

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

respond to the good Senator from Franklin, Senator Webster, before we went on with this vote. That he was going to vote no anytime that he thought the legislation was bad. I want everybody to understand that it is only the good Senator's opinion that this is a bad piece of legislation. The rest of us feel that this is a great piece of legislation needed to protect the people from employers who lockout people who want to go to work.

If the good Senator from Franklin really believes that we are going to deal with all issues that way, maybe the rest of us can go home and he can tell us what his opinions are on every issue and we will vote yes or no. I don't think the people in my district would be too crazy about that.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, ladies and gentlemen of the Senate. This morning we debated this issue, we have had a number of votes. It is clear, at this point, what the majority of the Senate wants. I know how the vote is going to end up, but you know, as I have been here over the years, I go home and people say how did you vote for such a Bill? There are certain times, on certain issues, that I have to vote no on every vote. I don't want anybody out there thinking that I would support this type of legislation, which is not in the best interest of my constituents, or the constituents of most of the people that I know in a lot of the districts in the state. Perhaps, the labor union in this state think it is a good idea, I don't happen to think it is. I am proud to stand here and vote no and that is why I am asking for a Division on Passage to be Engrossed.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President and members of the Senate. With all due respect to the good Senator from Waldo, Senator Gould, I want to mention this statement and I mean it in all sincerity. If the good Senator Shute were here, I would be interested to see how he would vote.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED.

A Division has been requested.

Will all those Senators in favor of PASSAGE TO BE ENGROSSED, please rise in their places and remain standing until counted.

Will all those Senators opposed please rise in their places and remain standing until counted.

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill was PASSED TO BE ENGROSSED, in concurrence.

On motion by Senator MATTHEWS of Kennebec, ADJOURNED until Tuesday, May 5, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
61st Legislative Day
Tuesday, May 5, 1987

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

Prayer by Reverend Robert Tapper, First Baptist Church, Cherryfield.

The Journal of Monday, May 4, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Promote Technology Development, Product Development, Research and Innovation for Maine Industry" (S.P. 353) (L.D. 1045)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Establish the Maine Business Opportunity and Job Development Program" (S.P. 313) (L.D. 915)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Economic Development.)

On motion of Representative Lisnik of Presque Isle, tabled pending reference in concurrence and later today assigned.

LATER TODAY ASSIGNED

Bill "An Act to Authorize a Bond Issue in the Amount of \$4,300,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine" (S.P. 220) (L.D. 601)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Economic Development.)

On motion of Representative Crowley of Stockton Springs, tabled pending reference in concurrence and later today assigned.

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Provide Equitable Rate Making in Medical Professional Liability Insurance" (S.P. 233) (L.D. 627)

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

Non-Concurrent Matter

LATER TODAY ASSIGNED

An Act to Amend the Marriage Prohibitions Based on Consanguinity (Emergency) (H.P. 1002) (L.D. 1348) which was passed to be enacted in the House on May 1, 1987.

Came from the Senate failing of passage to be enacted in non-concurrence.

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

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills 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:

Legal Affairs

Bill "An Act to Prohibit Candidates from Receiving, Witnessing or Accepting Absentee Ballots" (H.P. 1058) (L.D. 1433) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsors: Representatives BEGLEY of Waldoboro, HEPBURN of Skowhegan, and CROWLEY of Stockton Springs)
Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Create a Maine National Historic District Sign Program" (H.P. 1059) (L.D. 1434) (Presented by Representative REEVES of Pittston) (Cosponsor: Senator DOW of Kennebec)
Ordered Printed.
Sent up for Concurrence.

By unanimous consent, L.D. 1433 and L.D. 1434 were ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Allow Juveniles and Senior Citizens to Hunt Does" (H.P. 419) (L.D. 564) reporting "Ought Not to Pass"

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit the Hunting of Deer, Bear and Moose" (H.P. 448) (L.D. 603) 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 MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Ensure that a Draft of Maine Land Use Regulation Commission's Decisions is Made Available to Interested Parties Prior to the Commission's Action on an Application" (H.P. 173) (L.D. 217) reporting "Leave to Withdraw"

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Ban Waterskiing on Certain Parts of the Saco River" (H.P. 669) (L.D. 902) reporting "Leave to Withdraw"

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

Refer to the Committee on Agriculture

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act to Require that the State Bear the Cost of Fencing Orchards which are Damaged by Moose or Deer" (H.P. 326) (L.D. 425) reporting that it be referred to the Committee on Agriculture.

Report was read and accepted and the bill referred to the Committee on Agriculture and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

CONSENT CALENDAR

First Day

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

(S.P. 177) (L.D. 503) Bill "An Act to Clarify and Simplify the Maine Consumer Credit Code" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-48)

(H.P. 925) (L.D. 1237) Bill "An Act to Change the Lime Laws" Committee on Agriculture reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 6, 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:

(S.P. 102) (L.D. 275) Bill "An Act to Provide for a Sales Tax Credit on the Trade-in of Construction Equipment" (C. "A" S-46)

(H.P. 779) (L.D. 1051) Bill "An Act to Amend the Definition of Seasonal Under the Employment Security Law"

(H.P. 416) (L.D. 550) Bill "An Act to Amend the Charter of the Waterville Sewerage District" (C. "A" H-88)

(H.P. 813) (L.D. 1087) Bill "An Act to Restructure the Method of Appointment of Members of the Maine Land Use Regulation Commission" (C. "A" H-87)

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 or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Strengthen the Lobster Hatchery Program" (Emergency) (H.P. 1055) (L.D. 1425)

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

SECOND READER

TABLED AND ASSIGNED

Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 543) (L.D. 727)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and specially assigned for Wednesday, May 6, 1987.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants

and the Rehabilitation of Substance Abusing Employees" (Emergency) (S.P. 457) (L.D. 1400) (S. "A" S-50)

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

Representative Baker of Portland offered House Amendment "A" (H-89) and moved its adoption.

House Amendment "A" (H-89) was read by the Clerk.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this amendment.

I believe the amendment being put in by the good gentleman from Portland -- I am not suggesting that he is doing it to be divisive, to divide the House, but that is exactly what it would do. We were pretty together in passing this bill yesterday, we stuck together, we had a compromise and I believe that, if we start splitting, we are actually going to be killing the bill. This may not be the intent of the good Representative from Portland but I believe that is exactly what it would be doing.

I hope you vote for indefinite postponement.

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

Representative BAKER: Mr. Speaker, Men and Women of the House: The good gentleman from Madawaska, Representative McHenry, is correct, it is not my intention to split the House but it is my intention to drive home a very important point on this particular subject.

In this amendment, you will notice that we amended Section 3 of Number 1 MRSA to insert that the policy for substance abuse testing is, "In keeping with the purpose of this subchapter to ensure that the members of the Maine Legislature be fit and capable individuals on whom the public has reposed its trust as the guardians of the public weal, each Senator-elect or Representative-elect shall submit to a substance abuse test pursuant to this section prior to taking his seat in the Legislature."

It then goes on to define definitions, sets up a commission to implement drug testing programs and it deals with the collection of samples. It says: "The collection of any sample for use in a substance abuse test must be conducted in a medical facility and be supervised by medical personnel; a member-elect may not be required to remove any clothing for the purpose of collecting a sample, except that a member-elect may be required to leave any personal belongings other than clothing and any unnecessary coat, jacket, or similar outer garments outside of the collection area; and (3) No member-elect may be required to provide a urine sample while being observed, directly or indirectly, by another individual; The storage of samples before testing sufficient to avoid deterioration of the sample." It goes on and on to explain exactly what members are expected to do.

If you look at the entire report, you will find that it is an attempt to provide some protections here -- why am I submitting this amendment before this body? I am submitting the amendment for a very serious purpose. Think for a moment how all of you would feel knowing that you had to be tested before you could occupy your seat. Does this amendment have a chilling effect on this body? Would this amendment have a chilling effect on someone who wishes to run for this office? Does the specter of drug testing have a chilling effect upon the citizens of this state?

In caucus the other day, I suggested that we take some leadership on this issue. Are we willing to

submit ourselves to that which we expect other people in this state to be submitted to? That is the question I pose before this body this morning.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, may I pose a question through the Chair?

Does the sponsor feel that the person running for the legislature is displaying aberrant behavior and, therefore, displaying probable cause?

The SPEAKER: Representative Ruhlin of Brewer has posed a question through the Chair to Representative Baker of Portland, who may respond if he so desires.

The Chair recognizes that Representative.

Representative BAKER: Mr. Speaker, Men and Women of the House: I think, in this situation, we don't deal with probable cause. The reason being that we in this body are supposed to take a leadership position. We are looked upon to provide ethical and strong moral conduct. That puts us in a special situation and that is why I didn't think it was necessary to show probable cause.

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

Representative DIAMOND: Mr. Speaker, I would like to pose a question to the Chair?

Mr. Speaker, is the amendment before us germane?

The SPEAKER: In response to the question posed by Representative Diamond of Bangor, the Chair would rule that the amendment is not germane based on the fact that in the Statement of Fact posed by the Representative from Portland, Representative Baker, he refers to legislators as public officials; the bill deals with employees.

Representative Zirkilton of Mt. Desert requested a roll call vote on engrossment.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, I request permission to pair my vote with Representative Boutilier of Lewiston. If he were present and voting, he would be voting yes and I would be voting no.

The SPEAKER: The pending question before the House is passage to be engrossed. This being an emergency measure, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 41

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Begley, Bickford, Bost, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Crowley, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farren, Gould, R. A.; Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lebowitz, Lisnik, Look, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nutting, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Reeves, Rice, Richard, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson,

Small, Soucy, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Willey, The Speaker.

NAY - Bailey, Bott, Bragg, Curran, Davis, Dexter, Farnum, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Higgins, Hillock, Holloway, Holt, Ingraham, Jackson, Lawrence, Lord, MacBride, Marsano, McPherson, Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Ridley, Salsbury, Seavey, Smith, Stanley, Stevenson, Strout, B.; Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT - Armstrong, Connolly, Cote, Gurney, Kimball, Moholland, O'Gara, Priest, Rand, Sherburne, Sproul, Taylor, Warren.

PAIRED - Boutilier, Racine.

Yes, 91; No, 45; Absent, 13; Paired, 2; Excused, 0.

91 having voted in the affirmative and 45 in the negative with 13 being absent and 2 having paired, the Bill was passed to be engrossed as amended in concurrence.

PASSED TO BE ENACTED
Emergency Measure

An Act to Validate and Approve Certain Proceedings Relating to the Otis-Mariaville Union School (S.P. 140) (L.D. 394) (C. "A" S-41)

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. 117 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 Amend the Definition of Eligibility under the Elderly Low-cost Drug Program (S.P. 443) (L.D. 1357)

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.

PASSED TO BE ENACTED

An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Services Act (H.P. 13) (L.D. 11) (H. "A" H-83)

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

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, I move that L.D. 11 be indefinitely postponed.

Mr. Speaker, Men and Women of the House: This bill is supposed to put state teeth into the Federal Draft Registration Law. Remember President Carter said we needed that law at the time that Russia was invading Afghanistan to give Russia a strong message and also to send a strong message to our adversaries in the Middle East. Ronald Reagan, before he became President, was opposed to peacetime draft registration. Here in Maine the Democratic Party Platform went on record at that time as being opposed to draft registration.

I learned recently that at Bowdoin College in the past four years only two people have refused to comply with the Federal Draft Registration Law. One

of those people was a young Israeli here on an Israeli-American passport. He had already seen military service in Israel. The other was a young Quaker whose faith prevented him from registering for the draft.

Now, most people do not know that there is no space on the new draft registration form for Declaration of Conscientious Objective status. It has been said, and I believe it true, that if the world gave as much honor to the courageous conscientious objectors as we honor our courageous warriors that war would be no more.

Now, the reason for the deletion on the form, according to testimony before the 96th Congress, Second Session, is that the Pentagon thought that as many as half of our young people would feel that the danger of nuclear war through the escalation of any conflict was great enough to make them to be opposed to war in any form. They, of course, have been shown to be wrong.

I don't think that we realize how worried our young people are about the nuclear threat. Recently, a 15 year old boy told me about something that has become a common nightmare -- the bomb had fallen, he and his family left their cabin, got into their row boat and started to row, there were dead people floating everywhere. He and his family were feeling sick and knew that they were dying too. In three years, he will go to register for the draft. You see, the Pentagon was wrong. He will go dutifully, obediently, and unquestioning as 99 percent of our Maine teenagers do. It isn't likely that he'll be sent to Russia but it's growing more and more likely everyday that he will be sent to Central America and I'm afraid that that is what this bill is really about. It is modeled after the Solomon Amendment to the Federal Draft Registration law. That amendment is named for Congressman Solomon of New York, and he is upset with the poor compliance rate of inner city teenagers in New York City. The rate is only 65 percent.

Seven states already have laws like the one before us. There is a bill in the New York State Assembly and Senate right now pushed by Congressman Solomon. Legislative officials there have told me that there is not much support for that bill. It didn't pass last session and this session. I don't know about today -- it is being held up in both Houses of that Legislature. Even the veterans organizations there do not get very excited about that bill. Please remember that a recent Maine poll showed that most Maine people are not in favor of fanning the conflict in Central America. I have heard it said so often, "I support the draft but am opposed to this kind of legislation."

I just want quickly to say here that patriots have not always supported the draft. In 1812, when the draft came on the American scene and President Madison was asked for one, our famous Daniel Webster spoke about it before the House of Representatives. He said that in a free country, in this country, that a draft would foully liable the Constitution. He asked, "Where does it say in the Constitution that it is a duty of the American people to give up everything valuable in life, even life itself -- not when the safety of their country and its liberties require, demand the sacrifice, but whenever the purpose is of an ambitious or mischievous government require it."

Not long ago, Chancellor Woodbury of the University of Maine System told us that we must help young people prepare to live in a global community. With that in mind, and with respect and growing affection for the members of this legislative body,

I ask them to consider all the implications of singling out teenage males in this way, at this time, if we pass this bill.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the gentlelady from Bath did bring up a point of nuclear threat. I can remember back in the late thirties when the Axis powers of Germany and Japan took it upon themselves to declare war on different countries because they knew that we were not prepared. That is exactly what we need to do -- to send a message to the foreign powers that we will be prepared if the time comes.

This issue was debated pretty extensively over the last few days and today. The issue isn't whether or not we shall force a young man to go to war and fight against his wishes. The issue is, shall a young man, who avails himself of certain privileges that this great country offers, ignore the responsibilities that go with it? I have two sons and they both registered. I knew they wouldn't have to go and I prayed to God they wouldn't have to serve. But they both registered and they both benefited from the funds available since I, being an underpaid state employee, qualified for that. They didn't like the idea, but they did it.

A lot has been brought up here about the young people, the poor young men, who will be the ones to suffer. That is not the fact. The fisherman's son on the coast has been taught that you should live up to your responsibilities, so has the woodsman's son from Franklin County or the mill worker's son from Lewiston or the potato farmer's son from Aroostook County. They have been told what their responsibilities are. It's your middle-class, affluent society -- young men who will get married, get emancipated from their family, and then say, I have no money and they get themselves an apartment in either Orono, Bangor or Portland, and they say, I qualify for it, but I still won't hold up to some of my beliefs even though it's my responsibility to do it.

Now the gentlelady from Bath brought up the point that there is nothing in the draft registration card that says that they can be a conscientious objector. The draft registration card does not tell anybody to report for military service, it is just a registration. At the time, if it ever comes and I hope it never comes, they are told to report for military service, they can make their views known that they are conscientious objectors. There is nothing in anybody's religion that I know of that says that you shall not register for the draft. There are many religious sects and I respect them for it that say that you shall not kill or fight in a war, but there is nothing that says, you shall not register. That is your duty. All we're asking here is that these young men live up to their responsibility if they wish to avail themselves of the privileges that this great country gives us.

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

Representative HANDY: Mr. Speaker, Members of the House: I have to take exception to my good colleague from Lisbon. My father was a veteran of the Korean Conflict and spent many years in the U.S. Navy. His father, my grandfather, was a veteran and spent a great deal of time in the U.S. military service.

I am a middle-class person from a middle-class hardworking family, Representative Jalbert, and I am

sure my grandfather on both sides of my family and my father are proud to say that I am their son and grandson, not because of the family ties, but because I am a person of principle. I am a person who believes in something and will stand up and say so and take whatever consequences that will follow. With respect to your assertion about religions that do not say that one should not register for the military draft, you are absolutely right in terms of precise words, but there is something that goes far beyond words and religious beliefs and moral beliefs and that is what is held deep inside the heart. When someone says to themselves, I do not want to have a part in taking another person's life, be it on the war field or in the rice field, be it in Central America, be it in the south of the United States of America, or be it in Vietnam or any other place in this world, they do so because of deeply held religious or moral or principle conviction.

My reasons for opposing this legislation before us today are not only those clearly illustrated by the good Representative from Bath, Representative Holt, and not only those of my own deep moral and religious convictions, but also those of a very practical nature.

Number one, this is a federal law. One can be fined up to \$250,000 for violating it and denied financial aid benefits.

Number two, the state is being asked to enforce a federal law. What other federal laws do we enforce? Do we enforce the racketeering laws? Do we enforce interstate transportation of felons? Do we enforce interstate transportation of drugs? No we don't. Why, in this case, are we overstepping our bonds as a state to enforce a federal law? It makes no sense whatsoever.

Thirdly, despite the fact that there is no fiscal note to this bill and you all know that fiscal notes can be very creative, a bill can either have one or not, depending on who is reviewing the legislation, this will require all public institutions to set up some kind of bureaucracy to evaluate whether or not someone has registered for the draft. So those of you who are people who want to cut down on state bureaucracy, I would submit that this is something that you could latch on to.

Fifth, this law goes far, far, far, away from what the federal law says. This law before us today doesn't only say that you shall check off a box or acknowledge the fact you have registered for the draft, this legislation says you shall show proof -- proof. Men and Women of the House, what proof must one show? No draft cards are issued because there is no draft, there is registration. So one cannot go to their college financial aid officer and say, here is my proof because there is nothing whatsoever for one to show.

Hence we go back to the bureaucracy. What that means, and this is another point, is that there is no due process in this bill. Someone has to show proof -- let's use the scenario where one has indeed registered for the military Selective Service and, through some happenstance, is unable to produce a form that proves that they have registered. Let me remind that there is no such draft registration card as we had in the seventies and sixties. Financial aid is either denied or put off for that individual, they have to find some proof somewhere and it is not stipulated in this bill where that proof is. So if they are denied financial aid, how can they bring to light that they have indeed registered? It is another fault of this bill.

My last point, and I think it is one of the points that really illustrates the uselessness of

this bill, is the fact that we're looking at a compliance rate of 99 to 105 percent in the State of Maine, the highest in the nation - highest in the nation. Now we constantly hear about Maine being 48th in this and 50th in that but we are the first in the nation in compliance under this. 99 to 105 percent - that is a lot, if you ask me. 105 percent comes from the possibility that people who do not reside in this state have registered and they are from out of state. You are looking at taking this huge boulder and dropping it on an ant, the ant being the less than 1 percent who haven't complied, and that non-compliance may be out of religious conviction.

I know my father and my grandparents didn't join the military to come back and tell people what they should do with implied vengeance. They did it to protect those rights as the good Representative from Greenville said last week, to protect those rights, to protect the right of an individual to dissent from the view that their government is taking. I will stand in line next to another person and fight for the same rights for the good Representative from Old Town that joined the military service -- if that is his wish, I will fight for that right for any individual -- for their free independent choice. I only hope that the rest of you can do the same for me and my children.

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

Representative NICHOLSON: Mr. Speaker, Members of the House: Obviously, I am for this bill. As a veteran, I do not know of any VFW or American Legion members that would be against this bill. I am proud to be able to say to you this morning that I am very proud that I could wear two uniforms, the Boy Scout and the Navy uniform. The Boy Scouts, at an early age, taught us and instilled in our minds, -- God and our country. I remember in 1940, when I was at Massachusetts State College, that we had the Selective Service. Up until that time, most boys and girls thought little about Selective Service, army, navy or anything else. But you know, at that time, it made us aware of what might happen. Signing up for the Selective Service in 1940 made us think about what may be happening or could happen.

I remember crossing Massachusetts State College with my roommate one October afternoon saying, before this war is over, as we agreed, Russia would be fighting against Germany. Who were we to know? But it was making us aware and we should be continually made aware of what it may mean to this country when we say, yes we are behind you 100 percent and, if we have to sign up, there is no problem for any of us to put our name on the line.

The Selective Service at that time was a small start on this subject and yet, in 1941 a year later, Pearl Harbor happened. We don't want another Pearl Harbor and we have warnings all over the world. We have got to keep our defense up 100 percent and that means everybody signs up when they are supposed to. I am for L.D. 11.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Something struck me when I was listening to my good friend, the Representative from Bath, Representative Holt, when she mentioned the two people at Bowdoin who didn't register for the draft. The conscientious objector, I give the highest praise and as much encouragement as possible because basically I agree with him.

The Israeli, now let's explain how an Israeli could possibly be in the United States Army or be required to be in the United States Army and be in the IDF. It requires dual nationality. Now Israel is the only country in the world that the U.S. allows its citizens to have dual nationality with. That means that, prior to that individual being an Israeli citizen, he had to be an American citizen or he had to come into this country and go through the entire naturalization process, give up his Israeli citizenship and then reapply to get dual nationality. So it wasn't just a simple Israeli. We are talking about a person who has American citizenship.

Now let's talk about what the Israeli's require for military service. The IDF requires, and I speak to you as one who knows, because I am a member of the IDF and am eligible for recall until I am 65 years old, if I set foot in the nation of Israel. Upon graduation from high school, with the exception of those who choose a religious exemption, every male spends 36 months and every female spends 20 months on active duty. All males are then in first reserves until age 35, giving 3 months a year active duty. At the completion of first reserves, all males are then in second reserves until age 54, giving one month a year active duty. Upon completion of second reserves, all males are in third reserves until age 65, giving no active duty. If they are physically competent after age 65, they go into the home guard.

Now quite simply, I think that asking someone for a two year commitment or someone to register for a two year commitment is not very much when we consider the benefits we get in this country compared to those offered in other countries and the military requirements in this country compared to those mandated in other countries.

I would also like to remind the young Jewish gentleman, be he Israeli or American by first citizenship, that if it wasn't for draftees, in all likelihood, his ancestors would not be here; therefore, neither would he. If it wasn't for draftees, the Holocaust would not have stopped. If we didn't have draftees and we didn't have a reasonably ready military, maybe it wouldn't have been 6 million Jews and 9 million others, maybe it would have been 30 million Jews and 50 million others. We have to look, not only at what the current situation is, but what the potential situation can become. We have just gone through the Week of Remembrance of the Holocaust. Those of you that have the fortitude perhaps have been watching Shoah on Channel 10, a nine and a half hour documentary, on how it happened. One thing that becomes very clear in that documentary is those conditions still exist, it can happen again. I don't care whether it's Russia, Germany, or Iran. Those conditions exist in this world that require that we maintain a reasonable military response, a reasonable military capability. Registering for the draft, informing your government where you live, and who you are, I do not feel is an unreasonable requirement for everyone's protection.

To go on a little further to some of the other comments that were made -- in particular to my friend from Lewiston Mr. Handy with his concern about having this state enforce federal laws. If we will look at what this state does and what the federal government does for the state with our laws, we have a law involving the state collecting monies from father's who aren't making their child support payments and where the state is incapable of collecting those monies, it doesn't bother us at all to have the federal government intercept their income tax returns

and send the money to the state to recoup some of those funds. I certainly agree with that and I believe Representative Handy believes in that. If he does believe in that, then I see a slight inconsistency in his position -- where he would accept the federal government enforcing state laws, but has trouble with the state government enforcing federal laws.

I have also heard various people speak about the moral and religious positions and how they support that. I support the moral and religious position too. I heard one man on the floor of this House say he held that moral and religious position. I would ask him a question. I would ask him if he was registered for the draft because if he was, there is another contradiction there. I have also heard people say that they would support individuals who would not register for the draft. Let me tell you what that does and what that is.

If you're not in the same position they are, if you're not presenting yourself to the same risk, if you're not informing the federal government and the Selective Service that you're removing your registration, if you are just saying that you are supporting somebody who does not register -- you know we hear talk of the warlords and the fights and all the rest of that but I will give everyone of those people credit, even Hitler credit, because while he sent his people out to fight, he kept a safe haven as long as he could. And every country in war has kept a safe haven for its soldiers and its fighters. That's what they were fighting about -- to keep a safe haven for their people. But the person who actively supports opposing the draft and doesn't take the risks himself sits in a nice safe position, he's met all of the requirements of the law, the feds can't do anything to him and he is sending an 18 year old out and saying, go to war with the federal government, lose the only safe thing you have and that is the security of your home. Look at going to prison because I'm taking this nice moral, ethical position, but I've covered my back and your's is out in the breeze.

I ask anyone here if you are in opposition to this bill -- are you registered for the draft? If you're not, fine. If you are, in my opinion, you sit in the same position as every tyrant and despite that ever walked the face of the earth. You are sending innocent, unprepared children out into a battle that they don't know the consequences of. This bill is not that difficult, it's not that hard, it doesn't cost anybody any money and it still enables any individual, who is morally or ethically opposed to the draft, the ability to oppose it without undue risk. We have passed this bill once. I would hope that we will pass it again.

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

Representative PARADIS: Mr. Speaker, Members of the House: I oppose the motion to indefinitely postpone this bill which we have before us. We gave this bill a good reading last week, here on the floor of this House, and we also gave it a good vote. I hope you will do it again today.

We have heard this morning again, no need for the bill. I pointed out to you last week that we had several cases here in this state, 66 to be exact, that were before us at that time who were unregistered before the Selective Service process and who were claiming federal assistance for collage loans and grants. Since that time, over the weekend, the Adjutant General, who is responsible for the State Selective Service Registration Program, has received updated information. As of the 28th of

February, he has found that we have 89 percent of our people who are now in compliance with registration in the Selective Service process. Last week, we were in 13th place in the nation. We heard about being first place and being tied with first place with several other states and that has been so in the past, but this last year and when I spoke on the floor last week, we found ourselves in 13th place in the nation. This week we find ourselves in 12th place. I don't mean to point that out as any improvement on our part but I think it shows slippage somewhere else.

As I pointed out last week, it appears that there is something going on in our society, there is some occasion for resistance. As I have also pointed out in my previous debate, that when times were good, there was probably small need for this. But when times are difficult, there is more occurrence for the need.

Mr. Speaker I would request a roll call on indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Tupper.

Representative TUPPER: Mr. Speaker, Men and Women of the House: Yesterday we enjoyed the fine music of the Gray-New Gloucester High School Band. My grandson turned 18 just a few days ago and it causes anguish and a little concern in a mother and a grandmother but I know he wants to do his duty. He is a proud young American, he will register, and if he is called, he will go and he will return safely like his father did from Vietnam.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I realize this was fully debated last week and I don't mean to prolong this unnecessarily. I do think it would be important to state on the Record why I will vote for the indefinite postponement of this bill.

There are really two reasons. One of those reasons deals with the effectiveness of it. As I understand the bill, and I believe the good Representative from Old Town made the same point in his initial presentation last week, there are three programs in this state that do not get federal aid but do involve state aid. Those three programs are the Blaine House Scholars, the Post-Graduate Health Profession Program and the Osteopathic Loan Program. Every other program of state aid involves federal aid as well and thus everybody who applies for other forms of state aid, such as The Maine Student Incentive Scholarship Program, are already required to sign whether or not they have signed up for the Selective Service System.

This bill, in effect, only affects the very small handful of people that apply for state aid that does not involve federal aid, the three programs that I mentioned. We are talking about, as I understand it, less than 50 people in those three programs, a very, very small number of people. One can surmise that one-half of those are probably females or close to it. Thus we are talking about even fewer numbers of people.

With a Selective Service registration level as high as it is in this state, the likelihood of somebody applying for state aid, and just state aid, who is not registered for the Selective Service, is extremely remote. In contrast, the expense for adding this to our bureaucratic requirements, seem to me, unduly high, that is why I call it the red tape bill. This adding a bureaucratic requirement that is basically empty of effectiveness and, that to me, fits the definition of red tape.

I do not think we should pass it even if we believe encouraging draft registration is an important thing for the state to be undertaking because I do not find it to be effective in doing that.

There is a second reason however, and that is because of my rather unique position of being on the one hand a member of the Society of Friends or Quakers, and on the other hand, a former Naval officer, I have found myself involved, over the years, in extensive work in draft counseling. In that role, I have always tried to maintain an absolutely neutral position and help people from wherever they came to clarify where they were at and figure out what seemed right for them. In that work, I have encountered, over the past several years, a number of individuals who find themselves conscientiously opposed, not just to participation in war, but to the draft as an institution. They find that the existence of a draft to be inimical to their own sense of values. And I might say that they have adequate models within American history to support that position. For indeed, when we go back to the first effort to establish a draft, during the war of 1812, we find that Daniel Webster stood on the floor in Congress and said, "Is this sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our constitution? No sir, indeed it is not.

The people of this country have not established for themselves such a fabric of despotism, they have not purchased at a vast expense of their own treasures and their own blood a Magna Charter to be slaves." I am not quoting that to try to convince anybody here that the draft is or isn't a good or bad institution. I am only saying that as a way of saying that there are individuals in our midst who find that they are conscientiously opposed to the existence of a draft, they cannot bring themselves to sign up for it. Many of those same individuals give of themselves very generously to the betterment of our state and our country.

The underlying philosophy behind this bill is anybody that does not sign up for the draft is himself somehow undeserving of state support. Based on my personal experience, in dealing with a number of these people, I can't bring myself to say that. I can't bring myself to vote in favor of something that would, as an institutional policy, state that anybody who will not sign up for the draft is undeserving of our financial assistance.

I don't pretend to think that I can convince other people of this point of view but I do think it is important to recognize that there are patriotic motives on both sides of this issue and both sides of this question. It is not as simplistic as some of the more emotional comments we have heard. I think that a person of good motivation and of high patriotic sense could vote either way on this issue. For my part, I will vote in favor of the bill for indefinite postponement because of the two reasons I have articulated. One, I think it is inappropriate to have as a matter of state policy that we will not render state support to those people who find, conscientiously, that they cannot sign up for the draft. And two, even if we did feel that as a matter of state policy that that was a good idea, this bill does not achieve that because of the small number of people we are talking about and the high likelihood that we will not be reaching any of those people through such a proposal.

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

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: I urge the defeat of the motion to indefinitely postpone. This issue is one of responsibility, a compliance of the law of this land. There is no requirement of the signer to bring harm or to bring hurt to any person, we are only asking that he sign his name, that he register. As a member of both the American Legion Auxiliary, The Veterans of Foreign War Auxiliary, the wife of a veteran, a mother, a grandmother, an active participant in the Judeo-Christian Faith and a proud upholder of the Constitution of this country, I am fully supportive to this legislation of proof of registration before obtaining any state funds for college education. I strongly urge the defeat of the motion which is before us.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Because of the obvious concern about this bill and my own question about constitutionality, which was just mentioned by Representative Harper, it is obvious that those persons who sponsored the bill and support the bill are committed to the concept of this bill. It is obvious to me and to the rest of us that the sponsor as well is committed to the Constitution of the State of Maine and the Constitution of the United States.

I am concerned about Section 6-A in the State of Maine Constitution that says, "No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof."

My question to the sponsor would be -- would the sponsor of this bill consider an amendment to insert a due process clause in this piece of legislation in the case of a person who has registered for Selective Service and cannot produce that proof that he has registered and would that sponsor, indeed, consider an appeals board of perhaps five members to review that process in order to assure that the Constitution of Maine and the Constitution of the United States is being upheld?

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate those that have stayed to listen to what I think is the most important debate that we have had this session.

I will just briefly go over the points that have been made on both sides and I promise not to go into too much historical depth of the Civil War again, you can read that in the Legislative Record passed out today.

To the Representative from South Portland, Representative Anthony -- I have tremendous respect for him as a naval officer -- he went and sacrificed for this country. I am a marine officer and I have gone too, as many others have. It is not an issue of those that have gone to war or those that have not. It is an issue of those who are willing to defend our Constitution.

I spent time at the Naval War College and went into the NATO forces. We talk about the fear of nuclear war. I fear it as much or more than anyone here. I have carried the bomb in the back of my plane and I felt the awesome responsibility with a weapon that can do ten times the damage of Hiroshima and Nagasaki together. It is thought among the NATO forces and the Russian forces that the best deterrent is the ability to at least maintain a land war, no

one wants a nuclear war. The real threat there is third world nations.

As far as the fiscal note on this, there are many things that cost. I don't feel that this is a tremendous cost comparing what we are talking about here.

We talk about conscientious objectors -- let's make it clear here that the provision to have an honored position of a conscientious objector, you have to make your case. The first step, obviously, is to register for the draft and be a conscientious objector. Those that listened to me last time and heard the story about Joshua Chamberlain, Governor of the State of Maine, hero of Gettysburg, those that have a feeling for conscientious objectors -- I would just mention this, on that fateful day in 1863, on July 4th, when the 20th Maine defended the southern flank, there were three men named Chamberlain in the 20th Maine, Joshua who became Governor of the State of Maine and also President of Bowdoin College. There were two other men, one was an enlisted man and the other was a conscientious objector that went into battle unarmed to save the wounded -- three brothers, not of the same political opinion, but willing to defend their country.

We talk about the difficulty and problems of getting aid as far as proof of the draft. Anyone that has applied for financial aid knows the hoops they have to jump through, a W-2 form, proof that you were a veteran for GI Bill benefits, statements from the bank. This bill would only require a call from the draft board.

We all seem willing and able to immediately jump up and say, this is our right, our right given to us by the Constitution. Some are a little slower to get up or don't get up at all when we talk about our responsibility. Politics enter into this, they enter into everything we have here.

I was unaware that the Democratic Platform said that we should not register for the draft in peacetime. I still contend, and many do, that we maintain peace in this world with a country that is willing and able to rise up and defend their Constitution.

Representative Scarpino mentioned Israel -- there is a classic example, Israel would not be here today. We went through the Week of Remembrance of the Holocaust. People from around the world rose up to defend what they thought was freedom and Israel might not even be here today and many more Jews would have died had it not been for draftees that stepped forward.

An often quoted phrase by a very great President, John Fitzgerald Kennedy, who went to war himself, "Ask not what your country can do for you, but what you can do for your country." That is something that we should all think about here. This is not a flag-waving bill, we are supposed to represent the people of the State of Maine and, if we can't represent the ideals of our Constitution, then something is wrong.

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

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: Despite all the subterfuge and the various ways to circumvent what we have been supposedly talking about here this morning, we are not talking about the draft, we are talking strictly about rights versus responsibility. As I mentioned the other day, each of us here in this House has taken an oath to uphold and defend the Constitution of this state and our country and its laws. I have no qualms with those who are peaceful dissenters but I raise very, very strong questions about all of

those who absolutely refuse to obey the law. I ask you to defeat the impending motion.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I, too, want to talk about rights and responsibilities. Men and women of the House, perhaps I didn't ask the question clearly but I would like to ask a question through the Chair if I may.

I wondered if the sponsor would be amiable to amend this bill to add a due process clause which, in effect, would establish an appeals board of perhaps five members of impartial neutral persons who would protect the liberties and the rights according to the State of Maine Constitution? As I thought about this question, and I have listened to the debate with all of you, I also consulted the dictionary to be sure that liberty was defined as I thought it was. Liberty is defined as the power to do as one pleases, the power of choice. So, I would ask a question through the Chair, would the sponsor, in fact, consider a provision to assure due process that is assured by our State of Maine Constitution and the Constitution of the United States?

The SPEAKER: Representative Joseph of Waterville has posed a question through the Chair to the sponsor, who may respond if they so desire.

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

Representative PARADIS: Mr. Speaker and Members of the House: I would oppose such a motion. I believe that that due process has been sufficiently written in our laws elsewhere to provide adequate protection and the interest of the individual would be cared for through other directions. I see nothing in this bill which would impede that process. Had I seen anything that would require additional aspects of due process to be included in the bill, I would have done so in drafting; hence, I would oppose.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative McSweeney.

Representative MCSWEENEY: Mr. Speaker and Members of the House: I become very, very concerned if a boy doesn't want to sign for the Selective Service. In 1941, I was in church when the Japanese attacked Pearl Harbor. If we hadn't had a Selective Service Act at that time, I don't know what would have happened to the United States. We live in the greatest democracy in the world and this is a small, small thing that they have to do, sign for the Selective Service. I think that is the least that a young man of 18 years of age can do.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to get up and speak in favor of indefinite postponement because I find lately I am a kiss of death to anything I desire to see done. However, I felt that people who are conscientious objectors, who are males, pay the price for being conscientious objectors in a variety of ways and what is proposed here today is another way in which they will pay the price for being conscientious objectors, if indeed, their objection is to registering for a military service.

Because I am female, I do not pay that price for being a conscientious objector, so I wanted to get up and say that I was one, that I have struggled with that (being one) for many years. When I converted to Judaism as I did some eight years ago, there are many Holocaust survivors in my Jewish community at home in Auburn, I had to deal with what it was to be a

conscientious objector and look a Holocaust survivor in the eye and say, "No, I would not serve." I took counseling from the Rabbi I converted under to deal with this issue and laid it to rest finally, that I could, indeed, be a Jew and be a conscientious objector.

I guess I wanted to get up and let you know that women in this country do not ever have to pay the price for being conscientious objectors, nor do they have to pay the price for a democracy in serving in a way. I find that another reason not to vote for this bill so I am going to vote for indefinite postponement because, as a woman, I pay no price for being a conscientious objector. I guess I want it on Record because I have two veterans groups on my district and I wanted them to know that I did not fear being public about my position.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am a woman veteran. I chose to serve and many, many other women chose to serve. I really respect anyone's religious beliefs and moral beliefs but I do not respect someone who deliberately disobeys the law. I urge you to defeat the motion before you.

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 Holt of Bath that L.D. 11 be indefinitely postponed.

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

Representative MICHAUD: Mr. Speaker, I request permission to pair my vote with Representative Thistle of Dover-Foxcroft. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, I request permission to pair my vote with Representative Melendy of Rockland. If she were present and voting, she would be voting yes; I would be voting no.

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

Representative MITCHELL: Mr. Speaker, I ask permission to pair my vote with Representative Moholland of Princeton. If he were present and voting, he would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, I request permission to pair my vote with Representative Boutilier of Lewiston. If he were present and voting he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of Representative Holt of Bath that L.D. 11 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 42

YEA - Allen, Anthony, Baker, Bost, Bott, Carroll, Clark, M.; Coles, Conley, Diamond, Dore, Gould, R. A.; Gwadosky, Handy, Hoglund, Holt, Joseph, Ketover, Kilkelly, Lacroix, Mahany, Martin,

H.; Mayo, Nadeau, G. G.; Nadeau, G. R.; Nutting, Paul, Rolde, Ruhlin, Rydell, Simpson, Stevens, P.; Tracy.

NAY - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bragg, Brown, Callahan, Carter, Cashman, Chonko, Clark, H.; Crowley, Curran, Davis, Dellert, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Holloway, Hussey, Ingraham, Jackson, Jacques, Jalbert, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Mills, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Perry, Pines, Pouliot, Reed, Rice, Richard, Ridley, Rotondi, Salsbury, Scarpino, Seavey, Sheltra, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Swazey, Tamaro, Telow, Tupper, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Connolly, Cote, Gurney, Kimball, O'Gara, Priest, Rand, Reeves, Sherburne, Sproul, Taylor, Warren, The Speaker.

PAIRED - Boutilier, Melendy, Michaud, Mitchell, Moholland, Racine, Tardy, Thistle.

Yes, 33; No, 97; Absent, 13; Paired, 8; Excused, 0.

33 having voted in the affirmative and 97 in the negative, with 13 being absent and 8 having paired, the motion to indefinitely postpone did not prevail.

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

Representative RICHARD: Mr. Speaker, I move that the House reconsider its action whereby L.D. 11 failed of indefinite postponement and ask that everyone vote against me.

The SPEAKER: The Representative from Madison, Representative Richard, moves that the House reconsider its action whereby L.D. 11 failed of indefinite postponement. Those in favor will vote yes; those opposed will vote no.

A viva voce vote of the House being taken, the motion did not prevail.

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

PASSED TO BE ENACTED

An Act to Allow Per Pupil Reimbursement to School Administrative Units for Home Instruction Pupils (H.P. 659) (L.D. 892) (C. "A" H-76)

An Act to Amend the Open Season Fishing Laws (H.P. 1019) (L.D. 1372)

An Act to Clarify Residency Requirements for Servicemen (H.P. 1020) (L.D. 1373)

An Act to Establish a Resident Small Game Hunting License (H.P. 1021) (L.D. 1374)

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.

FINALLY PASSED

RESOLVE, to Compensate Thomas P. Peters, II, Attorney-at-law, for Professional Services Rendered in the Adoption of Benjamin B., Heather B. and Lucas B. (S.P. 287) (L.D. 814) (S. "A" S-47)

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

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby An Act to Clarify Residency Requirements for Servicemen (H.P. 1020) (L.D. 1373) was passed to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Wednesday, May 6, 1987.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

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

An Act Relating to the Issuance of Bonds or Notes for Union Schools (S.P. 317) (L.D. 919)

TABLED - May 5, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, May 6, 1987.

The Chair laid before the House the following matter: An Act to Amend the Marriage Prohibitions Based on Consanguinity" (Emergency)(H.P. 1002)(L.D. 1348) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Paradis of Augusta, the House voted to recede.

The same Representative offered House Amendment "A" (H-90) and moved its adoption.

House Amendment "A" (H-90) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter: "An Act to Establish the Maine Business Opportunity and Job Development Program" (S.P. 313)(L.D. 915) which was tabled earlier in the day and later today assigned pending reference in concurrence.

(Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.)

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

On motion of Representative Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

The Chair laid before the House the following matter "An Act to Authorize a Bond Issue in the Amount of \$4,300,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine" (S.P. 220)(L.D. 601) which was tabled earlier in the day and later today assigned pending reference in concurrence.

Representative Carter of Winslow moved that L.D. 601 be referred to the Committee on Appropriations and Financial Affairs in concurrence.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against this motion so that we can go back to our previous position on this bill of last February where we

referred this bill to the Committee on Economic Development. No one has more respect for Representative Carter and his colleagues on the Appropriations Committee than I do. I know they understand Economic Development as well as anyone in this state probably. But this bill deserves a full hearing and when we vote on it, I move that we vote with a Roll Call.

This important piece of legislation sat Tabled and Unassigned in the other body since March 3rd. The bill, a bond issue for construction and equipping centers for advanced technology that service the economic development needs of Maine, is truly an economic development bill and it needs a full-blown hearing of the Economic Development Committee for many reasons. Most importantly, so that it will get a favorable referendum vote at the polls. It is not necessary to remind the House that, during the 112th Legislature, this research and development bill failed to pass and it failed because it got lost in the pack of bond issues. It failed because it did not have a champion.

If you send this to the Committee on Economic Development, we will see to it that the legislature, the administration, the universities and colleges, the technical industries and the voters of Maine know the importance of research and development. They will know that Maine industry, small and large, has to be technically competitive to survive economically in the national and international marketplace.

Sending this bill to the Economic Development Committee will not exclude the Committee on Appropriations and Financial Affairs. After passage of both Houses, it will go to the Appropriations Committee like all other bond issues but this one will have a committee report. We feel this will give the bill the exposure it deserves and needs. It will give the 113th Legislature a better knowledge of the importance of research and development and how important research and development is to the survival of industry in Maine especially the small businesses that are the backbone of the Maine economy.

In summary, the Committee on Economic Development will not be working against the Appropriations Committee, but will be working with them to promote this bill and all that it stands for. The Appropriations Committee will not know less about the bill, they will know more. The bill is extremely important. It could be and should be the hallmark of all of our bond issues. It could be an important vehicle to give business and industry the thrust it needs to compete, to add quality jobs for men and women of Maine.

I hope you will vote against this motion.

The SPEAKER: The Chair would like to make sure that everyone understands where we are. This bill was introduced in the Senate on March 3rd, referred to the Committee on Economic Development, and was subsequently held in the Senate Chamber. Reconsideration for reference was then made and the motion to reconsider was tabled on March 9th. Subsequent to that, reconsideration took place on the 10th of March and then it was Tabled Unassigned on the 10th of March until May 4th. The motion to reconsider prevailed. The motion to refer the bill to Economic Development was made and defeated. Subsequently, the motion was made yesterday to refer the bill to the Committee on Appropriations. This bill has never come to this body. It is not a House Paper, it is a Senate Paper.

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It's not very often that I take issue with my good friend Representative Crowley, but I feel on this issue I must. Those of you who have served here for a few semesters will agree with me that the long established precedent in this House that all bond issues -- all bond issues -- except for the highway bond issues, that deal with the General Fund, are referred to the Committee on Appropriations and Financial Affairs.

The debate that took place yesterday in the other body centered along the same lines. The reason that all bond issues are referred to the Committee on Appropriations and Financial Affairs is that the committee can get the entire picture in dealing with all the bond issues. Currently, the committee now has bond issues totally \$158,800,000, not counting the three that are on page one of today's calendar. Those three add up to another \$11.8 million. So consequently, the total to date is \$170,600,000.

My good friend, Representative Crowley, has indicated that were this bill referred to the Economic Development Committee, it would get a full-blown hearing. I take issue with him because every bill that is referred to Appropriations and Financial Affairs has a full-blown hearing. As a matter of fact, in the last two weeks, we had full-blown hearings on 54 bills and we have a few more to go.

I would also like to point out to the House that this bill was before the Appropriations Committee in the last session, had a full-blown hearing, and the bill at that time was for \$5 million instead of \$4.3 million. It was referred out Unanimous "Ought to Pass" and went out to referendum and it was defeated in referendum, not by the legislature.

Now we deal with a considerable amount of bond issues. Let me run down through the list - Oil Contamination Cleanup, \$4 million; Sewage Treatment, \$13.7 million; State Parks and Historic Areas, \$2.7 million; Commercial Underground Tanks, \$2 million; Public Lands Acquisition, \$50 million; Non-profit Social Service Agencies, \$15 million; Cleanup Landfills, \$40 million; Maine Maritime Pier Construction, \$2.3 million; Repairs to State Facilities, \$8 million; Asbestos Removal, \$6 million; Removal of Oil Storage Tanks, \$4 million; Sewage Plant Construction, \$6 million, Public Lands Acquisition, \$5 million.

In order to make a sound decision, the committee needs to know what each bond issue contains or calls for and the only way that can be accomplished is for those bills to be referred to the Committee on Appropriations and Financial Affairs. I would hope that the House would go along with the motion.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I should apologize for misspeaking about the flight of this bill in the other body and here. We have had so many bills that started out coming to the Committee on Economic Development that I think I am getting a little punchy on which ones have been stolen this week.

I request a roll call.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I highly respect both of the Representatives who have spoken on the reference of this bill but feel I do have to take sides on this particular question.

Representative Carter has said that the precedent in this body has always been for bond issues to go to the Appropriations Committee, but we now have a new committee in this House, a Joint Standing Committee on Economic Development. I submit to you that perhaps it is time for that precedent to be altered somewhat. You do not have precedent anywhere without having change and alteration of precedent. That is part of dynamic development.

I think what Representative Crowley said with respect to giving this particular bill its due publicity, getting the word out to all facets of the economic community and of the community at large, that that can be best done in the Joint Standing Committee on Economic Development, I think is true.

For that reason, I urge you to support referring this bill back to the Joint Standing Committee on Economic Development.

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

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

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I find it rather difficult to stand here today and suggest that we would like to have another bill in Appropriations for the simple reason that we have over 150 and probably closer to 200 bills, which is more than we've had in any session that I can remember, while being a member of that committee.

I can appreciate the fact that those members who serve on the Committee on Economic Development are concerned but I speak to you from the avenue of precedent. I know that has been mentioned today and there is a great deal of concern over the fact that, somehow, precedent has to be broken or perhaps the Committee on Economic Development isn't going to get any bills. I can identify with that, but from my standpoint, it seems to me the Appropriations Committee is given the task of dealing with and formulating state fiscal policy. Chairman Carter reviewed with you the multitude of issues that we have to become knowledgeable about, anywhere from sewerage treatment plants, purchasing land for public access, and asbestos and other things. I would submit to you that, number one, if the bill is going to pass the legislature, it will probably stand a better chance in our committee in trying to reach a consensus, and that is what we try to do, not only with the budget, whether it be the Supplemental Budget or the Part I Budget or the Part II Budget, is to reach some sort of consensus as to what the state can afford. Also, when we deal with bond issues, a consensus of what the people out there would be willing to vote for, because whether or not the legislature enacts a bond issue and sends it out to the people, isn't the final determination. We have to send out a package of bond issues, a number of bond issues, that meet the test of -- will people vote for it? If the need is \$25 million for a particular item but the people would only support \$10 million, we're not doing anybody a favor by sending out a bond issue for \$25 million.

Perhaps I am getting off the subject a little bit as far as this particular bond issue goes, but what I am trying to get at is that our responsibility is to

deal with fiscal policy and developing an overall strategy for the state's finances and how much the taxpayers can afford. I hope you would not relinquish that today and I hope that you would support the motion in front of us.

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

Representative VOSE: Mr. Speaker, may I pose a question to the Chair?

Every time we get involved in a reference fight, I get a little nervous. If we do shift the bill today and the Senate adheres to its position, what would be the status of the bill?

The SPEAKER: The Chair would respond that the status of the bill would depend on whatever the posture of the bill was when it left this body.

Representative Vose: I meant if we referred it to a different committee, that is to the Economic Committee?

The SPEAKER: The Chair would respond in the same manner.

Representative VOSE: I think, and I could stand corrected, that if we did refer the bill to the Economic Development Committee and they adhered to their position down there, it's very possible the bill would die.

The SPEAKER: The Chair would answer in the negative. The Chair responded by indicating that it would be in the posture in which it originated in the other body.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: In an attempt to further perhaps muddy the waters, I think the answer to the question that the gentleman is posing is that, should this body choose to do something different than the other body did, namely send it to Economic Development, and the other body adhered to its former position, the choice at that point to the House is to recede and concur or the bill would die and it would go to Appropriations. I believe that is the question you are asking.

The pending question before the House is the motion of the Representative from Winslow, Representative Carter, that L.D. 601 be referred to the Committee on Appropriations and Financial Affairs in concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 43

YEA - Callahan, Carter, Cashman, Chonko, Clark, H.; Coles, Davis, Dellert, Dore, Foss, Foster, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hanley, Harper, Higgins, Jacques, Joseph, Lawrence, Lisnik, Lord, MacBride, Marsano, McGowan, McPherson, Michaud, Nadeau, G. G.; Nadeau, G. R.; Paradis, P.; Parent, Paul, Pines, Ridley, Rolde, Rotondi, Salsbury, Seavey, Sheltra, Simpson, Small, Strout, D.; Swazey, Telow, Tupper, Vose, Wentworth, Whitcomb, Zirkilton.

NAY - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Carroll, Clark, M.; Conley, Crowley, Curran, Dexter, Diamond, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Garland, Hepburn, Hichborn, Hickey, Hillock, Hognlund, Holloway, Holt, Hussey, Ingraham, Jackson, Jalbert, Ketover, Kilkelly, Lacroix, LaPointe, Lebowitz, Look, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McHenry, McSweeney, Melendy, Mills, Mitchell, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Perry, Pouliot, Racine, Reed, Rice, Richard, Ruhlin, Rydell, Scarpino, Smith, Soucy, Stanley, Stevens, A.;

Stevens, P.; Stevenson, Strout, B.; Tamaro, Tardy, Thistle, Tracy, Walker, Webster, M.; Weymouth, Willey.

ABSENT - Baker, Bost, Boutillier, Connolly, Cote, Gurney, Kimball, Moholland, O'Gara, Priest, Rand, Reeves, Sherburne, Sproul, Taylor, Warren, The Speaker.

Yes, 51; No, 83; Absent, 17; Paired, 0; Excused, 0.

51 having voted in the affirmative and 83 in the negative with 17 being absent, the motion did not prevail.

On motion of Representative Crowley of Stockton Springs, was referred to the Committee on Economic Development in non-concurrence and sent up for concurrence.

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

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

SENATE PAPER

Bill "An Act Relating to Notice by Regular Mail Prior to Enforcement of Liens on Real Estate" (S.P. 472) (L.D. 1432)

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

Was referred to the Committee on Taxation in concurrence.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Establish a State Nuclear Safety Program for Commercial Nuclear Power Facilities in the State" (H.P. 1053) (L.D. 1416) which was referred to the Committee on Utilities in the House on May 4, 1987.

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

The House voted to recede and concur.

BILL HELD

Bill "An Act to Compensate Newspaper Delivery People for Advertising Fliers" (H.P. 587) (L.D. 798) - In House, Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted.

HELD at the Request of Representative MURPHY of Berwick.

Representative Murphy of Berwick moved that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I am still a little bit doubtful as to whether this is proper procedure or not -- my intent is to see that this is not honored and wish to speak as to why. I don't know, Mr. Speaker, as to why I should put you in this position but I have no alternative at this time. I am asking you for the proper procedure -- can I stand up here and ask this body not to entertain that request by Representative Murphy of Berwick?

The SPEAKER: The Chair would answer in the affirmative. He might suggest -- why should people not vote to reconsider?

Representative ALIBERTI: Thank you very much. May I do that at this time?

The SPEAKER: You may proceed.

Representative ALIBERTI: Thank you. I would like to make a point here, ladies and gentlemen. I, too, have been asked to change my vote as many of you have. The premise is a very insulting and irresponsible political ploy. The vote and issue is in this body at this time and in this body alone. I would like to address the concerns of Representative Pouliot and his very fine and dedicated paper carrier in support of not reconsidering this. The Representative's carrier, Christy and her family, have six paper routes, which return them almost \$200 a week and I, for one, choose not to jeopardize any of that income for those dedicated people on the basis of additional costs and even to the point of losing some of the advertising inserts.

I plead with you to stand by your vote because it was debated yesterday and you voted your conscience. I urge you not to change your vote today on the premise that was offered to you by the sponsors of this bill.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will support the pending motion to reconsider. The reason that I wish you would do that is that this will give us another opportunity to express ourselves as to whether or not we feel that newspaper carriers should be compensated for the additional weight that they have to carry. In so doing, before we vote on this motion, I was hoping that the motion would go under the hammer and then I was going to share with you some information that I have received from parents of newspaper carriers. However, since the motion may be in jeopardy, I hope that you give me the opportunity to share with you the information that I have. I hope you will support the motion to reconsider.

Representative Aliberti of Lewiston 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 Representative Murphy of Berwick that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 44

YEA - Bickford, Bost, Bott, Bragg, Chonko, Clark, H.; Clark, M.; Coles, Conley, Curran, Dexter, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Foss, Handy, Hepburn, Hickey, Higgins, Hoglund, Holloway, Holt, Jacques, Ketover, Lacroix, Lawrence, Lisnik, Lord, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Michaud, Mills, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nutting, Paradis, E.; Paradis, J.; Paul, Perry, Pines, Pouliot, Racine, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Seavey, Sheltra, Simpson, Small, Smith, Soucy, Stanley, Stevens, P.; Strout, D.; Tammaro, Tardy, Tracy, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Aliberti, Allen, Anderson, Armstrong, Bailey, Begley, Brown, Callahan, Carroll, Carter, Cashman, Crowley, Davis, Dellert, Diamond, Farren, Foster, Garland, Gould, R. A.; Gwadosky, Hanley, Harper, Hichborn, Hillock, Hussey, Ingraham, Jackson, Joseph, Kilkelly, LaPointe, Lebowitz, Look, MacBride, Marsano, Matthews, K.; Norton, Paradis, P.; Parent, Reed, Scarpino, Stevens, A.; Stevenson, Swazey, Telow, Tupper, Willey.

ABSENT - Anthony, Baker, Boutilier, Connolly, Cote, Greenlaw, Gurney, Hale, Jalbert, Kimball, Macomber, McPherson, Melendy, Moholland, Nicholson, O'Gara, Priest, Rand, Reeves, Sherburne, Sproul, Strout, B.; Taylor, Thistle, Warren, The Speaker.

Yes, 79; No, 46; Absent, 26; Paired, 0; Excused, 0.

79 having voted in the affirmative and 46 in the negative with 26 being absent, the motion to reconsider did prevail.

The SPEAKER: The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to share with you a couple of items that were contained in letters received. I will be very brief, I don't want to debate this thing like we did on the registration bill, I don't think it is necessary.

"Here is a letter that I am writing you people concerning the inserting of the flyers in the Guy Gannett paper which in itself is all right. However, I am concerned about the lowly newspaper carrier who doesn't get paid an extra cent for carrying all this extra weight. I am sure, however, that the Guy Gannett gets well paid for their advertising. To top it all off, the paper carriers have to stuff the newspapers themselves because Guy Gannett is too broke to pay anyone to do it. Talk about corporate greed, this tops it all, taking advantage of the people who do most for you is not an idea of fair play." I realize it is late, people have to leave and I don't want to tire anyone by going over this, I just hope that you will vote against the pending motion so that we can send this bill to the Senate and let them work on it.

Representative Aliberti of Lewiston requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington 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. 45

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bragg, Callahan, Carroll, Cashman, Coles, Crowley, Curran, Davis, Diamond, Dore, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Hillock, Holloway, Ingraham, Jackson, Joseph, Kilkelly, Lawrence, Lebowitz, Look, MacBride, Marsano, Matthews, K.; Murphy, T.; Norton, Paradis, P.; Parent, Reed, Rice, Ruhlin, Salsbury, Seavey, Small,

Stanley, Stevens, A.; Stevenson, Swazey, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Willey, Zirkilton.

NAY - Bost, Bott, Brown, Carter, Chonko, Clark, H.; Clark, M.; Conley, Dellert, Dexter, Duffy, Dutremble, L.; Erwin, P.; Higgins, Hogleund, Holt, Hussey, Jacques, Ketover, Lacroix, LaPointe, Lisnik, Lord, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nutting, Paradis, E.; Paradis, J.; Paul, Perry, Pines, Pouliot, Racine, Richard, Ridley, Rolde, Rotondi, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Tammaro, Tardy, Tracy, Vose, Walker, Whitcomb.

ABSENT - Baker, Boutilier, Connolly, Cote, Greenlaw, Gurney, Jalbert, Kimball, Macomber, McPherson, Melendy, Moholland, Nicholson, O'Gara, Priest, Rand, Reeves, Sherburne, Sproul, Strout, B.; Taylor, Thistle, Warren, The Speaker.

Yes, 65; No, 62; Absent, 24; Paired, 0; Excused, 0.

65 having voted in the affirmative and 62 in the negative with 24 being absent, the motion did prevail. Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Ingraham of Houlton, Adjourned until Wednesday, May 6, 1987, at nine o'clock in the morning.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
May 5, 1987

Senate called to Order by the President.

Prayer by Reverend Victor Stanley of the First Baptist Church in Gardiner.

REVEREND STANLEY: Let us join our hearts in prayer. Our gracious God, we look to You this morning, although we share many different viewpoints of who You are, we share in common this prayer for assistance. Open our ears to hear one another as You hear us now. Open our minds to understanding better, as You take time to understand us. Open our hearts and fill them with Your love. May everything we do be marked by it. Then open our hands to do the best we possibly can, with the resources available to us, as we endeavor to make this State the greatest state it can possibly be. We pray these things, in the power of Your love. Amen.

Off Record Remarks

Senate at Ease
Senate called to order by the President.

The President requested that the Sergeant-At-Arms escort the Senator from Cumberland, Senator GILL to the Rostrum where she assumed the duties of President Pro Tem.

Senate called to order by the President Pro Tem.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

"Bill An Act to Require Legislative Approval and Public Hearings for any Plan to Decentralize the Pineland Center Facility" (Emergency)

H.P. 402 L.D. 536

(C "A" H-74)

In Senate, April 30, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-74), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-74) AND HOUSE AMENDMENT "A" (H-86) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

SENATE PAPERS

Bill "An Act Relating to Notice by Regular Mail Prior to Enforcement of Liens on Real Estate"

S.P. 472 L.D. 1432

Presented by Senator BALDACCI of Penobscot Which was referred to the Committee on TAXATION and ORDERED PRINTED.

Under suspension of the Rules, ordered sent forthwith for concurrence.

COMMITTEE REPORTS
House
Ought Not to Pass