

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

39th Legislative Day

Tuesday, March 31, 1987

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

Prayer by Sister Jeanne Kelleher, St. Joseph's Convent, Portland.

National Anthem by the Narraguagus High School Band, Harrington.

The Journal of Friday, March 27, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Amend the Maine Lemon Law" (S.P. 326) (L.D. 954)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Contain the Cost of, and to Assure the Availability and Quality of, Hospital Care to the People of this State" (S.P. 330) (L.D. 958)

RESOLVE, Creating the Commission to Study the Use of Involuntary Services for Substance Abusers (Emergency) (S.P. 324) (L.D. 952)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act Authorizing Restitution in Civil Penalty Actions" (S.P. 323) (L.D. 951)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Provide Increased Penalties for Door-to-door Fraud" (S.P. 325) (L.D. 953)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

On motion of Representative Paradis of Augusta, was referred to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

Bill "An Act to Amend the Reporting Requirements at the Workers' Compensation Commission" (S.P. 322) (L.D. 950)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Clarify Election Procedures and the Effects of Interconnected Water Lines in Water Fluoridation Referenda" (S.P. 329) (L.D. 957)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Create the Bureau of Employee Assistance within the Department of Administration to Promote and Expand on Employee Assistance Programs in Maine" (S.P. 327) (L.D. 955)

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

Was referred to the Committee on State and Local Government in concurrence.

Bill "An Act to Change the Exit Sign for Sugarloaf on the Maine Turnpike" (S.P. 332) (L.D. 978)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

Bill "An Act to Amend the Charter of the Bath Water District" (S.P. 328) (L.D. 956)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Was referred to the Committee on Utilities in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Continue Geological Research and to Monitor Federal Research Regarding High-level Radioactive Waste Disposal" (Emergency) (S.P. 41) (L.D. 29)

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

Unanimous Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on RESOLVE, to Permit Lucille A. Clavette, Personal Representative of the Estate of Richard J. Clavette, to Sue the State for Wrongful Death (S.P. 156) (L.D. 453)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on RESOLVE, Authorizing Use of Certain Proceeds to Rehabilitate the Public Boat Launching Site on Moosehead Lake at Greenville Junction (S.P. 92) (L.D. 240)

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

Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An Act to Remove the Age Limitation for Apprenticeship Programs in the Maine Human Rights Act" (S.P. 56) (L.D. 123) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Age Limitations Used in Apprenticeship Programs to be Reasonably Related to Legitimate Job Criteria" (S.P. 319) (L.D. 945).

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

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, April 1, 1987.

Ought to Pass in New Draft/New Title

Report of the Committee on Legal Affairs on Bill "An Act to Allow Financial Solicitation by State

Troopers" (S.P. 159) (L.D. 463) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Funds for the Maine State Police Publication and Continuing Education" (S.P. 320) (L.D. 949).

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

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, April 1, 1987.

Non-Concurrent Matter

Bill "An Act to Repeal the Authority of County Commissioners to Order the Repair of Ways Maintained by a Municipality" (H.P. 68) (L.D. 71) on which the Majority "Ought to Pass" as Amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-32) in the House on March 25, 1987.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

Representative Carroll of Gray moved that the House insist.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Athens, Representative Rotondi, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 60 in the negative, the motion did not prevail.

Subsequently, on motion of Representative Carroll of Gray, the House voted to insist.

COMMUNICATIONS

The following Communication:

MAINE STATE RETIREMENT SYSTEM
STATE HOUSE STATION 46
AUGUSTA, MAINE 04333

November 1, 1986
Honorable Joseph E. Brennan
Governor of Maine
State of Maine, Augusta
Members, 113th Legislature

Dear Governor Brennan and Members of the Legislature:
Enclosed herewith is a copy of the 1986 Annual Report of the Maine State Retirement System as required by law (5 MRSA, Section 1031, subsection 9) and addressed to its members.

Sincerely,
S/Richard J. McDonough
Chairman
Board of Trustees,
Maine State Retirement
System

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Aging, Retirement and Veterans

Bill "An Act Relating to the Cost-of-living Formula for Retirees under the Maine State Retirement System" (H.P. 749) (L.D. 1012) (Presented by Representative HICKEY of Augusta) (Cosponsors: Senators CLARK of Cumberland, RANDALL of Washington and Representative DAVIS of Monmouth)

Bill "An Act to Clarify and Amend the Maine State Retirement Law" (H.P. 750) (L.D. 1013) (Presented by Representative HICKEY of Augusta) (Cosponsors: Senators CLARK of Cumberland, RANDALL of Washington and Representative DAVIS of Monmouth)

Bill "An Act to Provide for the Printing of a Veterans' Directory" (H.P. 751) (L.D. 1014) (Presented by Representative McSWEENEY of Old Orchard Beach) (Cosponsor: Representative RACINE of Biddeford) Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Increase the Appropriation to Municipal School Districts for the Purchase of School Buses" (H.P. 738) (L.D. 1001) (Presented by Representative LORD of Waterboro) (Cosponsors: Representative LAWRENCE of Parsonsfield and Senator ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Appropriate Funds to Index Decisions of the Maine Labor Relations Board" (H.P. 740) (L.D. 1003) (Presented by Representative PARADIS of Frenchville) (Cosponsors: Senator DUTREMBLE of York, Representatives HANDY of Lewiston and WILLEY of Hampden)

Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife from the General Fund for Complimentary Licenses Authorized by the Legislature" (H.P. 742) (L.D. 1005) (Presented by Representative SMITH of Island Falls) (Cosponsors: Senator DOW of Kennebec, Representatives CLARK of Millinocket and ROTONDI of Athens) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Expand the State Employee Assistance Program" (H.P. 752) (L.D. 1015) (Presented by Representative BOUTILIER of Lewiston) (Cosponsors: Senators MATTHEWS of Kennebec, WEBSTER of Franklin, and Representative BICKFORD of Jay)

Bill "An Act to Develop a Pilot Community Reintegration Program for Youth Returning to their Homes from the Maine Youth Center" (H.P. 756) (L.D. 1019) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Senator BUSTIN of Kennebec, Representatives FOSS of Yarmouth and CONNOLLY of Portland)

Bill "An Act to Revitalize the Nongame Endangered Species and Wildlife Program" (Emergency) (H.P. 758) (L.D. 1021) (Presented by Representative ROLDE of York) (Cosponsors: Representatives JACQUES of Waterville, MCGOWAN of Canaan and FOSTER of Ellsworth)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife" (H.P. 764) (L.D. 1027) (Presented by Representative MCGOWAN of Canaan) (Cosponsors: Representative STANLEY of Cumberland, Senator PEARSON of Penobscot and President PRAY of Penobscot)

RESOLVE, Relating to Workplace Substance Abuse Education (H.P. 757) (L.D. 1020) (Presented by Representative O'GARA of Westbrook) (Cosponsors: Senators BUSTIN of Kennebec and USHER of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Require Public Rest Rooms in Certain Businesses" (H.P. 753) (L.D. 1016) (Presented by Representative MITCHELL of Freeport)

Bill "An Act to Amend the Maine Optometric Code" (H.P. 765) (L.D. 1028) (Presented by Representative ROLDE of York) (Cosponsors: Senator BERUBE of Androscoggin, Representatives MCGOWAN of Canaan and CURRAN of Westbrook)

Ordered Printed.
Sent up for Concurrence.

Economic Development

Bill "An Act to Enhance Economic Development through Promotion of Film-making in Maine" (H.P. 761) (L.D. 1024) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives MCGOWAN of Canaan, MILLS of Bethel and Senator CLARK of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Revise the Laws Relative to Reapportionment of School Administrative Districts" (H.P. 741) (L.D. 1004) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives MAYO of Thomaston, NORTON of Winthrop, and Senator ESTES of York)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency) (H.P. 743) (L.D. 1006) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Senator WEBSTER of Franklin and Representative JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Reference of Bills had suggested the Committee on Energy and Natural Resources.)

On motion of Representative Michaud of East Millinocket, was referred to the Committee on Taxation, ordered printed, and sent up for concurrence.

Energy and Natural Resources

RESOLVE, to Direct a Comprehensive Examination of the Health Threat of Radon and its Derivatives upon Maine Citizens (H.P. 760) (L.D. 1023) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representatives HANLEY of Paris, BROWN of Gorham and Senator BROWN of Knox)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Provide for Staggered Registration of Snowmobiles and All Terrain Vehicles" (H.P. 755) (L.D. 1018) (Presented by Representative INGRAHAM of Houlton)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act Concerning Municipal Water Supplies" (H.P. 737) (L.D. 1000) (Presented by Representative MCGOWAN of Canaan) (Cosponsors: Representatives HOGlund of Portland and JACQUES of Waterville)

Bill "An Act to Require that Persons Operating a Licensed Nursery School or Preschool Meet Certain Qualification Requirements" (H.P. 748) (L.D. 1011) (Presented by Representative STROUT of Corinth) (By Request)

Bill "An Act to Require the Health Care Finance Commission to Use Generally Accepted Accounting Principles" (H.P. 769) (L.D. 1032) (Presented by Representative ROLDE of York)

Bill "An Act to Require the Maine Health Care Finance Commission to Pay the Full Cost of Bad Debts" (H.P. 770) (L.D. 1033) (Presented by Representative ROLDE of York)

Ordered Printed.
Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Provide Due Process in Unemployment Insurance Appeals" (H.P. 766) (L.D. 1029) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator DUTREMBLE of York and Representative MCHENRY of Madawaska) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Reference of Bills had suggested the Committee on Judiciary.)

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

Legal Affairs

Bill "An Act to Prevent the Use of Undercover Police Agents and to Regulate the Use of Undercover Police Agents in Labor Relations Matters" (H.P. 754) (L.D. 1017) (Presented by Representative REEVES of Pittston) (Cosponsor: Senator USHER of Cumberland)

Bill "An Act to Require the Reporting of the Value of Political Advertising when Fairness Leads to the Giving of Equal Time" (H.P. 763) (L.D. 1026) (Presented by Representative HANDY of Lewiston) (Cosponsors: Senator KANY of Kennebec, Representatives PERRY of Mexico and MURPHY of Berwick)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning the Fees Retained by Municipalities for Processing Certain Licenses" (H.P. 745) (L.D. 1008) (Presented by Representative INGRAHAM of Houlton)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Expand the Sales Tax Refund for Agricultural and Other Equipment" (H.P. 744) (L.D. 1007) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Senators THERIAULT of Aroostook, WEBSTER of Franklin and Representative SMITH of Island Falls)

Bill "An Act Concerning the Taxation of State Lottery Prizes" (H.P. 746) (L.D. 1009) (Presented by Representative BRAGG of Sidney) (Cosponsors: Representatives LORD of Waterboro, SMITH of Island Falls and Senator DILLENBACK of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act Concerning the Motor Vehicle Registration Requirements for Equipment Dealers" (H.P. 747) (L.D. 1010) (Presented by Representative STROUT of Corinth) (Cosponsor: Senator THERIAULT of Aroostook)

Bill "An Act to Provide Handicapped Plates for Motorcycles" (H.P. 759) (L.D. 1022) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representatives McGOWAN of Canaan, HEPBURN of Skowhegan and Senator ANDREWS of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Change the Manner in which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 767) (L.D. 1030) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives JOSEPH of Waterville, RYDELL of Brunswick and THISTLE of Dover-Foxcroft)

(The Committee on Reference of Bills had suggested the Committee on Transportation.)

On motion of Representative Moholland of Princeton, was referred to the Committee on Banking and Insurance, ordered printed, and sent up for concurrence.

Utilities

Bill "An Act to Ensure that Salaries, Perquisites and Other Compensation of Executives of Regulated Utility Companies are Just and Reasonable and do not Unfairly Increase Utility Rates" (H.P. 739) (L.D. 1002) (Presented by Representative HOLT of Bath) (Cosponsors: Representatives ALLEN of Washington and REEVES of Pittston)

Bill "An Act to Encourage Customer Participation in Rule-making Proceedings of the Public Utilities Commission" (H.P. 762) (L.D. 1025) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Representatives REEVES of Pittston, HOLT of Bath and Senator ANDREWS of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Reported Pursuant to the Resolves

LATER TODAY ASSIGNED

Representative CROWLEY from the Joint Select Committee on Economic Development, pursuant to Resolves 1985, Chapters 45 and 53 ask leave to submit its findings and report that the accompanying RESOLVE, Establishing a Commission to Study the Linkages between Education and Economic Development (H.P. 735) (L.D. 986) be referred to the Joint Standing Committee on Economic Development for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

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

Reported Pursuant to the Resolves

LATER TODAY ASSIGNED

Representative CROWLEY from the Joint Select Committee on Economic Development, pursuant to Resolves 1985, Chapters 45 and 53 ask leave to submit its findings and report that the accompanying RESOLVE, Requiring the Commissioner of Educational

and Cultural Services to Develop a Plan to Improve the State's Adult Education Program to More Adequately Address the Problems of Illiteracy and High School Completion (Emergency) (H.P. 736) (L.D. 987) be referred to the Joint Standing Committee on Economic Development for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

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

ORDERS

On motion of Representative CARROLL of Gray, the following Joint Order: (H.P. 734)

Ordered, the Senate concurring that the Joint Standing Committee on State and Local Government shall conduct a study including, but not limited to, the following:

1. The nature and extent of air quality problems in state buildings;
2. Current practices in building construction and leasing which inhibit air quality in state buildings;
3. Current lease provisions for state buildings which relate to air quality;
4. The ability of the current health and safety laws and enforcement agencies to effectively deal with the problem;
5. Solutions and remedial measures which can be implemented to resolve the problem, including, but not limited to, the following:
 - A. Revising construction standards for state buildings;
 - B. Imposing specific lease provisions on lessors of state buildings which require compliance with minimum air quality and ventilation standards;
 - C. Enacting into state law standards for air quality and air ventilation consistent with those suggested by the American Society of Heating, Refrigeration and Air Conditioning Engineers; and
 - D. Improving the ability of current health and safety enforcement agencies and mechanisms to effectively deal with the problem; and be it further

Ordered, That the committee shall seek the cooperation of all agencies and departments of State Government including the acquisition of information and materials that it needs to effectively conduct its study; and be it further

Ordered, That members of the commission shall be compensated according to procedures established for per diem compensation for Legislators; and be it further

Ordered, That the commission shall report its findings, together with any necessary implementing legislation, to the Second Regular Session of the 113th Legislature.

Was read and passed and sent up for concurrence.

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

ORDERED, that Representative Malachi Anderson of Woodland be excused April 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harlan R. Baker of Portland be excused March 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patrick Paradis of Augusta be excused March 23, 24, 25, 26 and 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Neil Rolde of York be excused March 27 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Dale F. Thistle of Dover-Foxcroft be excused March 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gerald A. Hillock of Gorham be excused March 9, 10, 11, 12, 13, 19, and 20 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARROLL from the Committee on State and Local Government on Bill "An Act to Place in the Unclassified Service the Utility Technical Analyst, Utility Programmer Analyst and Utility Accountant II Positions at the Public Utilities Commission" (H.P. 25) (L.D. 22) reporting "Leave to Withdraw"

Representative McHENRY from the Committee on Labor on Bill "An Act Relating to Suitable Work Transfers Under the Workers' Compensation Act" (H.P. 351) (L.D. 454) reporting "Leave to Withdraw"

Representative MARTIN from the Committee on Legal Affairs on Bill "An Act to Require Candidates to Identify Party Affiliation on all Advertisements" (H.P. 482) (L.D. 649) reporting "Leave to Withdraw"

Representative HANDY from the Committee on Education on Bill "An Act to Permit Certain Young People to Obtain a High School Equivalency Certificate at a Younger Age" (H.P. 380) (L.D. 501) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative STROUT from the Committee on Transportation on Bill "An Act Requiring Proper Placement of Motor Vehicle Dealer Plates" (H.P. 155) (L.D. 196) reporting "Ought to Pass" in New Draft (H.P. 771) (L.D. 1034)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, April 1, 1987.

Ought to Pass in New Draft

Representative VOSE from the Committee on Utilities on Bill "An Act Relating to Rate-setting Procedures by Municipally-owned Utilities" (H.P. 95) (L.D. 104) reporting "Ought to Pass" in New Draft (H.P. 772) (L.D. 1035)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, April 1, 1987.

Ought to Pass in New Draft/New Title

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Provide for the Creation of Liens and Sales on Small Gasoline Motors" (H.P. 56) (L.D. 59) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for the Creation of Liens and Sales on Small Motors" (H.P. 768) (L.D. 1031)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, April 1, 1987.

CONSENT CALENDAR

First Day

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

(H.P. 214) (L.D. 266) Bill "An Act to Amend the State Antitrust Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-44)

(H.P. 231) (L.D. 299) Bill "An Act Concerning Good Time and Meritorious Good Time Relative to Parole Eligibility" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-48)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 1, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 261) (L.D. 344) Bill "An Act in Support of Statewide Music Lending Services"

(H.P. 135) (L.D. 176) Bill "An Act to Amend the Law Concerning Handicapped Motor Vehicle Registrations" (C. "A" H-42)

(S.P. 145) (L.D. 399) Bill "An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance Commission"

(S.P. 57) (L.D. 124) Bill "An Act to Dissolve the Madawaska Hospital District"

(H.P. 347) (L.D. 446) Bill "An Act to Amend the Divorce Laws Regarding Custody to the Department of Human Services"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Provide a Base-year Budget Correction Adjustment for Hospital Financial Requirements" (Emergency) (S.P. 311) (L.D. 913)

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

As Amended

Bill "An Act Relating to Passing Stopped School Buses" (S.P. 50) (L.D. 99) (C. "A" S-13)

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

SECOND READER

TABLED AND ASSIGNED

Bill "An Act to Increase the Fees for Examination and Licensure for Chiropractors" (S.P. 96) (L.D. 243) (C. "A" S-8)

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

On motion of Representative Allen of Washington, tabled pending passage to be engrossed and specially assigned for Wednesday, April 1, 1987.

PASSED TO BE ENACTED
Emergency Measure

An Act to Validate Certain Proceedings of the Town of Trenton (S.P. 306) (L.D. 885)

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. 124 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.

PASSED TO BE ENACTED

An Act to Recodify the Liquor Laws (H.P. 129) (L.D. 155) (C. "A" H-23 and H. "A" H-35)

An Act Regarding Motor Vehicle Accident Reports (H.P. 49) (L.D. 52) (C. "A" H-36)

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.

ORDERS OF THE DAY
UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment on Friday, March 27th 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 first item of unfinished business:

Bill "An Act Relating to Storage and Transportation of High-level Radioactive Waste" (H.P. 718) (L.D. 969) (Committee on Energy and Natural Resources suggested)

TABLED - March 27, 1987 (Till Later Today) by Representative MICHAUD of East Millinocket.

PENDING - Reference.

On motion of Representative Jacques of Waterville, was referred to the Committee on Transportation, ordered printed, and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

An Act to Limit the Party Size to 12 Persons for all Groups Operating with a Guide on Inland Waters (Emergency) (H.P. 599) (L.D. 812) (S. "A" S-7)

TABLED - March 25, 1987 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" - Committee on Legal Affairs on Bill "An Act to Eliminate Voter Registration on Election Day" (H.P. 191) (L.D. 235)

TABLED - March 27, 1987 by Representative DIAMOND of Bangor.

PENDING - Acceptance of Either Report.

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

Representative PRIEST: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

This bill, as you know, would eliminate Election Day registration. It was carefully considered by the Committee on Legal Affairs and the majority of the committee said that this bill ought not to pass.

As you know, Election Day registration has been in effect for some time and the majority of the committee felt that it had worked well. Maine has among the highest voter participation in elections in the country and this is, obviously, desirable because it furthers participation in the democratic process. Election day registration has another benefit and that is, if there is a problem with a voter list -- if someone's name has been inadvertently dropped from the list, that person can re-register and vote on Election Day. If you eliminate Election Day registration, as this bill proposes to do, you would have some difficulty getting those people whose names had been inadvertently dropped, in allowing them to vote.

The problems with Election Day registration, which were brought to us, have not materialized. There has been no widespread fraud, there has been no proof in case of multiple voting; in fact, there hasn't been a single prosecution under Election Day registration brought to our attention.

The law on the books has worked well. The majority of the committee felt that we ought to retain it and I would urge you to support the committee and accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the motion before us. Having served on the Board of Voter Registrars for the town of Lincoln, I know from experience, how difficult it is to decide whether or not to challenge a person's right to register and vote on Election Day, especially when that line is very long and people are very impatient waiting for their turn to register.

It is also my observation that people do not take advantage of the opportunity to register at other times but that they will wait until Election Day, which makes for long lines and pressures on the Board of Registrars. We have registered as many as 160 people in my town plus all the changes of address, names changes and so forth that are necessary to keep the Board of Registrars records in proper order. The Board of Registrars find it difficult to perform its important work under the strains and pressures imposed on them by having people being able to register on Election Day.

I am not suggesting but what people might be able to make corrections on addresses as such on Election Day but they should not be able to register.

I urge you to vote against the motion which is before us.

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

Representative MAYO: Mr. Speaker, I would like to pose a question through the Chair to people who support this legislation. I wonder if they could tell me what would happen in an instance that occurred in my town yesterday where I moderated a town meeting. An individual came in to vote, who had been a lifelong resident of the town and had been registered to vote there for some years but, due to some foul-up, his registration card was lost and he was not listed on the town voter list -- what I did

was simply register him and he went on to vote. Is there any provision in the act to allow for that?

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

The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Men and Women of the House: In the bill that is before us that would say that the Board of Registrars would not be there to take care of such emergency things which might come up, as I recall, we had three cards on file on each and every registered person and that information would be available at the place of voting.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: If I understood the answer to my question it appears that that individual could not have re-registered -- there were no cards in the file, they were all gone. Somehow they were mislaid. That individual, obviously, should have been able to vote in the town of Thomaston since he had lived there for some time and had voted there previously. I think it would be unfair to disenfranchise someone simply because a mistake was made.

I have participated in elections for some time and have found that many people do come in on Election Day and register. We had five such individuals out of 500 who voted in Thomaston yesterday and it didn't appear to be a problem at all. In fact, I went out as moderator and registered a gentleman who was confined to his bed so he could vote on Election Day and I was very happy to do that. I would hate to see us disenfranchise anybody, especially in this day and age when we are trying to get more people to participate in the process.

I think I can sum up by saying, in following up with what Representative Priest has said, that if it is not broke, don't fix it.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I think from personal experience, I do have an answer to the question of the gentleman from Thomaston. One of the main reasons that I support keeping the registration on Election Day was an experience that I had before that law was put into effect.

In the course of my campaigning, I came to one house and there was a young man in that house who had just turned of the age to be able to vote and I asked him if he was going to register to vote and he said that he wasn't interested. I had a long talk with him. Maybe I talked with him close to an hour and I think I finally convinced him that he should register to vote. I took his card (I am a Notary Public) and took it down to the town hall. On Election Day, he showed up and that card was lost. I was told, "Sorry, there is absolutely nothing that can be done about it." I always thought that young man went away probably never registering to vote again. He was very angry. He may very well have registered in this last election because his sister was the one who ran against me.

That experience left a real scar on me and that is why I certainly cannot support this bill to do away with registering on Election Day.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against

the motion before us so we might accept the Minority "Ought to Pass" Report.

Maine is the only state which has Election Day registration with no minimum residency requirements or closing date for registration. Forty-five states either has a minimum state residency requirement or closing date for registration. One state has a closing date of the third Saturday of October; four states have registration on Election Day, Minnesota, Oregon, Wisconsin and Maine. Minnesota and Oregon each have 20 days of residency requirements. Wisconsin has a 10 day residency requirement. Maine is the only state with Election Day registration and no minimum residency requirement.

What this means is that in Minnesota and Oregon, a person may register to vote on Election Day but is required to prove that he or she has been a resident for 20 days. In Wisconsin, a person may register to vote on Election Day but is required to prove that he or she has been a resident for 10 days. Here in Maine we may register to vote on Election Day with no residency requirement at all. In other words, I may move into a community on one day and vote the next day just by showing proof that I have rented an apartment.

This is not a new bill. This is the second time this L.D. has been before the legislature and the third time an L.D. has been introduced. In the 111th Legislature, it was killed in committee; in the 112th, it came out of committee, a divided report.

Ladies and gentlemen, I think it is time we take a good hard look at the law and realize there are some problems out there. For example, last May when we were voting a hard fight in the town of Berwick to put zoning in and the big developers spent a lot of money to beat it, on the day of election, we registered over 200 people to vote. They all came out of some of the apartment houses that these developers owned. The next week no one could find any of these people anywhere in town. One gentleman came in and voted and it was just a coincidence that he had just bought a large tract of land in Berwick but owned a big farm in North Berwick. When he was questioned, he said, "His wife kicked him out and he had moved to Berwick." It is hard to prove. Next Monday, he was back living with his wife in North Berwick, I am sure that they are very happy.

I urge you to vote against the "Ought Not to Pass" Report so we can be sure there is no chance of fraud in elections. Can 49 states, the District of Columbia, Puerto Rico and the Virgin Islands all be wrong?

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill so, of course, I am supporting it.

I brought this bill in at the request of my Board of Registration in Presque Isle. The Board of Registration there consists of three people and it is a bipartisan board. The chairman is a Democrat, one member is a Republican and the other member is a Democrat. They really do have problems with voter registration on Election Day. They usually register several hundred people and it is a real problem.

We have a VTI and a university in our city and we are most happy to have them there and wholeheartedly welcome them but it does mean that we do have a lot of people who do come to register. We do try to avoid that by having a Republican and a Democrat go into both the VTI and the college, sometimes the plants and sometimes into the high school to take care of registrations. However, it does seem that

people wait until Election Day. You can register at city hall at any time too. There again we do run into problems on Election Day with very long lines waiting to register, no way to check on the registrations and prior registrations of the people, so it does create a problem.

They feel and I feel that a change should take place, that people should be able to register, (they are going to register just once while they are in that area) and they should be able to register before Election Day and make the process go much more smoothly.

I hope you will not support the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am supporting the Minority Report. I hope you will vote against the "Ought Not to Pass" Report.

I would just like to add another aspect that hasn't been touched. I could reaffirm some of the things that Representatives Harper, MacBride and Murphy has said but I would like to add another point.

Registering before Election Day has the potential of giving us better informed voters. We are talking mostly about 18 year olds and new people who have recently moved to the community. I would certainly hope that if we were successful in passing this early registration that we could strongly urge the registrar of voters to show these new voters in this area a specimen ballot or ballots, including state and municipal issues. I have recently become aware of a community in New Jersey where each registered voter receives, through the mail, a specimen ballot at his or her home before each general election. They do not register on Election Day. I think the point is we have the potential here to have better informed folks before they go to the polls on Election Day. I do believe that we, the legislative body, should be supporting any measure that will help our citizens be more responsible and more informed before they go to vote.

I am voting no on this "Ought Not to Pass" Report because I would hope the Minority Report would pass.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I was cosponsor of another version of this bill that was given "Leave to Withdraw" because of duplication. So, I feel sort of like a stepfather to this.

I wish to speak in favor of it and urge others to do the same.

I am supporting this and urging you to vote against the motion to defeat it because I think the present law is a poor one. I am well aware that this has come before other legislatures and been defeated. I can only say to you that I am puzzled about that as most of the other thoughtful members of the population must be. I can only trust that the usual reasonableness of this House will prevail today.

I have asked two questions of my own city clerk back home in Westbrook and the deputy city clerk. Number one, what would you do if a person does not appear on the list on Election Day and claims that he or she was registered? Number two, what about a person who turns 18 on Election Day? They answered those questions to my satisfaction. I don't think that we will have problems with that.

You have heard arguments in committee and other places against this bill such as, the present law encourages new voters to register; therefore, it must be good. I don't believe that and I don't believe

that you should believe that. It is community attitude that encourages new voters. The present condition (and listen to this and think it over) only favors the dilatory ones if, indeed, there are large numbers of new voters enlisted except for one-time highly charged issues. You have heard that there are a few documented cases of abuses so there must not be any abuses. Don't buy that either. That is the ostrich syndrome. Of course it is open to abuse; of course the opportunity for fraud exists -- are we children, not to believe that? Are we naive enough not to believe that?

As you have heard, elections should be designed to accomodate the voters and I agree with that. Of course they should be but that is just too simplistic for us here in a body like this. It discounts the practical administration that is necessary to any process. To qualify that statement, I have talked to several city and town clerks down my way and with several members of Boards of Registration and listened to the grumbling of poll workers, both Republican and Democrat, and to a person, they agree -- sometimes in the most vehement terms that the laws should be changed.

I have three letters here. One from a long-time and much admired City Clerk, Bill Clark of Westbrook; one from an election warden and one from a former chairman of the Board of Registration -- in each there is a plea to you to change the law, to vote for this bill in an effect to vote against this motion. In fact, one begins like this: "I am once again going to ask that something be done to stop this ridiculous law of allowing people to register on Election Day." In each, the concern for fraud is mentioned; in each the present confusion and stress on the Election Day process and the added burden on the Board of Registration is emphasized. So, after everyone has had his or her say about this today, I have faith that you will conclude that the laws of the State of Maine will be enhanced and the election process will be improved by the passage of the bill and the defeat of the motion.

I would request a roll call vote.

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

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to point out to members of the House that, in 15 minutes, we will be commencing a hearing at the Civic Center and there are three committees in this legislature that would like to get a vote on this bill before we leave. It probably would save a lot of paper work. I am not trying to stifle debate or set the debate back at all but I think it would be a courtesy to members who have to attend the public hearing at the Civic Center to allow them to vote. This scheduling was not done to stifle any debate on any particular issue and I think the members of these committees would appreciate it.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I will be very, very brief. I have listened to the arguments so far this morning on both sides. We have debated this every legislature that I have been a member of -- the arguments are not new but I find it interesting, however, that we are debating this bill during the bicentennial celebration of the Constitution of the United States. The Supreme Court said, a few years ago when it struck down most of the states laws on voter registration, prior to 1970-72, you had to have about six months prior time, (three months in some states) and the Supreme Court struck that down and it said,

"Only reasonable time." You could define reasonable time in your state. I would dare say that this bill, perhaps, is unconstitutional under those grounds because of all of the arguments put forward, no concrete examples have been brought forth as the distinguished Chairman of the Committee has suggested. Not one concrete example from one prosecutor has been brought forward to say that there has been an alleged crime committed or that there has been severe abuse of the system.

When we deny a person a right to vote, ladies and gentlemen of this body, by putting obstacles in his or her path, we are taking away from them the one powerful means they have of rejecting us. The right of our Bill of Rights, every one of those rights, comes with the right to vote. It gives us the say as to what type of people we are, who do we choose to sit in this body or in Washington or the White House or any other elected body -- when we put obstacles in the way, we are making sure that they are going to stay home, they are not going to participate in the process, they are not going to be active citizens, as Thomas Jefferson said and others who helped frame the Constitution. We are putting some severe, severe obstacles and I find it very inconsistent in the spirit of the Bicentennial of the U.S. Constitution to say that we have to have obstacles that city clerks and registrars of voters, constables and others that help in our election process cannot make do with the system the way it is. The system isn't there for them, it is there for the people. Voting day is not there so that we have the city clerks, town clerks and the others -- so they have a few headaches and I apologize for that, but it is not there to serve them, it is there to serve the people. If they need more clerks, let's hire more clerks. If we need more constables, let's hire a few more constables. If we need more computers, let's pay for a few more computers but let's not deny the people the right to vote. Let's not say that they have to be there a week, five days or ten days or whatever -- if they want to go on Election Day and vote for or against us, that is their right, guaranteed by the Constitution. The court is there to protect it and I think this bill is unconstitutional and it certainly is in violation of the spirit of the Bicentennial of this country.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I rise today to urge you to support the Majority "Ought Not to Pass" Report on this legislation. Citizen participation is absolutely essential in a democracy. It is absolutely essential that people participate in the process by voting. It was brought out earlier that 45 states in the country don't have same-day registration for voting. Well, my question would be, how many of those 45 states surpass Maine in terms of the number of people participating on Election Day in terms of turn out?

A second point was brought out that this provision is primarily for 18 to 20 year olds and I agree. That is true and that is another reason why we should allow same-day voter registration on Election Day because it is absolutely essential that we capture those young people and that we urge them to vote and become active members of the democracy. It is in the best interest of the future of this country.

A third point was made that some of the Boards of Registration and Clerks of various towns are opposed to this. I am not going to vote in favor or against legislation because a couple of people might be in favor or against this. I am going to vote for what I

believe is in the best interest of the overwhelming majority of my constituents.

To give you an example, in Orono, I would submit to you that I doubt very much that there is any other member in this chamber that has the same degree of same-day registration voting in their district on Election Day that I do. In 1984, there were at least 900 new registrants in the town of Orono. I submit to you that that wasn't any particular problem. The women who work very hard on the Board of Registration in Orono were able to handle it and, if they weren't able to handle that type of work load, then I am sure that they would resign their positions or they would get someone else to do it but they believe it is very important that people participate on Election Day.

So, I would strongly urge you to support the Majority "Ought Not to Pass" Report.

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

Representative WENTWORTH: Mr. Speaker and Members of the House: I think what we need is enthusiastic voters, not somebody who waits until the last minute to register. As a Registrar and a former Town Clerk, I have had many, many people call up and say, "I have just moved into town and I would like to get involved in town activities, how do I register to vote?" We say, "You can register any day of the week." "Oh, well in my state you only had certain days." But a little of their enthusiasm fell away. Then you said, "Or, you can come and register right there on Election Day." The answer was, "Oh, I might as well wait." Probably some of them didn't even register.

I sent out 4,000 questionnaires to the people of my town, not the registrars, and got 25 percent back and nine to one do not register on Election Day.

I hope you will vote against this motion so we can pass this.

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 Brunswick, Representative Priest, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 12

YEA - Aliberti, Allen, Anthony, Bickford, Bost, Bott, Boutilier, Carroll, Carter, Cashman, Clark, H.; Clark, M.; Coles, Conley, Connolly, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Garland, Gould, R. A.; Gurney, Gwadnosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Warren, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bragg, Brown, Callahan, Chonko, Curran, Dellert, Dexter, Farnum, Farren, Foster, Greenlaw, Hanley, Harper, Hepburn, Hillock, Holloway, Ingraham,

Jackson, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, O'Gara, Paradis, E.; Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Sproul, Stanley, Stevens, A.; Stevenson, Strout, B.; Tupper, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Baker, Davis, Foss, Higgins, Lacroix, Reeves, Vose, Walker, Webster, M..

Yes, 87; No, 55; Absent, 9; Paired, 0; Excused, 0.

87 having voted in the affirmative and 55 in the negative with 9 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

coach Paul Vachon, junior varsity coach Jim Clark, freshman coach Brian Callahan, assistant coach Mark Snedberg, co-captains Duffy Doiron and Debbie Gleason, Robie Hodgson, Joanne Levesque, Brenda Fielding, Angela Cleary, Cat Jabar, Becky Demos, Lisa Morang, Jenny Perry, Donna Gilbert, Marcie Lane, Meaghan Lane and Holly Washburn of the Cony High School Girls' Basketball Team, winners of the 1987 Class A State Championship: (SLS 111)

Was read.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Today we are honoring the Cony High Girls' Basketball Team, which, on March 14th, won the State Class A Championship by defeating an outstanding Portland High team. On that evening, these girls brought great enthusiasm and pride to the Augusta area with their stunning upset of the heavily favored Portland team.

A large majority of Cony's success was coach Paul Vachon and his staff. Paul was a key player himself on Cony's State Championship Team in 1973 and is fondly remembered for his hard work, court intelligence and determination. These are exactly the attributes that Paul successfully passed on to the Cony girls this year, helping them to prevail.

The team which finished the season undefeated is made up of a refreshing group of girls. They are versatile athletes who have also made their mark in field hockey and softball. Importantly, their success has gone beyond athletics in that they are excellent students who are consistently on the Cony honor roll. Even with all these accomplishments, these girls have remained the same friendly, polite kids they have always been.

In this age when people are concerned with what is wrong with sports, we have only to look at what coach Vachon and his girls have done and what is right with sports.

In closing, congratulations to the Cony Girls and their exceptional accomplishments and the best of luck in their future endeavors.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: It certainly is a pleasure to stand before you today and join in recognizing the Cony High School Girls' Basketball Team, the State of Maine Class A Champions. It is particularly a pleasure for me to be able to stand here and do this

because most of those individuals I have known for a number of years. For a few years, I officiated on the basketball court with freshman coach, Brian Callahan. In my younger years, I played both for and against junior varsity coach Jim Clark and, in the early 1970's, I participated in the Cony Basketball program with Paul Vachon. He was also a teammate of mine on the baseball team at Cony.

Probably most importantly, up until last year, I spent eleven seasons running up and down the basketball court officiating. During those eleven seasons, I am sure each and every one of those girls were mad at me, at least once.

Early in the month of March, I had the privilege to make a few trips up to Bangor and watch these girls play in the Eastern Maine and then the State Class A Championship games. As Representative Hickey told you before, in the State Championship game, they faced a very tough Portland team who, earlier in the season, had defeated Cony by, I believe, 36 points. Indeed in that game, late in the third quarter, Cony trailed by 10, but what they showed by coming back in that ball game and winning, was something which is far more important than winning or losing a game, it is something which shows the very best of what high school athletics is supposed to bring out in young people. But what impressed me the most was the manner in which they handled themselves throughout that tournament. It was a tribute to themselves, their families, Cony High School and the city of Augusta.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Of all the speeches that I have made in this chamber, none have I had more of a privilege to do than this very morning, and that is to congratulate the Cony girls for their State Championship win.

I didn't have to put in all the time practicing, I didn't have to go to all the games and sweat it out, I didn't have to do all the work. We watched on TV, we cheered for them.

As I said a few days ago, right after their win, that they showed all of us in politics and in life a real lesson, that if you work hard, if you persevere, and that you are determined that you will win in the final analysis and that you can take these ideals that you have learned and put them to use and continue in life to put them to use, you will be successful. So, my heart goes out and my congratulations to all of you in the gallery (I can see a few of you are here today with us) and I know that all of us here in the chamber offer you our heartfelt congratulations.

Subsequently, was passed in concurrence.

(At Ease)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-41) - Committee on Transportation on Bill "An Act to Provide for an Alternative Motor Vehicle License Plate for Citizens of Maine who wish to have an Undecorated License Plate" (H.P. 44) (L.D. 47)

TABLED - March 27, 1987 by Representative DIAMOND of Bangor.

PENDING - Acceptance of Either Report.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

I could stand up here all day and talk on this bill but I would like to say that last year we voted this bill in, in the 112th Legislature. We have 43 rookies here in the 113th and I am sure that they have checked with their constituents, so I would just like to say that, as far as I am concerned, I have 28 small communities in my district and I have yet to receive a phone call favoring this bill. The only phone calls that I have received is that we should get this over with and take care of some larger matters that perhaps we should be taking care of up here.

With that, I will move that we pass the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I want to say at the outset that when I reported out Committee Amendment "A" that I, at no time, was opposed to the lobster being on the plate. I want to make that very clear.

Since last year, I have had a number of people come to my office and say, "Don, do we have to have a lobster on our plate?" After listening to these people, when I came down here in January and saw the bill that was presented, I felt that if there was some way that we could come out with a version of a lobsterless plate without costing the state money, I would try to do that.

There may be some people here today that will say that it is going to cost you money to have a lobsterless plate. I agree that it will cost you money up-front. That is no different than it was when we came out with a new plate issue. We had to put money up-front.

However, the amendment that we would like to present to you, if the motion "Ought Not to Pass" fails, would say to the people of the state of Maine that July 1, 1987, as you renew your registrations, you would receive a lobster plate.

Between July 1st of 1987 and January 1st of 1988, if you did not want a lobster plate in the future, you would write to the Secretary of State advising him that you would like to have a lobsterless plate. What this in essence would do would give us a six months period to find out whether or not there is five percent, ten percent, twenty or fifty percent of the people that do not want the lobster plate.

At that time, on January 1st, the Department of Motor Vehicle would then say to the people, if you want to reserve the plate that you have now and let us know by May 1st of 1988 and a five dollar charge, the same as we said in the original plate issue, you could reserve a number out of sequence. In addition to that, if you would like to replace your plate with a lobster with a lobsterless vanity plate, you would have to do the same thing, pay an additional \$15 that you did with the original plate issue. On top of that, those who do not care about vanity plates and those who do not care about plates out of sequence, would, on July 1st of 1988, turn their lobster plate in for a lobsterless plate with a \$2 additional fee.

Some may say here today that this is going to cost the state money. I don't believe so. The figures that I have had given to me is that there will be a net increase to the Highway Fund of \$100,000.

The other thing that I think that you have to look at is that there are some people out there that would like to have a choice. A year ago, you heard reports that this House passed this bill 146 to five -- that is correct, except that this was tied into the Highway Allocation Bill with other programs. The original report that came out of committee was divided and the original vote on the lobster bill was not by that substantial margin.

I would ask you today to vote against the pending motion.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: Here we are at the eleventh hour and fifty-ninth minute trying to change what this body enacted into law in the 112th. To change one's mind at this late hour, could cost the state some additional dollars. It has taken us almost fifteen years to reissue new license plates to citizens of Maine and this law wants us to do two reissues in two years.

The Secretary of State has purchased enough lobster plate material to complete a general issue and has manufactured over 300,000 sets of plates already. Over 30,000 sets of plates have been reserved. The reserve numbering process would have to be done over again so that the Secretary of State could replace special vanity or numbered plates without the lobster. I fear that, no matter where you live in Maine, we are all citizens of this fine state and should display the same designed registration plate. In doing so, we would be sending a message to our younger population and showing them that the government does care.

I would hope that we do not debate this bill for hours today and let our constituents and taxpayers back home know that we have more important business at hand to tend to.

I would recommend that you support the Majority Report and let the department continue its work.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of the Majority "Ought Not to Pass" Report. I would like to give you a few facts and figures that might help you in making your decisions.

As of January 31st, 360,000 plates had been made. In February and March, the program called for 90,000 more each month so we have approximately 500,000 plates that are already made.

Some of the other figures I think are very important. We have spent \$829,540.80 for materials to make a lobster plate. I am sure that there is no other market for this material that we have purchased and now own. I think we have to use it to recover the money that we have spent for it.

The gentlelady from Presque Isle, Representative MacBride, at the committee meeting told of the many calls she had had from constituents. I am sure that she did have a great number but let's say, for instance, that she had a thousand calls, which I think would be a fairly liberal number, -- I think you would have to put this in perspective, we are talking about 700,000 plates that will be issued in the state of Maine. In other words, if you had a 1,000 or 5,000 plates or 5,000 calls against the

plates, you are really talking a very, very small fraction of the number of plates that we have to issue.

The other thing that the Representative from Lewiston touched on was reserve plates. As you know, we all urged our constituents to send in their \$5.00 and reserve the plates that they now have. In fact, today is the last day that that can be done. I think you probably understand that the majority of the plates that are going to be reserved are probably low number plates. Those plates have already been printed because we started with the number one and we are working in succession. What they would have to do is take 25,000 or 30,000 requests that they have, go through them individually, contact each person out of those 30,000 and ask them if they want a lobster plate or a non-lobster plate. That would be a very time consuming bill. If somebody said, I would rather have one without a lobster, we have got to pull that plate out of the series and manufacture a new plate. We are talking about quite a process.

Another thing I would like to mention -- we have talked about this one bill today but the question of special license plates is getting to be very serious. I think somebody told me that the Department, right at this moment, manufactures something like 40 different plates.

Very briefly if I could, I would like to read to you our agenda a week ago yesterday in the Transportation Committee. We had five items on the agenda. L.D. 400, special license plates - Maine National Guard; L.D. 478, special license plates - the people with hearing impairment; L.D. 510, special license plates for veterans; L.D. 511, special license plates for persons formerly listed as missing in action -- you see, we are not talking about just one particular instance, we are talking about something much bigger than that. I think, quite frankly, we have to draw the line somewhere.

I think each and every one of us, as politicians here, are, to some extent, concerned about our image. I know that I am and I am sure that the rest of you are too. I think we are not sending a very good message back to the people that we represent. When I go home on weekends, nobody has come to me and said, "Well, I want a lobster plate or I don't want a lobster plate" but they certainly made it clear to me that they think there should be more important things that I should be doing up here than talking about lobsters on license plates. I think that that is one thing we have to take into consideration.

I think another thing that we have to be aware of -- it may sound strange to some of you who were here in the last session that I am standing up here in support of lobster plates. I was the Representative in the last session who made the motion to indefinitely postpone the whole bill. Five votes were cast in that direction. I certainly accepted the will of the House. I think we are now sending sort of a strange message back that it sort of seems to me that if you are changing your vote on this particular item now, either you are not aware of your constituents wishes then or you are not aware of them now. I am not quite sure which it is but I really think we should be getting on to more important things.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Given the origins of this original bill in terms of the lobster plate, like many members of this House, I would like to finish

this business today. We have members of this House from both parties who were given about 30 minutes notice in terms of reviewing the calendar and pairing their votes. We have had the opportunity to review those pairs and they are incomplete. In some cases, they are contradictory. We have members of this House from both caucuses who had left this chamber thinking that their vote would be cast and it will not be cast because of incorrect information or the process not being completed. They came to work today to this chamber to vote and do the business of the people. The scheduling conflict in terms of a public hearing on the other side of town was not their problem. I would hope that, out of courtesy for both parties, members of those two caucuses who were not here and who left thinking that their vote was going to be cast and will not be cast, that out of courtesy to them, someone would make a motion to table this for one legislative day.

The SPEAKER: Pursuant to the rule, the Chair would make note of the fact that there were caucuses held this morning, calendars were available to the members at that time, some of the members came into me and asked for the pairing information, which was provided to them. The first matter of business that the Chair brought to the members attention this morning at 10:05 was that these two matters were to be disposed of today and knew that the Appropriations Committee had to leave and made aware to every single member of this body that if they wanted to leave that they have a pair, get a pair, and complete it from my office. One person chose to prepare the pair properly; other members simply put in their position on the bill and left. Subsequent to that, when I received them at 10:20, I then made note again in a second appeal to the members of the House and to the members of the Appropriations Committee that they needed to complete the pair. They chose not to.

In the debate dealing with another matter, I remember one of the items that was discussed that we should not be spoon feeding members of the public. My position remains the same with members of the legislature. All of the members of the Appropriations Committee have been in this legislature for years and there is no need for us to assume that they do not know what to do. It was their choice not to complete the pair.

I appreciate the comments of the Minority Floor Leader but the position is clear. However, if the House chooses to table the matter, that is entirely within the prerogative of this body.

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

Representative JACKSON: Mr. Speaker, I move this item lie on the table for one legislative day.

Representative Nadeau of Saco requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Harrison, Representative Jackson that L.D. 47 be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Murphy of Kennebunk 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 Harrison, Representative Jackson, that L.D. 47 be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 13

YEA - Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Callahan, Curran, Dellert, Farnum, Farren, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Hillock, Ingraham, Jackson, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Seavey, Sherburne, Small, Sproul, Stanley, Stevens, A.; Stevenson, Strout, D.; Taylor, Telow, Tupper, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Aliberti, Allen, Bost, Boutillier, Brown, Carroll, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, B.; Swazey, Tammaro, Tardy, Thistle, Tracy, Warren.

ABSENT - Baker, Carter, Cashman, Chonko, Connolly, Davis, Foss, Foster, Higgins, Holloway, Lacroix, Lisnik, McGowan, Nadeau, G. G.; Reeves, Ruhlin, Vose, Walker, Webster, M.; The Speaker.

Yes, 57; No, 74; Absent, 20; Paired, 0; Excused, 0.

57 having voted in the affirmative and 74 in the negative with 20 absent, the motion did not prevail.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to think about this for two seconds, that's all it is worth. This issue has been around long enough. We have been embarrassed long enough. We have 1600 other bills to discuss, talk about, and vote on. Let's please get this over with and put it to bed, once and for all.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not support the "Ought Not to Pass" Report so we can go on and support the "Ought to Pass" as amended Report. You all have that report on your desks.

The amended report will give people a choice of a license plate with a lobster or a license plate without a lobster, a plain plate. It will bring an increase of \$100,000 into the department's account and it will solve many problems and save much controversy in the future.

As has already been explained to you, in the amended version, everyone will get a lobster plate in 1987 when you register your car at a cost \$22.00. In July of 1988, if this bill should be passed into law, when you re-register your car, you may have a choice, a lobster plate or the same plate without a lobster by notifying the Secretary of State. If you wait until your reregistration is due, it will cost you \$22.00 either for the lobster plate or for the plain

plate. However, if you can't wait to get that plain plate, you will have to pay \$2.00 extra.

As has been explained, if you want to keep your same number or vanity plate, the charge is the same as it is today. When you decide to get your same plate, if you do, you do have to turn in your lobster plate and those plates (I talked with the Motor Vehicle Department) will be recycled. The aluminum is sold for scrap and, at the State Prison, they make ashtrays out of it.

In addition, as you have heard, there are about 44 different kinds of plates which are made today. The car dealers will still have their orange and black plates; the State Police will have their plates; we, the House members will have our blue plates and the other body will have their red plates, on and on. If there are 44 different plates being made, I really feel that one more to serve the people who feel so strongly on this issue will not be a problem. Many people are excited about the lobster plate and I think that is great but there are many people, for a variety of reasons, who do not want a lobster on their plate. This bill, in the amended form, satisfies both sides. Those who want a lobster plate will be happy because they will have one and those who want a plain plate will be happy as well. That, I think, is a fair solution to the problem.

If a license plate were to last only two years, it would not have created this situation, I believe, but six years or longer is a long time to be forced to put on your car a license plate that you do not want. You heard the Representative from Lewiston mention that it had taken 15 years so really — is it fair to ask people, if the same scenario were played, who do not want a lobster on their plate to have it on their plate for 15 years? They are going to have to have it for six anyway. I don't think that is fair.

The making of the plates is an ongoing process. Yes, they have purchased the lobster reflective sheathing and are making the plates now. As you know, that was up-front money. However, if you will look at your fiscal note on the back, you will find that for the choice, the up-front money comes in 1988. So, if you add your revenues and subtract your expenses, you do find that the department will be \$100,000 to the good. I think that really is important.

We all take a lot of pride in our cars, whether we have a shiny new one or an older model, it gets us where we want to go. We take pride in that license plate that says "Maine." Many people put a lot of effort into creating a lobster plate and they are going to have their plate anyway but there are many people, many citizens, who feel just as strongly and do not want a lobster plate. Let's give them a choice so they can be happy too. It is fair.

Mr. Speaker, I request a roll call.

I hope you will vote against the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to support the 9 to 4 report of the Transportation Committee. Explain it any way you want but this allocation will still cost the Highway Fund, money. There is an allocation for the 1987-88 year of \$792,000. Call it up-front money. In the 1988-89 year, there is \$67,269. Incidentally, this provides for nine new positions.

It has been mentioned that the proposal would result in an increase in revenues of \$800,000 — yes,

if 400,000 people in this state decide they want a lobsterless plate -- what happens if they don't?

I am one of those who have not had one constituent speak to me about a lobsterless plate. I have had them speak to me about issues such as, "When is the DOT going to repave or rebuild a section of highway?" I feel if we have \$800,000 that we can put up-front for lobsterless plates, we should put it out on the highways in the form of pavement and road maintenance.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I would just like to mention a few points that were brought up a few moments ago about the bill and how it would satisfy pretty much everyone if this bill were to pass as amended. I think if you look at the bill and what the amendment does, I don't think it would satisfy the people who don't want a lobster on their plate. There are a lot of us who would like to have other things on the plate -- I would like to have a pine tree myself on the plate rather than the lobster but I think you have to look at what this amendment does and what it says. It would say that everyone gets a lobster plate this coming year. Everyone, even if this bill passes, gets a lobster plate. There is no way to stop that at this time, even if this bill were to pass. So, everyone would have a lobster plate for the first year, no matter if they wanted it or not. Then, if this bill passes, after one year, if you want to get that lobster off, you can go in and get that lobster off but you have to pay \$2.00 to do it.

I don't think anybody who doesn't want a lobster at this time is going to like the idea of having to pay extra money to get that lobster off that plate. I don't think they will like that, I think they will think that that is even worse than the way it is now.

The most important point, I think, is that it is going to be very difficult on the municipalities. We haven't had a new plate issuance in 15 years. It is going to be very difficult to get that plate issuance on the way and working as it is and now we want to go in and have a different set of plates that people can get besides the regular plate. Just think how difficult it is going to be for all these municipalities to try to get these plates out as it is -- approximately a million plates -- and then think about having another set to go with those. It is going to be a very difficult process. You are going to have the lobster plate for a year anyway. We don't know how many people don't want these plates and most importantly, as was just brought up, we are going to have to put approximately \$800,000 up-front to make this plate issuance, whether people want those lobster plates or not. That money should be going on to our highways. I know in western Maine we need those highways fixed.

I hope you people will go with the motion that is on the floor at this time.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: To answer some of the questions of the last gentleman, I don't think it is going to be very difficult. I happen to be in one of those municipalities that do issue new plates. You are not talking about 496 municipalities out there, you are only talking about one-third who issue new registrations so it is not going to be as difficult as you think.

The second thing is, no one said that it is going to cost \$800,000. This amendment specifically says, "it is anticipated" that it would cost that. Let me

tell you what the amendment says between July 1st of this year and January -- I was willing, two or three weeks ago, to withdraw this bill if we could have let Motor Vehicle present what they wanted to present to us as an alternative. The alternative was to have a form that the people of this state could write to the Secretary of State's Office and voice their opposition to the lobster plate.

What this amendment says, basically, (and I believe it can be implemented) that between July of this year and January of next year, if there is not enough interest to do away with the lobster plate, then I don't think the Transportation Committee or anyone else would be against coming back here in January and say to the Transportation Department -- "Don't spend money for materials to make lobsterless plates because there is not enough interest." We don't know that. I have been told by some people that it is a larger percentage out there than we realize. I don't know that.

As far as the nine new persons are concerned, remember a year ago when we came out with a new plate issue, we allocated nine new people to the Department of Motor Vehicle to put out a new plate issue. Those people will be done July 1st because we won't need them, once the plate is ready to go.

If there is 50 percent of the people out there that don't want lobsterless plates, what is wrong with implementing those people back to work to July 1, 1988 to institute the change. I repeat again that it was my understanding that the Department of Motor Vehicle who go through the process from July to January would have some idea how many people are opposed to lobster plates before they would ever order the materials. I think it is wrong to say that it is going to cost us \$800,000 when we don't know, even today. We are only anticipating that it is going to cost that much.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: Evidently, we are into the Minority Report along with the Majority Report.

The SPEAKER: The Chair would respond to that since someone else has brought it to the attention of the Chair. The opposite position to the Majority Report is, in fact, the negative position. The Chair would suggest, however, that the debate in relationship to the Minority Report not be quite as thorough as some people have chosen to make it.

The position that the bill is in, at this point, is that the Majority Report will kill the bill. It is perfectly allowable under the rules to debate why the bill should not be killed.

The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just point out that the information presented to the committee for it to make its deliberations clearly pointed out that \$800,000 had to be put up-front and it clearly pointed out there were nine positions.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am glad to see that we have another bill of major earth-shattering importance before this legislature to take up our time and the time of the press.

Last session we voted on this issue and my constituents had complained to me quite frequently on having to keep the plates they had because the stickers had gone around the plate three or four

times on some of the older plates. They said, "When are you going to do something?" I said, "Well, the word is we are going to have some new plates sometime along the line." Then this kind of novel idea came up that was put forth by some third or fourth graders from Saco and people said, "How are you going to vote on it?" I said, "Well, its the best idea I have heard and they spent some time on it and I don't see anything wrong with it." So I voted for it.

Some people in this body said that they were intimidated by those third graders sitting up in the gallery. My answer to that is, if you are, I think you are in the wrong place, you should be back home dealing with other issues, not those important issues that we deal with that face this state.

I got a copy of the sample plate from Representative Mayo. I spoke to a group of sixth graders in Waterville and I had that plate with me for a couple of days so I showed it to them. I showed people downtown and various places and the only comment they had was that the lobster wasn't big enough, they couldn't see it. I showed it up close and said, "Does that look like a cockroach to you?" They said, "No, not like any cockroaches I have ever seen before." I guess it is as good a job as you can do, putting a print of something on a plate that is going to be mass produced.

I said, "You know there is a bill before the legislature to do away with what we did last time." They said, "What for?" I said, "Seems like some people don't like the idea of having a lobster on their plate. I guess we are going to be arguing about it in the legislature." They said, "You know, we wish you people would do the job we sent you down there for. If you passed it one time, then go with it for a while and if people don't like it, then another legislature will come along and somebody will come up with a real novel idea of putting a potato or atlantic salmon or an eighteen wheeler on it and we will go that way." I would rather see an atlantic salmon on my plate but I don't have that choice right now.

I think Representative Mitchell had the best choice of all -- let's give everybody their numbers and 400 decals, you go home and take your number and take the decal you want, put it on the plate and everybody will be happy. I think we have wasted a lot of time on this -- not that I don't appreciate it mind you. I really do appreciate giving everybody the opportunity to look at another bill of major earth-shattering importance to this state than another one I happen to be dealing with right now.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Do you really think it is fair to ask the people of the state to have a license plate that represents only one area of the state for six years or ten years or whatever? Should not a license plate be representative of all of Maine?

I think we have differences of opinion on the fiscal note. If you look at your amendment, you will find that there is definitely a projected revenue there. I think that you have to accept that projected revenue.

I hope you will vote against the "Ought Not to Pass" Report.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: When I came in here this morning, I was prepared to vote for the Minority Report, mainly because I did receive a number of

letters from constituents on all the comments on the questionnaires that were filled out. The comment was most consistent of a dislike for those plates. In the course of the morning, I have changed my mind. I feel it is incumbent upon me to say why.

I am very concerned that we are confused about the fiscal note. At one point, I believed that this would generate a revenue; I no longer believe that -- particularly given that, after 1988, every one will be paying the same cost, while we continue to duplicate multiple kinds of plates.

I am also concerned about the fact that we have in this state a crying need for highway funds. That need has gotten greater over the weekend. I think that even if this is up-front money that is \$800,000 that those same constituents who wrote to me and said they didn't like the lobster plate also wrote to me and said, "When are we going to get the pothole in my front yard fixed?" So I have decided that I should be concerned about that pothole, their tires and about their rear-end alignment, than I should be concerned about the plate, particularly when it is an exchange after, perhaps, up to a year.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just to deal with the \$800,000 figure that has been tossed around. If you accept the Minority Report, \$800,000 of up-front money would have to be spent. Once we do that, then we have \$829,000 of material that is dedicated to the lobster and then we have another additional \$800,000 in material without the lobster. Regardless of what anybody says, if you go with the Minority Report, \$800,000 has got to come out of the Department of Transportation budget and it can be used for much better things.

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 from Princeton, Representative Moholland, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, I wish to pair my vote with Representative Chonko of Topsham. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Weymouth.

Representative WEYMOUTH: Mr. Speaker, I wish to pair my vote with Representative Holloway of Edgecomb. If she were present and voting, she would be voting yea; I would be voting nay.

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

Representative GARLAND: Mr. Speaker, I wish to pair my vote with Representative Higgins of Scarborough. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative PARADIS: Mr. Speaker, I wish to pair my vote with Representative Foss of Yarmouth. If she were present and voting, she would be voting yea; I would be voting nay.

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

Representative ALLEN: Mr. Speaker, I wish to pair my vote with Representative Lisnik of Presque Isle. If he were present and voting, he would be voting nay; I would be voting yea.

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

Representative BOST: Mr. Speaker, I wish to pair my vote with Representative Davis of Monmouth. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, I wish to pair my vote with Representative Carter of Winslow. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, I wish to pair my vote with Representative Nadeau of Lewiston. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, I wish to pair my vote with Representative Cashman of Old Town. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative HANLEY: Mr. Speaker, I wish to pair my vote with Representative Foster of Ellsworth. If she were present and voting, she would be voting yea; I would be voting nay.

ROLL CALL NO. 14

YEA - Aliberti, Anthony, Armstrong, Bickford, Boutilier, Bragg, Brown, Carroll, Clark, M.; Coles, Conley, Cote, Crowley, Curran, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hepburn, Hichborn, Hickey, Hillock, Hoglund, Holt, Hussey, Jackson, Jacques, Joseph, Ketover, Kilkelly, Kimball, LaPointe, Lawrence, Lebowitz, Look, Lord, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McPherson, McSweeney, Melendy, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nutting, O'Gara, Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Smith, Soucy, Sproul, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Telow, Tracy, Tupper, Warren, Wentworth, Whitcomb, Willey, Zirkilton.

NAY - Anderson, Bailey, Begley, Bott, Callahan, Clark, H.; Dexter, Gurney, Harper, Ingraham, MacBride, McHenry, Norton, Paradis, J.; Parent, Small, Tardy, Taylor, Thistle.

ABSENT - Baker, Connolly, Lacroix, McGowan, Nicholson, Reeves, Vose, Walker, Webster, M.; The Speaker.

PAIRED - Allen, Bost, Carter, Cashman, Chonko, Davis, Foss, Foster, Garland, Hanley, Higgins, Holloway, Jalbert, Lisnik, Mahany, Michaud, Nadeau, G. G.; Paradis, E.; Strout, D.; Weymouth.

Yes, 102; No, 19; Absent, 10; Paired, 20; Excused, 0.

102 having voted in the affirmative and 19 in the negative with 10 absent and 20 having paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

(Off Record Remarks)

Representative Look of Jonesboro was granted unanimous consent to address the House.

Representative LOOK: Mr. Speaker, I noted on the printed report of March 27th that it was recorded that I was absent. I was present and voted on L.D. 99, the proposal of "Ought Not to Pass" Report. I want to make that noted and my vote was in the negative.

On motion of Representative Nutting of Leeds,
Adjourned until Wednesday, April 1, 1987, at nine o'clock in the morning.
