

# 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

Tabled - April 7, 1987, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED  
(In Senate, April 7, 1987, READ A SECOND TIME.)

On motion by Senator PERKINS of Hancock, Senate Amendment "B" (S-26) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PERKINS: Mr. President. Ladies and Gentlemen of the Senate. This makes one slight correction in the Bill, in that it provides for bottle clubs and other establishments who do not require a liquor license and yet allows liquor to be served, to provide the same facilities as those who are licensed and serve alcoholic beverages.

On motion by Senator PERKINS of Hancock Senate Amendment "B" (S-26) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.  
Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Joint Order recognizing Orono Boy Scout Troop #48  
HLS 198

Tabled - April 7, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE  
(In House, April 6, 1987, READ and PASSED.)  
(In Senate, April 7, 1987, READ and PASSED, in concurrence. Subsequently, RECONSIDERED PASSAGE.)

Off Record Remarks

Which was PASSED, in concurrence.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: At this time, the Chair would like to appoint Senator PEARSON of Penobscot, to serve as President Pro Tem for the Session on April 9, 1987, and appoint Senator DUTREMBLE of York to serve as President Pro Tem for the Session on April 10, 1987.

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Thursday, April 9, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
45th Legislative Day  
Thursday, April 9, 1987

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

Prayer by Reverend David R. Kelly, Hermon Baptist Church, Carmel.

The Journal of Wednesday, April 8, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Relating to Alcoholic Beverage Sales" (S.P. 376) (L.D. 1141)

Bill "An Act Amending the Service of Process Laws" (S.P. 377) (L.D. 1142)

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

Were referred to the Committee on Legal Affairs in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Help Farmers Reduce Their Electric Bills" (S.P. 120) (L.D. 319)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Establish New Year's Day as a State Holiday" (S.P. 65) (L.D. 132)

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 Business Legislation on Bill "An Act to Exempt Certain Eating Places from the Requirement to Provide a Public Rest Room" (Emergency) (S.P. 35) (L.D. 19) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Exempt Certain Eating Establishments from the Requirements to Provide a Public Toilet Facility" (Emergency) (S.P. 371) (L.D. 1106).

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "B" (S-26).

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

Senate Amendment "B" (S-26) was read by the Clerk.

On motion of Representative Allen of Washington, Senate Amendment "B" was indefinitely postponed.

The Bill was assigned for second reading Friday, April 10, 1987.

Ought to Pass as Amended

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-21) on Bill "An Act to Amend the Law Regarding the Organization and Management of Stock Institutions" (S.P. 142) (L.D. 396).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-21) and Senate Amendment "A" (S-25).

Report was read and accepted, the bill read once.

Committee Amendment "A" (S-21) was read by the Clerk and adopted.

Senate Amendment "A" (S-25) was read by the Clerk and adopted and the Bill assigned for second reading Friday, April 10, 1987.

Non-Concurrent Matter  
Later Today Assigned

Bill "An Act to Amend the Teacher Recognition Grants Program" (H.P. 839) (L.D. 1130) which was referred to the Committee on Appropriations and Financial Affairs in the House on April 7, 1987.

Came from the Senate referred to the Committee on Education in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Limit on Increases in the Local Property Tax (H.P. 843) (L.D. 1134) which was referred to the Committee on Taxation in the House on April 7, 1987.

Came from the Senate referred to the Committee on State and Local Government in non-concurrence.

Representative Gwadosky of Fairfield moved that the House insist.

Representative Jackson of Harrison requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Gwadosky of Fairfield that the House insist. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 53 in the negative, the motion did prevail.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

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

Aging, Retirement and Veterans

Bill "An Act to Realign the Base-year Retirement Computation with the Cost of Living for Residual Members of the Maine State Retirement System Employed by the University of Maine System" (H.P. 865) (L.D. 1166) (Presented by Representative BOST of Orono) (Cosponsors: Representatives CLARK of Millinocket and HANDY of Lewiston)

RESOLVE, to Provide a Retirement Benefit to Dorothy R. Lizzotte (H.P. 871) (L.D. 1172) (Presented by Representative CARTER of Winslow) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator MATTHEWS of Kennebec and Representative PERRY of Mexico)

Bill "An Act to Amend the Retirement Law Regarding Schools" (H.P. 882) (L.D. 1183) (Presented by Representative LOOK of Jonesboro) (Cosponsor: Senator RANDALL of Washington)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Require Full State Funding of any Legislative Mandate" (H.P. 877) (L.D. 1178) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Representatives SMALL of Bath, LAWRENCE of Parsonsfield and Senator BERUBE of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Implement Project ASPIRE for High School Students in the State" (H.P. 897) (L.D. 1198) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator PEARSON of Penobscot, Representatives HANDY of Lewiston and BOST of Orono)

(The Committee on Reference of Bills had suggested the Committee on Appropriations and Financial Affairs)

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Friday, April 10, 1987.

Banking and Insurance

Bill "An Act to Require an Insurance Agent or Broker be Present when any Insurance Sale Takes Place" (H.P. 875) (L.D. 1176) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Senator COLLINS of Aroostook and Representative TRACY of Rome)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

Bill "An Act to Require on all Purchase and Sale Agreements a Declaration of Presence or Absence of Asbestos Materials" (H.P. 866) (L.D. 1167) (Presented by Representative BOST of Orono) (Cosponsors: Representatives NUTTING of Leeds, DIAMOND of Bangor and HUSSEY of Milo)

Bill "An Act to Regulate Electrical Wiring" (H.P. 883) (L.D. 1184) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsor: Representative VOSE of Eastport)

Bill "An Act to Protect Consumers who Join Health Spas" (H.P. 901) (L.D. 1202) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Representatives DORE of Auburn, GURNEY of Portland, and Senator BRANNIGAN of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Economic Development

Bill "An Act to Provide Funding for Job Training to Support Development Efforts" (H.P. 891) (L.D. 1192) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Senator PEARSON of Penobscot, Representative CROWLEY of Stockton Springs and Speaker MARTIN of Eagle Lake)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Clarify the State's Responsibility to Establish Competitive Pay Schedules for State Teachers and Related Classifications" (H.P. 884) (L.D. 1185) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representative JOSEPH of Waterville, Senators RANDALL of Washington, and ESTES of York)

Bill "An Act Relating to Adult Education" (H.P. 893) (L.D. 1194) (Presented by Representative O'GARA of Westbrook) (Cosponsors: Representatives DIAMOND of Bangor, HUSSEY of Milo and KETOVER of Portland)

RESOLVE, to Establish a Task Force on Post-secondary Education Financing (H.P. 887) (L.D. 1188)

1188) (Presented by Representative BOTT of Orono) (Cosponsors: Senator PEARSON of Penobscot and Representative NORTON of Winthrop)

RESOLVE, to Amend the Reporting Date of the Special Commission to Study Teacher Training in the University of Maine System (Emergency) (H.P. 870) (L.D. 1171) (Presented by Representative BOST of Orono) (Cosponsors: Representative LAWRENCE of Parsonsfield, Senators CLARK of Cumberland and ESTES of York)

Ordered Printed.

Sent up for Concurrence.

#### Energy and Natural Resources

RESOLVE, to Encourage the Safe Disposal of Lead-acid Batteries (H.P. 867) (L.D. 1168) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representatives HOLLOWAY of Edgecomb and COLES of Harpswell)

RESOLVE, to Study Heating Oil, Gasoline and Propane Gas Pricing Factors in the State (H.P. 889) (L.D. 1190) (Presented by Representative CONLEY of Portland) (Cosponsor: Senator KERRY of Cumberland)

Ordered Printed.

Sent up for Concurrence.

#### Utilities

RESOLVE, Creating a Commission to Study the Allocation of Water Supply Rights Among Water Utilities and Others (Emergency) (H.P. 899) (L.D. 1200) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representatives VOSE of Eastport, GARLAND of Bangor, and Senator EMERSON of Penobscot)

(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 Utilities, ordered printed, and sent up for concurrence.

#### Human Resources

Bill "An Act to Institute a Literacy Educational Program in State Correctional Facilities" (H.P. 873) (L.D. 1174) (Presented by Representative BOST of Orono) (Cosponsors: Representatives CARROLL of Gray, MANNING of Portland and THISTLE of Dover-Foxcroft)

Bill "An Act to Improve the Quality of Information Available to the Department of Human Services on Radioactive Emissions from Nuclear Power Plants" (H.P. 895) (L.D. 1196) (Presented by Representative HOLT of Bath) (Cosponsor: Senator KANY of Kennebec)

Bill "An Act Pertaining to Breast Cancer Treatment" (H.P. 868) (L.D. 1169) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsor: Representative TAYLOR of Camden)

Ordered Printed.

Sent up for Concurrence.

#### Judiciary

Bill "An Act to Amend the Juvenile Code Relating to the Questioning of Juveniles" (H.P. 876) (L.D. 1177) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Senator MATTHEWS of Kennebec and Representative ROLDE of York)

Ordered Printed.

Sent up for Concurrence.

#### LATER TODAY ASSIGNED

Bill "An Act to Allow Drunk Drivers to be Sued for Punitive Damages" (H.P. 879) (L.D. 1180) (Presented by Representative WARREN of Scarborough) (Cosponsor: Representative MURPHY of Berwick)

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

On motion of Representative Paradis of Augusta, tabled pending reference and later today assigned.

#### Judiciary

Bill "An Act to Establish a Procedure for Trial De Novo in Certain Divorce Actions" (H.P. 881) (L.D. 1182) (Presented by Representative McHENRY of Madawaska)

Bill "An Act to Facilitate the Use of Testimony of Young Victims of Sex Offenses" (H.P. 886) (L.D. 1187) (Presented by Representative ANTHONY of South Portland) (Cosponsors: Representatives THISTLE of Dover-Foxcroft and JOSEPH of Waterville)

Bill "An Act to Perfect Title of Forfeited Vehicles" (H.P. 892) (L.D. 1193) (Presented by Representative DAVIS of Monmouth) (Cosponsors: Representative McGOWAN of Canaan, Senators DOW of Kennebec and CAHILL of Sagadahoc)

Bill "An Act to Amend the Laws Regarding Small Claims" (H.P. 898) (L.D. 1199) (Presented by Representative ALLEN of Washington) (Cosponsors: Senator BALDACCI of Penobscot and Representative HOGLUND of Portland)

Ordered Printed.

Sent up for Concurrence.

#### Labor

Bill "An Act to Fully Compensate Injured Workers and their Families for Losses Suffered Because of Delays in Paying Claims" (H.P. 894) (L.D. 1195) (Presented by Representative McHENRY of Madawaska) (Cosponsors: Representative PARADIS of Augusta and Senator ANDREWS of Cumberland)

Bill "An Act to Increase the Minimum Wage" (H.P. 869) (L.D. 1170) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot and Senator DUTREMBLE of York)

Ordered Printed.

Sent up for Concurrence.

#### Legal Affairs

Bill "An Act to Amend the Notice Provisions Concerning Write-in Candidates in Primary Elections" (H.P. 872) (L.D. 1173) (Presented by Representative WILLEY of Hampden) (Cosponsors: Senator DILLENBACK of Cumberland, Representatives LEBOWITZ of Bangor and CLARK of Millinocket)

Bill "An Act to Impose Monetary Limits on Campaign Expenditures" (H.P. 880) (L.D. 1181) (Presented by Representative REED of Falmouth) (Cosponsors: Representatives HANLEY of Paris and HIGGINS of Scarborough)

Bill "An Act to Protect Tenants in Rental Housing" (H.P. 900) (L.D. 1201) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Representative PRIEST of Brunswick, Senators GAUVREAU of Androscoggin, and ESTES of York)

Ordered Printed.

Sent up for Concurrence.

#### Marine Resources

Bill "An Act Relating to the Enhancement and Preservation of Marine Resources" (H.P. 903) (Presented by Representative SCARPINO of St. George) Ordered Printed.  
Sent up for Concurrence.

State and Local Government

Bill "An Act to Require the Members of the Maine Turnpike Authority to be Confirmed" (H.P. 885) (L.D. 1186) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives CARROLL of Gray, ANTHONY of South Portland, and Senator BALDACCI of Penobscot)

Bill "An Act to Allow the Treasurer of State to Vote on Certain State Boards" (H.P. 902) (L.D. 1203) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative CARROLL of Gray, and Senator PERKINS of Hancock) Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act to Amend the Inflation Incrementing Provision in the Tax Laws" (H.P. 896) (L.D. 1197) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representatives BAILEY of Farmington, HANLEY of Paris and CASHMAN of Old Town)

Bill "An Act to Provide a Sales Tax Exemption to Youth Scouting Organizations" (H.P. 864) (L.D. 1165) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representatives ZIRNKILTON of Mount Desert, STROUT of Windham, and Senator TWITCHELL of Oxford)

Bill "An Act to Enable Municipalities to Assess Impact Taxes on Development" (H.P. 878) (L.D. 1179) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Representatives MAYO of Thomaston, HIGGINS of Scarborough and Senator ESTES of York) Ordered Printed.  
Sent up for Concurrence.

Transportation

Bill "An Act Concerning Proof of Insurance on School Buses" (H.P. 863) (L.D. 1164) (Presented by Representative CLARK of Millinocket) (Cosponsors: Representatives HICHBORN of LaGrange, MOHOLLAND of Princeton, and Senator PEARSON of Penobscot) Ordered Printed.  
Sent up for Concurrence.

Utilities

Bill "An Act to Amend the Charter of Searsport Water District" (H.P. 874) (L.D. 1175) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsor: Senator GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

RESOLVE, to Create a Commission to Study the Cost of Replacement Power in Case of a Shutdown of the Maine Yankee Power Plant (Emergency) (H.P. 888) (L.D. 1189) (Presented by Representative CONLEY of Portland) (Cosponsors: Representative BAKER of Portland and Senator ERWIN of Oxford) Ordered Printed.  
Sent up for Concurrence.

Reported Pursuant to the Statutes

Representative JACQUES from the Committee on Energy and Natural Resources, pursuant to Private and

Special Law 1985, Chapter 137 ask leave to submit its findings and report that the accompanying Bill "An Act to Ensure Timely Adoption of Revised Solid Waste Rules" (Emergency) (H.P. 890) (L.D. 1191) be referred to the Joint Standing Committee on Energy and Natural Resources for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Require Affirmative Permission for ATV Use" (H.P. 390) (L.D. 524) reporting "Ought Not to Pass"

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide Certain Retired State Troopers with Health Insurance" (H.P. 574) (L.D. 772) reporting "Ought Not to Pass"

Representative ANDERSON from the Committee on Energy and Natural Resources on Bill "An Act to Require Certified Proof of Marketable Title to Land in a Proposed Subdivision Prior to Subdivision Approval" (H.P. 363) (L.D. 477) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative ALIBERTI from the Committee on Business Legislation on Bill "An Act to Require Certain Restaurants to Post their Prices" (H.P. 505) (L.D. 678) reporting "Leave to Withdraw"

Representative VOSE from the Committee on Utilities on Bill "An Act to Amend the Charter of the Kennebunk, Kennebunkport and Wells Water District" (Emergency) (H.P. 171) (L.D. 215) reporting "Leave to Withdraw"

Representative NADEAU from the Committee on Taxation on Bill "An Act to Provide an Income Tax Exclusion for Income Earned from Service in the Maine National Guard" (H.P. 432) (L.D. 578) reporting "Leave to Withdraw" (Representative DUFFY of Bangor - Abstained)

Representative NADEAU from the Committee on Taxation on Bill "An Act to Implement a Waiver for Nonuse in the Boat Excise Tax Laws" (H.P. 472) (L.D. 639) reporting "Leave to Withdraw"

Representative NADEAU from the Committee on Taxation on Bill "An Act Concerning the Elderly Household Tax and Rent Refund and Low Cost Drug Programs" (H.P. 568) (L.D. 766) reporting "Leave to Withdraw"

Representative DUFFY from the Committee on Taxation on Bill "An Act to Prevent Discrimination under the Elderly Household Tax and Rent Refund Act" (H.P. 569) (L.D. 767) reporting "Leave to Withdraw"

Representative DUFFY from the Committee on Taxation on Bill "An Act to Exempt Nonprofit Organizations on Federal Military Installations from Sales Tax" (H.P. 362) (L.D. 476) reporting "Leave to Withdraw"

Representative BOST from the Committee on Education on Bill "An Act to Extend the Teachers' Bonus Provisions to Certain Excluded Schools" (H.P. 106) (L.D. 116) 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/New Title

Representative WEYMOUTH from the Committee on Fisheries and Wildlife on Bill "An Act to Provide Wildlife Education for Secondary Students" (Emergency) (H.P. 320) (L.D. 419) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Create a Youth Fisheries and Wildlife Conservation Education Program" (Emergency) (H.P. 862) (L.D. 1155)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, April 10, 1987.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET (H.P. 250) (L.D. 323)

Signed:

Senators: BALDACCI of Penobscot

TUTTLE of York

Representatives: ROTONDI of Athens

CARROLL of Gray

ANTHONY of South Portland

LACROIX of Oakland

HUSSEY of Milo

BOUTILIER of Lewiston

LOOK of Jonesboro

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: GOULD of Waldo

Representatives: WENTWORTH of Wells

BICKFORD of Jay

STROUT of Windham

Reports were read.

Representative Carroll of Gray moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a few reasons today why we should reject the motion to accept the Majority "Ought Not to Pass" Report and accept the Minority "Ought to Pass" Report.

In American today we have a problem, a major budget problem. We have a federal deficit of over \$2 trillion dollars and our annual deficits are running now slightly under \$200 billion a year. In fiscal year 1986, just our interest on debt alone, was \$138.9 billion. That is 14¢ on every dollar that our constituents paid in income taxes to the federal government just to pay the interest on a debt that we already have. Interest on debt is the third largest budget item and the fastest growing item in the federal budget. Something has got to be done, ladies and gentlemen. Our interest on debt relates to about \$4,406 a second that we are paying in interest on deficits. Every second we are paying \$4,406. That is too much, ladies and gentlemen, we have to look at solutions to the problem.

So why should we look to a balanced budget amendment? Why should we look at that as a solution — that will probably be a question that will be raised and many of you may be asking that. The answer is, that nothing else has worked. We have had statues to require a balanced budget, we have what we

call a debt ceiling right now and, every year, Congress goes through the annual ritual of raising the debt ceiling to allow the new deficit spending. It is all very neat but it serves no purpose, it doesn't protect the taxpayer against unlimited deficit spending and unlimited debt. It is our responsibility to look at responsible solutions to the federal deficit problem. It is our responsibility and, if we don't take a look and don't act to make a balanced amendment, then we are just as guilty as the people in Washington are for having put us in this position in the first place.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Bickford.

Representative BICKFORD: Mr. Speaker, Ladies and Gentlemen of the House: I speak in opposition to the motion on the floor and speak in favor of the Minority Report, "Ought to Pass." The issue is not to allow a Constitutional Convention but to force Congress to deal with a deficit. I submit to you that, until 34 states have passed a balanced budget amendment, Congress will not deal with the issue. In fact, until after 34 states have ratified the proposed amendment, then and only then, will Congress propose an amendment to balance the budget before they allow a Constitutional Convention to draft one. Then, if a Constitutional Amendment makes deficits illegal, then taxes will have to be raised to match the government expenditures. Perhaps this explicit form of government finance will present a clearer signal to the electorate about the true side of government; thus, a Constitutional Amendment requiring a balanced budget might simply be put under the category of full disclosure or truth and labeling. No one ever said there was anything wrong about the American public learning the facts. Let us resort no longer to the smoke and mirrors tactic.

I would urge your support for the Minority Report.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: I would like to say that we had an interesting hearing on the proposed L.D. 323, the bill which calls for a calling of Congress for a Constitutional Convention. That is the issue before us and I would agree, as everybody in this House, that the deficit that we face is appalling, that it is an embarrassment, both to the federal government and to state government.

The elected officials in Washington have, in fact, not done their job in dealing with the problem. However, the issue of the deficit is a sidelight issue. The issue that is before you today to vote on is L.D. 323. That issue is whether or not we should petition a call for a Constitutional Convention, to propose an amendment to the Constitution, and the debate that has been going on for a number of years. 1976 was the first year that a state asked for a calling of a Constitutional Convention. It has been going on since 1983, which is the last year that a state called for a Constitutional Convention. 32 states have adopted Resolutions. According to the National Taxpayers Union, two of those states are now in the process of repealing their call. If you want to look at the whole scenario — what they have asked for when they have called — that is kind of confusing and it brings a whole series of questions up that the proponents of this measure, both at the hearing and in this House, want us to look at. 24 of those states have called for a convention for a special and exclusive purpose, not all for balancing the budget, but for a special purpose.

Our proposal here that we are debating, that the majority of the committee does not feel is necessary, says that we should call for the sole purpose of proposing a balanced budget to the federal constitution. But, if for some reason at convention, that is eventually called, that no one really wants to have called, deals with something other than a balanced budget, then our petition is null and void. That is just wonderful. Seven other states have that same clause, that if it goes for any other purpose other than they asked for, that the convention is null and void. Very interesting.

The bill is also interesting when you look at -- what are we doing? How do we get out of a balanced budget if we, in fact, do have a convention, which nobody wants to have, but if we do have one, we get a balanced budget amendment, we say we can get out of it for two reasons. One is war. We declare war, then we don't have to worry about that, we can do away with it and that is very, very good. But no other state of the 32 has that exclusion in their call. None. They are called national emergencies or national disasters -- so my question is, where the headline said we have \$63 million worth of disasters -- is that a national disaster? The midwest got clobbered with about six feet of snow -- is that a national disaster? It is very nebulous, very unclear, and how then are we to do away with it?

The other clause in ours says 3/5 of both Houses can rescind a balanced budget amendment -- that is fairly generous, I would submit to this House. If 3/5 of both the Senate and the House of Representatives in Washington decide they don't want to balance the budget, they can do away with it. This is the same Congress that we are asking to deal with the problem now. They don't want to deal with it. I would think that 3/5 of them could quickly rescind any Constitutional Amendment that we may put in.

At the hearing, as I mentioned, it was most interesting -- we heard from a number of proponents and almost an equal amount of opponents. I would like to read some of the proponents' statements -- "We harbor but one reservation concerning L.D. 323. We do not believe it is in our nations best interest to hold a Constitutional Convention for the purpose of considering this amendment. Such a convention, we believe, would represent an unwise and imprudent opportunity for various groups and individuals to seek to make additional changes in the United States Constitution." That is a proponent for this bill, which calls for the calling of a Constitutional Convention to balance the budget. If that is the proponents point of view, I guess maybe then this bill is not a wise avenue to take.

It is probably appropriate that we have this before us however, because on this very day 200 years ago, George Washington wrote to the national leaders and said, "I will attend the Constitutional Convention" -- 200 hundred years ago today, it is appropriate that we should be debating this now. We know what happened when they went to amend or redraft or look at the Articles of Confederation, they threw them out and we rewrote and came up with today's Federal Constitution, a document that lives and breathes, changes, is flexible and seems to have served this country fairly well.

Another proponent of the bill said that it would increase the likelihood that a balanced budget amendment would be proposed and debated for ratification in the state. Only Congress or a convention has the power to propose an amendment. This is a proponent that has a 5,000 membership in this state alone. If we are really concerned that

Congress isn't doing anything, I would submit to those proponents and supporters of this bill that they take those 5,000 members from the small state of Maine, add them to their other membership around the country, and get them to hammer away at those elected officials in Washington so they will, in fact, propose the amendment that this convention calls for.

I would like to bring up a few points. There was a study done in 1973 that supposedly answered some questions about Constitutional Conventions -- who lays the ground work, who sets them up, which way do we go? My suggestion is that the people who set the ground rules for this Constitutional Convention are the same men and women in Washington who will not, can not and flatly refuse to deal with the concept of a balanced budget. So, we are going to let Congress decide some of these important questions like -- when and how do we convene this Constitutional Convention? Who are the delegates? Well, we don't have to worry about that today because Congress, the men and women in Washington, will decide that for us.

Another interesting question is -- must all the applications by the states be identical, substantially the same, or just deal with some subject matter calling for a Constitutional Convention?

Once again, that is not a problem because we don't have to consider that because our leaders in Washington will decide those ground rules for us when we have this convention.

Can a convention be limited to a particular single subject? The debate goes on and on. Can we do other matters, can we not? Obviously there is concern with the sponsors of this bill and proponents of this bill because they put a null and void clause in there in case it isn't limited but we really don't have to do that because Congress will decide that when they set up the ground rules.

I would submit, ladies and gentlemen, that those same people in Congress who have not been able to, have not been willing to address the issues of a balanced budget in the last ten to twenty years, are the same people that proponents of this legislation are going to say, we will let them set up the ground rules for the calling of a convention. Now, I don't know about you but that doesn't really seem to make a whole lot of sense to myself or the members on this Majority Report.

I would say that we need the people in Washington to make solid decisions and that should be done by Congress, that this along with other resolutions, will probably (and should) die.

I would ask you to support the Majority Report.

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

The SPEAKER: A roll call has been requested.

The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I have just received a note from a member in the House asking me why my name appears on this particular vote. I am proud to stand here and tell why.

My decision on this has been constant for over ten years. Back in the 1970's, we were talking about Constitutional Conventions. I had the same position then that I do now and I also say that I am standing here representing many, many people from House District 136 back in Washington County who share the same view that I have. I shall not repeat the arguments that have been presented to you for supporting this motion, you have heard them. In response to that inquiry and others who probably



share the same question, I am giving you my reasons. I am here to represent my people.

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 defeat the pending motion and support the Minority "Ought to Pass" Report on this bill. This is my second time around as a cosponsor and I will tell you why I probably cosponsored this bill -- to send a message to Congress, to send the message that we are concerned for the future of the United States. As long as that deficit looms over us, I submit to you that fiscal child abuse is being perpetrated on future children born into this country.

A figure that I have before me now is that a \$10,000 debt is assessed to every man, woman and child in this state. That \$10,000 or an even greater figure would be assessed to every child that would be born into this country today. I submit to you the time will come when it will go well past the point where we can do something about this. It is quite clear by the recent activity by Republicans and Democrats on the federal level that they have been unable to control this wanton spending spree.

I hope that you will support this legislation and send a clear message that we believe that, here in the State of Maine, we believe across this country, that Congress ought to behave the same way that you and I do, living within our means and creating a budget, that Congress ought to live by the same means that 49 states live by with a balanced budget and they ought to be able to control spending for the economic future of this country.

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 Carroll of Gray 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. 19

YEA - Aliberti, Allen, Anthony, Bailey, Baker, Bost, Bragg, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Connolly, Cote, Crowley, Curran, Diamond, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hognlund, Hussey, Jacques, Jalbert, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Look, Macomber, Manning, Martin, H.; Mayo, McGowan, McSweeney, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nicholson, Norton, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Racine, Rand, Reeves, Rice, Richard, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Thistle, Tracy, Tupper, Vose, The Speaker.

NAY - Anderson, Armstrong, Bickford, Bott, Callahan, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Ingraham, Jackson, Kimball, Lawrence, Lebowitz, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Paradis, E.; Parent, Pines, Reed, Ridley, Salisbury, Scarpino, Seavey, Sherburne, Small, Sproul, Stanley, Stevens, A.; Stevenson, Strout, B.;

Telow, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT - Begley, Boutilier, Conley, Dore, Duffy, Holt, Joseph, Mahany, McHenry, Melendy, Nadeau, G. G.; Nutting, Priest, Ruhlin, Walker, Warren, Willey.

Yes, 80; No, 54; Absent, 17; Paired, 0; Excused, 0.

80 having voted in the affirmative and 54 in the negative with 17 being absent, the motion to accept the Majority "Ought Not to Pass" Report did prevail.

Sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 88) (L.D. 209) Bill "An Act to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-20)

(H.P. 196) (L.D. 248) Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-58)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, April 10, 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. 248) (L.D. 321) Bill "An Act to Open Maine Libraries to Modern Information Technology"

(H.P. 175) (L.D. 219) Bill "An Act Relating to Major Policy-influencing Positions in State Government"

(S.P. 154) (L.D. 451) RESOLVE, to Establish a Commission to Study Treatment Protocol for Severely Incompetent Patients (Emergency) (C. "A" S-18)

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

PASSED TO BE ENGROSSED

Bill "An Act to Require the Marking of Barriers on Certain Public Ways" (H.P. 861) (L.D. 1154)

Bill "An Act to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes" (H.P. 856) (L.D. 1150)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Debt Limits which may be incurred by a Municipality for Water Purposes (S.P. 378) (L.D. 1143)

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

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

PASSED TO BE ENACTED

An Act Concerning Mandatory Workfare Participants (H.P. 798) (L.D. 1070)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight Limitations Imposed on Other Highway Vehicles (H.P. 69) (L.D. 72) (C. "A" H-39)

TABLED - April 8, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Moholland of Princeton, was recommitted to the Committee on Transportation in non-concurrence and sent up for concurrence.

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

Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities" (H.P. 773) (L.D. 1036)

TABLED - April 8, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and specially assigned for Friday, April 10, 1987.

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

Bill "An Act to Require that Children Under the Custody of the Department of Human Services be Placed in Homes with Traditional Family Settings" (H.P. 846) (L.D. 1137)

(Committee on Human Resources suggested)

TABLED - April 8, 1987 by Representative MANNING of Portland.

PENDING - Reference.

On motion of Representative Manning of Portland, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Amend the Teacher Recognition Grants Program" (H.P. 839) (L.D. 1130) which was tabled earlier in the day and later today assigned pending further consideration.

(Was referred to the Committee on Appropriations and Financial Affairs in the House on April 7, 1987)

(Came from the Senate referred to the Committee on Education in non-concurrence)

Subsequently, the House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Allow Drunk Drivers to be Sued for Punitive Damages" (H.P. 879) (L.D. 1180)

which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Paradis of Augusta, retabled pending reference and specially assigned for Friday, April 10, 1987.

(Off Record Remarks)

On motion of Representative Mills of Bethel, Adjourned until Friday, April 10, 1987, at twelve o'clock noon.