bill read once.

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

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

#### REPORTS OF COMMITTEES

##### Divided Report

Majority Report of the Committee on

Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-699) on Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" (H.P. 1567) (L.D. 2217)

Signed:

Senators: BERUBE of Androscoggin  
PEARSON of Penobscot

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

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1696) (L.D. 2389) on same Bill.

Signed:

Senator: MCBREAIRTY of Aroostook

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

Reports were read.

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

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would ask for a roll call on the pending motion.

Very briefly, the difference between the two committee reports is the salary for the chief executive office, the Governor, in the original bill would be \$70,000; in the Minority Report, it would be \$60,000. Legislator's pay, instead of going to \$15,000 for the biennium, would go to \$14,000 a biennium.

The Majority Report has a \$10 a day increase in the (I believe it is \$10 a day increase) in the daily allowance for travel and meals. The Minority Report, I think, is a \$6 increase.

I think it was the attempt of the minority members of the committee to look at the financial implications of passing such an increase and to save the state approximately \$200,000. We felt that we ought to make the same sort of sacrifice that we are asking many departments to make, many programs to make, and many services and reimbursements to our municipalities to make and that is, not to accept as big of an increase as we all might like to have. That is the philosophy that I had and I hope you might share that same philosophy.

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 Carter of Winslow that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

62 having voted in the affirmative and 61 in the negative with 28 being absent, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (H-699) 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.

(See Roll Call No. 295)

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

PAPER FROM THE SENATE

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund and Implement Certain Judicial Department Collective Bargaining Agreements and to Fund and Implement Salary Increases and Benefits for Judicial Department Employees Excluded from Collective Bargaining" (Emergency) (S.P. 693) (L.D. 1779) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 951) (L.D. 2386)

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

Report was read and accepted and the New Draft read once.

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

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative CARTER, the following Joint Order: (H.P. 1697)

Ordered, the Senate concurring that Bill, "AN ACT to Create a Paralytic Shellfish Poison Monitoring Program," H.P. 1307, L.D. 1823, be recalled from the legislative files to the House.

Was read and passed 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 Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

Bill "An Act to Ratify the Vote Converting Caswell Plantation to a Town" (H.P. 1698) (L.D. 2391) (Presented by Representative MARTIN of Van Buren) (Cosponsor: Senator McBREAIRTY of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

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

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Impose a Sales Tax on Certain Services" (H.P. 335) (L.D. 450) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Establish a Meals and Lodging Tax for the Purposes of Stabilizing the Property Tax and Promoting Tourism" (H.P. 688) (L.D. 974) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Require the Payment of Sales and Use Tax on Isolated Transactions Involving the Sale of Pleasure Boats" (H.P. 1350) (L.D. 1886) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act Concerning the Insurance Premium Tax" (H.P. 1490) (L.D. 2101) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Remove the Sales Tax Exemption on the Purchase of Magazines and Other Periodicals" (H.P. 499) (L.D. 702) reporting "Ought Not to Pass" (Representative NELSON of Portland - Abstained)

Were placed in the Legislative Files without

further action pursuant to Joint Rule 15 and sent up for concurrence.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action between the two branches of the Legislature on RESOLVE, to Permit Edgar Warren to Sue the State for Compensation for Injuries Incurred While He was a Ward of the State (H.P. 1377) (L.D. 1940) have had the same under consideration and ask leave to report: that the Senate Recede from Acceptance of the Majority "Ought Not to Pass" Report; Accept the Minority "Ought to Pass" Report; Read the Resolve once; Suspend the Rules and Read the Resolve a Second Time; Read and Adopt Committee of Conference Amendment "A" (S-487) and Pass the Resolve to be Engrossed as Amended by Committee of Conference Amendment "A" (S-487) in non-concurrence.

That the House Recede and Concur with the Senate.

(Signed) Senators TRAFTON of Androscoggin and DOW of Kennebec - of the Senate.

Representatives BAKER of Portland, CONNOLLY of Portland and HIGGINS of Scarborough - of the House.

Came from the Senate with the Committee of Conference Report read and accepted and the Resolve Passed to be Engrossed as amended by Committee of Conference Amendment "A" (S-487) in non-concurrence.

The Committee of Conference Report was read and accepted.

The House receded from passage to be engrossed.

Committee of Conference Amendment "A" (S-487) was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended by Committee of Conference Amendment "A" (S-487) in concurrence.

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

BILL HELD

Bill "An Act to Establish a Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs" (H.P. 1652) (L.D. 2330)

- In Senate, passed to be engrossed as amended by House Amendment "B" (H-692) and Senate Amendment "A" (S-474) on April 11, 1986 in non-concurrence.

- In House, House receded and concurred.  
HELD at the request of Representative DIAMOND of Bangor.

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

Representative DIAMOND: Mr SPEAKER: Is the House in possession of L.D. 2330?

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

request.

On motion of the same Representative, the House reconsidered its action whereby the House voted to recede and concur.

On motion of the same Representative, the House voted to adhere.

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

PAPER FROM THE SENATE

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Making Supplemental Appropriations from the General Fund to the Judicial Department for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 659) (L.D. 1697)

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

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

FINALLY PASSED

Emergency Measure

RESOLVE, to Establish a Maine Commission to Examine Chemical Testing of Employees (S.P. 934) (L.D. 2343) (S. "A" S-475)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 4 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

LATER TODAY ASSIGNED

An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation (S.P. 757) (L.D. 1921) (C. "A" S-472)

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.

PASSED TO BE ENACTED

An Act to Continue the Mental Retardation Trainer Apprenticeship Program at Pineland Center (S.P. 822) (L.D. 2082) (C. "A" S-473)

An Act to Clarify and Effectuate Legislative Intent Regarding the Separation of Insurance and Banking (S.P. 836) (L.D. 2125) (C. "A" S-470)

An Act to Strip Crime of its Profit (S.P. 847) (L.D. 2139) (S. "A" S-469; H. "B" H-591)

An Act to Enhance the Sound Use and Management of Maine's Coastal Resources (S.P. 855) (L.D. 2167) (C. "A" S-456; S. "A" S-471)

An Act to Authorize Additional Facilities for Long-term Care (S.P. 913) (L.D. 2280)

An Act to Establish a Piscataquis County Budget Committee (S.P. 936) (L.D. 2345) (H. "B" H-677)

An Act Concerning Radioactive Waste Activity and Disapproving High-level Radioactive Waste Sites in the State (S.P. 945) (L.D. 2371) (S. "A" S-477)

An Act to Amend the Maine Health Care Finance Commission Laws with Respect to the Certificate of Need Development Account, Recognition of Certain Operating Costs, Repeal of Provisions Governing Reorganizations and Affiliated Interests, Streamlining of Procedure and for Other Purposes (S.P. 946) (L.D. 2372)

An Act to Improve Compliance with Maine Tax Laws (H.P. 1511) (L.D. 2131) (C. "A" H-650)

An Act to Provide Funds for the Teacher of the Year Program (H.P. 1517) (L.D. 2146) (C. "A" H-646)

An Act to Establish the Workers' Compensation Reinsurance Study Commission (H.P. 1560) (L.D. 2199) (C. "A" H-656)

An Act to Restore Retirement Credit to Employees Previously Receiving such Credit (H.P. 1642) (L.D. 2320) (C. "A" H-663)

An Act to Amend Rule-making Provisions in the Maine Administrative Procedure Act (H.P. 1663) (L.D. 2341) (H. "A" H-666)

An Act to Strengthen the Organization of Emergency Medical Services (H.P. 1671) (L.D. 2356)

An Act to Provide for a Study of Municipal Land Banks (H.P. 1675) (L.D. 2361)

An Act to Authorize Certified Law Enforcement Officers to Prosecute Violations of Municipal Ordinances (H.P. 1677) (L.D. 2363)

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.

ENACTOR

LATER TODAY ASSIGNED

An Act Concerning Property Tax Assessment and Appeals (H.P. 1678) (L.D. 2364)

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.

PASSED TO BE ENACTED

An Act Relating to Retirement Benefits for Confidential State Employees (H.P. 1680) (L.D. 2366)

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

ENACTOR

LATER TODAY ASSIGNED

An Act Relating to the Social Worker Registration Law (H.P. 1683) (L.D. 2370)

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.

PASSED TO BE ENACTED

An Act to Provide a Liquor License for Auditoriums (H.P. 1628) (L.D. 2301) (C. "A" H-686)

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

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Day Treatment Services for Emotionally Disturbed Children (H.P. 1342) (L.D. 1879) (C. "A" H-679)

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. 112 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.

ENACTOR

LATER TODAY ASSIGNED

Emergency Measure

An Act to Amend the ATV Laws (H.P. 1583) (L.D. 2229) (C. "A" H-662)

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.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Sales of Extended Cable Television Services (H.P. 1649) (L.D. 2326) (H. "A" H-673)

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. 109 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize a Bond Issue for Androscoggin County to Raise Funds for Renovations to the County Building and County Jail (H.P. 1660) (L.D. 2338) (H. "A" H-674)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

LATER TODAY ASSIGNED

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (H.P. 1670) (L.D. 2355) (H. "A" H-675)

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.

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PASSED TO BE ENACTED

Emergency Measure

An Act to Fairly Apportion the Cost of Water System Extensions or Service Lines (H.P. 1672) (L.D. 2357)

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. 111 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.

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ENACTOR

Emergency Measure

LATER TODAY ASSIGNED

An Act to Correct Eligibility Requirements for Licensure as a Master Electrician (H.P. 1673) (L.D. 2358)

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.

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PASSED TO BE ENACTED

Emergency Measure

An Act to Fairly Apportion the Cost of New Water Utility Services (H.P. 1674) (L.D. 2359)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize the Payment of Retention and Recruitment Stipends in State Government (H.P. 1676) (L.D. 2362)

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. 104 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.

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PASSED TO BE ENACTED

Emergency Measure

An Act to Consolidate the Charter and Increase the Debt Limit of the Dover and Foxcroft Water District (H.P. 1679) (L.D. 2365)

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

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PASSED TO BE ENACTED

Emergency Measure

An Act to Establish the Maine Vocational-Technical Institute System (S.P. 860) (L.D. 2174) (C. "A" S-465)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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PASSED TO BE ENACTED

Emergency Measure

An Act to Exempt from the Sales Tax Law Sales to Nonprofit Organizations Licensed as Boarding Care Facilities by the Department of Human Services Whose Exclusive Purpose is the Providing of Residential Care and Treatment Facilities for Persons Suffering from Alzheimers Disease or Related Disorders (S.P. 947) (L.D. 2374)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 5

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

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Prohibit Free Distribution and Establish a Warning Label and an Excise Tax for Smokeless Tobacco" (H.P. 1396) (L.D. 1968) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Make Certain Changes and Improve the Equity of Maine Tax Law" (Emergency) (H.P. 1603) (L.D. 2261) reporting "Ought Not to Pass"

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

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1651) (L.D. 2329) Bill "An Act Relating to the Administration of Preventable Disease Programs and the Bureau of Health" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-701)

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

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Ratify the Vote Converting Caswell Plantation to a Town (H.P. 1698) (L.D. 2391)

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

The following items appearing on Supplement No. 23 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Non-Concurrent Matter

An Act Relating to Boards and Commissions (H.P. 1614) (L.D. 2269) (S. "A" S-446; S. "B" S-448; H. "A" H-657) which was passed to be enacted in the House on April 11, 1986.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-657) as amended by Senate Amendment "A" (S-493) thereto and Senate Amendment "A" (S-446) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (H.P. 1690) (L.D. 2381) which was passed to be engrossed in the House on April 11, 1986.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-497) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Air Emission Licenses in Nonattainment Areas" (Emergency) (H.P. 1693) (L.D. 2384) which was passed to be engrossed in the House on April 11, 1986.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-496) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 21 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making

Appropriations from the General Fund Necessary for the Proper Operation of the Judicial Department for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 656) (L.D. 1694) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 953) (L.D. 2390)

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

Report was read and accepted and the New Draft read once.

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

#### CONSENT CALENDAR

##### FIRST DAY

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

(S.P. 925) (L.D. 2312) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,100,000 for Armory Expansion, Rehabilitation and Construction" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-488)

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

The following items appearing on Supplement No. 22 were taken up out of order by unanimous consent:

#### PAPERS FROM THE SENATE

##### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish the Maine Small Business and Job Development Program" (S.P. 810) (L.D. 2038) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish the Maine Business Opportunity and Job Development Program" (S.P. 952) (L.D. 2387)

Signed:

Senators: PEARSON of Penobscot  
BERUBE of Androscoggin  
McBREAIRTY of Aroostook

Representatives: MCGOWAN of Canaan  
NADEAU of Lewiston  
LISNIK of Presque Isle  
SMITH of Mars Hill  
CONNOLLY of Portland  
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  
FOSTER of Ellsworth  
BELL of Paris

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

Reports were read.

On motion of Representative Carter of Winslow, the Majority "Ought to Pass" Report was accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read a second time.

Representative Gwadosky of Fairfield offered House Amendment "A" (H-703) and moved its adoption.

House Amendment "A" (H-703) was read by the Clerk. The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: This is just a technical amendment to clarify the intent of the original legislation.

Subsequently, House Amendment "A" (H-703) was adopted, the New Draft passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for 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-489) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,500,000 for Coastal Access, Harbor Improvements and Marine Laboratory Improvements" (S.P. 895) (L.D. 2250)

Signed:

Senators: PEARSON of Penobscot  
BERUBE of Androscoggin  
McBREAIRTY of Aroostook

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-490) on same Bill.

Signed:

Representatives: HIGGINS of Scarborough  
SMITH of Mars Hill  
BELL of Paris

FOSTER of Ellsworth

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-489)

Reports were read.

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

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Bell.

Representative BELL: Mr. Speaker, Men and Women of the House: If you look at the two amendments, the difference between the two Reports would be a building -- McKown Point in Boothbay Harbor. It is a building that the Department of Marine Resources has indicated an interest in and improving that facility for \$750,000. The coastal access amount of money is the same in both reports. There is \$750,000 less in harbor improvements and the ferry services improvement is in both bills.

I would hope that you would vote against the motion for the Majority "Ought to Pass", particularly if you are interested in the Marine Resources building at McKown Point in Boothbay Harbor.

I would request 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.

On motion of Representative Carter of Winslow, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

(At Ease)

The House was called to order by the Speaker.

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-489) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,500,000 for Coastal Access, Harbor Improvements and Marine Laboratory Improvements" (S.P. 895) (L.D. 2250) which was tabled earlier in the day and later today assigned pending the motion of Representative Carter of Winslow that the House accept the Majority "Ought to Pass" Report.

Representative Carter withdrew his motion that the House accept the Majority "Ought to Pass" Report.

On motion of Representative Higgins of Scarborough, the House voted to accept the Minority "Ought to Pass" Report and the bill read once.

Committee Amendment "B" (S-490) 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 "B" (S-490) and sent up for concurrence.

The following items appearing on Supplement No. 25 were taken up out of order by unanimous consent:

#### PASSED TO BE ENACTED

An Act to Provide Appropriate Penalties for Violations of Milk Commission Statutes and to Provide for Administrative Enforcement (H.P. 1585) (L.D. 2232) (H. "A" H-692; C. "A" H-648)

An Act to Increase the Aid to Families with Dependent Children Standard of Need (H.P. 1352) (L.D. 1896) (C. "A" H-689)

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.

(At Ease)

The House was called to order by the Speaker.

#### ORDERS OF THE DAY

The following matter, in 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 Making Supplemental Appropriations from the General Fund to Implement the Recommendations of the Visiting Committee to the University of Maine and for Other Purposes for the Fiscal Year Ending June 30, 1987" (Emergency) (H.P. 1641) (L.D. 2315)

TABLED - April 11, 1986 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: We do indeed have two proposals that we will be debating here today, House Amendment "A", which is the proposal of the majority of the Taxation Committee and House Amendment "B", which is the proposal of the minority of the members.

I would like to extend the legislative courtesy

to my Republican colleagues on Taxation and offer them the opportunity to offer House Amendment "B" first.

Representative Higgins of Scarborough moved that L.D. 2315 be tabled for one legislative day.

Representative Diamond of Bangor 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 pending question before the House is the motion of the Representative from Scarborough, Representative Higgins, that L.D. 2315 be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

59 having voted in the affirmative and 71 in the negative with 21 being absent, the motion to table did not prevail.

(See Roll Call No. 296)

Representative Murphy of Kennebunk moved passage to be engrossed and requested a roll call.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I guess there was either some confusion about my offer of a legislative courtesy or there is some shame attached to House Amendment "B." I I don't know which it is, but I haven't got time to figure it out.

I certainly don't have any shame in presenting House Amendment "A" to L.D. 2315 and moving it's adoption.

House Amendment "A" (H-700) was read by the Clerk.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: These two reports have some similarities and they have some differences. The similarities are proposals that have been offered by the Governor's Office and two bills that were heard in Taxation several weeks ago dealing with the sales tax on take-out food, enforcement provisions in Maine tax law, offsetting gross premium rates for insurance companies, settlement of estates, a tax on people who live outside the state and work in Maine, and a tax on smokeless tobacco products plus cigars and pipes. Those are the similarities.

The differences are that House Amendment "A", which is before you now, includes additional items presented by the Governor in an effort to fund the University of Maine proposal, which is embodied in the bill we are attempting to amend. Those items are a two percent increase in the lodging tax and the sales tax on short term leased vehicles, a 5 percent sales tax on access charges paid by interstate phone companies to New England Telephone Company, an increase in the bank franchise tax, and a closing in a loophole in Maine tax law that deals with fabricated products.

The report of the majority of Taxation, which is embodied in this amendment, includes those items because they are matters of good income tax policy at

a time when we have revenue needs. Those revenue needs have been clearly identified by the Appropriations Committee and our attempt is to meet them.

House Amendment "B", which embodies the Republican or the minority party alternative, replaces those four items that I named with a reduction in the Home Program, a de-appropriation of the money that we appropriated last session for Keyes Fibre and an increase in the corporate income tax. The proposed increase in the corporate income tax is on the top two brackets and would put us in the top five states in the country in terms of corporate income tax.

We have known in Taxation for the past week that we had a funding problem to face. The Governor had put forth a proposal in good faith to address that funding shortfall. Some aspects of the Governor's proposal were found to be objectionable by both parties on the Taxation Committee. In the Majority Report which we are considering here, the Democrats have taken out such items as a removal of the sales tax exemption on the vehicles used in interstate commerce, vending machines, and a couple of other items that we found objectionable. The other items we have left in, in an effort to fund a revenue shortfall.

The minority members of the Taxation Committee, facing the same problem, started out earlier in the week by suggesting that we renege on a commitment that we made to the teachers in this state in the special session in 1984, by not paying out the second half of the teacher recognition grants. The proposal that they put forth this morning proposes that we renege on a commitment that we made to the Home Program in the first regular session of the 112th Legislature. It also proposes that we renege on a commitment we made to Keyes Fibre, also in the first regular session of the 112th Legislature. As I mentioned, it proposes that we increase Maine's corporate income tax so that we are one of the top five in the nation.

It seems to me that the Republican response to the revenue needs of this session have been addressed with the philosophy of tax and welsh, tax and welsh, tax and welsh. I do not intend to welsh on commitments made by this legislature and I do not intend to support this corporate tax proposal. For the party who constantly says on the floor of this House that we need to be sending a good strong message to business to encourage business development, to propose that we pass a corporate tax increase of this magnitude is certainly peculiar. I don't think it is responsible, I don't think the alternative is responsible.

The taxes that the Majority Report proposes on lodgings and short-term rental vehicles are paid anywhere from 75 to 92 percent, depending upon who you listen to, by people who don't live in the State of Maine — the people who visit the State of Maine. 7 percent lodging tax brings us up even with New Hampshire, we are still lower than Massachusetts, we are still lower than New Brunswick and I guess I reject out of hand the argument that tourists come to Maine for cheap hotel rooms anyway. I think we have a lot more to offer in this state than cheap hotel rooms.

The proposed 5 percent tax on access charges for interstate carriers would be folded into the national ratemaking policies of AT&T and other interstate

carriers and essentially be paid 99 percent by people who don't live in the State of Maine. Again, I don't see any problem with that.

The bank franchise tax we set in this legislature two years ago is at a very low rate. We knew that when we set it, I don't think there was anybody on the Taxation Committee at that time that didn't know, didn't think that there would come a day when we would raise it. All the banks, savings banks, thrift institutions in the state are only paying \$900,000 in income taxes or in the bank franchise tax, I think it shows it is not set at a very high rate.

The language that involves the tax on fabricated materials is taken directly from language embodied in other tax laws in New England. Of the forty-six states that have a sales tax, thirty-eight of those states have similar language. Twenty of those thirty-eight, not only tax fabrication services, they tax repair services. We are only one of eight who does not have this language. Being in that minority, we are facing an ever increasing problem of people skirting our tax laws by people using this provision. The attempt here is to close a loophole in Maine tax law and properly administer a tax as it was intended to be administered in the first place.

The amendment I offered is a sound, responsible amendment. It is a sound way by which this legislature can meet the revenue shortfalls that we know we face. I urge its adoption and I hope it will gain the support of the House.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Men and Women of the House: Just one thing that I would like to make clear before we debate Committee Amendment "A." I want to make it perfectly clear that it was never, never mentioned in the Taxation Committee from a Republican member or from the group of the Republican members that we intended to retract the \$1,000 stipend that was issued to the teachers. That happened to come from a member of my caucus and it was never the position of the Republican party in those deliberations. I want to make that perfectly clear.

You have before you House Amendment "A" that the Representative from Old Town has very eloquently put forth and has tried to sell you this afternoon.

I am going to be right up front with you ladies and gentlemen, that is a \$21 million tax increase. The proposal that the minority members of the that committee presented called for an \$11 million tax increase and we differ from where we are going to draw that \$11 million.

We aren't going to draw it from pledging businesses and individuals. We aren't going to ask those people, those industries, those businesses, those corporations, which earn in excess of \$75,000 a year to dip into their pocket a little deeper to help themselves and help the University of Maine. Those industries that we are talking about are some of the industries that are going to be able to take advantage of a bill that was passed here, which I supported, and I don't know any one of you who didn't support it, was the repeal of the sales tax used in the manufacturing process on the energy. That is going to have an impact, five years out, of between \$25 million and \$28 million. It begins next year.

These same businesses and industries have discussed with me and I am sure they have discussed with many of you the condition of the University of

Maine and the desires and needs that they need for education out of that institution to fulfill the jobs in the marketplace. Those people are the recipients of the technology in the advancements that are made at the University of Maine, therefore, increasing the corporate income tax in those two brackets, \$75,000 to \$200,000 and \$200,000 above, by 12.6 percent or as it relates in the current tax rate of 8.33 percent to 9.4 percent of the \$75,000 bracket to the \$200,000 bracket and the \$200,000 bracket above from 8.93 percent to 10.08 percent. That is just a small down payment on the University of Maine's future and their future.

The gentleman from Old Town has spoken of increasing the lodging tax from 5 percent to 7 percent. That is far greater than what we proposed for the corporation tax. That 5 percent to 7 percent is a 40 percent increase in the lodging tax. There is an industry in this state that has contributed a generous amount of money to this General Fund already and we want to hit them for even more.

I am not going to debate the fact that New Hampshire has a 7 percent lodging tax or Massachusetts has a 7 percent or New York has an 8 percent, Florida might have a 9 percent -- just think of it, that is quite hefty.

Another proposal was the rental of leased cars, short term leases from 5 percent to 7 percent. That is a fledging industry in this state, a fledging business just starting. We are starting now to attract more and more carriers to the Portland area, we are expanding our air travel services throughout the state. We ought to be able to respond and give those travelers the ability to rent a car. I am not going to say it is going to break them but it might make a difference, they might not rent those cars, they might decide to take a taxi or take a bus and not see our pleasant State of Maine, spend more dollars in the various communities throughout the state wherever they may be.

Then we go after the access charge with a sales tax. What Representative Cashman didn't tell you folks is that AT&T has filed for a rate change. The FCC has got to respond to that by April 24th. If the FCC does not respond to it and the FCC does respond and allows them to do what they want to do, this will mean an add back or pass through to the bills of the customers of the State of Maine reflecting that 5 percent increase. I do recognize that there is a sunset provision in that provision but that sunset provision doesn't sunset until 1988. So we are talking about an additional \$6 million burden to the ratepayers or the users of telephone services in the State of Maine.

The Bank Franchise Tax -- I don't think anybody here would disagree that this state has a tendency to be capital poor. I am not going to tell you that a million dollars will go a long ways in this state but a million dollars will buy a few things. Taking a million dollars out of the market, a million dollars that could be used for household goods or could be used to acquire a new automobile or even could be used to purchase a home means it helps someone. Don't think for a minute that all these banks are owned in this state by stockholders because they all aren't. Many of them are mutual banks. So, we take out and we will hit them both.

The next one is the fabrication services -- this falls nothing shorter than a service tax. That is exactly what it is. It is the foot in the door. You

can call it a value added tax, whatever you want to call it. There was, if I recall correctly in the work sessions, a case between the Hinckley Boat Company and the State Tax Assessors Office or the State Tax Assessor dealing with this very issue. The courts ruled in favor of the Hinckley Boat Company. I understand this happened several years ago and, if it was an issue then, why didn't we change it then instead of today?

This is a new avenue for revenues, this is just a step in the door. The first fiscal note was \$2 million, now it is \$3 million. I have talked to two other industries that estimate it is going to cost each one of them -- at first it was \$6 million and then it changed the language as fabrication and it moved it down to a cost of \$1 million. I know of another company which will be hit with a million dollars. Ladies and gentlemen, this not only relates to the larger companies, it relates to everybody. It could relate to a person who hauls his logs into a saw mill to have them custom sawed, those would be subject to the sales tax.

I could be a person buying fabric for drapes or something along this line, take them to a seamstress and would be subject to the sales tax.

What we did in response to that, we attempted in good faith and I feel perfectly superb in presenting this proposal this afternoon that the Representative from Old Town has spoken about, the Republican Plan, and I am certainly not ashamed of it because we aren't asking for \$21 million in new taxes. We are asking for \$11 million in new taxes and we found savings in state government. We found savings in the Home Program. We are not cutting the Home Program, we are not even cutting a portion of the Home Program.

Last year, when the majority party raised the transfer tax to its current level we had allocated or estimated the allocation and have been allocating the monies to the Home Program. In that program, because the sales have been so brisk and the interest rates have been down and a lot of things have been happening out there, sales have been tremendous. We have a surplus in excess of \$5 million, but all we are asking for is \$4.9 million of that to assist in funding the University of Maine. I don't think that is irresponsible. I think that is responsible.

We are asking to deappropriate the industrial stability program, \$900,000. The reductions in the cost of energy in this state are continuing downward and they will continue downward.

Evidently, Keyes Fibre could not meet the criteria or did not want to meet that to ask for that \$900,000. Is it irresponsible to ask for that \$900,000 to fund the University of Maine? I say no. I think it is responsible.

We will continue on down with some of the other savings that we have found. There is a bill on the table now that deals with the construction of a new Liquor Store in York County. It is estimated that that new store will bring into the General Fund approximately a million dollars. Is it responsible to use that money for the University of Maine? I say it is not. I don't think you people would agree to that.

We had an adjustment in the savings of fuel which was estimated several weeks ago to be \$500,000. I am going to say that that savings is going to be more than \$500,000 but all we are asking for is \$500,000 of that savings to be de-appropriated to fund the University of Maine. Is that irresponsible? I don't

think it is irresponsible.

There is another bill that was passed this session that dealt with the tax collections to expedite the facilities in tax collections. That bill will bring in approximately \$1,250,000. We recognize that it cost \$250,000 to implement that program so we are only taking a million of those monies to fund the University of Maine. Is that irresponsible? I don't think it is irresponsible.

The Commissioner of Finance and Administration raised the revenue estimates on the Lottery Commission by \$2 million. Is it responsible to take that \$2 million? I don't think I have to answer the question, I think the answer is no. He also raised the revenue estimates by \$2.5 million. If we are in a crisis situation, which it is apparent we are with the University of Maine's supplemental budget, is it irresponsible to take that \$2.5 million and use that for those programs? I don't think so.

Between the University of Maine and the supplemental budget, we needed \$22.8 million. We have met and exceeded that. We still have monies left aside for the Appropriations Table. So, I feel quite confident, quite sure, and quite certain backing Committee Amendment "B" and asking you people here today to just think about it. Committee Amendment "B" addresses all the needs and all the concerns that are before state government currently and Committee Amendment "A" raises \$21 million in new taxes plus you can add all the savings that I have mentioned -- and do you need all those dollars? I would say you don't.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I guess I am quite baffled. The gentleman mentioned he felt superb, I think was the word that he used, and spoke eloquently of his proposal. I guess perhaps I misspoke, perhaps there is no shame involved, perhaps it is just a matter of misunderstanding.

What I would like to do is withdraw my motion that we adopt House Amendment "A" and again offer a legislative courtesy so that perhaps somebody could move House Amendment "B".

The SPEAKER: Representative Cashman of Old Town withdraws House Amendment "A."

The Chair is awaiting presentation of another amendment. The Representative from Harrison indicates that there is no amendment.

The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, I guess that I would once again move that the House adopt House Amendment "A."

I guess I didn't misspeak and I guess there wasn't any misunderstanding.

I take exception to a lot of things that were said but I will just highlight a few of the more insidious comments. For one thing, the Representative talks about using a million dollars revenue from the new liquor store and a half a million dollar fuel savings and \$2.5 million in revenue estimates and \$2 million in lottery funds -- those items are already taken into account in the Majority Report. I don't want it to slip by and have anybody misunderstand and think that it is not.

The gentleman also mentioned an FCC filing which they are going to have to rule on in April and he is absolutely correct, there is an FCC filing pending.



It is for the state of Florida, it deals with the gross receipts tax, it does not deal with sales tax. If that tariff filing is approved, they can, without a new filing extend that pass through treatment on gross receipts to Maine, that is true. They cannot extend that pass through treatment of gross receipts tax to the sales tax, they have to file again. That is why the sunset provision is in there. If they win this round, regroup and file again and win the second round, we will deal with that as this provision sunsets.

I am not going to get into any more of what the gentleman said, I think that the fact that the continued refusal to offer House Amendment "B" speaks for itself and I don't think it needs any debate.

I hope you all support House Amendment "A".

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add another note to what the gentleman from Old Town has just said about the filing. It is interesting to note how quickly those filings can result. March 10th was the date that AT&T filed with the FCC on the tax that he mentioned.

At this time Mr. Speaker, I would offer House Amendment "D" to House Amendment "A" and move its adoption.

House Amendment "D" (H-709) to House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" deals with the provision on the short term leases of automobiles in the state here. I feel that I explained that quite well in my remarks earlier and I would move the adoption of this and ask everybody to support me.

I further move that we have a roll call.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I think it is really sad that the House is being abused this way. There are a series of amendments that are being offered by the minority members of the Taxation Committee. This is the first, I am sure we will see the other four. What they do is essentially remove the provisions of the House Amendment "A", the Majority Report, that they find objectionable without having to offer the increase in the corporate income tax and the other provisions of their bill which they apparently find so objectionable that they are not ready to offer it.

I would move indefinite postponement of House Amendment "D" and ask for the yeas and nays.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: May I make a parliamentary inquiry?

Isn't it true that debate on the floor of the House is for informational purposes?

The SPEAKER: The Chair is not in a position to respond, that is not a parliamentary inquiry.

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 Cashman of Old Town that House Amendment "D" to House Amendment "A" be indefinitely postponed.

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

Representative MAYO: Mr. Speaker: I request permission to pair my vote as a courtesy to Representative Zirkilton of Mount Desert. If he were present and voting, he would be voting nay and if I were voting, I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that House Amendment "D" to House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

72 having voted in the affirmative and 56 in the negative with 21 being absent and 2 having paired, the motion did prevail.

(See Roll Call No. 297)

Representative Webster of Cape Elizabeth offered House Amendment "C" to House Amendment "A" and moved its adoption.

House Amendment "C" (H-708) to House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would eliminate from House Amendment "A" the provisions that require doubling of the bank franchise tax. When we heard testimony on the Taxation Committee on this particular measure, members of the banking community pointed out to us that the previous statutes we had on the books for taxing banks was declared unconstitutional and the banks were due refunds from the state of approximately \$2 million. Rather than having to give out this money to the banks, a bank franchise tax that would raise \$1 million, was instituted with the understanding that there would be no further taxing of the banks, that they would have a chance to adjust to this change. The opportunity to collect those refunds was declined by the banking industry.

Just a very short time later, the Governor and the majority party are proposing to double that bank franchise tax. I think this is a real example of tax and welsh. I hope you will vote to pass this amendment.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: For the same reasons, I would move indefinite postponement of House Amendment "C" to House Amendment "A."

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

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. The year the bank franchise tax came into being was my third term on the Taxation Committee. Representative Webster was not a member of the Taxation Committee

(See Roll Call No. 298)

nor a member of this body at the time. I think since I was very involved in the negotiations that led to this that I am in a better position to give you an historical perspective than she is.

I haven't heard from any banks on this proposed increase and I don't know of anybody in this body that has heard from any banks except for maybe a presentation before the Taxation Committee on this increase. The reason being they would be absolutely embarrassed to object to this increase. Take my word for it, the reason there was a tax like ours, not exactly the same, but like ours, that was declared unconstitutional in anticipation of problems so what we did, those of us in the legislature on Taxation at the time and in executive branch, instituted a bank franchise tax at a very, very reduced rate with the understanding that these institutions would not go after the refunds that they may or may not have been entitled to. That was the arrangement and the arrangement was very, very clear on all sides without any trace of misunderstanding that the legislature very, very soon was more than likely to bring the rate up to a little more reasonable rate.

I think that anyone in here, who is supporting this amendment, is going to be very hard pressed to explain how taxes on Maine banks, on these institutions, compare with taxes in other states. The reason none of you have heard from your banks is because they would be embarrassed to ask for this sort of continued special treatment. This was part of the arrangement all along and everybody lived up to it very honorably and I suggest that we just consider this one small piece of rather entertaining diversion on this day that none of us have anything else to do with.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I forgot when I was on my feet before, I would like a roll call on this item.

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 Cashman of Old Town that House Amendment "C" to House Amendment "A" be indefinitely postponed.

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

Representative MAYO: Mr. Speaker: To continue my courtesy to a minority member of the Taxation Committee, I wish to pair my vote with the Representative from Mt. Desert, Representative Zirkilton. If he were present and voting, he would be voting nay and I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that House Amendment "C" to House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

72 having voted in the affirmative and 55 in the negative with 22 being absent and 2 having paired, the motion did prevail.

Representative Ingraham of Houlton offered House Amendment "B" (H-707) to House Amendment "A" and moved its adoption.

House Amendment "B" (H-707) to House Amendment "A" was read by the Clerk.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I do feel that this particular suggested tax is something that deserves an explanation. What you primarily have seen is quote, "a sales tax on fabrication services" -- if you look in the L.D. it says, "fabrication services -- fabrication services means the production fabrication processing of tangible personal property including but not limited to computer programming for consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication or processing." Well, that is just the beginning of it. That is perhaps a little bit vague and it seems to be disguised and obscure language. This is really a very bad bill.

I would like to read further information. "The term production is currently defined in the statute to include any operation which 'transforms or converts personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed.'"

Production is also defined to include assembling. As a result, this tax would apply to any situation in which the owner of personal property takes the property to someone who performs services or the property which changed the form, composition or character of that property including assembling.

Here are some of the examples: it would apply to services provided by people on material supplied by customers such as knitting a sweater, with you supplying the yarn, making clothing with cloth you provide; making jewelry from supplies that you provide; framing pictures; making designs on objects. These services are often provided by people who do work at home. These persons would have to start reporting sales tax for the first time.

It would apply where the owner of clothing takes that clothing to a tailor for alterations. Does it mean that capping a tooth by a dentist changes the form, composition or character of that tooth? The tax would appear to apply where painted pieces of furniture are chemically stripped. Does the repainting of a car change its form, composition, or character? The retooling of a motor? There are many instances where persons owning some timberland desire to build a home and takes the lumber off the land to the sawmill to be sawed into lumber. Presently, there is no sales tax on that sawmill service. Under this proposed tax, it would become taxable.

When you look at these examples, you will realize that you are throwing stumbling blocks at people like the elderly woman who is supplementing her Social Security by taking in sewing at home. There are an awful lot of little people who are going to be hurt by this.

I have served on the Taxation Committee for six years. We have a perennial favorite -- the Representative from Portland, who shall remain nameless, comes in every time and presents a services bill. I don't think it is just in Taxation, but that has become a scary phrase. Ladies and gentlemen, if

that isn't a services tax, what is it?

I think the presentation is very vague and I think the enforcement will be very difficult. It isn't categorized enough -- there is no fine line that says it will apply to this -- that it won't. It is opening the door to the services tax and I don't approve of services tax, neither does most of the country.

It will be said that the goal of this is to close loopholes in the tax law. I don't really figure that that is a loophole because it has been on the books for thirty years, and even the Bureau of Taxation produces pamphlets telling them that this is what the tax is. It is available to people and it has been for thirty years. I really fear this one. I would say that my motion would remove the fabrication aspect from the bill and I hope that you would go along with this.

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

Representative STETSON: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to the Representative from Brunswick, Representative Priest.

I would like to ask Representative Priest if this tax wouldn't require a tax on the drawing of a codicil to a will?

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I am just trying to clear some smoke out. I would move indefinite postponement of this amendment and ask for a roll call.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Following the debate and following the parliamentary motions, would it be correct for the gentleman from Old Town, Mr. Cashman, that a yes vote to vote for indefinite postponement would be a vote for a value added tax, for a sales tax on services?

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 Cashman of Old Town that the House indefinitely postpone House Amendment "B" to House Amendment "A."

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

Representative MAYO: I request permission to pair my vote with the Representative from Mt. Desert, Representative Zirkilton. If Representative Zirkilton were present and voting, he would be voting no; I would be voting yes.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that the House indefinitely postpone House Amendment "B" to House Amendment "A." Those in favor will vote yes; those opposed will vote no.

63 having voted in the affirmative and 61 in the negative with 25 being absent and 2 paired, the

motion did prevail.

(See Roll Call No. 299)

Representative Webster of Cape Elizabeth offered House Amendment "A" (H-706) to House Amendment "A" and moved for its adoption.

House Amendment "A" (H-706) to House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: The way that access charges are assessed now has changed because of the dissolution of the old AT&T system. The Federal Communication Commission now sets rates that AT&T is allowed to charge for long distance interstate telephone calls and those rates are set on a uniform basis across the country. The gross receipts tax and any other sales taxes that are assessed by states are assessed on a national basis. They are not assessed individually on your phone bill.

The AT&T has now filed a tariff with the Federal Communications Commission that you heard about a few minutes ago. I think it is important to read that document very carefully because what it says is that, if the FCC does not act to the contrary prior to April 24th of this year, any taxes that are assessed by local jurisdiction will appear directly on the telephone bill and will be collected from the people paying those bills. So that if Maine were to, for instance, have this tax on access charges, in addition to the 7 percent gross receipts tax that we now have, every long distance call that is billed to a number in Maine (that would include 800 numbers that are used by businesses in Maine) will have on it a 7 percent gross receipts tax and a 5 percent sales tax. This 12 percent tax -- Maine would be the second, highest taxing state for long distance telephone calls in the country. So I hope you will adopt this amendment.

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

Representative CASHMAN: I move the indefinite postponement of House Amendment "A" to House Amendment "A" and request a roll call.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Following the debate and listening very closely to the gentlelady from Cape Elizabeth, understanding the emotion of indefinite postponement, it would be very clear on this roll call vote, a yes vote to indefinitely postpone, could by April 24th, give Mainer's the 12 percent tax burden on their long distance calls made from within the state. That roll call would show support for creating the second highest taxing on telephones in the nation.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: The answer to the Representative from Kennebunk, Representative Murphy's statements, would be no, because that is not what it will do. As it has been previously explained, the sales tax is assessed on access charges paid by the large, long distance carriers to New England Telephone. As it has been previously explained, that sales tax will be

folded in to AT&T, MCI, and SPRINT's national tariffs.

To further point out — the tariff that has been filed again relates only to the state of Florida, relates only to the gross receipts taxes, it does not relate to the sales tax. This provision is sunsetted for January 1, 1988 so we can review in case the tariff does change.

I would ask this House not to adopt this amendment, to indefinitely postpone it because this will be a tax that will be folded in — 99 percent of it will be paid for out of the State of Maine.

I would also point out to this House that what they have been talking about — a pass through of a tax directly on a bill doesn't make sense when you look at the other taxing provisions of other states in this country. Other states assess gross receipts tax, sales taxes, personal property taxes, and the FCC doesn't allow them to flow those through directly to the people in those states. No — they allow it to be nationalized and folded in the national tariff. It will not be a 12 percent tax on the bottom of your bill on April 24th, it will be folded in national rates and paid for by out of staters.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

To the Representative from Kennebunk — this provision in the Majority Report raises \$6 million in revenue, roughly the same as the Minority Report proposes to be raised by the corporate income tax increase. I would just ask if this amendment is adopted and this provision is taken out, do you intend to offer a follow up amendment to put in your corporate income tax provisions?

The SPEAKER: The Representative from Old Town has posed a question through the Chair to the Representative from Kennebunk, Representative Murphy, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Men and Women of the House: In my understanding of the rules laid before this House by the Speaker, the only issue that is before us right now is the motion to indefinitely postpone.

The SPEAKER: The Representative may answer the question if he so desires under the rules.

The Representative refuses to respond to the question.

The SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that House Amendment "A" to House Amendment "A" be indefinitely postponed.

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 the Representative from Old Town, Representative Cashman, that House Amendment "A" to House Amendment "A" be indefinitely postponed.

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

Representative MAYO: I request permission to

pair my vote with the Representative from Mt. Desert, Representative Zirnkilton. If he were voting, he would be voting nay and I would be voting yea.

The SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that House Amendment "A" to House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

70 having voted in the affirmative and 57 in the negative with 22 being absent and 2 paired, the motion did prevail.

(See Roll Call No. 300)

Representative McCollister of Canton offered House Amendment "F" (H-711) to House Amendment "A" and moved its adoption.

House Amendment "F" to House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Men and Women of the House: This amendment addresses a basic concern of those who testified on the smokeless tobacco bill — a tax to deter the increased usage of snuff by our young people. The tax bill before us has been used by a few to attack tobacco in general. I am not opposed to an excise tax on all tobacco products as long as it is fair. If the intent is to tax snuff as we tax cigarettes, this bill, without my amendment, does not do that. A pack of cigarettes is presently taxed at 38 cents. This bill will tax a can of snuff for 18 cents and a can of smoking tobacco at \$1.50. My amendment taxes snuff at 33 cents, still less than a pack of cigarettes. They both sell for approximately one dollar and a 14 ounce can of tobacco at 72 cents. If the intent is to tax smokeless tobacco, as its sponsors profess and to slow its increase usage and, at the same time, raise \$450,000, my amendment does just that.

The major problem with the bill as it is now, and I have no argument with anyone that the problem exists in my amendment also, the majority of pipe tobacco and cigars are sold in small packages — one and a half ounces in a five pack of cigars. Whenever you purchase in smaller quantities, the sale price is always higher. That means that the working man, the elderly on fixed incomes, and more importantly, those who are attempting to quit smoking will pay an unfair proportion of this tax, for these groups buy in those small quantities. Myself, and most heavy users of pipe tobacco and cigars, purchase them in one pound cans in 50 count boxes of cigars. The cost per ounce of a cigar is less so we will move this group, who now buy in small quantities, into the larger quantity group.

At least my amendment eases the burden on the working man, the elderly, and those attempting to stop smoking. Truly, is not the raising of revenue only a secondary purpose in any of these so-called sin taxes?

Before indefinite postponement is made, I would remind the House that my alterations in House Amendment "A" does address the funding needs of this legislature.

Subsequently, House Amendment "F" To House Amendment "A" was adopted.

Representative DIAMOND of Bangor offered House

Amendment "G" (H-713) to House Amendment "A" and moved its adoption.

House Amendment "G" (H-713) to House Amendment "A" was read by the Clerk.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In addition to removing the emergency preamble from House Amendment "A," it also adjusts the fiscal note accordingly.

Subsequently, House Amendment "G" to House Amendment "A" was adopted.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: We are here today and it is sad to say that the University of Maine faces a crisis. We didn't need a Visiting Committee Report to tell us that. Those members that have served in this body, who have served on Education, as I did in previous sessions, know that. We raised our voices then to this administration that there was a crisis and that crisis went underfunded. We see the result in the findings of the Visiting Committee Report, which, despite its politeness, lays out a system that has been underfunded and has lacked direction. It also clearly points out one of the highest tuition rates in one of the poorest states in the nation. Also a record in terms of state government, it also has one of lowest student aid records in this nation.

The last few weeks of a session are always very fluid. This package that is before us has been one of the most fluid packages ever introduced in this session or previous legislatures. What you see is provisions in that report that lacked definition, the definition has varied from day to day, the impact has varied day to day. As you are being asked to vote on that report, there is still no clear fiscal note that anyone can guarantee.

There are voices in this chamber who said that the University of Maine is one of the highest priorities, whether you come from the tenement areas or one of Maine cities, or from the exclusive shoreline. We are here today with all the money spent in the Part One Budget, the Part Two Budget. What is the responsible approach that is before us -- a funny money proposal that lacks definition and an unclear impact. We have gone through some of those proposals and, as the gentleman from Harrison has said, what you have before you in terms of a vote is a tax increase of over \$20 million to address a high priority that, in this Governor's budget three years ago, two years ago, and then this January, should have been occupying the highest priority, so that members of neither party would have to be here on a Saturday in April looking at a funny money package.

I would urge the members of this House to defeat Report "A."

Mr. Speaker, I request a roll call.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I agree with the gentleman from Kennebunk about the concern over the University, I think everybody in this body does. For many months, we have been awaiting action on this, actually three or four years ago when we first started the reform effort toward education, the university has been an issue that has been on the back burner waiting to come forward.

When we first dealt with education reform, it was clear through the report that was issued on that effort, that a separate commission was needed in order to deal with the university, that the problem was so complex and the problems may be so great that a special report had to be presented in order for us to deal with that separately. That did, indeed, take place, many members here sat and listened to the presentation by the Board of Trustees and have heard the Visiting Committee as to the need for this legislation. At that time, one thing was clear that a big part of the problem facing the university was financial. Since the mid-1970's, the university has seen a dramatic decline in real dollars to the university and that investment that had been made for 120 years was in jeopardy if the legislature did not attempt to rectify that.

The Visiting Committee, very directly I believe, addressed those concerns. The committee made a number of recommendations that clearly outlined the direction it felt the state should take in dealing with a public university such as the system we now have. It also made one thing clear, that we could not wait any longer to deal with that financial crisis, that it had to be dealt with in a way that made it clear that, from now on, we are going to respect the university and that we are going to do everything possible to recognize its values, not only as an educational institution for educational opportunity, but also its vitality to the Maine economy and its importance to economic development, prosperity and opportunity.

The Taxation Committee put together a plan that I think is quite incredible. It raises money in a way that brings on very little pain and anguish to the taxpayers of this state, both individual taxpayers and corporate taxpayers by closing tax inequities in our tax code and by seeking out revenues from people outside of Maine who have been getting away with a lot as far their financial dealings with Maine. They have come up with a way to fund this package without a need for a broad based tax increase. I think that is quite incredible and I think they should be commended and I think the Governor should be commended for addressing it in that way.

Again, a pattern seems to be emerging though in the way we deal with this. We have dealt with education in the past. As Representative Murphy mentioned, education is a high priority in our state and is crucial to the development of our people. Members who oppose the package before us espouse support for education but they have consistently voted against providing the funds to do so, the very means necessary to implement those reforms. We saw that last year. The approach that has been presented in dealing with the funding need has not been one that closes gaps, deals with inequities -- it has been taxes to those who shouldn't have to pick up the cost, people who cannot bear the burden at this time.

I think back to last November and remember that an alternative to the forest fire suppression problem that we had was not dealt with through taxing those who benefit from the service, but spreading it out through all departments and agencies in state government, putting the burden on everybody in this state, the people who exist out there that have the means, have the ability to deal with it and who are the direct beneficiaries. They didn't want to go that route and, as the majority party and some people on the other side -- members of this body recognized

that we have an obligation to do the right thing.

Members, such as Representative Murphy, talk about the need for economic development. They talk about protecting the business climate, enhancing the business climate, trying to attract businesses to Maine, making life a better place for business to come and expand, recognizing its value.

We have done a number of things through this legislature, such as Workers' Comp Reform, tax conformity, corporate tax reform, the list goes on and on. There are a number of different areas addressing the needs of Maine businesses. We are still doing that. We are talking about exempting sales tax used in the manufacturing process; yet, when it come time to making up those funds necessary to implement these programs, to improve economic development, to improve the business climate, the opposition is silent.

They also talk about concern for the taxpayer of Maine, the individual, the family taxpayers, and business taxpayers, both small business and large business -- concern for them. Yet, where are they when an opportunity exists to protect them?

Here we have an example of an amendment that was going to be presented by the minority party on the Taxation Committee, at least one member, that never was presented here today, despite several opportunities to do so that would have put the burden directly on Maine taxpayers. It is hard for me to believe that when an opportunity exists to raise several million dollars in a way that basically has little or no impact on the Maine taxpayer -- the Maine taxpayer -- some in this body want to reject that in favor of a tax that puts it on the small businesses, the large businesses and the consumers of this state. I was really surprised when I heard about this. I thought there must be some Machiavellian motive behind it trying to entrap the Democratic Party in support for it. When it was presented and printed, I just couldn't believe it. The fact that it was never formally presented makes me question the sincerity of the motive, but I wondered then -- I can't believe the members of the Republican Party or the members that were on that committee would go to the expense, the state expense, of printing such a document if they had no intention of supporting it. They are either acknowledging that they were wasting taxpayers money in printing it or they got cold feet.

Representative Jackson mentioned a little while ago that he had been talking to several banks and others interested in some of the proposals in the Democratic package. I assume that, in the last two hours, he has talked to a lot of people who were concerned about that package and it is not our package he is concerned about. Just walk the halls and there are people who saw that amendment and just froze. They could not believe what was being presented here.

We talk about responsibility -- I think the package put together by the majority members of the Taxation Committee deals with the funding crisis facing this state in a very responsible way. Nothing could be more irresponsible than the House Amendment that was not presented but which has been the subject of much debate this afternoon.

I think the Record is going to show that those people in this body, both Democrats and Republicans who vote for this, have courage in recognizing that a serious need exists in this state, a need that is

addressed through the funding package -- the funding package presented by the majority of the members of the Taxation Committee.

The public, both Republicans and Democrats and unrolled voters of this state, in every one of our districts, realizes that this is a wise investment in Maine's future. If the minority party truly believes, and I think it does, that education is a high priority in this state, that economic development is a high priority in this state, that protecting the Maine taxpayer is a high priority in this state, then they will do the responsible thing and support the Majority Report. To do otherwise would be foolish. We have the opportunity to protect Maine consumers and taxpayers -- let's take advantage of it.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I sat here and listened to the Minority Leader get up and lead his party in the debate. That pleases me very much, because for the last two years, I thought that he had lost his tongue and this is a rare occasion where I have heard him get up and speak his party's views. I waited with the greatest anticipation, and I mean the greatest anticipation, for the Republican party to present their tax package.

My good friend, Representative Cashman from Old Town, twice withdrew his motion to allow the members of the minority party to do just that. Both times I might add, there was a noticeable silence in this body -- very noticeable. By the two questions that were asked by the Minority Leader and that last little ditty he just gave us in his speech, I have to wonder if his concerns were a responsible tax package or an attempt to add a little political overtone to this discussion.

We all know that I am not a partisan fellow. We all know that I am not political but I have to believe that in those two questions that were asked by the Minority Leader -- he was trying to interpret the actions of this body to be in a political nature so that the minority party could use it in November's elections. Now I may be wrong, I may be wrong, but the way those questions sounded to me, it seemed quite obvious, and I would ask the minority party, are we here to come up with a responsible tax package to fund our problems or are we here to make political hay? I would request 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 Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: I am not sure if I am getting old and can't add any more or if maybe my education at the University of Maine someplace along the line failed me but it seems to me the cost to implement the recommendations of the Visiting Committee is somewhere along the lines of \$15 to \$15.5 million.

If I could, I would like to pose a question

through the Chair. I would pose this to anyone in this chamber who might answer -- if the cost is \$15 million or \$15.5 million to implement the recommendation of the Visiting Committee, why are we now tacking on as an amendment to this bill a tax increase of over \$21 million?

The SPEAKER: Representative Sproul of Augusta has posed a question through the Chair to any member who may respond if they so desire.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Like my good friend from Waterville, Mr. Jacques, I am not a partisan fellow either. I have been sitting here taking a lot of abuse and I am about fed up with it. For four years, I have been standing here listening to the majority party tell me that when we raised these taxes or this license fee that it is going to be paid for by out of staters. They are going to buy the hunting licenses and are going to pay for that and the meals and lodging are going to pay for that.

I really have come to a point where I wonder -- are the people in the State of Maine paying any taxes because every tax issue I hear up here is that the out of staters are going to pay it. We all know that isn't true. You get your tax bill. I get my tax bill. The people end up paying it and the bottom line is the people in the State of Maine.

I am also a little upset when people start talking about the responsible way of taxing. To me a responsible way of taxing is quite simply saying, we need the money, we are going to generate the money from a broad base tax because the programs are for the good of the people for the state, the money should come from the people of the state.

Do any of you people know how a vampire bat works? I mean a real wild vampire bat? He lands on the neck of an animal and he has a chemical in his mouth that anesthetizes the neck and he sits there and sucks a while and says to that animal, you are not feeling a thing, I am just taking a little bit, it won't hurt you. He comes back the next night and he says the same thing, just a little bit and it won't hurt you. Well, I say to you these kinds of tax proposals and the majority party when it supports these proposals is the vampire bat of revenue generation. How long do you think the businesses, the individuals in this state, are going to sit around and have a little bit taken before they die?

I think the time has come that we look inside this state government, we are looking in the wrong direction, we are looking for more money from the outside all the time. I think the time has well passed that we should start looking inside to reduce our expenditures, to change our priorities, and to fund the things that need to be funded and to let the questionable ones go by.

The SPEAKER: The pending question before the House is adoption of House Amendment "A" as amended by House Amendment "F" and House Amendment "G" thereto.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, as a courtesy to my colleague on the Taxation Committee, I wish permission to pair my vote with the Representative from Mt. Desert, Representative Zirkilton. If Representative Zirkilton were present and voting, he would be voting nay and if I were voting, I would be

voting yea.

The SPEAKER: The pending question before the House is adoption of House Amendment "A" as amended by House Amendment "F" and House Amendment "G" thereto. Those in favor will vote yes; those opposed will vote no.

71 having voted in the affirmative and 57 in the negative with 21 being absent and 2 having paired, the motion did prevail.

(See Roll Call No. 301)

Representative Diamond of Bangor requested a roll call vote on passage to be engrossed.

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 passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

74 having voted in the affirmative and 55 in the negative with 22 being absent, the bill was passed to be engrossed as amended by House Amendment "F" (H-711) and House Amendment "G" (H-713) to House Amendment "A" (H-700) and sent up for concurrence.

(See Roll Call No. 302)

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

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

#### PAPER FROM THE SENATE

##### Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,700,000 for Various Projects at the University of Maine" (H.P. 1639) (L.D. 2311) on which the Minority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-698) in the House on April 12, 1986.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-697) in non-concurrence.

Representative Carter of Winslow moved the House recede and concur.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I ask for the yeas and nays.

I don't think we really need to debate the issue



again tonight, we did this morning. The motion to recede and concur would include the \$4 million plus additional revenue, additional bond package for the Lewiston campus in the bond issue, raising it to over \$12 million. I hope you vote against the motion to recede and concur so that the House might be able to adhere.

I am sorry, I was told to mention that it wasn't a campus, it was a building. I am sorry.

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

Representative NADEAU: Mr. Speaker, Members of the House: I appreciate the clarification and good intentions of Representative Higgins. We have debated this quite thoroughly. I won't take up a great deal of your time.

I just want to ask you today, those of you who are visionary enough to support this report this morning, I hope you will continue to do so. Those of you who have had some time to think about it, I hope you will consider what this can mean to the future of a very large area of our state. It is inevitable, the services will be provided in that area, we need to get this capital facility program moving in that area. I really do hope that you will give this your most serious consideration and concur with the other body. It is necessary, it is a good investment that we will get back and I urge you to vote yes on Representative Carter's motion to recede and concur.

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 Carter of Winslow that the House recede and concur.

The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, I would like to pair my vote with Representative Clark of Millinocket. If he were here and voting, he would be voting yea and I would be voting nay.

The SPEAKER: The pending question before the House is the motion of Representative Carter of Winslow that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

63 having voted in the affirmative and 62 in the negative with 24 being absent and 2 having paired, the motion to recede and concur did prevail.

(See Roll Call No. 303)

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

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-494) on Bill "An Act to Provide Community Education and Family Health Services" (S.P. 835) (L.D. 2124)

Signed:

Representatives: HIGGINS of Scarborough  
CONNOLLY of Portland  
McGOWAN of Canaan  
NADEAU of Lewiston  
CHONKO of Topsham  
FOSTER of Ellsworth  
BELL of Paris

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

Signed:

Senators: MCBREAIRTY of Aroostook  
BERUBE of Androscoggin  
PEARSON of Penobscot

Representatives: LISNIK of Presque Isle  
SMITH of Mars Hill  
CARTER of Winslow

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

Reports were read.

At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

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

Representative Carter of Winslow moved the House accept the Minority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Paris, Representative Bell.

Representative BELL: Mr. Speaker, Men and Women of the House: I would hope this body would vote against the "Ought Not to Pass" Report and support the Majority Report on this piece of legislation.

L.D. 2124 has two components to it. One is to increase the amount of money going to the clinical services and another aspect of it is to increase community education in Maine.

The clinical services existing in the State of Maine right now needs additional funding. There are two basic reasons for the request for additional funding. One, there has been a lack of increase in federal funds and there has been an increase in demand for these services.

In the bill before you, you can restore some of the funds to keep clinical services even and also



increase money for some positions for community education.

Let me just say before I sit down, major studies indicate that unintended pregnancies occur across all social and economic levels. Significant portions of unintended pregnancies, however, are the poorest and youngest women in our society. 71 percent of the unintended pregnancies are teenagers and 40 to 60 percent are low income women.

The human and social costs are evident. In our budget alone, we deal with Medicaid, AFDC, food stamps, the WIC program. Teenage pregnancy certainly limits educational, vocational, economic and social achievements for young women in Maine.

There is increased evidence that unplanned and unwanted pregnancy, especially in young poor families, there is an increase in child abuse and neglect.

Also in the State of Maine, a rule was adopted by the Department of Education and Cultural Services in 1985 that high school students shall receive a semester course in health education and that curriculum must include family life and sexuality education. This money is essential in order to maintain clinical services in this state and also meet the mandate established by rule by our Department of Education and Cultural Services.

Again, I would hope you would vote against the impending motion and then accept the Majority "Ought to Pass" Report.

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

Representative CONNOLLY: Mr. Speaker and Members of the House: I find myself in somewhat of an uncomfortable, at least for this session, a unique position of being on the opposite sides of the chair of my committee on an issue. I don't think that there has been any bill before the Appropriations Committee this session, and we have had our share of difficult and controversial issues, but I don't think there has been any single bill that has been so difficult for individual committee members to resolve as to how we should handle it, as this particular L.D.

As the bill has been amended, as the bill appears now before us, it strikes a balance between the Governor's original budget request for funding for a shortfall in the family planning program and a separate L.D. that was introduced after the Governor's budget for additional monies for family health services and for community education programs.

Family planning is probably, without question, the most intelligent and the most effective approach to dealing with the very serious problem of teenage pregnancies and unwanted births. The problem is that services can't be delivered and education programs can't be established on a statewide basis unless there is adequate funding. The problem of teenage pregnancies in the State of Maine is fast approaching, if it hasn't already, epidemic proportions. Maine ranks 9th in the nation in terms of teenage pregnancies. While some of us would like to pride ourselves in being in the top ten on certain issues, I think that this is one particular category we would like to find ourselves at the bottom of the list.

More than one third of those who are served by family planning clinics in the State of Maine, right now, are teenagers. The figures that were presented to the committee said that there were more than 82,000 poor women who were in need of subsidized

clinical services; yet, because of inadequate funding levels, only roughly 30 percent of those poor women are able to get such services.

I don't think that I have to remind the members of this body the correlation between teenage pregnancies and increases in the AFDC rolls. It is a problem that needs to be addressed by this legislature.

There is no question that education is perhaps the best prevention method that achieves results. Included in this legislation is a small piece of funding to provide community education programs for the three areas of the state where teenage pregnancies are increasing at the fastest rate -- in the Penobscot area of the state, in the Bangor-Penobscot area, Waldo-Knox, Lincoln County section of the state and in the Washington-Hancock County area of the state. Included within the community education portion of this legislation is funding for people to provide community education services for those three particular areas of the state. If this bill is not passed and funded off the Appropriations Table, those community education services will not be provided.

As Representative Bell said, when the school reform act was passed a couple of years ago by the legislature, there was a whole provision that there should be a comprehensive health education program. One of the components of that was family life. School boards, school administrators, teachers, church groups, parents groups are increasingly asking family planning organizations to provide them with the materials, with information to speak, to help to develop curriculum. Those kinds of services can't be provided unless the State of Maine is willing to provide some sort of sufficient funding.

I think it would be the wrong kind of message for the legislature to send out at this particular time, if we turn this bill down, that we are not really interested in addressing that issue at this point.

I would hope that, given the bipartisan nature of the split in committee, and this is really not a partisan issue, that this legislature at this time would pass this bill along so we can get it to the table and then make a final decision on the funding level.

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

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I speak today as a cosponsor of L.D. 2124, the family planning legislation which, as the Representative from Portland says, transcends political and partisan boundaries today.

I think it is unfortunate that this legislation was not included in the allocation package but I think it is fortunate that we have had the opportunity today to, even though the hour is late, debate this issue and, hopefully, put it on the Appropriations Table where it will vie with all the other funding proposals.

I would like to speak just very briefly on the philosophical areas of family planning. There seems to be a misnomer that family planning somehow takes away local control and that is just not true. In fact, family planning responds to legislation that we passed in the last session of the legislature requiring schools to teach comprehensive health education in grades K through 12. One of those ten areas is family life education and the curricular is locally controlled. Community educators from family

planning may offer assistance to the school systems if they are called upon, they may do that, it is not mandated anywhere.

It is a fact, ladies and gentlemen, that parents who discuss sexuality with their children, the children are more likely to delay sexual activity. Community educators help provide parents with education programs because it is difficult for many parents to talk to their children about sex. These requests are increasing every year in the State of Maine, particularly through the church organizations and groups.

Cost effectiveness is something else I would like to discuss very briefly. For every public dollar spent in family planning services in Maine, the government saves \$2 in other health and welfare related costs.

As has already been mentioned, Maine has the ninth highest rate of teenage pregnancy. 50 percent of Maine's teenagers, 15 to 17, are sexually active. The current cost associated with a live birth, a normal live birth in Maine, is \$3,486 for the first year alone, so we can, by providing these sexually active teenagers with proper advice and counsel, we can save taxpayers money.

I would hope that we would defeat the motion before us so that we might accept the Majority Report of the Appropriations Committee, "Ought to Pass."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Ayer.

Representative AYER: Mr. Speaker, Ladies and Gentlemen of the House: Although I have been very extensively lobbied by my favorite constituent every since the days of ERA, I don't rise today to talk to you about the sociological reasons for this L.D. I ask you to view the reasons for voting in favor of this L.D. based on the economics of the issue.

For every dollar spent in family planning services in Maine, there is better than a two to one pay back based on savings in other health and welfare costs. Just the pure economics of the thing, aside from the very well founded social issues that are involved, would be reason enough to support this legislation. I, therefore, ask you to accept the Majority Report on this issue.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support the Minority "Ought Not to Pass" Report. I would like to give you my reasons why I signed as I did. I am not going to take much of your time but I would like to point out a few facts.

This program, supposedly educational program, was started several years ago, has now reached the proportion where there is roughly \$4 million a year being spent for this type of activity.

The bill before us has two elements. We have heard Representative Connolly tell us that, if the bill is not funded, the educational value of this program is going to be lacking. I would like to point out to you that the total sum of \$48,000 is earmarked for education. The rest of it is clinical services, roughly \$285,000 worth. That is the portion that really disturbs me. I am not against education, don't misunderstand me, but I am against the clinical services that are being provided and so are my constituents.

There has been a task force set up by our Governor, we don't have the final report yet, at

least I don't have it and questions still remain unanswered. If this program is so effective, how come these teenage pregnancies are still on the rise? Are we promoting this type of activity with this type of a program?

I would urge you to vote for the "Ought Not to Pass" Report.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of the Majority Report. I rise for a number of reasons. One, we have heard a lot in this debate so far about the comprehensive health education program that we said had to be there for graduation requirements. I stand before this body as an expert, more than anybody else in this body, on comprehensive health education and the reaction of communities to that mandate.

My school district, SAD 15, since last summer, has been fighting and working and beating up on each other and we finally came up with a good program on comprehensive health education. The center of that controversy centered around the issue of family life and sexuality. I must say that our communities came together and came up with a very good program now that is supported by a vast majority of the members of our community.

Representative Carter from Winslow mentioned a task force that the Governor has set up to deal with adolescent pregnancy and teen parenting. I can say with a lot of pride I served on that task force along with my good friend from Ellsworth, Representative Foster. I am a co-chair on that task force of a subcommittee that deals with the systems approach looking at what we have out in the community through educational programs and through clinical services throughout the state. That report isn't ready yet but I can tell you right now that the recommendations are that we need more programs out there, both clinical programs and educational programs in the community, statewide. This bill will allow those recommendations to get a head start before the report comes out.

I would hope that in the interest of the young people in this state and in the interest of good education and good health habits that this body would accept the Majority Report and reject the motion in front of you.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I regret that so much emphasis in the last few minutes has been put on teenage pregnancy and teenage activity. Statistics show that about 50 percent of the women below poverty level that use these services are 20 years and above.

Child abuse received a great deal of attention in the last session of this legislature. There has been much tie between child abuse and unwanted family members. I think we have got to accept the fact that this is an area which needs attention by families who are struggling to survive. I hope you will support the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mars Hill, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you go along with Mr. Carter on the "Ought Not to Pass" Report. The people that I represent in my area -- they are not against

the education because that is under control now, the school board has the say as to what they teach in the classrooms but there was a time when they didn't have that say. The biggest problem that we have up in our area is the clinics. They don't feel that their children should be able to go up to these clinics and get different medicines and be told different things without the parents' knowledge. That is their biggest problem.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: I cannot think of a piece of legislation that we have been dealing with in the past weeks and months that actually affects the needs and services of our committee, the Human Resources Committee, than this bill. This is a bill that says to you, if you immunize your children, they will be well. It is all in prevention, it is all in caring.

I remind you that we are not talking about young children. Two-thirds of the people who are served are older women and not all of those people are indeed women. We are talking about educating the people to a way of life and making choices in their life.

I would like to tell you a very short story about a young woman that I had an occasion to deal with. Many years ago, I worked at P-6, which was a lost unit at the Maine Medical Center. Every year, this young woman would show up at the lost unit having attempted suicide. Couldn't figure out what the problem was, it was hard for her to talk about it. She was very young, she was very poor, she was very scared. Finally in the course of our talking with her and relaxing with her so that she could speak, she said that she was afraid that she was pregnant because she had kissed her boy friend and that she was so terrified that she, indeed, tried to kill herself, not once, not twice, but five times. It seemed perfectly logical to ask her if she knew how babies were born. This young woman, who at that time was 18, really didn't know. So, I took her to a family planning clinic. I had never been to one, hadn't heard much about them, and I must tell you how very impressed I was with the sensitivity and kindness that those people in that clinic had shown her. As I said, she was about 18 years old, she probably had an I.Q. of somewhere between 80 and 85. She was very sweet, very kind, very gentle, very scared and very uninformed. These people talked with her gently, kindly and explained the facts of life to this girl in a way that no one else had ever done. They did it kindly and with objectivity. They counseled her as to how babies are born and how she, indeed, could protect herself if she chose not to have babies. This woman never came back to P-6 again. She found another way of life that made her whole and well.

The Human Resources Committee deals with the results of people who are uneducated. I plead with you to remember that this is a bill that deals with education. That is what we are talking about and have been talking about most of the day, education, and special services.

I hope you will vote for the Majority "Ought to Pass" Report.

Representative Smith of Mars Hill requested a roll call vote.

The SPEAKER PRO TEM: 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 PRO TEM: The pending question before the House is the motion of Representative Carter of Winslow to accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

17 having voted in the affirmative and 103 in the negative with 31 being absent, the motion did not prevail.

(See Roll Call No. 304)

Subsequently, the House accepted the Majority "Ought to Pass" Report and the bill read once.

Committee Amendment "A" (S-494) 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 in non-concurrence and sent up for concurrence.

The following items appearing on Supplement No. 28 were taken up out of order by unanimous consent:

#### ENACTOR

#### Bond Issue

#### LATER TODAY ASSIGNED

An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Energy Improvements in State Facilities (H.P. 1590) (L.D. 2243) (C. "A" H-688)

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.

#### ENACTOR

#### Bond Issue

#### LATER TODAY ASSIGNED

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Sewer Treatment Facilities (H.P. 1617) (L.D. 2288) (C. "A" H-687)

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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Authority of Harbor Masters  
(S.P. 926) (L.D. 2313) (C. "A" S-478)

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

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

Representative SMITH: Mr. Speaker, Ladies and  
Gentlemen of the House: I move this bill and all  
accompanying papers be indefinitely postponed.

I am opposed to this bill and I feel that I  
should share my concerns with you. We heard this  
bill on Monday, April 7th, the hearing lasted about  
three hours. We had a work session April 9th and the  
work session lasted about the same time. Two  
amendments were offered to sweeten the bill but I  
guess I require a little more sweetening than that.

A problem of this magnitude should not have been  
brought before our committee at a late date without  
more input from other agencies.

What the bill does is overturn a court ruling.  
One town has a problem and yes, they say it can  
happen to others. Well, I think we should address  
the problem that exists, not anticipate other  
problems. That problem was Freeport. The problem  
seemed to be with the ordinances.

A few days ago, we had a problem with DEP. We  
tried to overturn their ruling. We couldn't do it.

So, I ask you, is the court of a higher level of  
a degree of respect than DEP? In my book it is.

I would have no problem of overturning DEP  
regulations but a court, I believe, is a remedy.  
They could have asked for a stay on the ruling but  
they failed to do that, so they came in with a late  
bill.

In the Statement of Fact, it says "temporary  
reverse the Superior Court decision." Temporary  
reverse -- to me that is like saying, a little bit  
pregnant. Either it is reversed or it isn't.

I hope you would vote against this bill and  
support me in the indefinite postponement.

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

Representative WENTWORTH: Mr. Speaker, Ladies  
and Gentlemen of the House: I hope you will not  
indefinitely postpone this bill. We have worked with  
MMA and this bill is a stopgap measure that simply  
allows municipalities to continue to enforce harbor  
ordinances that they have been enforcing for decades.

This bill isn't necessary because a February 1986  
court decision ruled that municipalities did not have  
the authority to enact ordinances which oversee and  
guide the actions of a harbor master, even though  
state law requires municipal officers to appoint the  
harbor master.

The principal role of a harbor master is to  
allocate mooring spaces in the harbor among  
commercial interests, pleasure boats, residents, and  
non-residents. These are significant policy  
decisions that need to be formalized through adoption  
of local ordinances by the municipalities legislative  
body and not left to the whim of a single person.

If this bill does not pass, the people who rely  
on organized harbor for their livelihood, such as

commercial fishermen and lobstermen, are likely to  
see the best, if not all, of the mooring in the  
harbor used by those with the greatest ability to  
pay, usually the out of state yacht owners.

This bill does not give municipalities broad  
ordinance powers. This bill is very specific as to  
what kinds of things can be regulated by local  
ordinances.

In addition, this bill is sunsetted as of April  
1, 1987 and requires that the whole issue of harbor  
regulation and the role of the harbor master be  
studied with recommendations to come back to the  
first session of the 113th.

This bill also requires that at least ten percent  
of the moorings be reserved for non-residents. This  
is the same requirement that we impose on  
municipalities that regulate clam flats through clam  
licenses. The Attorney General's Office has assured  
the Local and County Government Committee that this  
bill does not interfere with any interests in the  
State of Maine.

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

Representative ROLDE: Mr. Speaker, Ladies and  
Gentlemen of the House: Obviously, I am not from  
Freeport but this is a matter of great concern to my  
town. I was called by our town authorities and asked  
to support this bill very heavily. I hope you will  
not vote to indefinitely postpone it because, if we  
don't, there certainly will be chaos in York Harbor  
and our harbors along the coast.

I would like to emphasize to you that this bill  
does not overrule a court decision. We are simply  
dealing with a lack that is in the present law,  
which is what the court ruled on, a lack of  
authority. This now would grant that authority to  
the towns.

I do ask you to vote against the motion to  
indefinitely postpone. This is very important to the  
coastal towns.

I would also ask for a roll call.

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

Representative SMITH: Mr. Speaker, Ladies and  
Gentlemen of the House: There is one town involved,  
one town only, and that is because there was  
discrimination. If there hadn't been, the bill would  
not be here. So, they went to court and they won  
their case. Freeport could have asked for a stay and  
if the argument given here today is good enough to  
pass this bill, it should be good enough to get a  
stay. They keep saying other towns are involved.  
Other towns are not involved. Nobody has gone to  
court against the other towns about the ordinances.  
As I said they probably won't.

The people that should be involved here is the  
U.S. Coast Guard, the DEP, the Corp of Engineers, the  
Maine Harbor Masters Association, the Marine  
Municipal Association, Marine Resources,  
Environmental Protection and Fish and Wildlife. Now,  
we didn't have any of those people at our hearing.  
For us to pass this bill to change the judge's  
ruling, I think is wrong.

The same people that argued against overturning  
DEP's regulations, self imposed regulations, are now  
here asking us to overturn a judge's ruling. I think  
it is wrong and I shall not do it. I hope you see it  
my way.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Freeport, Representative Mitchell.  
 Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would like to explain the case that occurred in my home town of Freeport and the circumstances so you will all understand it.

The harbor in South Freeport is of a limited size and it can only hold a limited number of moorings, about 350 of them. There is a great demand for those moorings, there are two marinas and the town has, for many, many years, allotted those mooring spaces. That was the harbor masters job and if you wished to have a mooring space, you applied to the harbor master and if there is a spot available, he gives you that slot and he assigns it to you and you pay the town a small amount of money.

The town ordinance that dealt with harbor masters allows each owner of a marina to have 15 moorings because they need service moorings and they rent moorings to their customers. In the particular case, it was not a case of discrimination, it was a case brought by a marina owner. The harbor master told this one marina owner that he could have 15 moorings, he could have five in front of his business, five up the harbor and five down the harbor. He didn't like that, he wanted to have all the moorings right in front of his marina and he challenged the court and the court didn't find that it was unfair, the court found that the legislature never gave the town the authority to enact harbor ordinances in the first place. If we don't have that ordinance, every harbor on the coast will just be chaotic all this summer.

There are a lot of issues raised here and there are a lot of agencies of government that are involved in harbor. There are agencies of the federal government as Representative Smith said, of the state government and there is certainly a lot of local interest.

The bill is for one year only, it sunsets next April, it is just to get us through this one season so we can proceed and have an orderly arrangement. The Local and County Government Committee is going to take the issue under advisement. The Department of Conservation is going to do a study and they are going to evaluate everything next year but we need this bill so that we can get through this one summer. That is all we are asking.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bar Harbor, Representative Salsbury.

Representative SALSBUURY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with what Representative Mitchell from Freeport is saying. If the Law Court upholds the court decision, which was made concerning Freeport on February 28th, every harbor on the coast will be in chaos this summer.

All we are asking for is to let our existing ordinances that we have stay in force until the summer is over. We are all looking for a booming tourist year. We need it and we need the ordinances that we now have. If the Law Court comes down and says the Freeport ordinance is illegal, we are going to have utter chaos on the coast of Maine for the remainder of the summer.

I would urge you to help me defeat that motion.

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

Representative MASTERMAN: Mr. Speaker, Men and Women of the House: Mr. Mitchell has just told you what this is, it is a quick fix.

Mr. Rolde has told you exactly right, it is taking the duty away from the harbor master and giving it to local officials. The harbor master has been the one that determines where the moorings would be. I think it is rather strange to come to the legislature when they have been working on this problem for four years and we could have had study and we could have taken care of this and not gone along with a quick fix.

I am not going to debate this but I hope you go along with the good Representative, Mr. Smith.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: About ten years ago, I was fortunate enough to obtain a small little vessel that I kept in Portland Harbor. At that time, there was only about 120 vessels on the South Portland side. It was in a little yacht club called Center Board Yacht Club. Unfortunately, as gas prices got higher and higher, I decided I could no longer be in the boat business and I sold my boat about eight or nine years ago.

Last summer, I had the opportunity to get on the water in Portland Harbor. Representative Ingraham has been in the Portland Harbor, a number of you people were there this summer when we had the Eastern Coast Conference. I couldn't believe the number of boats that were out there. There were boats, not only from my constituents, but a number of constituents throughout the whole greater Portland area. For the first time, Portland Harbor needed to put (through the help of both Portland and South Portland) a harbor master in place because of the booming business of boats.

Representative Salsbury is right, if this particular ordinance or this particular legislation does not go into effect, I don't know what is going to happen in Portland Harbor because I know the Coast Guard has enough trouble trying to rescue fishermen who are caught out to sea with problems of their own.

By the way, Inland Fisheries does not have any jurisdiction in Portland Harbor or any salt water. I think what we are talking is mainly salt water.

Less and less monies are available to police the problems that are in the harbor. I think that we need to have something on the books that deals with the harbors of the State of Maine.

If this particular legislation doesn't go into effect, I will have some real difficult times going out of Portland Harbor because there will be moorings everywhere. They will be mooring boats on the Portland side, on the South Portland side, down in Peaks Island and people will be able to put them anywhere and everywhere. This is an issue that is real important to the people on the coast. If there is one thing that is most important, it is the safety issue. It is the safety issue that needs to be addressed and this is the perfect way of doing it.

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

Representative WENTWORTH: Mr. Speaker, Members of the House: Once more, I ask you not to go with the vote against this bill because, even if it happened, we have no time to make new ordinances. Yes, we would be allowed to but there isn't time. The season is opening now for allocations of mooring and other matters dealing with the harbor and there is no time to correct ordinances at this stage.

The SPEAKER PRO TEM: 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 PRO TEM: The pending question before the House is the motion of Representative Smith of Island Falls, that L.D. 2313 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

10 having voted in the affirmative and 98 in the negative with 43 being absent, the motion did not prevail.

(See Roll Call No. 305)

The SPEAKER PRO TEM: The pending question before the House is 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. 106 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Protect the Public Health in Relation to Acquired Immune Deficiency Syndrome (S.P. 943) (L.D. 2367) (H. "C" H-695)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1986-87 (H.P. 1691) (L.D. 2382)

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. 103 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Concerning Transitional Services for Handicapped Persons Beyond School Age (H.P. 1592) (L.D. 2245) (C. "A" H-694)

An Act Relating to the Transfer of Authority from the District Courts to the Secretary of State to Adjudicate the Commission of Traffic Infractions (H.P. 1689) (L.D. 2379)

An Act Relating to the Labeling of Milk (H.P. 1616) (L.D. 2287) (C. "A" H-682)

An Act to Permit Assessment of a Reimbursement Fee against Prisoners in County Jails to Help Defray the Costs of Incarceration and to Permit the State and Counties to Recover Prisoners' Medical Costs (H.P. 1687) (L.D. 2377)

An Act Concerning Post-conviction Bail (H.P. 1688) (L.D. 2378)

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.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Ought to Pass in New Draft/New Title

LATER TODAY ASSIGNED

Report of the Committee on State Government on Bill "An Act to Provide More Cost Effective Data Processing in the Executive Branch" (S.P. 832) (L.D. 2106) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Reorganize the Department of Finance and Administration and the Department of Personnel" (Emergency) (S.P. 954) (L.D. 2392).

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

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

On motion of Representative Diamond of Bangor the House reconsidered its action whereby L.D. 2392 was passed to be engrossed.

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

The following items appearing on Supplement No. 30 were taken up out of order by unanimous consent:

ENACTOR

Bond Issue

LATER TODAY ASSIGNED

An Act to Authorize the Issuance of a Bond not Exceeding \$5,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund (S.P. 695) (L.D. 1781) (C. "A" S-481)

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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Fund and Implement Certain Judicial Department Collective Bargaining Agreements and to Fund and Implement Salary Increases and Benefits for Judicial Department Employees Excluded from Collective Bargaining (S.P. 951) (L.D. 2386)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution (S.P. 813) (L.D. 2045) (H. "A" H-684; C. "A" S-443)

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. 101 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.

ENACTOR

TABLED AND ASSIGNED

An Act Relating to Commercial Vehicles (S.P. 914) (L.D. 2282) (C. "A" S-484)

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

On motion of Representative Theriault of Fort Kent, tabled pending passage to be enacted and

specially assigned for Monday, April 14, 1986.

PASSED TO BE ENACTED

An Act to Reorganize the Delivery of Vocational Education in Northern Aroostook County (H.P. 1692) (L.D. 2383)

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

FINALLY PASSED

RESOLVE, to Compensate John P. Taylor of Augusta as Personal Representative of the Estate of Sharon Taylor, also of Augusta (S.P. 949) (L.D. 2376)

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

The Chair laid before the House the following matter: An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation (S.P. 757) (L.D. 1921) (C. "A" S-472) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby L.D. 1921 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" was adopted.

The same Representative offered House Amendment "A" (H-705) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-705) to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" 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: An Act Relating to the Social Worker Registration Law (H.P. 1683) (L.D. 2370) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Brannigan of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 2370 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-712) and moved its adoption.

House Amendment "A" (H-712) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter: An Act to Amend the ATV Laws" (Emergency) (H.P. 1583) (L.D. 2229) (C. "A" H-662) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 2229 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-696) and moved its adoption.

House Amendment "A" (H-696) was read by the Clerk and adopted.

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

The same Representative offered House Amendment "A" (H-715) to Committee Amendment "A" and moved its adoption.

House Amendment "A" (H-715) to Committee Amendment "A" was read and adopted.

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

The bill was passed to be engrossed as amended by House Amendment "A" and 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: An Act to Correct Eligibility Requirements for Licensure as a Master Electrician (H.P. 1673) (L.D. 2358) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Brannigan of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 2358 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-716) and moved its adoption.

House Amendment "A" (H-716) was read by the Clerk and adopted.

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

(Off Record Remarks)

#### BILL HELD

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

Representative CARTER: Is the House in possession of Bill "An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation (S.P. 757) (L.D. 1921) which was passed to be engrossed as amended by

Committee Amendment "A" as amended by House Amendment "A" in non-concurrence.

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

On motion of Representative Carter of Winslow, the House reconsidered its action whereby L.D. 1921 was passed to be engrossed.

Representative Nelson of Portland offered House Amendment "A" (H-717) and moved its adoption.

House Amendment "A" (H-717) was read by the Clerk and adopted.

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

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

#### ORDERS

On motion of Representative CARTER of Winslow, the following Joint Order: (H.P. 1699)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs be authorized to carry over "AN ACT to Fund and Implement a Certain Collective Bargaining Agreement," H.P. 1684, L.D. 2373, to the Second Special Session of the 112th Legislature.

Was read and passed and sent up for concurrence.

The Chair laid before the House the following matter: Report of the Committee on State Government on Bill "An Act to Provide More Cost Effective Data Processing in the Executive Branch" (S.P. 832) (L.D. 2'06) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Reorganize the Department of Finance and Administration and the Department of Personnel" (Emergency) (S.P. 954) (L.D. 2392) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Boutilier of Lewiston offered House Amendment "A" (H-771) and moved for its adoption.

House Amendment "A" (H-771) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence 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 Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (H.P. 1670) (L.D. 2355) (H. "A"



H-675) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Rolde of York, under suspension of the rules, the House reconsidered its action whereby L.D. 2355 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-718) and moved its adoption.

House Amendment "B" (H-718) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

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The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

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ORDERS OF THE DAY

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1697)

Bill "An Act to Create a Paralytic Shellfish Poison Monitoring Program" (H.P. 1307) (L.D. 1823)

On motion of Representative Carter of Winslow, under suspension of the rules, the Bill was substituted for the Report.

On further motion of the same Representative, tabled pending first reading and specially assigned for Monday, April 14, 1986.

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The Chair laid before the House the following matter: An Act Concerning Property Tax Assessment and Appeals (H.P. 1678) (L.D. 2364) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby L.D. 2364 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-720) and moved for its adoption.

House Amendment "A" (H-720) was read by the Clerk and adopted.

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

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

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The following items appearing on Supplement No. 31 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Ought to Pass in New Draft

Report of the Committee on Business and Commerce on Bill "An Act to Strengthen Professional Regulation" (S.P. 842) (L.D. 2134) reporting "Ought to Pass" in New Draft (S.P. 956) (L.D. 2396)

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

Report was read and accepted and the New Draft read once.

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

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Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act to Implement an Inflation Factor in the School Construction Law" (S.P. 929) (L.D. 2322) reporting "Ought to Pass" in New Draft (S.P. 955) (L.D. 2395)

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

Report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft read was twice and passed to be engrossed in concurrence.

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The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act Relating to the Passamaquoddy Indian Reservation" (H.P. 1210) (L.D. 1717) which was passed to be engrossed in the House on April 3, 1986.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-500) in non-concurrence.

The House voted to recede and concur.

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

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(Off Record Remarks)

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On motion of Representative Perry of Mexico,  
Adjourned until Monday, April 14, 1986 at nine o'clock in the morning.