

MAINE STATE LEGISLATURE

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

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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
 FIRST REGULAR SESSION
 72nd Legislative Day
 Thursday, May 21, 1987

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

Prayer by Father Marcel Dumoulin, St. Augustine's Catholic Church, Augusta.

The Journal of Wednesday, May 20, 1987, was read and approved.

Quorum call was held.

(At Ease)

The House was called to order by the Speaker.

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Notices of Controversy under the Workers' Compensation Act" (S.P. 253) (L.D. 704)

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

Unanimous Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on RESOLVE, to Establish a Commission to Study United States Route 1 (S.P. 245) (L.D. 694)

Report of the Committee on Economic Development reporting "Leave to Withdraw" on RESOLVE, Creating the Portsmouth Naval Shipyard Economic Policy Commission (S.P. 363) (L.D. 1098)

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

Ought to Pass in New Draft

Report of the Committee on Business Legislation on Bill "An Act to Limit the Administrative Charge on Sales of New Motor Vehicles to the Actual Administrative Cost" (S.P. 272) (L.D. 782) reporting "Ought to Pass" in New Draft (S.P. 541) (L.D. 1636)

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

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act Relating to Qualifications for a Hotel Liquor License" (S.P. 277) (L.D. 787) reporting "Ought to Pass" in New Draft (S.P. 543) (L.D. 1645)

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

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Report of the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers" (S.P. 293) (L.D. 843) reporting "Ought to Pass" in New Draft (S.P. 522) (L.D. 1637)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-77).

Report was read and accepted, the bill read once. Senate Amendment "A" (S-77) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-73) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 Years to 4 Years (S.P. 87) (L.D. 173)

Signed:

Senators:

TUTTLE of York
 BALDACCI of Penobscot
 GOULD of Waldo
 BICKFORD of Jay
 BOUTILIER of Lewiston
 CARROLL of Gray
 ROTONDI of Athens
 WENTWORTH of Wells
 LOOK of Jonesboro
 HUSSEY of Milo
 STROUT of Windham

Representatives:

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

Signed:

Representatives:

LACROIX of Oakland
 ANTHONY of South Portland

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "A" (S-73).

Reports were read.

Representative Carroll of Gray moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair will order a Division. The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I signed the two person Minority Report on this bill because I feel, ultimately and finally, and most important of all, that we have a system that works and it works well. As they say, "If it ain't broke, don't fix it." I think that really is the bottom line in many ways. I would like to point out a couple of other things about this bill.

I would also point out that there will be a similar bill coming forth to create four-year terms for the House of Representatives so the proposal that you will be faced with, with these two bills, is to submit two separate Constitutional Amendment Resolutions to the voters to vote on regarding four-year terms to the Senate and to the House.

I would like to offer several reasons why I believe that this is not a good approach to take. I believe it would not make it very much easier to campaign every four years as opposed to every two years. Those of us here know perfectly well that we campaign all of the time. I think it would be even more true if there were four-year terms — that we would be involved in campaigning between campaigns. If you look at what happens in the U.S. Senate, both Senator Mitchell and Senator Cohen and anybody else who has been elected to the Senate, is very involved in campaigning when they are not coming up to the elections. So, I really do not believe that this would reduce the burden on us or the burden on the people to deal with us coming to their doors or

sending them mailings or getting them involved in things.

I further do not believe that there would be a saving of money to have a four-year term because, ultimately, I believe that the amount of money it would cost to run a campaign for a four-year term would probably be about twice what it is to run a two-year campaign. I just believe that that is how the people and the state and the candidates would, in fact, deal with that sort of measure. However, I do think there are some substantial disadvantages to this proposal.

I believe this would make a more professional legislature than we have already, that is to say it would tend to lead to candidates who have, as their sole income producing activity, that is to be a legislator — a member of the Senate or the House of Representatives. I think that is a bad thing. We have a wonderful institution here, reflective of the people of the State of Maine, largely because we are a part-time legislature.

I believe this bill would reduce the pool of available people. I think it is harder to make a commitment to become a legislator for four years than it is for two years. There would be fewer people who would say, I can be available to do this for four years than there are people who are willing to say, I can be available for two.

Finally, and perhaps most important of all, I believe this would reduce accountability of the (Senators, in regard to the other bill) of the Legislators, reduce our accountability to the people at large. That is to say, sure we would be campaigning all the time, but it is different campaigning in that posture, than in the posture that you have to, in fact, be re-elected every two years. I believe that one of the virtues of our system that makes us so accessible and so in touch with our people is the fact that we do get re-elected every two years.

I would point out that there are eleven states and two territories that have two-year terms to the Senate and the House. Among those eleven states are all six of the New England states and the State of New York. The whole of the Northeast is committed to this approach and I think it is perhaps indicative of the traditional New England values and, that departing from the two-year terms, would be departing to some degree from those values.

Finally, I know that there is an argument that says, we're not really deciding this, we're just passing it to the voters to let them decide. This is an idea that's been kicking around a long time, let's let the voters make their decision. I think that's passing the buck. This is not the sort of issue to decide whether or not to amend the constitution regarding the right to bear arms, or amend the constitution about a subject that people in general know a great deal about. This is a rather obscure topic to the average lay person, a rather subtle issue that I believe we, as legislators, will have to take. To say, let's let the voters decide — it would be inevitable that there would be voters coming to each of us and asking for our views on this thing.

I would also point out that the way these two bills will be coming to us, this one for the Senate four-year, and the other for the House four-year and going to the voters that way, it would be possible and, I think reasonably likely, that the voters would in fact adopt a four-year Senate term and a two-year House term. I think that would be extremely detrimental to the process that we have going here in the Legislature as a whole, and thus, I would urge your vote against the Majority Report on the bill.

Mr. Speaker, I would ask for a roll call.

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

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

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: Very briefly, just to make some points to counter the statements from my friend from South Portland. The Committee as a whole — the Majority bipartisan — looked at these issues, both separately and individually, for House and Senate four-year terms. He was totally correct, there is a measure coming down for four-year terms for this wonderful body as well as the one we are debating here this morning.

I guess I would say that, if you're concerned about having two issues instead of one, it's very simple to have these two bills combined into one with a floor amendment. That issue can be separated out very easily. The idea that the pool of people that we have will be lessened is very difficult for me to believe. I find it very incredible that we could even think that simply because there is always somebody who is willing to run against me and I'm sure there's somebody who's willing to run against most of us in here, I think there are a lot of people who would love to serve the state here in Augusta.

The argument about it would make us a full-time legislature, or move towards that, may have some merit. The problem I find is, as I go from meeting to meeting, and place to place, there are a lot of people who think we are already — that my job is that of a legislator, regardless of how many other positions I hold and how many other jobs I hold when we're not up here in Augusta. You are a full-time person here, you're only in Augusta for a short time, but your duties as a legislator are, in fact, full-time.

Accountability — we are accountable every two years. We would be just as accountable, if not more so, every four years. You would have to stay in touch with those people back home. If not, you would not be here that second time around. We thought about this long and hard. I would say that the time has come that we look at this issue, we debate it. Every time that I can remember this issue has come up for four-year terms for the Senate at least, and now we've got it so that we're each going to have a chance for four years.

I would urge this body to follow the Majority Report of the Committee and vote as the other body did on this issue.

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

Representative STROUT: Mr. Speaker, Members of the House: If I would be in order Mr. Speaker, and to save time, I would move that this bill and all its accompanying papers be indefinitely postponed.

Over the number of years that I have served in this body, I have had to run for re-election every two years. I think that is what the people of the State of Maine want. I don't think today that we should be changing the four-year terms for the other body or for this body as far as I am concerned.

You know, the United States Congress members have to run every two years, and I think until such time as those people have to campaign to run for office

every two years, I don't think the members of this body or the other body in the State of Maine should be looking at a four-year term. Therefore, I hope that people here today would support indefinite postponement.

Subsequently, the bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

COMMUNICATIONS

The following Communication:

State of Maine
Senate Chamber
Augusta, Maine 04333

May 20, 1987
Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

Pursuant to my authority under Chapter 17 of the Resolves of 1987, I have appointed Senator Edgar Erwin and Senator Charles Dow to the Commission to Review the Laws Relating to Registered Maine Guides.

Please let me know if you have any questions about this.

Sincerely,
S/Charles P. Pray
President of the
Senate

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

May 20, 1987

TO: The Honorable Members of the 113th Maine Legislature:

I am returning without my signature or approval H.P. 1008, L.D. 1355, "AN ACT to Provide Unemployment Compensation During Employer-initiated Lockouts."

The stated purpose of this bill is to provide unemployment compensation benefits to workers unemployed due to employer-initiated lockouts caused by labor disputes. This change represents a dramatic expansion of the eligibility criteria of the current law, which provides for individuals to be disqualified from receiving unemployment compensation when their unemployment results from a stoppage of work due to a labor dispute.

The State's involvement, whether direct or indirect, in the private collective bargaining process ought to be limited. In my opinion, the State should be extremely wary of legislative action which could give the appearance of prejudice regarding private sector collective bargaining and dispute resolution. The respective rights of employers and labor organizations in the context of a labor dispute are already the subject of a comprehensive set of federal laws. The National Labor Relations Act, in particular, defines the parameters of permissible employer and union behavior by delineating the parties' obligation to bargain in good faith and by prohibiting employers from discharging employees who strike for economic reasons or to protest an employer's unfair labor practices.

I am opposed to this legislation for the following reasons: 1) By removing a key incentive on the side of labor to negotiate, this legislation could disrupt the delicate balance that must be

maintained between management and labor. The economic costs of strikes and lockouts can have a severe impact on companies, individuals and communities; therefore, we must maintain a fair and equitable balance in order to encourage a speedy resolution to any labor dispute; 2) If a lockout affecting a substantial number of employees occurs, the payment of unemployment compensation to those individuals could cause a severe drain on Maine's Unemployment Compensation Fund, a fund the support for which is borne by all employers, whether union or non-union; and 3) The enactment of this bill sends entirely the wrong message to the companies we want to attract to Maine. In this highly competitive time, we want to encourage businesses to come to Maine, not discourage them. A State that already has the highest minimum wage in the continental United States and boasts one of the country's most expensive workers' compensation systems should not be adopting further deterrents to new business if it hopes to improve its economic development picture, create new jobs for its people or even maintain its existing jobs.

I know you and I have the same goal: to have the State of Maine provide opportunities for all of its people. If we are to achieve that goal we must create a climate for job creation that encourages growth and prosperity. The passage of L.D. 1355 would impede any economic development efforts.

For these reasons I am in firm opposition to this bill and urge you to sustain my veto of L.D. 1355.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Provide Unemployment Compensation During Employer-initiated Lockouts" (H.P. 1008) (L.D. 1355).

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

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Education

Bill "An Act Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management" (H.P. 1208) (L.D. 1648) (Presented by Representative RICE of Stonington) (Cosponsors: Senators GOULD of Waldo and ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed
Sent up for Concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative ANDERSON from the Committee on Energy and Natural Resources on Bill "An Act to Amend Certain Laws Relating to the Department of Environmental Protection" (H.P. 125) (L.D. 151) reporting "Ought to Pass" in New Draft (H.P. 1212) (L.D. 1654)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative BICKFORD from the Committee on State and Local Government on RESOLVE, to Create Public Recreation Facilities on Certain State-owned Properties (H.P. 834) (L.D. 1125) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Create Dispersed Recreational Opportunities on Public Lands at Pineland (H.P. 1209) (L.D. 1650)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative CARROLL from the Committee on State and Local Government on Bill "An Act to Improve Legislative and Public Access to the Agency Rule-making Process" (H.P. 132) (L.D. 161) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules" (H.P. 1210) (L.D. 1651)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative WEYMOUTH from the Committee on Fisheries and Wildlife on Bill "An Act Authorizing the Use of Gill Nets by Agents of the State for Scientific Purposes" (H.P. 37) (L.D. 40) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Authorizing the Use of Gill Nets by Department of Inland Fisheries and Wildlife Personnel for Scientific Purposes" (Emergency) (H.P. 1211) (L.D. 1653)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Require the Use of Seat Belts for Children 12 Years of Age and Younger" (H.P. 649) (L.D. 877)

Signed:

- | | |
|------------------|--|
| Senators: | DOW of Kennebec
THERIAULT of Aroostook |
| Representatives: | SOUCY of Kittery
MACOMBER of South Portland
MILLS of Bethel
CALLAHAN of Mechanic Falls
McPHERSON of Eliot
REEVES of Pittston
POULIOT of Lewiston |

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

Signed:

- | | |
|------------------|---|
| Senator: | CAHILL of Sagadahoc |
| Representatives: | STROUT of Corinth
MOHOLLAND of Princeton
SALSBURY of Bar Harbor |

Reports were read.

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

Representative MOHOLLAND: Mr. Speaker, Men and Women of the House: I move that the House accept the Minority "Ought Not to Pass" Report.

I am opposed to this legislation because I feel that it is bad policy. It's an attempt by the proponents for the mandatory seat belts to gain a minority victory and get their foot in the door. The people of this state are against the mandatory seat belt for all people. Why does anyone think that the setting of an arbitrary age requirement will make Maine citizens any more receptive to the question of the seat belt requirements? Why should we require a twelve-year old to buckle up, while the fourteen-year old does not have to, or for that matter, any adult? What is the magic about the age of twelve? What is the public policy consideration that determines that a twelve-year old should be the cut off.

What about the problems with enforcement practices, and what if the four young children are traveling in the back seat of a station wagon that only has three seatbelts -- do we fine the driver for the lack of seat belts or how does the police officer know the child that is not wearing the seat belt is twelve or thirteen? Do we make the kids carry an I.D. card? Examples of this are limitless.

The question should be -- do we want to make it mandatory for people traveling in a car to wear seat belts? That is the question -- not just for the children twelve and under.

It is bad public policy to require our children to wear seat belts while we ride without them. The proponents have lost the mandatory seat belt law but they want to win one battle. We don't need to clutter up the books with another law just so the proponents can claim some sort of victory, no matter how small. I am opposed to this legislation because it is bad public policy, plain and simple.

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

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion to accept the Minority Report. Automobile safety seats are one of the most effective safety devices ever invented, when they are used. They are installed in autos from the factory. This is not an additional cost. Automobile accidents are the number one killers of persons five to thirty-four years of age. Our mandatory child restraint law has been very effective. The bill, therefore, will complement and emphasize the importance of continuing to wear seat belts as high school students have the lowest safety seat belt usage of any age group in Maine. By so doing, it is my hope and goal to have established a habit for lifetime. Teenage drivers are involved in more car crashes, per mile driven, than older drivers.

Many people in this body have voted against mandatory seat belts for all because they think they should have a choice. Our children are our responsibility and I think this is a good habit and should be taught to them, if not by those in the car, by our public safety. Teenage drivers are involved in more car crashes, per mile driven, than older drivers. Sixteen year olds have by far the highest rates. Safety seat belts can reduce the chances of death or injury in a car crash by over 50 percent. Unrestrained children are 11 times more likely to die in a traffic accident than restrained children.

Efforts aimed at getting parents to encourage usage of restraints must come through education and law enforcement. All of our children today are riding in infant car seats. Visibility has improved and the comfort and position of seat belts are better on the child's body. Fewer than one-half of one

percent are injured because of wearing a seat belt in a car.

I have a photo showing us, in Prince Edward Island, "Island youngsters inspire many adults to buckle seat belts." Children are often the followers in society, but at least in one instance, it seems Prince Edward Island youngsters are setting the example for impressionable adult population.

Their law became effective September 1, 1985. Buckling up has become a way of life for the majority of the Prince Edward Island children under twelve years of age. In some cases, the adults are following the lead. One parent said, "If I'm by myself and going someplace in town, usually I don't buckle up. But if I've got my family, usually I do. If I don't, either my wife or my kids, will remind me to buckle up."

In response to the good Representative from Princeton, I would like to answer a couple of the questions that he brought up. It was brought out at the public hearing that the number of people to be buckled up in a car is determined by the number of seat belts in the car. Asking us all to carry an I.D. card for every law that's on the books is absolutely unnecessary. Infant car seats have been successful and it has not been a problem for the police to find out who the four year olds are in the car.

I have always functioned on the premise that most people are honest. If you wish not to tell the truth to the police when you are stopped, that is by choice and you will pay the consequences. I feel very strongly, very strongly ladies and gentlemen of the House, that if we can do anything to protect our children for the future of this nation, it's developing habit in using seat belts. Again, I urge you to vote against the Minority Report.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Limestone is correct in many ways with one exception. I do not believe it should be mandatory. A year ago last June, I was listening to the Today Show one morning, and it was reported that at that point in time, that anywhere from 12 to 18 percent of your seat belts will not work. I was amazed at this situation. So I immediately wrote for a transcript of that program. As a matter of fact, I got no results. I also got a former Representative, Arthur Descoteaux, to try to solicit a transcript of that program and we still could not get it. That is just one minute example why I don't like the law.

The principle reason is this, I think morally we all feel obligated that, if we have children in our car, we are going to provide the care necessary to ensure their safety. My thinking is this, and I think if you think it out you will agree with me, when my grandchildren get in my car, I make them buckle up. When I am three or four miles down the road, those buckles are unfastened. Just suppose now that your spouse is taking your neighbor's children to school. You get downtown, all of a sudden you look in the rearview mirror, and the buckles are unfastened, you jam on the brakes, you cause an accident, and those children are injured. You've got an immediate lawsuit pending. This is what I don't like. We have too many lawyer bills here already and I think this is one of them.

I would appreciate it and I think you should vote for the pending motion, Minority "Ought Not to Pass."

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I agree with my good friend, the gentlemen from Princeton, that this is just a foot in the door to later come back with a compulsory seat belt law for everyone. I can just imagine having to take my grandchildren for a ride, I've got so much stuff in my glove compartment that I would hate to have to bring along birth certificates, and find out what age they are.

I agree with the gentleman from Princeton that -- why twelve? Why not fourteen, why not sixteen? I am just as much in favor of safety as anyone else but I feel that there's a trend that when you buckle up, and I have seen it in some states that have the seat belt law, and one example is our neighboring state of Massachusetts, the minute you used to cross the line into Massachusetts, I have felt those people down there the way they drove, they didn't need a seat belt, the man in the white jackets should have thrown a net on them because they go crazy. There is a sense of false security when they have a seat belt on. This way here, they will feel that just because the children are tied down in the backseat that they can do what they want, there is nothing to worry about.

I would urge that you vote along with the Representative from Princeton.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I would like to discuss some of the arguments that have been used for and against this bill today. One of the arguments that is used against the bill is the fact that we have a cut off time for 12 year olds. Currently on the books, we have a law that says that anyone up to four years old has to be kept in a child safety seat. Now, we don't carry around I.D. cards for these four, five and six year old kids at this current time to find out how old they are. I don't think that is a problem with the law. I don't think it will be any more of a problem with 12 year olds.

One of the things I find interesting about most of the people that are arguing against the bill today is that they just don't like the cut off time. Why not 14-year olds, why not 15-year olds, why not 16-year olds? They are not arguing whether or not 12 year olds and younger would be safe, but why don't we have it for 16-year olds, 17-year olds or 18-year olds or all people? I would hope that if that is what they really would like to have for a bill that they would pass this and then, when the bill gets to second reading, I would encourage them to get up and put an amendment on and make it for all people or for 18 and younger, if that is what they really want. But, I don't think that is what they really want. They really want to kill the bill.

I would like to also say that it has been mentioned today that seat belts don't work 12 percent of the time. Now, I don't know if that study is correct. There have been a lot of studies that show that it works more towards 95 to 98 percent of the time. But let's say that that argument is correct. Let's say that seat belts don't work 12 percent of the time. What does that mean? It means that they work 88 percent of the time. That is the more important fact that should be brought out here, I believe, that seat belts do work most of the time. They save lives and I would hope that we would take this a step further from going from 4 year olds up to 12 year olds because it would be a good policy for this state and I hope you support the bill which means you would support voting against this motion at this time so we can pass the bill afterwards.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I recall the debate yesterday on endangered species. Red herrings I don't think were among that list but there have been a few tossed around today.

I recall the debate several years ago on the infant car seat. I happened to serve on the Transportation Committee that term and I believe Representative Reeves had the bill. These same arguments were heard during that debate, almost to the word. As Representative Mills has pointed out, that did become law, and I suspect everyone will agree it has worked very effectively since that time.

Today we are faced with a very similar decision. The way I look at it is this — I have a 15 month old son, our first child. Since the day he was born, he has never ridden in a vehicle without being in an infant car seat and that will be the case until he is four years old or until he can be strapped into a regular seat belt, depending on how quickly he grows physically.

My wife is extremely religious about wearing her seat belt and even more so when it comes to our son. I confess, I am not as religious, I am not a regular seat belt user, but I do more than I don't.

Here is what I think will happen — my son will grow up with the habit of having sat in that infant car seat, having worn a safety belt for all of his young life, as long as we have anything to say about it. When he gets a little older, my guess is five or six years old, and when we get in the car he is going to say, "Daddy, put your seat belt on." He is going to cause me to wear my seat belt a lot more than I wear it now. It is going to develop a very strong habit in him so when he grows up and is on his own, he will be so conditioned to wearing his seat belt, it is going to be like second nature.

It is very good legislation, it is very smart legislation, there is absolutely no reason in the world why we shouldn't require this to occur. The people of Maine respect the law. If the people of Maine know that it is against the law for children under 12 not to be buckled up, they will be buckled up.

I think we can trust in that and look upon the history of the infant seat legislation to prove it. Ladies and gentlemen, I think we really ought to pass this bill and send it on its way because, in the long run, I suspect you can all believe it will save lives and create a very, very good habit in our children.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Many people have asked me, not only the last few weeks, but over the years, why does a parent of six children oppose mandatory seat belts? It doesn't matter to me today whether we are voting for under 12 or for any seat belt law for that matter — I am opposed to mandatory seat belts. The reason I have opposed these bills in the past is because the people in District 114 want me to vote that way.

I do have some concerns with the bill that we are voting on in that we are dealing with only those under the age of 12. The bill says, "Only in those vehicles that are equipped with seat belts." My question is, if we want to pass a law requiring the use of seat belts under the age of 12, why don't we include school buses? You know when we passed the law a few years ago that said for four years of age and under in restraint seats — those children didn't attend school. But now we are putting a law on the

books (if this should pass) that we are going to get involved with children riding on a weekend in an automobile and then, on Monday morning, they are going to be riding on a bus that won't require them to use seat belts.

If we have to have a mandatory seat belt law in the State of Maine, I think that it should be for everybody. I don't agree with that but I think that is what we should have.

There was a flyer passed out this morning that says "seat belts saves lives" and there is one part in here that tells about having seat belts on the passenger in the front seat — as I see this bill, it is not going to require the passenger in the front seat to have a seat belt on. Probably I shouldn't be getting too concerned about this because, as I read the bill, when I take my family out for a ride, under section two of the bill, I am going to be exempted. Do you think that that makes sense to allow some of us to ride on the highways with an exemption and others are going to be required to use a seat belt?

I guess the other thing that I have doubts about is whether the law enforcement is going to be able to enforce this.

I have a couple of boys, one is nine going on ten and I have one that is 13 going on 14 — and if you put the two boys in this hall today, I doubt if a law enforcement officer could tell which one is which.

The other thing is that when they are riding in the back seat with my younger daughter and there are only two seat belts in the back seat, the 13 year old today wants to use that seat belt, but as I read this bill, he is not going to be able to do it. What is going to happen is, that he and the nine-year old, are going to be fighting as to which one can use the seat belt. I wouldn't want to tell you but I have my doubts as to which one would win out.

I guess I would ask you to support the Minority Report. As I said, I am opposed to a mandatory seat belt law, but if we do have to have one, I would hope it would be for everyone.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I would just like to, once again, point out a few laws that are currently on the books that deal with seat belts. Currently, if you own a car that was made at the beginning of the 1970's, you have to have seat belts in that car that are in working order. If you do not, that is a violation and you should not be getting your sticker when you have your car inspected. So, anybody who owns a car now should have working seat belts in that car, if the car was made since the early 1970's. If you have a car that was made before that, they do not require seat belts to be in them because, at the time the cars were made, they did not require seat belts to be in all cars. So, you are exempted if you have a car under the early 1970's.

If, as Representative Strout said, he has a car that was made after 1970 and he is missing a seat belt, he is in violation of the law, so he should go out and get a seat belt or, as in some cases, as he pointed out in the Section that says, when the number of passengers exceeds the seating capacity of the vehicle, they can be stopped and given a violation. So, those two sections of the bill do not cause problems in the law any more than what we currently have on the books, it just straightens the bill out. For anyone to be arguing those reasons are just throwing arguments in that just don't exist currently under the law.

Once again, I would like to go back to the argument over 12 versus what other age you would like

to have for the bill -- most people here don't seem to be arguing whether or not the people under 12 would be saved, and I think that is the important thing. Most people here, I think, would agree that seat belts would help save lives for children under 12. They don't even argue that. That is what the bill is about, it doesn't deal with 14, 13, up to 18 or beyond, so why are we arguing that? If you want to argue those points, put a bill in for those people to have seat belts or amend it later on, but don't come in here and try to argue that this bill should not be passed because it doesn't go far enough. That is the same argument we heard yesterday on -- why we shouldn't be having wine coolers returnable because it didn't go far enough, we didn't do it to all bottles. But this body said no, it was a good bill and should pass on its own merits. This bill should pass on its own merits and then if you want to add on to it later on, you all have the ability to do so and I hope you will.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker and Members of the House: I would like to share with you for a moment an item on the news last night on one of the Bangor television stations. I don't know if any of you had an opportunity to see that but that, in my mind, was one of the most convincing arguments to vote against the pending motion and in support of the legislation.

A mother and three young children were traveling down I-95 in the vicinity of Newport yesterday when she looked over at her children, lost control of the car, and flipped over at least once, if not more than that. All four occupants had seat belts on, all four were spared any injury. If you had seen that vehicle on television and saw the condition that it was in after the accident, I think you would have been convinced that, in that situation, without seat belts, at least some of those four occupants wouldn't be in the condition they are in today. I would urge your support of the legislation. I would urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Stonington, Representative Rice.

Representative RICE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. My children are my most precious possession. My sons mean more to me than anything else in this world. I am not worried about the enforcement of this bill, I am not worried about how many seat belts you may or may not have in your car, I am not worried about the driver, because in my car, I buckle up. I am worried about the lives of my children and so should you. I urge you to vote against the pending motion.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I care about my children also and I make sure they wear seat belts. I don't need the state to tell me that they should be wearing seat belts. If the state wants to raise my children, fine, let them foot the bill. If I have an accident, I have insurance, but if I have an accident, let the state pay the difference. If the state wants to poke their nose in everything, fine. I can be socialist also. Why don't we have Workers' Comp -- provided by the state? Why don't we have everything provided by the state? I think it is going overboard.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill is just a plain common sense bill. I have quite a few

grandchildren and, when I have them in my car, they buckle up. I never demanded anything of my own children that I didn't demand of myself; therefore, I buckle up also and do it almost all the time. My husband chooses not to. As I tell the grandchildren, "If anything happens and we are in an accident, we will be around, Papa may not." That is his choice and his decision. When I drive down the road and I see children bouncing around in the back seats, especially some that I don't think are 4 years old, it upsets me. I think that the state has to come out and say, you will buckle up your children. Even in minor accidents, their little heads can be banged and we can have handicapped children and I say it is unfair to these kids, they are smart, and let's keep them that way.

Representative Martin of Eagle Lake requested a roll call.

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

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

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I have been a member of this body now for seven years and I have served all my time on the Transportation Committee. This is the first time in the history of this state that there has ever been any positive report on a seat belt bill. The names you are looking at on the "Ought to Pass" Report -- for years in the past, they have been very strongly opposed of a mandatory seat belt law. I think you will find that, by approaching it as a safety measure for 12 year olds, these people have seen that perhaps that is the best way to go and that is the way I intend to go.

There have been things that have been brought up here that really don't have too much to do with the bill outside of the fact that they are trying to kill it by many different means.

I think if you get a child in a seat belt until he is 12 years old that he has acquired a habit. You are only three years away from the time that that child is going to be driving a car. If he has been in a seat belt for 12 years, I think the chances that he will continue to use a seat belt, are much better.

As far as the enforcement goes, I don't think the enforcement is a very important part of it. Just the fact that the law is on the books will have people use the seat belts for the kids that are 12 years old and under.

We have heard the word mandated here several times today. I don't think mandating has a thing to do with this bill. If you recall, just 24 hours ago, 106 people in this body voted to mandate that you cannot smoke in public buildings. So, I don't see where mandating is the question we are talking about at all. We are talking about children, we are talking about trying to keep them alive until they are 12 years old and hopefully beyond that.

I hope you will just discount some of the rhetoric that we have heard year after year here. I hope you will support the bill.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: There are just a few other points that I would like to bring up. I think all the children from 12, 13, 18 or whatever age they are, I think their mother and father should still have a choice to tell them to buckle up and I know they do.

Down in committee last week, we had three or four other seat belt bills. Everybody on the committee voted unanimous "Ought Not to Pass" — school buses, 18 and under, so I don't know why they particularly want to do the kind of a job they are trying to do on this 12 and under.

I think if the people in the State of Maine will mandate their own seat belts, like Mr. Nadeau said, his child is growing up to wear a seat belt. I am sure if he doesn't buckle it up when he is 12 or 14 or whatever age, the gentleman is going to tell him.

Two years ago, we had the same seat belt law here in the House and the people were saying, we don't want that seat belt, our children, no matter what age they are, 6, 7, 8 years old say, "Daddy, don't forget to buckle up." Why has it reversed now so that we have to tell the children? What if your grandfather takes the grandsons out and he has a couple of children that get in the back seat, he might have to pay a \$25 fine; next time he might have to pay a \$50 fine. So, I think we ought to go along with the Minority "Ought Not to Pass."

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I feel I have to respond to the remarks that have just been made by the gentleman from Princeton regarding the four bills. It is correct we did have four bills regarding seat belts. The Committee was in agreement that we would kill the other three and this would be the main bill that we would use to bring the item of seat belts to this House.

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

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: I won't prolong this debate any longer either. I did want to mention when you think about 12 years old and younger, that is a major difference when you look at all the seat belt legislation that is going in. The major difference is that we are talking about kids and we have a responsibility for kids as adults. We have a responsibility for kids as parents. I think that, when parents model behavior for kids, that is exceptional and I think that is wonderful when it happens. But I think that we, as a legislature, model behavior for the general public too. What we are doing here today, by passing this bill, would be to model that it is good behavior, it is good practice to have kids, 12 and under, wear seat belts.

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

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have been here for every one of these mandatory seat belt bills and I vote against them every time. My constituents have told me they didn't want to be mandated as adults to wear seat belts. But I have watched my little two-year old granddaughter as she gets into her car seat and it really has proven to me that that has worked and has formed a habit for her. I believe that we should pass this today and make it mandatory up to 12 years old to be buckled up in the seat belt. By that time, they can make up their own mind, if they don't want to be buckled up, that is up to them. I

hope you will go along with my good seatmate with her bill. I don't always agree with her but today I do.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Moholland of Princeton that the House accept the Minority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Palmyra, Representative Tardy.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Moholland of Princeton that the House accept the Minority "Ought Not to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 68

YEA - Anderson, Armstrong, Begley, Bragg, Carter, Cashman, Davis, Dexter, Erwin, P.; Farren, Garland, Gould, R. A.; Gurney, Hale, Harper, Hepburn, Hichborn, Holt, Ingraham, Jackson, Jalbert, Joseph, LaPointe, Mahany, Martin, H.; McHenry, Moholland, Norton, Parent, Perry, Racine, Ridley, Rotondi, Salsbury, Sheltra, Smith, Strout, D.; Tamaro, Tracy.

NAY - Aliberti, Allen, Anthony, Bailey, Baker, Bickford, Bost, Bott, Brown, Callahan, Carroll, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Dellert, Diamond, Dore, Dutremble, L.; Farnum, Foss, Foster, Greenlaw, Gwadosky, Handy, Hanley, Hickey, Higgins, Hillock, Hoglund, Holloway, Hussey, Jacques, Ketover, Kilkelly, Kimball, Lacroix, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Matthews, K.; Mayo, McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pines, Pouliot, Priest, Rand, Reed, Reeves, Rice, Richard, Rolde, Rydell, Scarpino, Seavey, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Swazey, Taylor, Telow, Thistle, Tupper, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton, The Speaker.

ABSENT - Boutilier, Duffy, Ruhlin, Stevens, P.; Warren, Willey.

PAIRED - Nadeau, G. R.; Tardy.
Yes, 39; No, 102; Absent, 6; Vacant, 2; Paired, 2; Excused, 0.

39 having voted in the affirmative and 102 in the negative with 6 being absent, 2 having paired, and 2 vacant, the motion did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in today's session.

CONSENT CALENDAR

Second Day

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

(H.P. 373) (L.D. 494) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

(S.P. 500) (L.D. 1517) Bill "An Act to Clarify Eligibility for the Group Accident and Sickness or Health Insurance Program" (Emergency)

(S.P. 425) (L.D. 1305) Bill "An Act to Modify the Statute of Limitations' Provision of the Maine Criminal Code and Maine Juvenile Code so they Clearly Cross-reference One Another"

(S.P. 360) (L.D. 1095) Bill "An Act Requiring Evaluation of New England Electric Power Pool Membership" (C. "A" S-69)

(S.P. 377) (L.D. 1142) Bill "An Act Amending the Service of Process Laws" (C. "A" S-70)

(H.P. 945) (L.D. 1268) Bill "An Act to Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State" (Emergency) (C. "A" H-156)

(H.P. 1066) (L.D. 1449) Bill "An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirement for Certain Holders of Aquatic Pesticide Permits" (Emergency)

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

SECOND READER

Bill "An Act Creating a Study on Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages" (Emergency) (H.P. 1206) (L.D. 1644)

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

Representative Brown of Gorham offered House Amendment "A" (H-161) and moved its adoption.

House Amendment "A" (H-161) was read by the Clerk and adopted.

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

Representative HIGGINS: Mr. Speaker, I would pose a question to the Chair if I may.

Is this bill in violation of Joint Rule 21?

The SPEAKER: In response to the question, the Chair would rule that it is in violation of the rules. The matter is no longer before the body.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Change the Perry-Pembroke Boundary Line" (Emergency) (H.P. 1139) (L.D. 1549)

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

Representative Carroll of Gray offered House Amendment "A" (H-160) and moved its adoption.

House Amendment "A" (H-160) was read by the Clerk.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: This amendment to this bill deals with the Perry-Pembroke boundary line. In talking with the town officials yesterday afternoon, after final work on this bill, we found that this amendment meets their intent which is what they originally wanted and the towns have, in fact, had their elections and their vote. The certified copies of those votes are now on their way to the Secretary of State's Office to be verified. I wish you would adopt this amendment so we could get this situation taken care of for those communities.

Subsequently, House Amendment "A" (H-160) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-160) and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Develop a Managed Care Insurance Plan Demonstration for Uninsured Individuals and Repeal of the Catastrophic Illness Program Law (H.P. 1169) (L.D. 1574)

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

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: I move that this bill and all its accompanying papers by indefinitely postponed.

This bill is "An Act to Develop a Managed Care Insurance Plan Demonstration for Uninsured Individuals and Repeal of the Catastrophic Illness Program Law", Item 10-1 on your Calendar. We are being asked through this bill to create a new giveaway program and I, for one, am going to vote against it, even if I am the only one in this body that votes against it.

We are asked to take another step down a road from which it will be extremely difficult, if not impossible, to return. I refer to a road that is called state or national health insurance. The first two steps have already been taken, of course, Medicare, which is a low cost medical insurance program for the elderly and is heavily subsidized by tax dollars. Step two is Medicaid, a program that pays the medical expenses for our low-income and welfare recipients. I checked, and in Maine alone, we now spend over \$268 million annually for the medical benefits for our low-income and welfare recipients. This taxpayer expense has been increasing at the rate of more than \$15 million a year, each and every year. Maine's direct share of Medicaid, that's the low-income medical program that we are now providing, is over \$91 million. Those of us who pay federal income taxes (and we all do in one form or another) know that the balance of Medicaid monies, the fed's share, isn't free money.

This bill asks us to take another step, and in my estimation, it is a giant step to fund what the sponsors say is only a three-year demonstration program to provide free medical insurance to the layer of Maine's population that falls just above the Medicaid eligibility guidelines. Sponsors of this bill will refer to these people as "the near poor." We are already providing free medical insurance for, as I said the low-income, welfare recipients of this state to the tune of \$269 million. This program is a new program designed to provide free medical insurance to another layer of people that are not eligible for Medicaid. These are, in many cases, working people. The only guideline of the bill, if you read it, says that these people can't afford their own medical insurance.

The bill creates another bureaucracy within the Department of Human Services to administer this "free" medical insurance program. We are, my friends, on the threshold of creating, chartering, and funding a new state medical insurance company and appropriating \$900,000 for them to start operations.

Proponents of this bill say that this is only a three year demonstration program, but I, for one, can't believe any of you here are naive enough to believe that we, as legislators, can or will have

the fortitude to terminate this "free" medical insurance program at the end of three years and be able to wean those recipients and all of the medical providers out there who are pocketing these health insurance payments away from the reliance of this program.

You and I know that it will be next to impossible to turn the taps off -- so calling this a demonstration program contradicts with what the lessons of history teaches us about the conditional birth of other welfare programs. You can't give people free medical insurance and three years later say, sorry folks, but now you're going to have to pay for it because we're not going to come up with the big bucks required to continue this program.

The \$900,000 appropriation in this bill for this three year demonstration program is the tiny tip of a gigantic iceberg that very well may sink this ship or at least add a major new burden to the already overtaxed people of Maine. The cost of free medical insurance -- and we all know there ain't no such thing as free medical insurance, free lunches, or free anything else -- may become millions and millions of dollars. One estimate I've been given is \$80 million per year just to continue this program after the demonstration period.

What does this bill do? (1) It puts Maine in the medical insurance business creating a new bureaucracy within the Department of Human Services. It provides free medical insurance to an undetermined segment of Maine's population. Who gets this free insurance is left up to the Department of Human Services.

(2) It is promoted as a demonstration project that, by its very nature, will be very difficult politically to keep from becoming an ongoing state program.

(3) This is like the tip of an iceberg, unrepresentative of the huge potential for major future financial commitments.

Finally, whenever governments at any level get involved with the direct operation of medical benefit programs, all too often the result is bureaucratic redtape, waste, and even fraud. The Medicaid program nationwide is an example of that.

So men and women, I move that this bill and all its accompanying papers be indefinitely postponed and I do ask for a division, Mr. Speaker.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I would like to explain what this bill really does. First of all, it was a unanimous report from the Committee on Banking and Insurance and it is a bill that is supported by the Department of Human Services and by the Governor. It is not a bill to provide free medical insurance to persons who are not now insured. It is a bill to provide affordable health insurance coverage and health services to a minimum of 3,000 previously uninsured individuals and families.

It will also bring approximately 2,000 AFDC Medicaid recipients into this program of managed care in an effort to help them receive medical services as they need them on the Medicaid program. Enrollee's will be charged a premium on a sliding scale based upon their ability to pay. The Department of Human Services in collaboration with the Human Services Development Institute of the University of Southern Maine has been awarded a three year grant from the Robert Wood Johnson Foundation to develop, manage, and implement this managed care insurance program demonstration.

The purpose of it is to see if we can develop a program that will help small employers and employers

who are not now currently offering health insurance to their employees to be able to do this, if we develop a managed care program and to allow those employees to pay the premiums as they are able to pay them. It is a three year demonstration grant, the necessary state funds are included in the Governor's budget. At the end of the three year period, the program will be completely evaluated to see to what extent we have enabled employers to extend health insurance coverage to employees who are not now covered.

Compared with national estimates, the problem of health insurance coverage in Maine is both significant and chronic. There was a 1986 study by the Human Services Development Institute that estimates that 13 percent of Maine's population between the ages of 18 and 64, approximately 93,000 adults, lack basic health insurance for hospitalization or other essential medical services. Three-quarters of these uninsured had been uninsured for more than a year and a large majority of these are either children or they are employed persons whose employers do not offer health insurance and who cannot afford to purchase individual policies.

This is a demonstration project, I would remind you, and it will be heavily evaluated and watched during and at the end of that three year period.

I would ask you to vote against the pending motion so that we can attempt to try to extend health insurance in an affordable and in a practical way to persons who are now not covered in this state, but who are employed.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: This is a bill that has gotten a lot of attention and a lot of study. It was an idea, as Representative Rydell brought out, that was studied by the University of Southern Maine that identified that over 13 percent of the people in Maine do not have health insurance. I tried to wait for a moment so that some of my frustrations with the Representative from Wilton's comments -- I could try to understand his thinking. There was only one person at the hearing that expressed those kinds of sentiments.

The study identified 13 percent of the people in Maine that do not have health insurance. In the thinking of the Governor and the thinking of the Committee, we need to know why. We need to know what is happening with our economy, what's happening with these people's lives. The purpose of this program is to identify that problem in a way that we can deal with it adequately.

As I said, one of the things that bothered me is, how someone in this body who has health insurance, who has over half the cost of that health insurance paid for by the state, can question the integrity of this piece of legislation. We are trying to understand why people in Maine do not have health insurance. If it is by their own choice, that is one thing, but if there are economic forces that prevent them from being able to afford it, if there are situations that are unknown to us that we do not understand about their jobs, their income, the costs of health care, that's what this program is all about.

It has had widespread support, only one person opposed it. It just upsets me a tremendous amount to listen to the criticisms of this bill at this point in the process.

The report by the University of the Southern Maine drafted out of the Department of Human Services, bipartisan unanimous support in the committee, and not one time has anyone come forward

with these objections, except at the public hearing, and the comments were almost identical.

I don't know what else can be said today. We are talking about the Maine economy, we're talking about people whose lives are threatened tremendously if they were to suddenly come down with an illness and put them into the whole Medicaid system, into the whole welfare system. This is a program that's designed to give people one of the basic necessities, which is health care, and be able to find a system for them to afford it.

I would urge you very much to oppose this motion to indefinitely postpone this bill and support the unanimous committee report and pass it.

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

Representative CURRAN: Mr. Speaker, Men and Women of the House: I, too, stand to urge you to defeat this motion to indefinitely postpone. The sponsors have spoken well to this and I needn't go through all of that again. It's not necessary at all, except to remind you that the committee members voted unanimously out of committee to support this bill.

It was studied for weeks, it was studied with great diligence on the part of all, there were many, many pertinent questions asked and resolved by all of the members. It was drafted and redrafted. Some of us went to the Governor's Office and asked the opinion of the Governor's Office about this bill, and found that the people in that office were fully in favor of it as it was redrafted.

I can only say, and I say this with the greatest respect too, that our colleague from Wilton surely must misunderstand the motives and the motivation in what this bill intended to do or he would have not given you the discourse that he gave you. I hope to have the chance to enlighten him somewhat on that.

This morning I stand up only to reinforce what has been said to you by the sponsors and to urge you to vote against the motion that is before you to indefinitely postpone and to support this study and what it is intended to do.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: A couple of comments -- I guess it depends on who you talk to in the Governor's Office because that wasn't really the message that I got. However, I don't base my opposition for or against a bill necessarily based on what the Governor's Office feels or doesn't feel.

To answer Representative Rydell, the good Representative from Brunswick, whom I have a lot of respect for, I believe it's fair, and I believe that she would agree that she has and continues to be an unabashed and outspoken proponent for national health insurance. The problem that I've got is that the federal government, obviously, hasn't gone international with health insurance and with the limited resources we have in Maine, I can't see us being a leader in this and providing free health insurance to another segment of the state.

The Medicaid program, as I said, we're already spending over \$260 million in the State of Maine each year. That has been going up \$15 million annually. That's not all federal money folks, that's not all free money, \$90 some odd million of that comes right out of our General Fund.

This is sold as a demonstration project, it isn't going to cost much money, we're deappropriating money from the catastrophic illness plan that wasn't being used, it's only going to cost \$900,000 to start a demonstration project. But I can't believe, if I

meet any of you ten years from now and I'm still in the legislature (and I hope not), but if I meet you, I'll ask you how much this program is costing the State of Maine. I would be willing to bet that this will not be terminated at the end of the demonstration program, we will be providing free insurance to that layer of people above the bottom people who are eligible for Medicaid and there will be continued efforts to expand that and have the state provide free medical insurance to everyone. Sounds great, but the price tag is just horrendous on this thing.

As I said, the cheapest estimate I have been able to find that I have been able to rely on since I started looking into this a week ago, when I suddenly realized what the ramifications were, was that it was going to cost \$80 million a year in addition to what we're already spending for Medicaid.

If you people think in three years, you can pass a demonstration project and come back in here and vote against continuing it full-fledged, if you can tell those people we have been giving free medical insurance to -- "Hey folks, we're going to cut off your supply of medical insurance, from now on you're going to have to pay \$600 per month for Blue Cross and Blue Shield or whatever," you've got another think coming. You're not going to be able to do it, you're going to be lobbied by all the practitioners, all the hospitals, everybody that is getting this money for these medical claims. A good idea -- Maine can't afford it. We can't afford to be a leader in this when our per capita income is among the lowest in the United States. Our tax burden per capita is among the highest in the United States. This is a tip of an iceberg thing and I urge you to support the motion to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Soucy.

Representative SOUCY: Mr. Speaker, I would like to pose a question.

Is this \$900,000 per year or for the total cost of the three year program?

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: The \$900,000 is over the course of three years. I would remind people that the State of Maine has received an award, a grant from the Robert Wood Johnson Foundation for this particular project, and it is dependent upon the matching funds from the state and those funds are included in the Governor's budget. They include the deappropriation from the catastrophic health insurance and also an additional amount of money that will be used in the next two years.

While I am on my feet, there are a couple of other comments I would like to add. In response to the Representative from Wilton, we are not discussing national health insurance here. We are discussing a way to extend the current system that we now have for health insurance. Right now, the system in our state and in our country is that, it is expected that the majority of people will receive their health insurance through their employer. Unfortunately in Maine, we have a large number of small employers. We also have a much larger number than nationwide of uninsured persons who are employed.

Over 71 percent of the employed uninsured, in addition report that they are working full-time. I think that the problem with Maine's uninsured with

regard to health insurance coverage is really due in large part to the nature of Maine's economy. We don't have a large number of large manufacturers and large employers. Service industries and tourism have grown by over 200 percent since the 1950's. Jobs in these industries tend not to be high paying, they also tend not to have benefits.

The purpose of this demonstration is to try to see if we can utilize our current system where people get health insurance through their employer. This is to try to assist small employers to join groups so they can offer their employees health insurance and for the employees to be able to pay a premium, which they are not now paying, at a cost that would be affordable to them. It is so they can have insurance, to be able to pay a premium for all the time that they are healthy, so that during the times that they are not healthy and they do need to use health insurance and do run up large health bills, they would have insurance to cover these, which they do not now have.

I don't know the figures, but we are now paying from the state, with regard to covering the costs of persons who don't have health insurance, because the premiums are now much too high for them to pay, but that is a significant amount of money and we need to take that into consideration. Our effort in this demonstration is to extend the health insurance to a group of people in a demonstration project to see if this is a viable way of extending health insurance to people in Maine who are employed, but who are not now receiving health insurance through their employer. I would ask you to remember that and to please vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

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

Will this bill assist the people who were AFDC recipients and who find jobs but then return to the AFDC program because they are unable to afford medical insurance? Could this ultimately save the State AFDC costs by helping these very same people stay off the AFDC rolls, where we pay, not only AFDC, but the full medical costs?

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: In response to that question, our hope is that this program will reach some of those people. In the demonstration years, it obviously will not reach a very large proportion of them, but since these persons in the training programs very often go into jobs where health insurance benefits are not available, and where the extension of their Medicaid is only for a short period of time, the hope is that they would then go into this kind of a program where their employers would be able to be offering them health insurance.

In addition, there would be the opportunity for 2,000 AFDC Medicaid recipients to be a part of the demonstration project with managed care to see if we can cut down the total cost of their health expenditures and also be able to provide them with better, not only health coverage, but the provision of health services in a better way for them and their families.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: This discussion is very timely because just last week I received a letter from a sixty-two year old woman in Wiscasset. Her husband retired recently and she is a self-employed music teacher. She asked me to look into what options they had for medical insurance. In working on it, I found that there was one policy that would be available, the least expensive was nearly \$200 a month. I spoke with her on the phone. Her frustration was very clear. She is working, her husband is retired, they don't want welfare, they aren't looking for a handout, they need affordable medical insurance.

She is very concerned about what will happen if either of them has to be in the hospital. The costs are going to be astronomical. If our only concern (and I certainly hope that it isn't) is money, what will happen if she does become ill? The bills might eliminate their savings, they could end up losing their home, being on welfare and needing Medicaid. It will cost the state money, it will cost the state more money than trying to find a way to provide them affordable medical insurance.

What about the cost of human dignity? As for welfare recipients, are we serious about getting people off welfare, particularly women? Like the she-bear in the corn field that I mentioned yesterday. If we are serious about getting these people off welfare, we need to provide medical insurance. All of the studies that I have read have shown that that is a major barrier for that transition period.

Let's look at this as economic development and I urge you to vote against the motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Wilton, Representative Armstrong, that L.D. 1574 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 81 in the negative, the motion to indefinitely postpone did not prevail.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: I would request a roll call.

I think you have heard the testimony that we are taking a big step and believe me it is a big step. We are told that if someone has an illness and doesn't have medical insurance, they are going to lose their house. Ain't so folks — doesn't happen. They can't take your house. Under the current situation as I understand it, this may be different in other areas of the state, but I know that our hospital and our doctors, if someone is admitted to the hospital and doesn't have resources and doesn't have insurance, they are not kicked out the door. They are taken care of.

If the person is working at a job and tries to work out some kind of payment schedule with the hospital that the hospital thinks the person can live with, my understanding is, hospitals don't lose if these sums are not collected.

I don't think, as I said, this \$900,000 we keep talking about some outfit is going to do this study — this \$900,00 is real money. It's not a federal grant, it's not a state grant, it's tax money. It comes out of the General Fund, I don't care if the money is in there or not.

My real problem is the tip of the iceberg thing. If Maine was a wealthy state, if we had all kinds of

resources and we didn't have to fix our roads, didn't have to fix our bridges, if we didn't have to do the myriad of other things we have to do, we could start looking at some kind of a broadening of our welfare plan to include free medical insurance for everybody.

Right now, anybody that is eligible for our welfare benefits, as I understand it, their medical costs are covered by Medicaid. I assume that is true for AFDC people along with everybody else. We're talking about the next layer of people. As I said, no one has defined this yet, I don't know if we're talking about people who earn between \$10,000 and \$15,000 or \$8,000 and \$25,000. I don't know what you're talking about.

The demonstration program obviously isn't going to handle many people. I guarantee those that have stood up here today and supported this demonstration program saying it isn't going too cost much, are going to be right back here pushing for a program that's going to cost big bucks. The only estimate that I've been given is \$80 million if this is a statewide program, annually, if this is a statewide program to pick up the next group of people.

I can't believe that right now their medical care is being denied them. Nobody has taken their homes away from them. In many cases, the people that fall into this group are working people and someone pointed out the employers should be furnishing free medical insurance. That is a business between labor and management.

When you vote for this, come back in three years and see what the debate is, what the price tag is, how much we're going to spend. That's General Fund money that you're going to be taking away from something else, because we don't have printing presses in the basement of the State House.

The motion is the enactment of this bill, this pilot project, and I would urge you to vote no, so we can go on to other things.

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

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

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: My opposition to this bill is based on the funding mechanism. We had a discussion of the catastrophic illness law yesterday in our committee. This program was established in the mid-1970's to deal and offer assistance to those people of different income levels whose insurance had been exhausted. In the intervening years, there has been different use of this money than intended by the original legislation. I am not convinced that we still do not need that catastrophic law. The repeal that is implicit in this bill, I think, is premature and ill-timed and I feel that the catastrophic illness program should be evaluated further. Since it is a major funding portion of this bill, I am opposed to it.

In addition, a two cent increase in the cigarette tax was passed when the catastrophic illness program was passed to specifically fund that. I see no language in this bill to repeal that two cent increase in the cigarette tax.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. This being an emergency measure, a

two-thirds vote of the members present and voting is necessary. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 69

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Bost, Bott, Brown, Carroll, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Dellert, Diamond, Dore, Dutremble, L.; Erwin, P.; Farnum, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Harper, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lawrence, Lisnik, Macomber, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Rydell, Seavey, Sheltra, Simpson, Smith, Soucy, Stanley, Stevenson, Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Webster, M.; Whitcomb, The Speaker.

NAY - Armstrong, Bailey, Begley, Bickford, Bragg, Callahan, Davis, Dexter, Farren, Foss, Foster, Hepburn, Higgins, Hillock, Holloway, Jackson, Jalbert, Lebowitz, Look, Lord, Martin, H.; McPherson, Parent, Reed, Salsbury, Scarpino, Sherburne, Small, Stevens, A.; Strout, B.; Tupper, Wentworth, Weymouth, Zirnkilton.

ABSENT - Boutilier, Carter, Duffy, Handy, Hanley, Ingraham, MacBride, Rice, Ruhlin, Stevens, P.; Willey.

Yes, 104; No, 34; Absent, 11; Vacant, 2; Paired, 0; Excused, 0.

104 having voted in the affirmative and 34 in the negative with 11 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED
AS AMENDED

RESOLVE, to Establish the Special Commission to Study School-entrance Age and Preschool Services (Emergency) (H.P. 1111) (L.D. 1505)

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

On motion of Representative Bost of Orono, under suspension of the rules, the House reconsidered its action whereby L.D. 1505 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-162) and moved its adoption.

House Amendment "A" (H-162) was read by the Clerk and adopted.

Subsequently, the Resolve was passed to be engrossed as amended by House Amendment "A" (H-162) in non-concurrence and sent up for concurrence.

FINALLY PASSED
Emergency Measure

RESOLVE, Reestablishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons (H.P. 1176) (L.D. 1602)

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. 128 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED
Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1987 (H.P. 1178) (L.D. 1607)

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. 123 voted in favor of the same and one against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Revise the Procedures for the Enforcement of Money Judgments (S.P. 305) (L.D. 874) (C. "A" S-66)

An Act to Facilitate the Movement of Emergency Relief Vehicles (S.P. 309) (L.D. 888)

An Act Relating to the Capitalization of the Maine Capital Corporation (S.P. 419) (L.D. 1299) (C. "A" S-64)

An Act Concerning the Affidavit of Paternity (S.P. 460) (L.D. 1417)

An Act to Establish a Presidential Primary in Maine (S.P. 531) (L.D. 1595)

An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums (S.P. 532) (L.D. 1603)

An Act to Provide Qualified Nursing Assistant Services (S.P. 533) (L.D. 1604)

An Act Concerning the Use of Safety Devices in Public Swimming Pools (S.P. 534) (L.D. 1605)

An Act Concerning Interdepartmental Coordination of Services to Children and Families (H.P. 276) (L.D. 359) (C. "A" H-133)

An Act to Amend the Laws Relating to and Administered by the Department of Environmental Protection (H.P. 641) (L.D. 864) (C. "A" H-132; H. "A" H-137)

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

ENACTOR

LATER TODAY ASSIGNED

An Act Creating the St. Croix International Waterway Commission (H.P. 733) (L.D. 985) (C. "A" H-131)

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

On motion of Representative Michaud of East Millinocket, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Clarify and Amend the Maine State Retirement Law (H.P. 750) (L.D. 1013) (C. "A" H-134)

An Act to Require Recording of Certain Subdivision and Zoning Variances (H.P. 990) (L.D. 1336)

An Act to Clarify the Laws Relating to Forest Insect and Disease Control (H.P. 1029) (L.D. 1387)

An Act Concerning the Taking of Smelts (H.P. 1153) (L.D. 1568)

An Act to Amend Certain Election Laws (H.P. 1154) (L.D. 1569)

An Act Relating to the Purchase of Alcoholic Beverages by Minors (H.P. 1156) (L.D. 1571)

An Act to Change the Water Quality Classification of the Carrabassett River and certain of its Tributaries (H.P. 1170) (L.D. 1596)

An Act to Establish the Well Water Information Law (H.P. 1171) (L.D. 1597)

An Act Concerning Prizes Awarded by Charitable Organizations (H.P. 1172) (L.D. 1598)

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.

PASSED TO BE ENGROSSED

As Amended

An Act to Exempt Liquid Asphalt from the Ground Water Oil Clean-up Fee (H.P. 1173) (L.D. 1599)

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

On motion of Representative Michaud of East Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 1599 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-157) and moved its adoption.

House Amendment "A" (H-157) was read by the Clerk and adopted.

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

PASSED TO BE ENACTED

An Act Concerning Smoking in Restaurants (H.P. 1174) (L.D. 1600)

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

ENACTOR

LATER TODAY ASSIGNED

RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (C. "A" S-65)

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

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

FINALLY PASSED

RESOLVE, to Permit Reginald and Alice Huard to Sue the State for Compensation for Losses Claimed to have been Suffered as a Result of Claims of Child Abuse Instituted by the State (H.P. 1155) (L.D. 1570)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Provide Special License Plates and Decals for People with Hearing Impairments" (H.P. 1106) (L.D. 1498)

- In House, Passed to be Engrossed on May 12, 1987.

- In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-63) in non-concurrence.

TABLED - May 20, 1987 by Representative DIAMOND of Bangor.

PENDING - Further Consideration.

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

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

Is Senate Amendment "A" germane to this L.D.?

The SPEAKER: The Chair would rule that Senate Amendment "A" is not germane.

Subsequently, the House voted to adhere.

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

Bill "An Act to Extend Maine's Bottle Bill" (H.P. 662) (L.D. 895)

TABLED - May 20, 1987 by Representative ALLEN of Washington.

PENDING - Passage to be Engrossed.

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

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

An Act to Enhance the Activities of the Maine Highway Safety Committee (H.P. 511) (L.D. 684) (C. "A" H-126)

TABLED - May 20, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 684 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-159) and moved its adoption.

House Amendment "A" (H-159) was read by the Clerk and adopted.

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

Representative MACOMBER: Mr. Speaker, could I pose a question to the Chairman of the State and Local Government Committee?

I guess my question is, although the Highway Safety Program is funded by the federal government, if you look at the bill, you would notice the number of bureaus and commissions that are involved. You are talking about the Bureau of State Police, the Maine Criminal Justice Academy, Commission of Public Safety, Commission of Transportation and partially the Secretary of State. All of these particular commissions or boards are funded 75 percent by the DOT -- I guess my question would be, the people who are involved and financed out of the DOT, why does this particular committee report to the State and Local Government Committee?

The SPEAKER: Representative Macomber of South Portland has posed a question through the Chair to any member of the State and Local Government Committee who may respond if they so desires.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The good Representative from South Portland has asked a very interesting question. Historically, that committee (which will now become a commission) has reported to the State Government Committee (now State and Local Government Committee) -- all those people from public safety and state police are confirmed by the State and Local Government Committee. It is my understanding that the bill originated from the Highway Safety Committee and it was their inclination at that time to send

that report to the committee that they have always been reporting to, namely State Government. We have no objection to that changing in the future but, at this time, it is my understanding that those who are on the committee would like to maintain the status quo.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-126) and House Amendment "A" (H-159) in non-concurrence and sent up for concurrence.

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

An Act to Amend the Maine Tort Claims Act (H.P. 682) (L.D. 923) (C. "A" H-108)

TABLED - May 20, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 923 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-108) was adopted.

On motion of the same Representative, Committee Amendment "A" (H-108) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-158) and moved its adoption.

House Amendment "A" (H-158) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" (H-158) in non-concurrence and sent up for concurrence.

VETO SUSTAINED

The Chair laid before the House the following matter: H.P. 1008, L.D. 1355, "AN ACT to Provide Unemployment Compensation During Employer-initiated Lockouts." which was tabled earlier in the day and later today assigned pending further consideration.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do vote to let this bill become law over the objections of the Governor.

The Governor has three points and he says here that it is taking an incentive away from the labor force, the working people, for them to go back to work. Presently, the situation is where you may have two unions voting to go into work, one union says, "No, we are not going in." The two unions that have voted to go into work are left out there without any strike benefits but the one that did vote, the one that is causing the problem, did vote for a strike, they will be receiving strike benefits but those that voted to go in will not receive strike benefits.

Also, the Governor said, "Look, we are going to take away that incentive, we are not going to pay them unemployment insurance." The people we are talking about, most of them, are people that are earning \$500, \$600, \$700 a week, a great incentive of staying out of work, \$100 some odd, big incentive. That is his first point.

He calls this a fair and equitable balance that we have. It isn't fair and equitable. You know, the paper industry sticks together, they work together, I don't blame them. I told the AFL-CIO that I believe the only way that we can negotiate with these people fairly is to have all paper industry workers

negotiate a contract at the same time and stick together. But that is a lot of work. Things were working fine before we had these great minds come together and say, "Look employers of the State of Maine, throughout the United States, stick together, cut benefits, cut workers' wages, cut their double time, cut everything you can and tell them, if they don't like it tough luck, you are going to be out of work. We are going to close the door, you are out of a contract, we are going to go out and hire people to replace you, we do not care about you."

Now, as far as sending the wrong message out, I want to tell you ladies and gentlemen of the House that the people that do represent the Governor did come before my committee and said they had no objections to this bill. My good Senate Chair said, "What, you mean the Governor does not object to this? I would ask you to go back and make sure that what you are telling us is true." They did and they came back and said, "No, no objection." Now we've got a veto, the wrong message -- who are we to trust?

If I hear a friend of mine talking bad about somebody else, I just assume that when I turn around, he is probably talking bad about me.

If the Governor is telling us one day he is for something and the next day he is not for it, (this is not the first time now, it's at least twice now in my Committee) -- I say he is sending out the wrong message.

In the State of Maine, we always claim that the most valuable asset is the working people of this state and now the working people that want to work, the good Governor says, listen, I want to send out a nice message here for business, we want to encourage business at any cost -- that is what I read -- any cost. If we are going to encourage business to come in here to eliminate competition, we are going to encourage business to come in at any cost. I just don't believe that is a good message because, if I were a person that could have a business of the potential of hiring 1,000 people and I had to move into a state where the Governor says one thing and the next day he says another, I would be a heck of a lot more leery in coming into a state like that. He is sending out a wrong message. He should stick by what he says. His people have come before us and told us there was no opposition. Now he says veto. You know something is happening, exactly what is happening, I don't know. I know one thing, I, for one, cannot take what he says to be true. I don't believe any member on my committee now can (be he Republican or Democrat) believe what he says before our committee to be true because he turns around and does the opposite.

It may be a game, I don't know what it is, but if it is a game, I am willing to learn how to play the game and if we have to, we will play the game, but I don't think we are here to play games. We are here to represent the people to the best of our ability. I believe that 151 minds may not always be correct but I believe that we do have the feeling of the people that we represent and we should stick by what we believe in.

I would hope that you would override the Governor's veto.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I cosponsored the original bill which is presently before you on the Governor's veto. I did so because of the gradual spread of the lockout technique, nationally. We haven't had that extensive use of the lockout in Maine, nor have we

had extensive labor strife in this state during the last few decades.

I would ask you to recall that a lockout forces a worker into joblessness through an employer decision, not through any action on the part of the worker.

I would also ask you to recall that unemployment benefits are there to help workers who become unemployed through no fault of their own to survive until they can find work.

The balance of labor relations that the Governor speaks to will be upset by the use of the lockout technique in this state. This is not a technique which businesses use, this is a technique which was largely used by out of state corporations. It is the lockout, not this bill, which will destroy the balance of labor relations in this state. It seems to me there is also a grave question as to whether this destruction should be used as a lure to bring out of state business into Maine. I would submit that this bill would protect the victims of the unilateral employer decision and would avoid the spread of a divisive tactic into labor relations in this state. I would therefore ask you to support the bill and override the veto.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly mention a few points which have been brought up through the debate today.

With regard to the Governor's Office saying that this bill was okay, I perhaps didn't get the same perception from our hearing process as my good friend from Madawaska. I think what he is referring to was that the Department of Labor testified neither for nor against the bill but, at no time in my recollection, recall anyone actually from the Governor's Office coming down and saying this bill was okay with them. In all honesty, I don't recall them saying it wasn't either. The Governor clearly hadn't had a chance to review it.

If you will take the time to look the veto message over, which is here on our Calendar, the Governor's three points are very clear. He is concerned, very concerned, with the working people of this state. The way he addresses that is to create jobs for those people, not to allow an anti-business atmosphere to continue to flourish or to go even further and do the worst possible thing that could ever be done to the good working class people of this state and that is to allow the jobs to disappear at a rate that is equal to or perhaps even exceeding the rate which we have been experiencing over the past several years.

In the debate that was mentioned earlier today, they talked about the creation of service-related jobs. Yes, we have had a significant boom in the creation of service-related jobs but, at the same time, the good jobs, the high paying industrial or manufacturing jobs in this state, have been disappearing. They are not being created as fast as they are in other areas. As a matter of fact, we are losing those jobs. So, clearly the Governor is trying to address that concern. He is concerned about unbalancing the collective bargaining process, about not giving one side any significant advantage over the other, and he clearly wants them to negotiate in as much good faith as can possibly be mustered and not to create an imbalance with the existing system.

Other things that were mentioned, when we were talking about this bill earlier, is what would happen to the experience rating of the employer with regard

to unemployment compensation. That, of course, is another concern, the potential drain to the fund. And those who would say that the employer who initiated that lockout will be paying for that, I would beg to differ. You certainly have to understand that, during that time that lockout is in place, that employer isn't going to have any payroll because those people aren't there at work, so how is he going to be continuing to pay his unemployment tax into the fund? The fund is going to be drained but there will be no financial burden upon the employer who initiated that lockout to pay for it at the time. Certainly if that fund is drained, there is no doubt that all employers will eventually end up paying for that, not just the one specific one involved in the lockout as it may be.

I think his message, again, if you take the time to look at it, is very clear and I urge you to sustain the Governor's veto.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am frustrated by this veto, I am confused by this veto. I am frustrated over the mixed messages that we, the Labor Committee, have received. Because I would like to share those messages that I consider mixed with the 149 members of this body and because the Labor Committee did hear testimony that said one thing and then another thing has happened, I want to bring you up to date.

Number one, L.D. 650 was the original bill that Representative Priest did, in fact, bring to the Labor Committee. Its title was, "An Act to Provide Unemployment Compensation during Employer-initiated Lockouts, Unfair Labor Practice Strikes, and to Displaced Economic Strikers." This particular bill and the testimony that was received before the Labor Committee by the person representing the Labor Department did, in fact, say that the Assistant Commissioner of Labor did testify before this committee, neither for nor against.

This testimony (which I have here) does say that it would add an additional burden to the Department of Labor in making a decision and explaining exactly what an economic strike was, what a labor dispute was, an issue that is generally settled by the National Labor Relations Board. However, further on in this testimony, it does say that we will be happy to be involved in settling the matter and discussing this issue in work sessions, which we, the Labor Committee, did. During that process, the Labor Committee then came out with a bill, "An Act to Provide Unemployment Compensation during Employer-initiated Lockouts" and, with this particular bill that Representative Zirnkilton does not remember, the Labor Department did say they had no problem with this bill. The bugs were out of this bill. They, in fact, approved of this bill.

In the Statement of Fact, for the Record, in this bill, L.D. 1355 that expands the eligibility to receive unemployment benefits of persons unemployed due to a labor dispute, current law prevents a person from receiving unemployment benefits if he is unemployed due to a stoppage of work caused by a labor dispute. The term "labor dispute" includes both employee-initiated strikes and employer-initiated lockouts of employees. In the case of a lockout, the employees are willing to work but are prevented from doing so solely by the employers refusal to allow them to work.

Since the Unemployment Compensation Law was intended to provide benefits to employees, who are unemployed through no fault of their own and who are willing to work, these persons should be allowed to

receive unemployment benefits if they are prevented from working due to an employer-initiated lockout. This new draft allows these persons to receive unemployment compensation if their unemployment is due to a lockout.

Employees who are unemployed due to an employee-initiated strike continue to be disqualified from receiving benefits in most circumstances under current law. That is the bill that was vetoed by Governor McKernan.

My concern about some of the issues that you perhaps will hear about and have heard about, about draining the fund. The fund, my friends, presently in the Month of March had a total of \$88,707,000. However, in discussions with the Department of Labor only 15 minutes ago, it is my understanding that that fund will be in excess of \$100 million in the first quarter. So, the fund will not be drained. In fact, if Bath Iron Works had a lockout tomorrow, the largest employer of this state, those workers could in fact collect unemployment benefits, just a fraction of their weekly wages, for two years, and the fund would not be drained.

It is also interesting to me that this is the second veto and it is a veto from bills worked on in the Labor Committee, not frivolously, not arbitrarily, but with great seriousness. As a person who knows a little bit about business and as a person who is familiar with business done in this world community, I can tell you from first-hand experience and first-hand information that the reason employers look to the State of Maine compared to employers in Alabama or across the seas in the Far East, is their work ethic of the workers. When Maine people work — and let me tell you according to the latest statistics in the month of March, there were 510,000 persons working in the State of Maine, about 50 percent of our population — when Maine people go to work, they work hard and they earn every dollar that they are committed to do.

If you think that this is a novel idea, my friends, such radical states as Arkansas, California, Colorado, Connecticut, Washington, D.C., Georgia, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, West Virginia and Wisconsin have identical laws.

I am very concerned that the second veto of the McKernan administration deals with the people who work in this state. And I am very concerned that some of us in this body would consider sustaining that veto and thus would say that working people are simply commodities to be used and then discarded and for those people who are willing to work are not going to be compensated when, in fact, they are unable to attend the worksite that they choose to work in.

(Off Record Remarks)

At this point, Representative Michaud of East Millinocket was appointed to act as Speaker Pro Tem.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from LaGrange, Representative Hichborn.
Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: For the past five months we

have worked on bills, we have held hearings, we have listened to debate and we have voted on many issues and I have not been very vocal. The matter we are discussing here this morning is of great importance to the people in my own district. This doesn't pose a problem for me as it may for some people. I think it is rather important to my constituents that I state my reasons for my position and why I am going to vote as I do. I am going to vote to sustain Governor McKernan's veto, not because the good Governor is a Republican, not because any members of leadership have asked for my vote, but I am voting for what I think is an issue of right and wrong.

My predecessor in this seat was considered by some to be a rather rabid anti-labor individual. The time when I became a write-in candidate for this position, I received a rather generous check from Labor to help me in the campaign, one that was appreciated -- but I hasten to add that I immediately returned it with this comment. "If elected, when I came down here, that I would vote for anything that I thought was good and fair and just and in the interests of the working man and that I would also vote with equal conscientiousness for any issue that I thought was good and fair and just and in the best interests of business and that my vote would not be influenced by any contribution from anybody."

My approach to this problem may be rather simplistic but I hope it is realistic. A man goes into business to make money, it is just as pure and simple as that. Another man goes to work for the first in order to earn a living, to buy a home, to take care of a family and live a good life. The first man has no right whatsoever to make money by taking blood from the worker.

The employer has a responsibility for providing safe working conditions for his employees, to pay a fair wage, to ask for reasonable hours and to give fair treatment to his workers.

The employee also has responsibilities, he should expect to do his work conscientiously, to work the hours agreed on and to fulfill his obligations. So long as both are reasonable, all goes well. As a result of cooperative efforts, a business may grow and the company may now have 100 employees. Maybe they are making 1,000 widgets a day for each employee but things don't always stay the same. It may be that the employer may get a little greedy, he may want to make millions instead of thousands and he may make demands on the workers that they deem unreasonable and the workers may use a legitimate weapon and they may go on strike. In this case, they may be justified and they may win the case and the power of labor may result in a fair and just resolution of the problem. We say that is right.

But it may be that it is labor who gets a little greedy. They say, "We make the widgets, therefore, we ought to have an extra dollar for every widget that we make," and the employer may say, "I make a living but I don't have the extra dollars to pay." The employees may say, "We don't believe you, we want that extra dollar." The employer may then have to say, "Well boys, if I don't have the money, I can't pay you so we may as well shut the door tonight." So he puts a padlock on the door, that is a lockout.

They may not work at all for 60 days. During that time, 6 million widgets are not made and the workers are idle, mortgage payments, car payments, grocery bills pile up and there is hardship for the workers. But the employer has no widgets to sell so his income drops too. His wife can't take that annual trip to Europe so she finds the money somewhere else and runs off with another man, the employer has a problem.

It doesn't seem fair to me that we should expect the employer to pay 100 workers from the Unemployment Compensation Fund for not making those 6 million widgets. I agree that every case is a different story and there are two sides to every story and I suppose there are many stories where there is a little right and a little wrong on both sides. But it seems to me that this bill, as written, is weighted a little bit too heavy on the wrong side.

Now, I personally realize that I am in a no win situation because I have family members who are union members but I have a lot of constituents who aren't union members because we don't have any jobs up there.

My position is going to be this -- if we have got a minimum wage bill before this House, I am going to be voting for it because I think that will be a help to the man at the lower end of the totem pole. All my Republican friends probably will condemn me for that but I am going to vote to sustain the Governor's veto. I know the democratic friends that I have here probably won't let me play cribbage with them tonight but that is all right, I don't care.

My vote today and, any time in the future, will be for any measure that I feel is in the best interest of the working man that is fair and is just. I am just as sure that I will vote for anything that I perceive to be fair and just for the business, for without thriving business, there are no jobs and everybody loses. Not to support this veto is a real signal to business, a signal with a big red light on it.

These last few months we have been talking about economic development, about creating new jobs, attracting new industry, creating new business ideas, and new business means new jobs. New business is going to think twice about coming to a state that by law requires them to pay workers for not working. So, my vote today is not for labor, it is not for business, but for jobs for men and women in my district.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I would like to address a comment to both Representative Joseph and Representative McHenry in the respect that I am a little afraid that they have left this body feeling that perhaps this committee on this particular bill was all in agreement kind of thing. I think I could remind both of them that we had some very heated discussions on this particular issue. If you will remember, it did come out a Divided Report. I think, in all fairness, that needs to be said to this body so they will not be left with the impression that this might have been one that the whole committee was altogether-on type of thing.

I rise to ask your support to sustain the Governor's veto on L.D. 1355, "An Act to Provide Unemployment Compensation during Employer-initiated Lockouts." First of all, I would like to say in a utopian world, wouldn't it be great if we had no strikes or no lockouts, but both realities exist.

I would like to mention to this particular bill that I brought out in the earlier debate on this bill. I think this is an extremely important point and, in doing this, I would be taking strong exception to what Representative Priest said earlier in his testimony. A lockout is a result of a labor dispute. Therefore, I believe that the Statement of Fact in the original bill and in the one that you have before you right now is in error when it says, (and I believe it is strongly in error) "employees who are unemployed through no fault of their own should receive unemployment benefits." As I said in

the earlier debate and I say now, my question to you is — how can you have a labor dispute if no employees are involved? There is just no way that I see how that can take place.

I would like to read a sentence from the veto message that I feel very strongly about. "The State's involvement, whether direct or indirect, in the private collective bargaining process ought to be limited." Now, I heartedly concur and heartedly endorse that statement.

The three reasons that are given to you in the calendar and have been referred to earlier, I also heartedly concur and endorse. If you have not had an opportunity to read that in its entirety, I would encourage you to do that because I think it does state our position very, very clearly.

I urge you, men and women of the House, to sustain the Governor's veto on L.D. 1355.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you today to override the veto. This law that we are attempting to pass that has been vetoed is not a labor dispute on the part of the employees. There may be a labor dispute within a company. I will use as a reference a shipyard where there are multiple units of bargaining. There may be non-bargaining units involved. The non-bargaining unit people or people not involved in a labor dispute are prevented from performing their gainful employment through no fault of their own. The purpose of this is saying, we, the working class, are reporting to work, we are available, we are willing to work, you do not allow us to work by locking the door. This is not our fault. Therefore, the working people of the State of Maine who are willing, able, report to work, cannot work, cannot perform gainful employment are prohibited from it, certainly are entitled to a benefit.

They are not asking for anything that they are not entitled to according to the laws of the State of Maine. If you read your Unemployment Compensation Law, it says "available for 40 hours of work a week," these people are available.

To even imply that the State of Maine is not on a level with the rest of the nation, just remember the statistics, the number of states that the good Representative from Waterville told you, already have this in place.

Each time the Labor Committee, without being rhetorical, has met, we have tried to meet all of the goals, all of the concerns that the Executive Office has raised during our deliberations. We have gone, not as party members, but as people, as members of a committee, representing the people of the State of Maine. Today, I am asking you to do the same thing by overriding the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Just a moment to address some of the comments that have been made throughout this rather lengthy debate, thus far. To clarify what the Department of Labor did or did not do in the hearing, they did testify neither for nor against the bill. The reason they did so is because it is not their position nor is it their responsibility to offer philosophical testimony to assert their own individual personal beliefs with regards to legislation in the hearing process before any committee. That is why, in my opinion, they testified neither for nor against the legislation.

That should not, by anyone's standards, be construed as a statement for support for this bill.

There have been a lot of comments today about the working people of the State of Maine. There have been a lot of comments whether Governor McKernan represents the working people of the State of Maine. I say to you that he does. I say that he, like every member of this body, is trying to do what he perceives to be in the best interests of all the people of the State of Maine. To insinuate otherwise is not only naive, but it smacks of dirty politics and it is not involved with this issue.

The fact that this is the second veto which has come down from the Governor's desk dealing with the Labor Committee is not picking on the Labor Committee. It means nothing other than this Governor has disagreed twice with the legislation that has come out of the Labor Committee, period, no more, no less. There will more than likely be vetoes which come out of other committees.

It is not an intentional part of the executive branch to pick on them either, just as it was not when other Governor's vetoed other pieces of legislation prior to that. I urge us, at the very least, to address the issue on its own merits and of course, I hope that you will sustain the veto.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the Governor of this state has sent two very clear messages to the workers of this state who represent the majority of the population of our great state.

My good friend from LaGrange gave us an example of a condition where millions of widgets could not be made to contribute to the profits of management. I say to you that those employees who are locked out could not make those widgets for the employer in order for him to take his family to Europe. I say to you that the workers are the ones we should really be concerned with and not the management to go to Europe. I urge you to override the Governor's veto.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I say to you this morning that, when you want to work and you have a job and somebody locks you out from that job, that is an unfair and unjust action. I don't think we want that type of action to happen in the State of Maine.

A lockout is an improper technique, unfair abuse of the negotiating process. We are talking here about messages that we want to send out. I say that this House should send out a message today that we, in the State of Maine, will treat our people fairly, justly, and that is the issue. If you vote to override the Governor's veto, you are saying to the people of the State of Maine that we will be just and we will be fair in the treatment to our people. I hope you will keep that in mind when you vote.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am saddened because of the words "dirty politics," — that makes me a little bit angry. I feel somewhat personally accused but, politics, 101. Politics is the art of compromise. All of us in this body don't get everything we want. Politics that I learned in the eighth grade civics class or maybe even before that said that there were three co-equal branches of government. Politics is the art of negotiation. I don't believe here that I or any member of this body is practicing dirty politics.

I consider myself a very conscientious legislator who listens to all the testimony of persons who appear before me, as you all do. I consider that and, when I run for re-election as I do and will do, I will say to the people, don't judge me on my votes but judge me on my decision making capability. Probably no votes are going to be changed as to whether to override this veto or sustain this veto but it is important that the facts are known.

In the few years that I have served here, I have been privileged to serve on a national committee dealing with economic development. I want jobs for the people of Waterville. We have lost 1,000 railroad jobs.

I went to the board to save 800 jobs at Keyes Fibre. I worked with companies prior to my election to the House of Representatives to expand in Maine. I have helped companies relocate in the State of Maine. And, on this committee that I have served for the past five years, I have met with legislators and experts in the field of economic development and all those people who have input. I have heard one thing when it comes to site location and I am referring to the Governor's message when he talks about economic development and sending signals out, I consider those red flags. As I told you, I have first-hand knowledge of what makes companies make decisions or what helps companies make decisions to stay, to expand, or to come to Maine, and that is, a quality work force and quality production. That is also something that we have been accused of not doing, which I think in the past several years, we have been very good at — responsiveness of government to the needs of the individual employers, and we have done that.

Today I think this is a pro-family issue. I think so because, if you are willing to work, you have commitments, you need to buy groceries, but if you are willing to work, you either have a mortgage to pay or, in fact, you have rent to pay, you have utility costs and those are the basic essentials as well as clothing. If you were willing to work but because negotiations in a labor dispute seem to be breaking down and settlement is not near and the employer decides that you are going to be locked out, then you will receive no wages. You would receive no money to honor those commitments that are family commitments. We can't ignore that. I can't ignore that in good conscience. When I was shopping in the city of Waterville, one of my constituents presented me with a letter (with many of these same words) that he had received from those who were out "lobbying" against this issue. I said, that is not the way it is. Your unemployment rates are not going to increase because of that because it truly is, as I understand it, experienced rating. That fund is healthy. It is good.

I urge you to give this some consideration and I urge you not to hurl accusations at individuals or persons in this body because they differ with you because we are here working out a problem — politics 101.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACROIX: Mr. Speaker, Men and Women of the House: I urge you to vote to override this veto. I particularly want to point out that the enactment of this bill sends the wrong message to the companies that we want to attract to Maine. As the Representative from Oakland and part of Waterville, I am not so sure I want to attract a lot of these companies to Maine. Since a lot of these companies have come to Maine, we have lost employment in my area. We had the Diamond International with an

absentee landlord that, with very little notice, closed down their shop and threw people out of work. We had the Keyes Fibre that was in the city of Waterville for over 100 years and, as long as it was owned and operated by the city of Waterville people, we had no problem. Now that we have an absentee landlord, we have problems. We fought on this floor last year for the rights of those people. We had the Maine-Central Railroad that has been taken over by other big business. Is that the kind of business that we want for the workers of Maine? It is not the kind of business I want.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: The good gentleman from Mt. Desert, Representative Zirkilton, has stated that the Department of Labor does not speak for the Governor. Well, let me assure you that I asked Commissioner Fitzsimmons — "When you appear before my committee, are you speaking for the Governor, yourself, or what capacity?" He said, "Let me assure you that I do speak for the Governor." They do have opinions. As a matter of fact, they have opposed some legislation that did come before my committee. On this piece of legislation, they took a stand of neither for or against. The good gentleman, like I said, Senator Dutremble, the Senate Chair, said, "What, you mean to say the Governor is not opposing this?" They said, "No." He said, "Go back and come back to me and tell me that he is not." They did and he was not opposed.

That is what I know for a fact, it is not dirty politics, it is fact. If people want to call that dirty politics, fine. I don't call it dirty politics, I call it honest facts.

If I have to have every bit of testimony in black and white in order to have people believe me, fine, we can do that also. But I think it would be an awful burden on our clerk and the people concerned.

As for the good gentleman from LaGrange, Representative Hichborn, he would have you believe that when the employee asks for a raise, the employer must give him a raise. But he doesn't want to give him a raise, so he locked the door. We negotiate a contract and if the employer does not want to give them a raise, they don't give them a raise. He doesn't have to lock the door. If the employees want to continue working under the old contract, they can still do that. Let's not mislead the House in believing that employees who ask for a raise of \$1.00 an hour and the employer cannot afford it, he locks his door. That is not true, it is farfetched and way out.

What we are saying is that when the employer says "I cannot afford to pay a dollar or 50 cents more, whatever it is, you must take cuts, I will not pay you, you must take a cut in your benefits." The employee says, "We can't, we can't afford it." There are three bargaining units — two bargaining units in that shop that says, "Okay, we will take a cut, we agree, we will be good guys, we believe that you cannot survive under the wages that you are paying us." But there is one local union that says, "No, we don't believe you, we feel that we need this, the cost of living has gone up, we absolutely need that money." These people go out on strike but the other two locals that did vote with the employer — you are saying, you are going to be out there with nothing. Zero. The people who voted for a strike will receive benefits but you people that agreed with your employer, we are saying you are going to be out there with nothing. If you believe

that is correct, fine. Don't believe that the employees can tell the employer how much they are going to get. The employer must agree to it and that is the only way you are going to have a lockout. It will be because the employer may want to force these other people to come in by locking out the other two locals. These other two locals that did agree to the contract want to work, there is only one local that doesn't want to work and that would be a lockout. It isn't forced on the employer so I hope that you would understand that people who go out on strike will not get unemployment, no way, shape or form. We are not here to pay those people to go out on strike. We are here to say that those people that don't want to go out on strike and are unemployed, through no fault of their own, should be receiving some benefits.

Why was unemployment benefits ever put into place anyway? It was to help those people who are unemployed through no fault of their own. We want to help those people, we don't want them on welfare while they are looking for other jobs and while the strike, brought on by another local, which might be settled in a week or a month, but during that time, -- are you saying, let's starve those employees who wanted to work. Let's starve their children, let's not give them anything, let them lose their house or whatever it is they have. We will show them. Is that what you want? That is the message that is going out.

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

Representative HILLOCK: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Labor Committee.

My question is, would this bill apply to disputes where sabotage is in the factory?

The SPEAKER PRO TEM: The Representative from Gorham, Representative Hillock, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, I cannot answer his question and probably no one on the Labor Committee can.

I feel awfully guilty today sitting in my chair not saying anything on behalf of the workers. In my House District, I represent some 4,000 workers. We, ourselves, went through this back in 1978 and that is why we are here today because of the balance that the employer has over the worker. Do you honestly believe in the work market today? I can only speak for the paper industry. For example, when the Great Northern Paper Company goes on strike, no paper is being made. Ask the good gentleman from Madawaska, he will tell you who makes the paper for Great Northern when they go on strike. They are still making the money but the workers aren't making one red cent.

I will try to use the example of 1978 when the workers went out on strike -- the majority of the workers elected to go to work but the employer, Great Northern, locked the doors on those workers. They were entitled to nothing. The doors were shut, they couldn't get unemployment, no monies from the Union Strike Fund -- nothing. I think that is one reason why the bill is here today.

You talk about balance, you talk about the balance with the employer-employee today -- I think the present administration downstairs has sent a strong message to the workers of this state and I think we are all going to hear it today with this veto. I am a realist enough to know what is going

to happen here today, we don't have enough votes to override. I think the present administration has sent one heck of a message to the workers of this state and how he feels about the workers. So, I hope when you vote today, you vote to override the veto.

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

Representative HILLOCK: Mr. Speaker, Men and Women of the House: It seems that there wasn't enough information from the Labor Committee to reply to my question. I will just assume that it does apply.

The whole issue of accusations on the administration and against legislators here bothers me. I guess I can consider myself a veteran because I have been here for two terms. Labor issues concern me greatly. I used to work for AFL-CIO, Local 213, Plumbers and Steamfitters, so I have seen both sides of it. I am also an airline employee, who within the last few weeks, voted against the \$5 million dollar subsidy to my own airline.

The message to out of state owners of plants in the State of Maine -- what message did we send to these out of state people when we subsidized Keyes Fibre? If you look back at the debate then -- some people suggested perhaps, we were held hostage by these out of state employers, that we take the money that we are going to subsidize them with and get somebody in here, preferably a Maine-owned corporation. The airline that we gave \$5 million to is owned by a wholly owned subsidiary outside of Maine -- Texas Air, the largest airline in the world and Maine is the only state that gave them \$5 million. That is a hard sell for me. I voted against it.

I am neither for pro-labor or against it but it has been brought to my attention that, not this legislature but previous legislatures in this House, have subsidized plants coming into the State of Maine from outside of the state (one is a printing plant in Wells) and those people working in that plant are making near minimum wage, the unions broken up in Massachusetts, because they moved their plant to Maine as a union breaking mechanism. Some of these people here today on the opposition have supported that.

I think we have to look deeply into these issues. We have upset the equal playing field with labor and management and unrest is sure to follow. Is the average taxpayer in the State of Maine, who certainly makes less than what Representative McHenry suggested, \$700, \$800 a week, willing to subsidize labor on one side of this issue? I have a bricklayer who lives next to me, a very hard working fellow, a member of the union, as many of my friends are, who had a job in South Portland, he worked 50 hours a week and made very good money. He went to work Monday morning and they said, "You can no longer work here, you proceed to Carrabassett Valley, that is the only place in the state where you can work because the union couldn't supply enough labor for that job site; therefore, no union labor can work in South Portland." I said, "How can this be? Why can't there be some flexibility here?" Obviously, there was not any. This sort of unequal playing field and the abuse of power bothers me. I think if the State of Maine and the taxpayers of the State of Maine and the workers of the State of Maine support unequaling the level playing field, it is probably not even equal now, unrest and certainly pain will follow.

We talk about unions and being shut out of the workplace because another union is striking -- they

have the option, they could go in and work there. They could still go to work. This is an issue that, I am sure, the outcome is known, no bets are taken on this outcome. These are issues where we all have to look within ourselves and think deeply about.

I promise you that I am personally looking into legislation on every benefit that this legislature gives to companies across the state and how they focus on these issues. We have made grave mistakes in the past. We set precedence for the future and we have to review these issues.

At this point, Speaker Martin resumed the Chair.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The hour is very late as everyone in here knows. I think it is time that we move on and deal with the issue. The question has come down, obviously, as to what policy this state government is going to adopt in dealing with labor-management issues. The lockout issue certainly is one that we can debate all day. In fact, I think we have been debating it all day but it is important to recognize that this legislature has gone on record in attempting to establishing what we thought was a way to truly balance that playing field that Representative Hillock and so many other members have mentioned in this morning's debate.

There is no question that the key to economic development in this state is to have a strong labor force and to have opportunities in place to encourage businesses to locate here or to expand. I think if there is any commonality among the rhetoric that has been used by both the Democrats and the Republicans this session, it has been that concern for economic development. We have demonstrated that through our creations of the Economic Development Committee. We have demonstrated that through the unanimity with which we have worked on some of these major issues pertaining to this issue. I think we are all committed to that.

Our Governor, during his campaign, came across as a pro-economic development candidate. When he was Congressman McKernan, he came across as a pro-economic development person; yet he always said that he was sensitive to the needs of the working people of this state. A lot of working people in this state believed him. For that reason, he was elected to the position he now holds. However, as Representative Joseph pointed out, several minutes ago, in the last week, we have seen a very disturbing pattern emerging. Two issues dealing with the rights and concerns of working men and women of this state are being eroded and infringed upon by the actions of the Chief Executive of this state. The Governor, in his legislative veto message to us, said that he felt we were sending a bad message to business. If I could cite what he said in that -- he said, "I am opposed to this legislation for the following reasons: by removing a key incentive on the side of labor to negotiate, this veto could disrupt the delicate balance that must be maintained between management and labor." He is right, there is a delicate balance that should be maintained. The collective bargaining process allows for that delicate balance to be maintained by hardening the edge that used to exist on labor-management disputes but if you take the language of the Governor's veto and

by saying that the incentives are removed on the part of management to negotiate in good faith, then that too erodes the balance that exists. That is what he is trying to get at.

I think it is disturbing that the Governor believes that what is good for business is good for everybody in the State of Maine. In many instances that is, indeed, the case but it isn't in every instance. I think the issue we are dealing with today is one example of how we have to make sure that the rights of working people, many of whom are not involved in the labor dispute that might be in question, are being affected negatively. They and their families are being impacted negatively and won't have any recourse. If this legislature does not override this veto we will be denying that recourse.

I think that the Governor's action, combined with a previous action, is a bad sign. It is a bad sign for the State of Maine and it is a bad sign to the working people of this state and it is a bad sign for everybody, if we are concerned about economic development. Promoting business interest is fine but not at any price. I think the attitude being taken by the Governor on this issue and some of the other issues involving labor this session are clear, that he is not seeing labor as being an important component in the economic development picture.

I do think we have to find a real balance and I think it exists now. So many of the previous speakers, who are supporting sustaining the Governor's veto, have said that the lockout provides a counterbalance to the right to strike. That is not true. The employers have a counterbalance already and that is the ability to replace striking workers. That is their counterbalance. They can use that and they have used it. Just ask Representative Erwin and Representative Perry, they call tell you full-well.

I do think that a paranoia exists on the part of many in state government that we can't do anything that protects the legitimate rights of the working men and women of this state, that we can't do anything that protects the legitimate concerns of working families of the state, it is going to be perceived by some, especially those out of state, as being harmful to our state's business climate. We have a good business climate, we have an economy that has been growing and the key to that has been the balance that we have provided. We have to make sure that we never lose sight of our obligations to protect the working people of this state. Our law books are filled with dozens of protections that are in place, not due to hypothetical situations that might arise, but because things have happened that have had a negative impact on those people and we have had to protect them.

Representative Priest said, almost an hour ago, that the lockout situation is something that is being used with greater opportunity by the employers of this country and it is something that is expected to grow in its use in Maine. We need to cut it off now and anticipate these problems rather than react to them later on. If we have to react to them, we will be doing so after many people have been hurt, their families have been hurt. The concern will not be whether or not somebody gets to take that vacation to Europe, as was mentioned earlier, but whether or not men and women of this state are able to put bread on the table. I think it is important if we are concerned about maintaining a balance that we override the Governor's veto today and I would urge every member of this body to do so.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Muprhy Representative MURPHY: Mr. Speaker, Men and Women of the House: Speaking today as a person who has belonged to construction unions, railroad unions, and a teacher's union -- I think much has been made on this floor in terms of -- why two vetoes from one committee? There is a reason for it because that is one of our best committees. Every afternoon they are there in hearings or work sessions, they have a record of being one of the first committee's to turn out their reports, not just the unanimous reports but the Divided Reports. The Labor Committee has a reputation that when it begins to work a bill, it is not something that is intermittent, it is something that they go at day after day after day. They reach a compromise or if there are differences there, then they report the bill out. They are one of our hardest working, most dedicated committees and we see, historically, their Divided Reports, their bills coming out, very early. Many times in the last three or four weeks, their docket is clear, they have done their work so there is no pattern in terms of -- why two bills were picked out. It is historical in this session that their committee does its work, it does it well, and it does it early bringing about a decision and a review by another branch.

The gentleman from Bangor is very correct, every one is talking about jobs. We have to have more than rhetoric here in the State of Maine. We can talk but, at times, we must take steps.

You have heard arguments today in terms that, you have to have an even playing field -- I think every member of this body supports collective bargaining. When collective bargaining is balanced and when it is fair and one side doesn't have more of an advantage than the other, then you have settlements. When it becomes lopsided or tilted in favor of one, either labor or management, then it gets bitter. We have moved through the Calendar in the last few days a bill that members of both parties supported in terms of security guards because of a recent strike and what occurred there. We saw something was out of balance and this legislature took steps to correct it.

I support collective bargaining. I have been involved in that process and I am going to vote today to sustain the Governor's veto because I want that playing field kept even. I want Maine workers and Maine management, when they disagree, to be able to sit down and settle in a fair manner and in a prompt manner.

The SPEAKER: A roll call has been ordered. The pending question before the House is, "Shall this bill become a law notwithstanding the objections of the Governor?" This requires a vote of two-thirds of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 70V

YEA - Aliberti, Allen, Anthony, Armstrong, Baker, Bickford, Bost, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Dutremble, L.; Erwin, P.; Gouid, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Swazey, Tammaro,

Tardy, Telow, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Bailey, Begley, Bott, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Boutilier, Duffy, Ingraham, Kimball, Martin, H.; Stevens, P.

Yes, 84; No, 59; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

84 having voted in the affirmative and 59 in the negative with 6 being absent and 2 vacant, the Governor's veto was sustained.

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

SENATE PAPERS

The following Communication:

The Senate of Maine
Augusta

May 20, 1987

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning Proof of Insurance on School Buses" (H.P. 863) (L.D. 1164):

Senator Dow of Kennebec

Senator Theriault of Aroostook

Senator Cahill of Sagadahoc

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Abolish and to Reorganize Certain Portions of the Department of the Secretary of State" (S.P. 544) (L.D. 1646)

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.

Bill "An Act to Strengthen the Site Location of Development Law in the Shoreland Zone" (S.P. 545) (L.D. 1647)

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

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

Representative COLES: Mr. Speaker, a point of order? Is this matter properly before this body?

The SPEAKER: The Chair would answer in the affirmative. The jacket does contain the notification that it is a Governor's bill.

Was referred to the Committee on Energy and Natural Resources in concurrence.

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

On motion of Representative Ketover of Portland,
Recessed until five o'clock in the afternoon.

(After Recess) (5:00 p.m.)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Communication:
The Senate of Maine
Augusta

May 21, 1987

The Honorable John L. Martin
Speaker of the House
113th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Legal Affairs, the Governor's nomination of Wallace G. Soule, Jr. of Freeport for appointment as the Director of the Lottery Commission.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Ought to Pass in New Draft

Report of the Committee on Taxation on Bill "An Act to Allow Farm Wineries to Pay Taxes Twice a Month" (S.P. 347) (L.D. 1039) reporting "Ought to Pass" in New Draft (S.P. 542) (L.D. 1639)

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

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-74) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Representatives (S.P. 82) (L.D. 168)

Signed:
Senators: TUTTLE of York
BALDACCI of Penobscot
GOULD of Waldo
Representatives: BICKFORD of Jay
WENTWORTH of Wells
BOUTILIER of Lewiston
CARROLL of Gray

STROUT of Windham
ROTONDI of Athens
LOOK of Jonesboro
HUSSEY of Milo

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

Signed:
Representatives: LACROIX of Oakland
ANTHONY of South Portland

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "A" (S-74).

Reports were read.
Representative Lacroix of Oakland moved that the House accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Oakland, Representative Lacroix, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
60 having voted in the affirmative and 44 in the negative, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Change the Process of Selecting the Commissioner of Educational and Cultural Services" (S.P. 99) (L.D. 246)

Signed:
Senators: KANY of Kennebec
RANDALL of Washington
Representatives: MATTHEWS of Caribou
GOULD of Greenville
LAWRENCE of Parsonsfield
KILKELLY of Wiscasset
SMALL of Bath
O'GARA of Westbrook
NORTON of Winthrop

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S.P. 546) (L.D. 1649) on same Bill.

Signed:
Senator: ESTES of York
Representatives: HANDY of Lewiston
PARADIS of Frenchville

Representative BOST of Orono - of the House - abstained.

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

Reports were read.
On motion of Representative O'Gara of Westbrook the House voted to accept the Majority "Ought Not to Pass" Report in concurrence.

Non-Concurrent Matter

Bill "An Act to Improve the Teacher and Administrator Certification Law" (H.P. 1195) (L.D. 1629) which was passed to be engrossed in the House on May 20, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-78) in non-concurrence.

On motion of Representative Handy of Lewiston, the House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 548)
113th Maine Legislature
May 21, 1987

Senator Joseph C. Brannigan
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Donald G. Alexander of Readfield for reappointment as Justice of the Maine Superior Court.

Pursuant to Title 7, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Permit Participants to Play Beano in 2 or more Rooms" (H.P. 1121) (L.D. 1524) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Provide a Standard for Uniforms for On-duty Professional Firefighters" (H.P. 698) (L.D. 939) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(S.P. 422) (L.D. 1302) Bill "An Act to Modify the State's Appeal Law to Permit Appeals of Adverse Intermediate Appellate Court Rulings by the State" (Emergency) Committee on Judiciary reporting "Ought to Pass"

(S.P. 464) (L.D. 1421) Bill "An Act to Simplify Fees for Certified Copies of Divorce Reports" Committee on Judiciary reporting "Ought to Pass"

(S.P. 482) (L.D. 1459) Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1987" (Emergency) Committee on Transportation reporting "Ought to Pass"

(S.P. 339) (L.D. 994) Bill "An Act to Coordinate the Review Process of the Department of Environmental Protection and Maine Land Use Regulation Commission" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-72)

(S.P. 143) (L.D. 397) Bill "An Act Providing Additional Higher Education Opportunities for Maine Students" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-76)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 22, 1987, under the listing of Second Day.

PASSED TO BE ENGROSSED

Bill "An Act to Limit the Administrative Charge on Sales of New Motor Vehicles to the Actual Administrative Cost" (S.P. 541) (L.D. 1636)

Bill "An Act Relating to Qualifications for a Hotel Liquor License" (S.P. 543) (L.D. 1645)

Bill "An Act to Amend Certain Laws Relating to the Department of Environmental Protection" (H.P. 1212) (L.D. 1654)

RESOLVE, to Create Dispersed Recreational Opportunities on Public Lands at Pineland (H.P. 1209) (L.D. 1650)

Bill "An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules" (H.P. 1210) (L.D. 1651)

Bill "An Act Authorizing the Use of Gill Nets by Department of Inland Fisheries and Wildlife Personnel for Scientific Purposes" (Emergency) (H.P. 1211) (L.D. 1653)

Bill "An Act to Require the Use of Seat Belts for Children 12 Years of Age and Younger" (H.P. 649) (L.D. 877)

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

SECOND READER

As Amended

TABLED AND ASSIGNED

Bill "An Act to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers" (S.P. 522) (L.D. 1637) (S. "A" S-77)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be engrossed and specially assigned for Friday, May 22, 1987.

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative BAKER from the Joint Select Committee on Corrections on Bill "An Act to Promote the Coordination of State Prevention Programs for Juveniles" (H.P. 1133) (L.D. 1543) reporting "Leave to Withdraw"

Representative BAKER from the Joint Select Committee on Corrections on Bill "An Act to Institute a Literacy Educational Program in State Correctional Facilities" (H.P. 873) (L.D. 1174) reporting "Leave to Withdraw"

Representative PINES from the Committee on Human Resources on Bill "An Act to Recognize the Maine Area Agencies on Aging" (H.P. 968) (L.D. 1297) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Permit the Use of Half Doors or Dutch Doors to Restrain Certain Patients in Skilled Nursing or Intermediate Care Facilities" (H.P. 1005) (L.D. 1352) reporting "Leave to Withdraw"

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

The Chair laid before the House the following matter: "An Act Creating the St. Croix International Waterway Commission (H.P. 733) (L.D. 985) (C. "A" H-131) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Michaud of East Millinocket, retabled pending passage to be enacted and specially assigned for Friday, May 22, 1987.

The Chair laid before the House the following matter: RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (C. "A" S-65) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Diamond of Bangor, retabled pending final passage and specially assigned for Friday, May 22, 1987.

(Off Record Remarks)

On motion of Representative Swazey of Bucksport, Adjourned until Friday, May 22, 1987, at twelve o'clock noon.

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

In Senate Chamber
Thursday
May 21, 1987

Senate called to Order by the President.

Prayer by Reverend Andrew D. Kane of the United Baptist Church in Oakland.

REVEREND KANE: May we pray together. We thank you, Lord for the gift of such a beautiful day. We thank you, Lord for giving us the responsibilities that we share. We ask, Lord that as we share this day with You and with one another, we may share Your wisdom and we may share Your vision. We come together as children of trust. A trust that You have in us and the trust that we have in You. In the name of Christ. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

May 20, 1987

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station #3
Augusta, ME 04333

Dear Madam Secretary:
Pursuant to my authority under Chapter 17 of the Resolves of 1987, I have appointed Senator Edgar Erwin and Senator Charles Dow to the Commission to Review the Laws Relating to Registered Maine Guides. Please let me know if you have any questions about this.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND THIRTEENTH LEGISLATURE
May 20, 1987

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:
In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Legal Affairs has had under consideration the nomination of Wallace G. Soule, Jr. of Freeport, for appointment as the Director of the Lottery Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 10
NAYS: 0
ABSENT: 0

Thirteen members of the Committee having voted in