

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

**ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
79th Legislative Day  
Tuesday, June 2, 1987**

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

Prayer by Father J. Joseph Ford, Chancery, Roman Catholic Diocese of Maine, Portland.

The Journal of Monday, June 1, 1987, was read and approved.

Quorum call was held.

COMMUNICATIONS

The following Communication:

State of Maine  
Office of the Governor  
Augusta, Maine  
04333

June 1, 1987

TO: The Honorable Members of the 113th Maine Legislature

I am returning without my signature or approval H.P. 1195, L.D. 1629, "AN ACT to Improve the Teacher and Administrator Certification Law." A significant section of this bill eliminates the Master Teacher, or third level (Professional II) of certification, from Maine's existing teacher certification laws. This is a dramatic and unacceptable step backward from the intent of the legislation passed by the 111th Legislature in 1984.

The 1984 teacher certification legislation upgraded and strengthened the requirements for teacher certification in Maine. The Master Teacher level is a vital component of that law. Its intent is to recognize teachers who have outstanding qualifications and who are able to perform teaching, curriculum development, peer coaching and other assignments in an exemplary manner. Recognition of special achievement, through certification, is an essential ingredient of overall education reform. The Master Teacher level stands for the recognition of highly qualified teachers and will be an incentive to raise professional aspirations and keep our best teachers in the profession.

The new certification procedure is now being piloted at several sites throughout the State. Many of these sites have not completed the piloting process as it relates to the master teacher concept. At a minimum, it would be premature and wasteful of what has been learned to date if this research were to be terminated at this time.

In summary, I am opposed to this legislation for the following reasons:

- 1) It eliminates the Master Teacher level of certification which is key to the certification component of educational reform. Now is not the time to back away from our commitment to standards for the certification of teachers, nor is it the time to abandon our inservice training, support, and recognition of teachers who meet these increased standards.
- 2) The bill fails to recognize the important role the Pilot Sites have played to date and the necessity for them to complete their work; this bill would terminate prematurely the orderly study process set up by the 111th Legislature to examine, in part, whether the third level of certification is workable.
- 3) It sends a message to the people of Maine that we are not willing to differentiate among teachers, that we will continue to

paint all teachers with the same brush and that we are not willing to recognize those teachers who are willing and motivated to upgrade their professional qualifications.

I share common goals with each of you: to have the highest quality teachers possible in Maine's classrooms, to provide those teachers with the support teams and ongoing training they need, and to recognize those teachers who are truly outstanding. Maine's school age children deserve no less. The passage of L.D. 1629 would impede our efforts on their behalf.

I do not, however, want to lose all that we have worked for. Therefore, I want you to know that I would sign legislation which includes the essential ingredients of L.D. 1630, "AN ACT to Enhance the Certification of Educational Personnel Law." Such legislation would provide for the retention of the Master Teacher level as well as allow for the completion of the Pilot Sites.

To reiterate, I am in firm opposition to this bill and urge you to sustain my veto of L.D. 1629 and return a revised bill to me containing the provisions I have outlined above.

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

Was read and ordered placed on file.

The accompanying Bill "An Act to Improve the Teacher and Administrator Certification Law" (H.P. 1195) (L.D. 1629) (S. "A" S-78)

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

The following Communication: (S.P. 577)  
113th Maine Legislature  
June 1, 1987

Senator Ronald E. Usher  
Representative Michael H. Michaud  
Chairpersons  
Joint Standing Committee on Energy and Natural Resources  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Edward S. Rendall, M.D. of Blue Hill for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 Energy and Natural Resources.

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

The following Communication: (S.P. 578)  
113th Maine Legislature  
June 1, 1987

Senator Edgar E. Erwin  
Representative Paul F. Jacques  
Chairpersons  
Joint Standing Committee on Fisheries and Wildlife  
113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Carroll York of West Forks for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Please be advised that Governor John R. McKernan, Jr. has nominated Alanson B. Noble of Oxford for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, M.R.S.A. Section 7033, these nominations will require review by the Joint Standing Committee on Fisheries and Wildlife 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 Fisheries and Wildlife.

Was Read.

On motion of Representative Diamond of Bangor, tabled pending reference to the Committee on Fisheries and Wildlife in concurrence and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Earl W. Armstrong, of Island Falls, a beloved citizen and charter member of the Island Falls Volunteer Fire Department for 28 years; (HLS 511) by Representative SMITH of Island Falls. (Cosponsor: Senator LUDWIG of Aroostook)

On motion of Representative Smith of Island Falls, was removed from the Special Sentiment Calendar.

Was read.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Today, I wish to recognize Earl Armstrong. Earl served on the Island Falls Volunteer Fire Department for 28 years. Most of those years were without pay. Getting out at three o'clock in the morning at 20 or 30 below zero to fight a fire without pay takes a lot of dedication. For Earl and all of those like him, we say thank you.

Subsequently, was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MURPHY from the Committee on Legal Affairs on Bill "An Act to Require that Drunk Drivers Reimburse Town Enforcement Agencies for Responding to Accidents" (H.P. 521) (L.D. 701) reporting "Ought Not to Pass"

Representative MILLS from the Committee on Transportation on Bill "An Act Concerning Reconstructed and Rebuilt Motor Vehicles" (H.P. 1108) (L.D. 1502) reporting "Ought Not to Pass"

Representative MILLS from the Committee on Transportation on Bill "An Act to Provide Handicapped Plates for Motorcycles" (H.P. 759) (L.D. 1022) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative CROWLEY from the Committee on Economic Development on Bill "An Act to Provide Funding for Job Training to Support Development Efforts" (H.P. 891) (L.D. 1192) reporting "Leave to Withdraw"

Representative CROWLEY from the Committee on Economic Development on Bill "An Act to Encourage Industrial Product Development in the State" (H.P. 197) (L.D. 249) reporting "Leave to Withdraw"

Representative CROWLEY from the Committee on Economic Development on RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing Municipalities with Opportunity Zones to Authorize Selective Tax Exemptions to New or Expanded Businesses within the Zone (H.P. 1035) (L.D. 1393) reporting "Leave to Withdraw"

Representative NORTON from the Committee on Education on Bill "An Act to Provide for the Education of Students Residing in Long-term Drug Treatment Centers" (Emergency) (H.P. 595) (L.D. 806) reporting "Leave to Withdraw"

Representative LAWRENCE from the Committee on Education on Bill "An Act to Establish Cardiopulmonary Resuscitation Education in High Schools" (H.P. 560) (L.D. 758) reporting "Leave to Withdraw"

Representative RICE from the Committee on Marine Resources on Bill "An Act Relating to the Enhancement and Preservation of Marine Resources" (H.P. 903) (L.D. 1205) reporting "Leave to Withdraw"

Representative CROWLEY from the Committee on Economic Development on Bill "An Act to Enhance Economic Development through Promotion of Film-making in Maine" (H.P. 761) (L.D. 1024) reporting "Leave to Withdraw"

Representative ERWIN from the Committee on Banking and Insurance on Bill "An Act to Regulate Continuing Care Retirement Communities" (H.P. 379) (L.D. 500) reporting "Leave to Withdraw"

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

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish the Community Agency Wage Parity Fund" (H.P. 911) (L.D. 1223) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative COTE from the Committee on Judiciary on Bill "An Act to Eliminate Profits in Criminal Activities" (H.P. 609) (L.D. 827) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Require the Health Care Finance Commission to Use Generally Accepted Accounting Principles" (H.P. 769) (L.D. 1032) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Exempt Gifts or Grants to Hospitals not in the Base Year" (H.P. 437) (L.D. 590) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Exempt Border Hospitals from Maine Health Care Finance Commission's Purview" (H.P. 426) (L.D. 571) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Provide Reasonable Financial Requirements for Hospitals" (H.P. 411) (L.D. 545) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Require the Maine Health Care Finance Commission to Pay the Full Cost of Bad Debts" (H.P. 770) (L.D. 1033) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Provide for the Appointment of the Executive Director of the Maine Health Care Finance Commission by the Governor" (H.P. 166) (L.D. 207) reporting "Leave to Withdraw"

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

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

SENATE PAPERS

The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 1, 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 Adhered to its former action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Business Legislation on the Bill "An Act Relating to Radon Gas" (H.P. 714) (L.D. 965).

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

Was read and ordered placed on file.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Improve the Effectiveness of Existing State Land Use Laws and to Promote Consistency Among Them" (S.P. 528) (L.D. 1580)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Strengthen the Site Location of Development Law in the Shoreland Zone" (S.P. 545) (L.D. 1647)

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

Unanimous Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Providing Collective Bargaining Rights to Legislative Employees" (S.P. 432) (L.D. 1312)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Relating to the Definition of Full-time Corrections Officer" (S.P. 506) (L.D. 1530)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to

Repeal the Certificate of Need Act of 1978" (S.P. 281) (L.D. 791)

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

Non-Concurrent Matter

Bill "An Act to Increase the Minimum Wage" (H.P. 869) (L.D. 1170) which was passed to be engrossed as amended by House Amendment "A" (H-188) in the House on May 28, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-115) in non-concurrence.

The House voted to recede and concur.

Ought to Pass in New Draft

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Provide for the Preservation and Care of Burial Places and Memorials for the Dead" (H.P. 563) (L.D. 761) reporting "Ought to Pass" in New Draft (H.P. 1258) (L.D. 1719)

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

Representative STROUT from the Committee on Transportation on Bill "An Act Relating to Local Bridges" (H.P. 684) (L.D. 925) reporting "Ought to Pass" in New Draft (H.P. 1259) (L.D. 1718)

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 NADEAU from the Committee on Taxation on Bill "An Act to Double the Property Tax Exemption for the Blind and Veterans" (H.P. 252) (L.D. 325) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Property Tax Exemptions for the Blind, Veterans and Disabled Veterans" (H.P. 1260) (L.D. 1720)

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 Establish the Aroostook County Budget Committee on a Permanent Basis" (H.P. 85) (L.D. 88) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Give the Aroostook County Budget Committee Final Approval Authority Over the County Budget" (H.P. 1261) (L.D. 1721)

Report was read.

On motion of Representative Diamond of Bangor, tabled Unassigned pending acceptance of the Committee Report.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-210) on RESOLVE, Authorizing Sharon Trafton Duthie to Bring Suit Against the State of Maine (H.P. 471) (L.D. 638)

Signed:

Senators: KANY of Kennebec  
ESTES of York  
DILLENBACK of Cumberland  
Representatives: PRIEST of Brunswick  
MARTIN of Van Buren  
PAUL of Sanford  
HARPER of Lincoln  
TUPPER of Orrington  
PERRY of Mexico  
JALBERT of Lisbon

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

Signed:  
Representatives: STEVENSON of Unity  
MURPHY of Berwick  
STEVENS of Sabattus

Reports were read.

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

Representative PRIEST: Mr. Speaker: I move the  
Majority "Ought to Pass" Report.

Mr. Speaker, Ladies and Gentlemen of the House:  
Sharon Duthie's family lives next to the Charlston  
Correctional Facility. On September 6, 1986, an  
escaped convict from that facility stole a car which  
was parked in her dooryard. The car was later  
wrecked in a State Police roadblock when the police  
drove it off the road in order to preserve the life  
of one of their officers.

Mrs. Duthie was told by a state policeman that,  
in fact, the state would pick up the cost of the car  
which was totally wrecked but both the Public Safety  
Department and the Corrections Department have denied  
that they would be responsible for the car.

Unfortunately, this car was not insured. The  
Duthie's are not wealthy people.

The majority of the committee felt that simple  
justice required the state to make reimbursement for  
the wrecked car. You might wonder then what the  
fight in the committee was. It seems to boil down to  
the fact that this was a rural area and Mrs. Duthie  
was in the habit of leaving the keys in her car. The  
majority of the committee felt that the fact that the  
keys were in the car still didn't change the state's  
responsibility for paying the \$700 and some dollars  
for the car.

The minority felt, if I state their case  
accurately, that the fact that the keys were left in  
the car would eliminate the right to reimbursement.

It seems to me that the reason the car was  
wrecked was simply to save the life of a state  
policeman. That clearly was not the Duthie's fault  
in this situation and that the car was wrecked as a  
benefit, essentially, for the state and the Duthie's  
ought not to suffer for that.

I would urge you to support the Majority "Ought  
to Pass" Report.

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

Representative MURPHY: Mr. Speaker, Ladies and  
Gentlemen of the House: I am just rising today to  
explain why I could not support the Majority "Ought  
to Pass" Report. These people came before us and  
they explained that they always left the keys in  
their car because the parents (and I believe a son  
and his wife) ran a restaurant, and one had to leave  
at four in the morning so they always left the keys  
in the car. They live within a half a mile of this  
correctional center, but even if they lived 50 miles  
from the correctional center, I believe that is a bad  
practice and a very poor habit and that the  
responsibility lies with those people who leave keys  
in cars. Just because they didn't want to be woken  
up at four o'clock in the morning, they could have

gone out and had another set of keys made for \$2.00.  
I don't believe that is any reason for leaving keys  
in the car. I believe that they or whoever uses the  
car should have had other sets of keys. We have more  
than one vehicle and we all have sets of keys for our  
vehicles, we do not leave keys in them and, if I did,  
I am sure that somebody would steal those vehicles.  
I believe the responsibility lies with those people  
who left the keys in the car. It is an unfortunate  
situation but the state trooper did what he did to  
save another state trooper's life and I believe he  
acted correctly.

Therefore, I urge you not to support the "Ought  
to Pass" Report but to support the Minority Report  
for the simple reason, if everybody who leaves keys  
in their cars and then they get smashed up in a  
roadblock and they don't have any collision insurance  
on it, I don't believe the State of Maine is  
responsible for taking care of their cars for them.

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

Representative STROUT: Mr. Speaker, Men and  
Women of the House: I rise today as the prime  
sponsor of this L.D. and I would ask you to concur  
with the words of the chairman of the committee. I  
think that he explained the situation very well.

I would say that the young couple have probably  
learned their lesson as far as leaving the keys in  
the car. I don't think that is the issue. I think  
the issue is that the vehicle was stolen by two  
inmates and then proceeded down Route 15 on their way  
to Bangor and the local state trooper told me that,  
as he intervened at four o'clock in the morning at a  
high speed chase with a road block set up outside of  
Bangor, it was his feeling at that time, that in  
order to save the life of another police officer, he  
had to force the vehicle off the road. I think that  
is the issue, not the issue of leaving the keys in  
the car.

The local officer back home has felt very  
concerned about this over the last few months that  
the state hasn't taken care of the damages. He made  
a commitment to this young couple that the damages  
should be paid for to take care of what (in his mind)  
he had to do. I think that is the issue and I would  
say again that I can tell you that this young couple  
has learned a lesson and I don't think they should  
suffer for this one incident.

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

Representative RACINE: Mr. Speaker, Ladies and  
Gentlemen of the House: I would like to pose a  
question through the Chair.

Is it my understanding that there was no  
collision insurance on this particular automobile  
and, if collision insurance had been purchased, that  
we would not be debating this bill today?

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

The Chair recognizes the Representative from  
Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and  
Gentlemen of the House: It is correct that there was  
no collision insurance on the car. As you know, this  
legislature has up to now not seen fit to pass a  
mandatory insurance law, so they were well within  
their rights and well within the law to not have  
collision insurance. They were a young couple  
without a great deal of money and felt this was one  
way that they could manage to work in the restaurant  
business and still economize. It is not the policy I  
would have chosen but they were certainly acting well  
within the law. It seems to me that it is clear that

the reason the car was wrecked was because of an escapee being forced off the road to save the life of a state policeman. I think that is the issue here.

Again, we are talking about \$800. I would think that it is clear in this situation that it was a public benefit that the Duthie's lost their car and we ought to recognize that and pay them for it.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: When Mr. and Mrs. Duthie came before us, they told us they did not put collision on the car because it was an old car and they didn't feel that the value was there. These people did not just work in a restaurant, they were owners of this restaurant and their parents worked there also. This was not one case of forgetting the keys in the car, they left the keys in the car every single night so that the person who got up first to go to work could use the car because they lived in separate apartments. It wasn't a mistake on their part, it was a practice, which I think is a very poor practice, and we should not encourage it in this state.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: This young couple, just to clarify, were not the owners of this restaurant. The owners of the restaurant is the father and mother of the husband of the girl who owned the vehicle.

Let me tell you this -- when the accident happened, this young girl was in the process of being married within the next 30 days. So, don't tell us that these people had that kind of money and that they owned a restaurant, because they did not.

This was a 1980 vehicle. This young couple is no different than any other young couple today in the State of Maine. They were trying to make ends meet, they had liability insurance which a lot of people in the state don't carry, but they were trying to save some money by not putting collision insurance on it.

The restaurant is located about three miles from their home and their home is probably within 2,000 feet of the correction facility. I believe that there ought to be some responsibility by the people who look after the inmates. However, there were two people who did escape and I think you will find if you look back in the records of this case that there were probably people in that area that helped to recover these two inmates by notifying the law enforcement as quickly as they did.

I would say again that the real issue today, as I was told by the local state police officer, that it was his feeling at that time that he saved another officer's life by doing less than \$800 damage to a vehicle. He feels very bad about this. I do. I felt bad that I had to go this route to recover the damages. We tried through the Department of Corrections, we tried through the Department of the State Police, to get this taken care of. I think the public relations issue from the Charlston Correction Facility in our area means a lot if the State of Maine could just see their way clear to take care of (as far as I am concerned) this small bill.

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

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: I can't really add much to what Representative Strout and Representative Priest have already stated but I ask you to keep in mind that these were rural people and we people up in the rural areas live differently. We leave our doors

unlocked, we leave our keys in the cars still. I did not carry collision on my old vehicle.

I would urge that you support the Majority Report. The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, I would like to pose a question through the Chair.

Was there any discussion here of the state trying to get money back from these convicts or what is the status of these convicts? Were they convicted of theft of a motor vehicle and escape, what is the status?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: We didn't receive much testimony from the Department of Corrections on this case. In fact, they were conspicuously absent during most of this. Basically, we felt that the amount of money involved was small enough so that if the state wished to try to recover it, it certainly was within the state's prerogative to do so. But to require the Duthie's to try to bring suit against convicts for \$800 was simply a waste of judicial resources.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: That was I guess the reply that we all anticipated. As a state, we do have a responsibility for our convicts. I would just like to make a point here that our law enforcement people have to make decisions all the time and I think it was appropriate that this decision was made.

I would like to remind all of you people that in York County we had a deputy sheriff killed by two felons that stole a vehicle and perhaps if this technique were used earlier in the chase that one law enforcement officer would be alive today.

We should also look at the area of responsibility especially in corrections. We have an abominable situation at the Cumberland County Jail where our convicts seem to leave at the permission of deputy sheriffs down there and the state is held responsible. There have been other bills before us where the state has been responsible for mistakes made by corrections people. I think we should look into this more and the state is responsible in this area. I urge you all to support the motion.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: It seems to me that the prime concern here happens to be responsibility. Who is responsible for this accident and this financial loss? If we trace it back, I think there are three different acts of irresponsibility or responsibility depending on how you want to define it.

We have two secondary and one primary one. You have a secondary act of responsibility which is that of the trooper who forced the car off the road in order to protect another law enforcement officer's life. I don't think anyone would argue that that was a most responsible act.

You have the act of the owners of the vehicle who left the keys in the car and that probably was not the most responsible act on the face of the earth. However, anyone who has ever had their car stolen, is well aware of the fact that you don't need to leave the keys in the car to have it stolen especially with an older car, it is a very quick and easy method to

steel a car. That also is a secondary act of responsibility.

The primary act of responsibility or the primary responsible group, quite simply, is the Department of Corrections. They were responsible to keep that individual, who had been sentenced, incarcerated. It is through their action or lack of it that the gentleman escaped. It was their action or lack of it that allowed the gentleman to be in a position to steal the car and it was their act or lack of it that forced the trooper to be in a position where he had to drive the car off the road. I think very clearly the responsibility is the state's and I would urge your support of the Majority Report.

Subsequently, on motion of Representative Priest of Brunswick, the Majority "Ought to Pass" Report was accepted, the Resolve read once.

Committee Amendment "A" (H-210) was read by the Clerk and adopted and the Resolve assigned for second reading later in today's session.

Divided Report

Eight Members of the Committee on Transportation on Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour" (H.P. 547) (L.D. 734) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-212)

Signed:  
 Senator: CAHILL of Sagadahoc  
 Representatives: MILLS of Bethel  
 CALLAHAN of Mechanic Falls  
 SOUCY of Kittery  
 STROUT of Corinth  
 SALSBURY of Bar Harbor  
 McPHERSON of Eliot

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Signed:  
 Senator: DOW of Kennebec  
 Representatives: REEVES of Pittston  
 POULIOT of Lewiston  
 MACOMBER of South Portland

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass"

Signed:  
 Senator: THERIAULT of Aroostook  
 Representative: MOHOLLAND of Princeton  
 Reports were read.

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

Representative MOHOLLAND: Mr. Speaker: I move that the House accept the "Ought to Pass" Report, Report "C."

Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that we are confusing the genuine purpose behind raising the speed limit to 65 miles per hour on Interstate highways. I believe the federal government had decided to allow the state to raise the speed limit because the full scare of the scarce gas of the early 1970's has passed and the safety and fuel economy devices currently in place in the vehicles warrant a higher maximum speed limit.

We should not be using our higher speed limit to increase fines and give the state added revenue. We, on the other hand, are going to tell the general public that they can travel 65 miles per hour on the Interstate and, on the other hand, double the fines for speeding.

We are being a bit hypocritical by doubling the fines and we will be turning the turnpike into the country's largest speed trap. A person traveling from Houlton to Lewiston will be able to travel 65

miles an hour through to Augusta. When he reaches the turnpike, he is expected to reduce his speed to 55. Both you and I know that the tendency is to maintain that speed which we have been traveling. Police will be able to sit in Gardiner and catch dozens of people traveling 60 to 65 miles an hour for violation of the law but that certainly is not an offense worthy of a \$50 fine. We must be careful not to double the minimum fine. Our state police should keep a closer eye on the people who do exceed the 65 miles per hour speed limit and they should send a clear signal to the people who speed on our Interstate that that will not be tolerated.

I ask you to accept Report "C" -- raise the speed limit but not the fine.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to ask for a roll call when the vote is taken.

I rise today in support of Report "B" which is the "Ought Not to Pass" Report and I would like to very briefly give you my reasons. I think whenever any member of this House votes on an issue, he has particular standards of his own or criteria that he uses to determine whether the bill is something that is needed or not. I guess my feelings on this particular bill -- I went down through sort of a list that I had. First of all I asked -- is there a need for this particular piece of legislation? I could come up with no legitimate reason that I thought we should go from 55 to 65. I think most people would agree that we are not driving at 55 at the present time.

The next issue I raised was -- it is a safety measure, will this lead to less accidents on our highways, fewer number of deaths, and things of this nature? I don't believe you could qualify that under that particular piece of criteria.

The next thing I asked was -- is it an economic issue? I don't think you can really classify it as an economic issue when we are going to be using more gas, more fuel.

I think another thing that swayed me in my vote of "Ought Not to Pass" is the fact that people who are held in a great deal of respect in the State of Maine, Senator Mitchell, Senator Cohen, Representative Snowe, Representative Brennan -- when this particular bill was voted on in Washington, all four of them voted no. I think perhaps we ought to think about that. I am sure they had a pretty good reason for doing that.

I guess another thing that bothered me even more was that Amendment "A" puts it into an emergency situation. I would like to have anybody who wants to tell me the rationale for putting this bill into effect right at the present moment when the tourists are just starting to hit the highways in Maine. I think the more rational way of doing business would be to wait until the tourists have gone and then put the higher speed limit into effect, if that is what you want. I would like to say -- think about some of the things I have said. Does it meet any of the criteria that you people use when you vote for a bill or vote against it? I would ask you to vote against the pending motion.

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

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

Representative Strout of Corinth requested a Division.



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

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to defeat the pending motion so that we could eventually go on and accept the Majority Report which is to raise the speed limit to 65, increase the minimum fine to \$50 on the turnpike and the Interstate system only. Only on those two highways would the minimum fine -- it's not doubling the fine, it's raising the minimum from \$25 to \$50. The only reason this is being done is to try to send a clear message out there to people that -- yes, we are willing to raise the speed limit to 65, but 65 means 65 -- not 70 and not 75.

In response to one of the questions of my good friend from South Portland -- why raise it now with the tourist season starting? The states to our south have raised the speed limit on their Interstate systems to 65, so to try to keep it the least confusing as possible, and keep it standard throughout the whole Interstate corridor, we feel it should be raised at this time.

I would ask you to defeat the pending motion which is to indefinitely postpone and go on to accept the Majority Report.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: From the previous speakers' comments, it is very clear that there are two issues facing us here today. One, do we believe that the 55 mile an hour speed limit is an ineffective state policy, and should we increase that limit to 65 to take into the reality of the situation which is currently taking place in this state?

The second issue is, do we believe that in doing so in this time, we should go with a mandatory minimum of \$50 fines? Those are the two issues facing us here today.

I would urge you to vote against the pending motion to indefinitely postpone this bill because I believe that two of these three reports are perfectly acceptable. You will note in looking at the breakdown of the reports, that nine members of that committee felt very strongly that the speed limit should be increased. I might also point out that, at the hearing, the bill had the support of the Governor's Office, the Commissioner of Transportation, the Commissioner of Public Safety, the Maine Highway Safety Committee, and all of the speakers who testified at that particular hearing. No one showed up to oppose that bill.

Having grown up a strong supporter of the 1974 law that lowered the maximum speed limit to 55 miles per hour, I nonetheless believe that the time has come to reevaluate its effectiveness as state policy for the 1980's and beyond. And while few would argue that the effectiveness of the 1974 law in achieving its desired goals, I believe that developments over the last two decades have made it obsolete and ineffective to the point where it now is almost universally violated by the driving public. All you have to do is drive on the Interstate and look around you, go 55, and see how many people are exceeding that speed. In fact, testimony was brought out at the hearing by officials charged with monitoring the 55 mile per hour speed limit, that 85 or 90 percent of the motoring public that passes those markers are exceeding 55 miles per hour.

I would ask you what are laws, ladies and gentlemen? Laws are social contracts that we all make in order to promote a good society. We, as legislators, are agents of negotiating those laws and

the compromises that are involved. I believe that it is very important that we increase the speed limit to 65 and take into the account the reality of the situation. If the speed limit is in any way, shape, or form close to the actual experience of the motoring public, I believe people would obey that law. To maintain a law where it is 55, while not enforcing it or not being able to enforce it, in my belief, is hypocritical.

The 55 mile per hour speed limit represents an unnecessary burden on Maine citizens in terms of added travel time, lower productivity, and higher shipping costs. It is also an impediment to the flow of interstate commerce, adding to the geographical isolation Maine already experiences in relation to world-wide markets. Widespread violation of the 55 mile an hour speed limit also breeds disrespect for other state laws. Preoccupation with this particular statute impedes enforcement of other more vital laws, confuses the public about the most important elements of highway safety, and encourages a misallocation of enforcement resources.

Adoption of this proposal, as I pointed out earlier, would make other laws more enforceable, would allow state agencies to use their personnel, equipment, and limited funds, in a more efficient and effective manner. If Maine sets the speed limit that bears some relation to the actual driving speeds on the Interstate, the state police can direct their attention and efforts to other safety programs.

In response to the good gentleman from South Portland, his question was why does this have to be done in terms of an emergency preamble? Two reasons. One, other states have already acted to raise their speed limits, and to leave our speed limit at a lower level -- those motorists traveling 65 and entering the state are going to continue to travel 65. Just look around you, after the federal government passed the law that allowed states to raise the speed limit, you will notice that motorists now are frequently traveling 65.

The other reason is a reason that is obviously left up to us as policymakers. If you were to go with Report "A," the minimum fines would make sure that, when the speed limit takes effect, those fines would take effect too. It would send a very important message that we are no longer going to tolerate widespread violation of the law. We are going to change the law to make it more reflective of what is going on in the State of Maine.

I urge you to defeat the pending motion and then seriously consider two of the three reports that raise the speed limit.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: Increasing the minimum fine to \$50 doesn't do any good, I believe, if the enforcement isn't there. I think we could use more enforcement on the highways now in terms of these speed issues.

Secondly, I do not think we make public policy based on greed. One of the real reasons this bill is being pushed is that the state tends to lose perhaps as much as \$3 million if we do not come into compliance. I think this legislation is hypocritical, on one hand it encourages conservation, it encourages safety, and yet on the other hand, we turn our backs on these values to receive and an increase in federal monies.

I urge your support of the pending motion.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps somebody from the committee can correct me but it is my understanding, this not only increases the maximum speed to 65, but it increases the minimum speed from 45 to 50. That really concerns me because now you are pushing people to move faster.

I am going to vote for the pending motion.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: To respond to the last gentleman, to my knowledge, there is nothing in either report to increase the minimum to 50. The minimum will stay the same.

While I am on my feet, basically, the reason that I support Committee Amendment "A" is to send a message that we are increasing the minimum fine from \$25 to \$50. As far as I am concerned, I think the issue to increase to 65 — the time is right. You know, as I drive down everyday, I am not going to tell you what I set my cruise control at, but I can tell you that people are driving more than 65.

The difference between Report "A" and Report "C" is the difference of \$25. I think a point ought to be made right now that if you are driving more than 65 today, and you get caught, the fine is going to be at least \$50. If this bill passes and you are doing more than 65, the fine is going to be \$50. I really believe we ought to increase the speed to 65 and I think we ought to increase the minimum fine.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: The first speech I gave on the floor of the House earlier this year was around this very same issue. Since that time, I have had a chance to reflect on it, think about it, and I have changed my point of view. Earlier, I was persuaded by exactly the same sorts of arguments that persuaded the good Representative from Orono, Representative Bott, that raising the speed limit would, in fact, engender respect for the law.

I have thought more about it and talked to various state troopers and I have considered my own experience in my past when I used to do trial work in the courts. I am aware that troopers always give a certain amount of latitude and if they don't, and go into court when somebody is going five miles over the limit, or three miles over the limit, the judge writes them off as writing out cheap tickets. It is for that reason that the state police and the local police tend to give five to ten miles over the limit, and sometimes more, before they will actually ticket you. That policy won't change. There is no way that you can change the attitude around cheap tickets.

If we were to pass this bill, we would really be raising the whole range of speeds that people travel by ten miles an hour, and in fact, the state trooper's wouldn't (I am convinced) be ticketing people until they were going 75 or 80. That does not make sense to me. That also leads to the situation where state troopers would have to go 90 and 100 miles an hour in order to catch violators of the law. We have enough problems already with high speed chases, and for us to raise the speeds at which people travel on the state turnpike by ten miles an hour before those high speed chases even begin, does not make good policy.

Ladies and gentlemen of the House, after thinking about this, I would urge you to support the motion to indefinitely postpone. I believe the speeds that we

are traveling on Maine's highways are fast enough already.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: There have been some pretty good arguments raised here today as to why not raise the speed limit. Those same arguments were made in the committee. I considered them and decided to vote to raise the speed limit. I would like to give some of the reasons why.

One of the reasons that has been mentioned today for raising the speed limit is the fact that if more than 50 percent of the state's drivers are found to be going over 55, then we could lose some of our highway funds. Now that is not necessarily a good reason to raise the speed limit, I realize that, but it is one thing to be considered. I think the biggest reason why I voted to raise the speed limit to 65 is because it seems realistic to me.

In the past, studies that were brought before the committee have shown, that when the speed limit was 70 miles an hour, most people who drove on the turnpike and on the Interstate, drove approximately 64 miles an hour. The studies that have been brought in since we have had the 55 mile an hour speed limit show that the majority of the people that drive on the highways now, drive 64 miles an hour. The point is, most people realize there is a realistic speed that they can drive on that highway and it is not 55, I don't believe, nor is it 70 or 75. The majority of the people, no matter what we have set the speed limit at on that highway, have driven 64 miles an hour. I think that is because it is a realistic speed.

Some people might argue that 55 saves lives and I cannot give an argument that says otherwise than that, it is true. It is also true that 50 would save more lives and it is also true that 45 would save more lives. It is also true that if we drove down in tanks, we would probably save more lives, but there comes a point when you have to decide what is realistic and what should be the speed.

Those highways were built for people to drive at 70 miles an hour and they have gone down to 55. Now, if safety is what we are really interested in, why do we allow on rural roads that are not built for four lane traffic — why do we allow many of those same highways to drive 55? If safety is the real concern that we have for highways, why are we so inconsistent with our policy and allow on rural roads to drive 55, and then on four lane highways, we have the same law? Now some of you will argue that it is still 55 that saves lives and therefore we should have the law, even if it is not a realistic law, we should still have the law.

I think that many people would say those same arguments are reasons why we should have prohibition and why prohibition was passed. It was good, it would save lives, and therefore, we should have the law. We tried the law, we saw that it wasn't realistic, although the arguments were there that it would save lives, people were breaking the law because they didn't see why in the process of the law that it was really realistic for them to go by that law.

I think the same is true for the speed limit. We know that most people will go 64 no matter what the speed limit is. It has been shown consistently that that is the speed they will drive. I think 65 is fair and it is good policy for this state to pass that law.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Men and Women of the House: I would like to clarify the issue of the 50 mile minimum speed, which Representative Rolde brought up. At the hearing, the state police testified that if the speed limit was raised to 65 that it would be proper to raise the minimum speed to 50, so it is quite likely that if the speed limit was raised to 65, that the minimum speed would be set at 50 miles an hour on the Interstate.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I oppose the pending motion for a very legitimate reason. We are six and a half to seven hours drive from the St. John Valley. I promise you, you will find very few tourists from Bangor to Houlton. Let's not further disenfranchise the people of the northern part of the state.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning particularly because I am a cosponsor of this bill. Another reason is that I don't think anyone here has traveled the Maine Turnpike any more than I have. I have traveled it since its inception. Furthermore, I can recall that when we did reduce the speed limit to 55 miles an hour, the thing that I feared most, and I was traveling from Aroostook County to Biddeford very frequently all summer long -- what I was afraid of happening and almost did happen to me many times was falling to sleep at the wheel at 55 miles an hour. It really wasn't fast enough to keep me awake for that period and that distance.

As far as our distinguished delegation in Washington, I can well understand why they would like it to remain at 55, because they fly over it, they don't use it. I am telling you ladies and gentlemen this is a fair and a just law and I feel that you should really try to keep our people honest. Everyone is going over the 55 mile an hour speed limit. I think it is only fair, other than keeping our people honest, and of course, tourism -- tourism was brought about. You know, we don't have a reciprocal law between Massachusetts and ourselves. I am sure that when you travel the turnpike, you have seen Massachusetts drivers spin by you like you were stopped. The same holds true for the Canadian drivers, so the only people that are being punished by maintaining the slow speed limit, are the natives of Maine. So please, think about it. Let's indefinitely postpone the current bill so that we can go on to the next one.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Mr. Speaker, may I pose a question through the Chair?

To any of the sponsors of Report "A" or Report "C" -- I heard the turnpike mentioned in the previous speech, and it is my understanding that the turnpike is not affected by this legislation, only Interstate 95. Is that correct?

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

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: You will still have to drive 55 on the Maine Turnpike from Augusta to Gray. That creates quite a speed trap, especially coming

from the north, for tourists, or for Maine people or anybody else.

So I wish you would defeat this bill and let Report "C" go through.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I am going to vote for the pending question, which is to indefinitely postpone this bill and all its accompanying papers for a couple of reasons, not the least of which is what we just heard. If we have a separate speed limit for our turnpike than we do for our Interstate 95, I think that is going to be very confusing to motorists throughout the state.

I keep going back to the original reason why we lowered the speed limit to 55 and I don't believe those reasons have changed at all. I would urge this House to consider the conservation and I would urge this House to consider highway safety and vote for the pending motion.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I would also like to pose a question.

The question is, is there a fine for violating the minimum speed?

I urge you to defeat this motion for one reason. We have one of the most sophisticated highways, high speed highways, safe highways, in the nation. Look at the record when the speed limit was 70 miles an hour. We have a real fine system and I think that we ought to utilize it and also conform to the rest of the United States.

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

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: There are a few issues here that I think need to be clarified. The further we go here, it seems like the muddier the water is getting. This only raises the speed limit on the Interstate system, which includes portions of the turnpike. There is an area or a portion of the turnpike from Falmouth to Gardiner, which was inadvertently omitted in the federal legislation and steps are being taken to correct that, so eventually the whole of the turnpike will be raised to 65.

As far as the minimum speed, there will be no change. There was some talk in the committee, but bear in mind, that it cannot be changed until it comes back to the legislature.

I and the majority of the committee feel the same way, that the Majority Report is a good compromise, it is in the best interest of everybody in the the state. Remember, these highways were designed for 70 miles an hour. They were originally 70 mile an hour highways. The minimum on them at that time was 45, which will stay the same.

I would ask you to defeat the pending motion and support the Majority Report.

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

Representative MCHENRY: Mr. Speaker, I request a roll call on the pending motion.

Mr. Speaker, Ladies and Gentlemen of the House: As you know, I come from the most northern part of the State of Maine. Everything is trucked in and trucked out. Our truckers, if they have to go 55, it costs them more money to deliver material, food, and what have you. My constituents really want the speed limit increased. The "55 Saves Lives" -- they call it the "55 is a big lie."

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

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Representative from Kennebunkport, Representative Seavey.

That question Representative Seavey is, if today, you were picked up for doing 70 miles an hour on the Interstate and if Report "A" was adopted tomorrow, what would the fine be in our judicial system for doing the same speed violation at 70 miles an hour -- what would that fine be?

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I will bite on the question, I don't know what the fine would be, to be honest with you.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I believe in answer to the gentleman from Canaan, I think the fine would be a minimum of \$50 and beyond that would be at the judge's discretion.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Lewiston, Representative Pouliot, that L.D. 734 and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, I request permission to pair my vote with the Representative from Madison, Representative Richard. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of the Representative from Lewiston, Representative Pouliot, that L.D. 734 and all of its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 88

YEA - Allen, Anthony, Baker, Carroll, Conley, Dellert, Dexter, Dore, Dutremble, L.; Foss, Foster, Garland, Handy, Harper, Hickey, Hillock, Holt, Kilkelly, Kimball, Look, Macomber, Mayo, Melendy, O'Gara, Paradis, P.; Parent, Perry, Pouliot, Reeves, Rolde, Rydell, Seavey, Stanley, Stevens, A.; Stevenson, Strout, B.; Swazey, Tupper.

NAY - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutillier, Bragg, Brown, Callahan, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Diamond, Duffy, Erwin, P.; Farnum, Farren, Gould, R. A.; Greenlaw, Gurney, Hale, Hanley, Hepburn, Hichborn, Higgins, Hoglund, Holloway, Hussey, Ingraham, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Michaud,

Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Paul, Pines, Priest, Racine, Rand, Reed, Rice, Ridley, Rotondi, Ruhlin, Salsbury, Scarpino, Sheltra, Sherburne, Small, Smith, Soucy, Stevens, P.; Strout, D.; Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Jackson, Simpson, The Speaker.

PAIRED - Gwadosky, Richard.

Yes, 38; No, 106; Absent, 3; Vacant, 2; Paired, 2; Excused, 0.

38 having voted in the affirmative and 106 in the negative with 3 being absent, 2 vacant, and 2 paired, the motion to indefinitely postpone L.D. 734 and all its accompanying papers did not prevail.

Representative Macomber of South Portland requested a roll call on the motion of Representative Moholland of Princeton that the House accept Report "C."

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 Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I do hope you go along with my Report "C" today. For all the people in the northern part of the state, for all the tourism that we are suppose to be getting through our lovely state, and to double the fine, I think, is outrageous. We have a task force going now in the State of Maine where we are supposed to be drawing business into the State of Maine. We are not going to draw business if we are not going to draw people into the State of Maine. Down in the committee, we had one of the gentlemen from the state police that said we are going to put this fine on to wake up the people in the State of Maine, that we mean business. Well if they mean that much business, I think we ought to go along with my amendment version of "C."

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

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the pending motion. I want to make it very clear that members who signed out the "A" Report made it very clear to the public safety people that we meant 65 to be 65. We want to get rid of this notion that, if we place the speed limit at 65, that you can travel at 75. So, the intent of the members who signed Report "A" was that 65 shall be 65 -- with a little variation but it should not be ten and fifteen miles an hour.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I go along with the previous speaker's intent but, as I see this bill, we have got a built-in speed trap between Augusta and South Portland. Through a technicality, that part of the turnpike was omitted so you are going to have to go 55 down through that area.

I think probably there will be more people that will swing off at Augusta and go down through 95 so that they can avail themselves of the 65 mile an hour

speed limit. If you would go 65 from one end of the turnpike to the other, I would agree with it, but you have got a built-in speed trap. Then on the other hand, you are letting people from Portland to Kittery go 65 on the Maine Turnpike and that is the most congested area that there is on the pike. If any of you have been down there on a weekend traveling from Portland toward Kittery, I don't even know if I would want to go 65 miles an hour down through there. So, this section of the turnpike that is going to be left at 55, I think is a built-in speed trap and I don't think it is fair for the people that are using the pike. They are going to be traveling 65 and they are going to come into that area and if you expect them to slow down to 55, I don't think that would be true.

To bear that out, I went to Boston, as much as I hated to, a week ago and ran into the same condition there. When you are going into Boston, there are parts of New Hampshire that are 65 and there are parts that are 55 and it changes two or three times going from here to Boston. I could see that this really would be very confusing -- especially with the tourist season coming up and a lot of people will be traveling it. I don't think it is a good idea at this time.

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

Representative PARADIS: Mr. Speaker and Members of the House: Very briefly before our vote this morning, I wanted to correct what had been said earlier in the debate that the Maine Highway Safety Committee was in support of raising the speed limit to 65 miles an hour. As a member of the Maine Highway Safety Committee, I can say that, at no time, did we ever endorse this type of action before this legislature ever.

We are in the beginning now of the three deadly months of summer, June, July, and August. If you accept Report "C," members of the House, we will be making this one of the deadliest summers in the last 15 years. If we pass legislation raising the speed limit on our highways, on the Interstate and on the Maine Turnpike, we will be helping to increase the fatalities on our highways by a sizable proportion.

I cannot in good conscience vote for this. I travel the Interstate and the turnpike like many of you do and I see people traveling by me at 75 and 80 miles an hour. We cannot have a state trooper posted at every turn and every corner of the road.

Alcohol is still a factor in our highway fatalities. I would ask you to consider this morning, members of the House, that the alcohol that is being consumed by our tourists as they drive along our highways, mix that with 75 miles an hour in a small car, and we are going to hear and see the horror stories on the evening news and in the papers where four or five people in an automobile hit a guardrail or another truck or car and disintegrating. If we want to see these types of accidents happen, and they do happen, vote for this bill, it will increase it, it will help it along. There are going to be fewer tourists buying fewer Maine goods, I can guarantee that. And we are going to be shipping them back to New York, New Jersey, Pennsylvania and Florida in coffins and not in cars.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I would like to very briefly respond to the good Representative from Augusta. I don't doubt his sincerity and his concerns. In fact, one of the reasons that I was very supportive of the 1974 law, was because I believed that it reduced the number of fatalities on the highway. I might still

share those concerns if I hadn't conducted extensive research on the subject and come to realize some of the conclusions that were outlined in the most definitive study on this issue that was conducted in 1984 by the Transportation Research Board. That report really changed what one of my initial perceptions was. One of my perceptions was that, if the speed increases, naturally the amount of fatalities experienced on the highways also increased.

I am going to quote part of that report to you here today. "Analysis of the 1981-82 data reveals no statistically significant relationship between average speed and the fatality rate. This is true for other speed measures as well. Percentage of drivers exceeding 65 miles per hour and the 85th percentile speed, all considered states with higher average speeds, do not have higher fatality rates than states with lower average speeds.

Second, there is a statistically significant relationship between speed variance, that is the range of speeds on some given highway, and the fatality rate. While most cars are traveling at about the same speed, whether it be a high speed or a low speed, the fatality rate is low, presumably because the probability of collision is low. When there is a considerable range of speeds among cars on the highway, the fatality rate is high presumably because this increase is the probability of collision.

Third, when the effect of speed variances are held constant, there is no statistically significant relationship between the fatality rate and other speed variables. This suggests that the variance of speed is more important to the safety than the average speed."

Simply put, if you have got cars that are all traveling 65, it is a much safer situation than if you have people going 55 and 75, because when changing lanes, there is a greater degree of variance on the highway. I believe that by passing this legislation we may, in fact, be making our highways safer by reducing the speed variance on the highway and also freeing up law enforcement personnel to go after 65 because there will be fewer people exceeding the speed limit, in my belief, if the speed limit on the highway is 65.

Another thing that bears mentioning is that the fatality rate on the highways has gone down every single year since 1945. It has significantly gone down because increases of safety on the highway and the technological advances that cause of witnesses. The biggest drop in the fatality rate occurred during that period following the passage of the legislation in 1974 and many experts attribute that fact to the fact that gas prices were so high, fewer people were traveling, they were staying closer to home. Fewer people traveling, fewer accidents on the highway.

So, while I don't doubt the sincerity of opponents when they believe that this will increase the fatality rate, I don't believe that it holds up when you take a look at the facts.

I also believe that currently no one is going 55, very few. If there are a few people going 55, it is making the situation much more dangerous because it is increasing the speed variance on the highway.

So, I would urge you to support raising the speed limit to 65. The choice now before you is whether you believe in a minimum \$50 fine and enforcement to send a strong message that we are, in fact, going to enforce 65 and that is going to be a compromise and we are all going to be traveling in a much safer environment if the speed limit is 65.

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 go back over where we are at this point. We just moved to indefinitely postpone getting rid of the whole bill and we are left with two reports now. We are left with one report which says that the fine will go from \$25 to \$50 on the minimum fine and the other report says basically that it will stay the same way as it is now, which is \$25. So, I don't think we should be taking up a lot of time deciding whether or not we want to have 65 or not because we have pretty much taken care of that issue.

The issue before us now is whether you want to raise the minimum fine \$25 by accepting the Majority Report, which is Report "A" or to accept Report "C" (which is on the floor right now) which is to leave it the way it is. If you want to go with what the majority of the committee wants, which is a 65 mile an hour speed limit with a \$50 fine, you would vote this motion down and vote for the next motion. I hope that is what will happen. I think it is a better policy for us as state legislators when we raise the speed limit to give the message that the minimum fine will be going up.

So, I hope you will vote this motion down and accept the Majority Report which would be the next motion.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak briefly in reference to the so-called speed trap. That speed trap isn't being acknowledged today. I know for instance when we travel rural areas, we constantly look for signs that reduce speed limits in congested areas. I would assume that if the law goes through that there will be signs erected that will indicate that in that particular section, the speed will be reduced to 55 miles an hour.

I would hope that you would go along with the Majority Report, put a fine, and let's adhere to that fine, those that exceed the limit, let's fine them. My golly, let's go along with the rest of the country and make it 65 miles an hour.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reinforce everything Representative Bott said. In 1973, I was Chairman of the Fifth National Conference on Safety Education. I don't know where his statistics came from but they are very much in my memory from that conference. I believe that environment will be safer. Furthermore, I think we should get away from the idea that toughness and compliance go hand and hand. I would appeal to the higher instincts of people for a change. I think you get positive results out of that.

As far as enforcement goes, I don't believe an officer will be considering what the fine is. I think the two are not necessarily closely related. Therefore, I am going for Representative Moholland's amendment or bill.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to get up again on this but I want to make two points, one is on Report "C." As I read the two reports, if Report "C" passes today and you were doing 69, your fine is going to be \$25. Today, if you were driving 69, your minimum fine would be \$50. I think that if you are going to increase the speed limit to 65, you don't want to reduce the fine. That is what you are going

to do with Report "C." You are going to be sending a message out there that you can drive 69 with a minimum fine of \$25 whereas today, it would cost you \$50.

The other point I want to bring out is about the section of the turnpike that cannot be increased at this time. I talked with the Commissioner of Transportation just a few minutes ago and it is his intent to try to get this change made. That section is not under the Interstate system and the only way they can get that change is it would have to be an act of Congress. He is going to work on this to try to get this changed if this bill passes.

Representative Moholland of Princeton was granted permission to address the House a third time.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I don't know where my good friend Representative Strout got that 69 deal on the \$25 fine. If we don't pass this bill with a minimum fine of \$25, I wonder if anyone can tell me how much revenue we are going to lose by trucks, tourists and cars traveling 295 from Gardiner to Portland?

I would think that you would go along with the Report "C."

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 Report "C." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 89

YEA - Allen, Bost, Cashman, Coles, Conley, Dexter, Duffy, Farren, Jackson, Jalbert, Lacroix, Mahany, Marsano, Martin, H.; McHenry, McSweeney, Mitchell, Moholland, Norton, Paradis, J.; Pouliot, Rand, Ridley, Rotondi, Scarpino, Simpson, Tardy, Thistle, Vose, Willey.

NAY - Aliberti, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Cote, Crowley, Curran, Davis, Dellert, Diamond, Dore, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoggund, Holloway, Holt, Hussey, Ingraham, Jacques, Joseph, Ketover, Kilkelly, Kimball, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Matthews, K.; Mayo, McGowan, McPherson, Melendy, Michaud, Mills, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Priest, Racine, Reed, Reeves, Rice, Rolde, Ruhlin, Rydell, Salsbury, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Taylor, Telow, Tracy, Tupper, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

ABSENT - Richard, The Speaker.

Yes, 30; No, 117; Absent, 2; Vacant, 2; Paired, 0; Excused, 0.

30 having voted in the affirmative and 117 in the negative with 2 being absent and 2 vacant, the motion did not prevail.

On motion of Representative Mills of Bethel, the House accepted Report "A," the Bill read once.

Committee Amendment "A" (H-213) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

CONSENT CALENDAR  
First Day

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

(H.P. 1198) (L.D. 1633) Bill "An Act to Amend Maine's Abandoned Property Laws" Committee on Business Legislation reporting "Ought to Pass"

(H.P. 1157) (L.D. 1583) Bill "An Act to Amend the Maine Condominium Act" Committee on Business Legislation reporting "Ought to Pass"

(H.P. 1122) (L.D. 1525) Bill "An Act to Improve Disclosure of Consumer Leases" Committee on Business Legislation reporting "Ought to Pass"

(H.P. 1052) (L.D. 1415) Bill "An Act to Fight Illegal Drug Use" Committee on Judiciary reporting "Ought to Pass"

(H.P. 743) (L.D. 1006) Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 1061) (L.D. 1436) Bill "An Act Relating to Periodic Justification of State Government Programs under the Maine Sunset Laws" (Emergency) Committee on Audit and Program Review reporting "Ought to Pass" as amended by Committee Amendment "A" (H-215)

(H.P. 114) (L.D. 139) Bill "An Act to Increase Local Control of Certain Waste Water Discharges" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-216)

(H.P. 1137) (L.D. 1547) Bill "An Act to Create Immunity from Liability" Committee on Banking and Insurance reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session, under the listing of Second Day.

SECOND READER

LATER TODAY ASSIGNED

Bill "An Act to Clarify the Organization of the Maine Sardine Council" (S.P. 572) (L.D. 1707)

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

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

PASSED TO BE ENGROSSED

Bill "An Act to Expedite the Process of Resolving Disputes Involving the Accuracy of Information in Consumer Reports" (S.P. 575) (L.D. 1716)

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

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$26,500,000 to Match Available Federal Funds for Highway, Bridge and Airport Improvements and to Reduce Ground Water Pollution Resulting from the Storage of State and Municipally-owned Highway Materials (H.P. 1038) (L.D. 1396) (C. "A" H-203)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 128 voted in favor of same and 2 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

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 (H.P. 1206) (L.D. 1644) (H. "A" H-205 to S. "A" S-83)

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. 118 voted in favor of the same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Membership of the Atlantic Sea Run Salmon Commission (H.P. 999) (L.D. 1345) (S. "A" S-97)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years ending June 30, 1988, and June 30, 1989 (H.P. 504) (L.D. 677) (H. "A" H-195 to C. "A" H-185)

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

FINALLY PASSED

Emergency Measure

RESOLVE, for the Public Utilities Commission to Study the Allocation of Water Supply Rights (H.P. 1229) (L.D. 1678)

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. 127 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Modify Certain Sections of the Medical Examiner Act to Control Public Dissemination of Information Placed on the Death Certificate by the Medical Examiner in Cases under Investigation by the Attorney General's Office (S.P. 437) (L.D. 1317) (C. "A" S-99)

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

PASSED TO BE ENGROSSED

An Act to Clarify the Department of Conservation Laws (S.P. 452) (L.D. 1379) (C. "A" S-98)

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

On motion of Representative Michaud, under suspension of the rules, the House reconsidered its action whereby L.D. 1379 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-98) was adopted.

The same Representative offered House Amendment "A" (H-220) to Committee Amendment "A" (S-98) and moved its adoption.

House Amendment "A" (H-220) to Committee Amendment "A" (S-98) was read by the Clerk and adopted.

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

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

PASSED TO BE ENACTED

An Act to Revise Reporting Procedures Related to Criminal History Record Information (S.P. 563) (L.D. 1684)

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

PASSED TO BE ENACTED

An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings (H.P. 270) (L.D. 353) (H. "A" H-197 to C. "A" H-151 and S. "B" S-88)

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

Representative Willey of Hampden 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 Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Men and Women of the House: Once again, I urge you not to enact this bill, L.D. 353. I would ask you again to consider who is paying the bills? Senate Amendment (S-88) takes care of the public employees in a bargaining unit — who pays for those public employees? Who pays for the public buildings? Who should be getting consideration? I ask you to take these things into consideration before casting your vote.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: First of all Mr. Speaker, I want to thank you for sitting me next to my good friend and colleague, who has been bugging since January on these smoking bills but we will part in good spirits, I hope, after today.

I would just like to tell you one story that was told in the other body. Two weeks ago, the Senator from York, Senator Kerry's daughter, was taken into the emergency room at the Maine Medical Center. Unbeknownst to him and to the staff there, they didn't really know what was going on. They found out that she had a collapsed lung and further found out that she would be most likely allergic to smoke the rest of her life. That made a difference, I think, in the Senator's way of thinking, this time around.

What he was saying and what we are saying is, if the young Kerry girl, in two or three years to buy a license, a dog license, went in to get her father's car registered in the town that she lives in in Saco, that all we are saying in this case is that, while she is in line, that nobody could be smoking so she could walk in there and feel free that her lung would not collapse again. That is what we are saying. It hits home when you think about that happening to somebody as young as she is. There are many other people and I think if I remember right, I used the example of a good friend of many of ours — Ed McDonald, the Lewiston Paper — he is in the same boat. He cannot cover any stories where people are smoking and thank God, we put that bill through a few years ago that said, no smoking in public places. But up until that time, he had a very difficult time and there are many other people. Believe me, this is a handicap issue. Even if someone is walking, they still have a handicap because they cannot breathe the smoke so I would hope that we would go along with what we have done in the past and pass this legislation.

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

Representative HALE: Mr. Speaker, Men and Women of the House: In response to my good seatmate from Portland — keep in mind that local control controls the area right now where it is smokeless. Because the good Representative who is my seatmate cannot walk into a smoke-free area to get a license — the people in my municipal can. This is a local issue. The vehicle is in place, it is not to imply that people in the legislature or people of the State of Maine are not sensitive to the health problems of other people but, by the same token, they watch my health, they are concerned with my health as a smoker. I do not count some things that may affect other people's health such as the liver. I ask the same consideration, when you cast your vote.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 90

YEA - Aliberti, Allen, Anderson, Anthony, Bailey, Baker, Bickford, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Clark, H.; Clark, M.; Coles, Cote, Crowley, Davis, Dexter, Diamond, Dore, Duffy, Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadnosky, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoggund, Hussey, Jacques, Jalbert, Ketover, Kimball, Lacroix, LaPointe, Lisnik, Look, Lord, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McPherson, Melendy, Mills, Mitchell, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Pines, Priest, Racine, Rand, Reed, Reeves, Rice, Rolde, Rydell, Seavey, Simpson, Small, Smith, Soucy, Stanley, Stevens, P.; Stevenson, Strout, B.; Swazey, Tardy, Taylor, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.



NAY - Armstrong, Begley, Brown, Carter, Cashman, Chonko, Conley, Curran, Dutremble, L.; Erwin, P.; Farren, Gurney, Hale, Holloway, Holt, Ingraham, Joseph, Kilkelly, Lebowitz, MacBride, Macomber, Martin, H.; McHenry, McSweeney, Michaud, Moholland, Murphy, E.; O'Gara, Paul, Perry, Ridley, Rotondi, Ruhlin, Salsbury, Scarpino, Sheltra, Sherburne, Stevens, A.; Strout, D.; Tammaro, Telow, Willey.

ABSENT - Dellert, Jackson, Lawrence, Pouliot, Richard, The Speaker.

Yes, 101; No, 42; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

101 having voted in the affirmative and 42 in the negative with 6 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to Terms of Office for Trustees of the Kennebec Water District (H.P. 1201) (L.D. 1638) (S. "B" S-101)

An Act Relating to the Term of Air Emission Licenses (H.P. 1226) (L.D. 1675)

An Act Concerning the Reporting of Political Advertising Provided under the "Fairness Doctrine" (H.P. 1228) (L.D. 1677)

An Act to Make Consistent the Federal Veterans' Reemployment Law (H.P. 1136) (L.D. 1546) (H. "A" H-196; C. "A" H-190)

An Act to Ensure Sound Forest Management of Biomass Fuel Wood Harvesting Operations (H.P. 1230) (L.D. 1680)

An Act to Clarify the Site Location Law (H.P. 1231) (L.D. 1681)

An Act to Appropriate Funds for New and Existing Services Relating to Teen Pregnancy (H.P. 1232) (L.D. 1682)

An Act to Establish a School Bus Safety and Driver Training Program (H.P. 1233) (L.D. 1683)

An Act to Remove Statutory Protection for Those Who Sexually Assault Voluntary Social Companions (H.P. 1241) (L.D. 1693)

An Act Relating to Supplemental Assessments under the Taxation Laws (H.P. 1242) (L.D. 1694)

An Act Relating to Penalties for Failure to Make Prompt Payment of Workers' Compensation Benefits (H.P. 1243) (L.D. 1695)

An Act Concerning Unfair Claims Practices (H.P. 1244) (L.D. 1696)

An Act to Require an Insurance Agent or Broker to be Located at each Place of Business (H.P. 1245) (L.D. 1697)

An Act Requiring that Certain Health Insurance Plans Provide for Cardiac Rehabilitation Expenses (H.P. 1246) (L.D. 1698)

An Act to Establish the Lubec Port Authority (H.P. 412) (L.D. 546) (H. "A" H-207 to H. "A" H-153)

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 Create the Maine Health Policy Council (H.P. 496) (L.D. 666) (C. "A" H-206)

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

On motion of Representative Diamond of Bangor, under suspension of the rules, the House reconsidered its action whereby L.D. 666 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-219) and moved its adoption.

House Amendment "A" (H-219) was read by the Clerk and adopted.

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

PASSED TO BE ENACTED

An Act to Increase Educational Opportunity for Economically and Educationally Disadvantaged Residents (H.P. 847) (L.D. 1138) (C. "A" H-193)

An Act to Implement Project ASPIRE for High School Students in the State (H.P. 897) (L.D. 1198) (C. "A" H-192)

An Act to Allow the Employment of Part-time Superintendents of Schools (H.P. 964) (L.D. 1293) (C. "A" H-191)

An Act Concerning Mussel Harvesting (H.P. 979) (L.D. 1326) (C. "A" H-187)

An Act Relating to Private Citizens being Reimbursed by Local Police Departments in Certain Prosecutions (H.P. 1026) (L.D. 1384) (C. "A" H-202)

An Act to Implement the Recommendations of the Social Services Transportation Review Committee (H.P. 1039) (L.D. 1397) (C. "A" H-204)

An Act to Amend the State Funding of Pollution Abatement Projects (H.P. 1093) (L.D. 1484) (C. "A" H-186)

An Act Allowing Restricted Disclosure of HTLV II Test Results within a Federally-mandated Military Testing Program (H.P. 1128) (L.D. 1538)

An Act Amending the Assumed Payroll of Partnerships and Sole Proprietors in a Self-insured Group (H.P. 1130) (L.D. 1540)

An Act to Ensure Accessibility to Mental Health Services for Deaf Persons (S.P. 351) (L.D. 1043)

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.

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

PASSED TO BE ENACTED

An Act to Increase the Minimum Wage (H.P. 869) (L.D. 1170) (S. "A" S-115)

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

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Men and Women of the House: I hope that you will not vote for the enactment of this bill to increase the minimum wage. I think it is not conducive to a good business atmosphere in the State of Maine, one that lends itself to economic development. It is true that several other states are about to raise their minimum wage but they are about to raise them to the point that we are now. If we pass this bill, we will still lead the pack in minimum wage.

Right now, Alaska is the highest. When we get through with this sequence of events for the next three years, we would be the highest in the United States.

I want to clarify a little bit the numbers that were given the other day -- there are, as far as I can find out, about 70,000 people in the state who do receive the minimum wage. Broken down into various categories -- one of the largest categories are waiters and waitresses, which work under a separate formula because of the tips they receive. A good part of these people are in that category and a good

part is seasonal employment. The remainder, for the most part, are people who start at the minimum wage and, in a very short length of time, if they are any good at all, are promoted to a point where they receive higher wages. There are a few positions that demand the minimum wage and are paid that. There are relatively few. I reiterate what I said the other day, if the increase in the minimum wage were to affect only those individuals, I would be all for it. It is not. It is primarily used as an escalator and, if you don't think so, look at the books over in the Department of Labor in the State of Maine and how those are affected by this sort of thing.

Instead of giving a 10 cent an hour raise for 70,000 people, as was quoted the other day, it is realistically an extra increase of about three and a half percent to 470,000 people over a fairly short period of time. I think that is detrimental to economic development and one that we can't afford to have at this time where we are trying to promote that atmosphere.

I ask you again to vote against the passage of this bill and I request a roll call.

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

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

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: Am I correct in assuming that we have already receded and concurred with the Senate?

The SPEAKER: The Chair would advise the Representative we are in the process of enacting the bill.

Representative MCHENRY: I would assume that I am correct in my assumption.

Mr. Speaker, Ladies and Gentlemen of the House: The Senate Amendment that was put on by the other body is the exact same amendment that we put on in this body so it is the same bill that we voted on yesterday and I hope that we give it the same vote of confidence.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 91

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutillier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Callahan, Curran, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Higgins, Hillock, Holloway, Ingraham, Jackson, Kimball, Lebowitz, Look, Lord, MacBride, Marsano, McPherson, Murphy, T.;

Nicholson, Norton, Nutting, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Dexter, Lawrence, Richard, Ridley.

Yes, 87; No, 58; Absent, 4; Vacant, 2; Paired, 0; Excused, 0.

87 having voted in the affirmative and 58 in the negative with 4 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S.P. 576) (L.D. 1717)

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

On motion of Representative Paradis of Augusta, was referred to the Committee on Judiciary in concurrence.

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

ORDERS OF THE DAY  
UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Ensure the Availability of Group Accident and Sickness and Health Insurance to Retired Teachers" (S.P. 570) (L.D. 1703)

TABLED - June 1, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Prohibit Candidates from Receiving, Witnessing or Accepting Absentee Ballots" (H.P. 1254) (L.D. 1712)

TABLED - June 1, 1987 (Till Later Today) by Representative PARADIS of Augusta.

PENDING - Passage to be Engrossed.

Representative Paradis of Augusta offered House Amendment "A" (H-217) and moved its adoption.

House Amendment "A" (H-217) was read by the Clerk.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I must propose an amendment to L.D. 1712 this morning because I fear that if we do enact L.D. 1712, a unanimous committee report, we will be subscribing to something that we may not see very clearly on June 2, 1987.

I can see next year's election that if candidates are prohibited from processing absentee ballots in the actual surveying, notarizing and bringing them

back to the town and city clerks, in our attempt to reform the process from what the status quo is today, we will be increasing the influence of money in every one of our elections.

Now we know for a fact that Governors, Senators, Congressmen, do not do absentee ballots — usually the process is done by members of the House and city council members and others on the lower level. I have never known of a Governor or a Congressman to go out and do absentee ballots. There are far too many constituents and far too many obligations. Usually the burden is on us and those who serve in capacities on the local level under us to organize elections and to do the absentee ballot process, but if we increase the influence of money, in the electoral process, is that going to be a reform? If we make the ballot process more beholden to money to political action committees, to fund-raising and solicitation — is that a reform? If, in the name of reforming the process, we have to hire campaign aides and pay them so much per hour to go out and help us gather election ballots for our campaigns and those of our political parties, whom we represent, is that reform? If we hire someone or we permit the hiring of any individuals to help us in our campaigns and they gather ballots (I am not talking about putting up lawn signs, I am not talking about distributing leaflets door to door, I am not talking about handing out leaflets at Shaws or Cottles) I am talking about what this amendment addresses, when you pay someone and I don't care if it is under the guise of expenses or meals or reimbursement or per diem, to gather ballots, I don't believe that is reform. I think that is the worst backdoor approach to corruption that this body will ever see.

We have gone on Record as trying to reform the process and I ask you, if you do consider enactment of this legislation, that you consider House Amendment "A" so we do not increase the influence of money in our campaigns. I can look at next year's reports and see every one of our campaign reports at a higher spending level than it was in the 1986 General Election. Why? I dare say because the reason will be, if I didn't gather absentee ballots and I didn't want to gather absentee ballots, I had to hire someone or pay someone or help someone with their expenses to do what I normally did on my own and that isn't reform. If this bill is truly going to be reform, I think that House Amendment "A" is needed. I urge its adoption.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of this amendment.

Men and Women of the House: I move indefinite postponement of this amendment with some reluctance because the idea, obviously, has some merit. I would remind this House, however, that the bill you have before you is a fairly, carefully, crafted unanimous bipartisan report, which deals with the very difficult situation which this entire House faced this session.

The bill which you have before you clearly would get candidates out of the actual absentee ballot voting process, while still allowing those candidates to handle applications.

The amendment itself that you have before you now, however, goes much further than this. This amendment was considered by the committee but not adopted because we felt that the proposal needed a lot more work. There are a number of difficulties with this amendment, which have to be considered. The first question is — is there a First Amendment

problem with this amendment? You are differentiating between unpaid and paid political party workers, for example — does that cause you a First Amendment problem? The answer is not easy to know at this point. Should you eliminate paid political party workers from the absentee ballot process? That is another question, which has to be considered in some depth. Can this amendment's prohibition be easily circumvented? For example, if a paid political party worker were to get absentee ballots after normal working hours, would that be a Class D crime or not? Not an easy question.

The amendment, as you note, says that a person who is employed directly by a municipality can be paid to get absentee ballots — does that include selectmen? Does that include tax assessors? Does that include public works employees? It seems to me that the amendment clearly would allow those persons to be paid to get absentee ballots, while other persons might not be able to get absentee ballots.

Will this amendment cut down on the use of absentee ballots in our present political system? That is not clear and it is a serious question, which deserves some careful consideration. If you enact this, will there be enough people who would be willing to do it without any compensation whatsoever without any connections to a political party for pay to ensure that the absentee ballot system continues. That is not clear.

Does this amendment impose an obligation on municipalities to send people out to witness absentee ballots? Remember that the amendment indicates that those who are paid to get absentee ballots can do so if they are directly employed by a municipality. If, in fact, the amendment does intend for town clerks to have the obligation to send people out to witness absentee ballots — is there a cost to the town and what is that cost and are we mandating an additional cost here?

There are a number of issues in this amendment, which have to be carefully considered. Frankly, we didn't have the time at this point to carefully consider those. I would indicate to you as well that the brief evidence that we heard on this question indicates the practice of paying people for getting absentee ballots, while not widespread, occurs in both parties. It occurs with legislators of both parties.

I would also remind you that the bill you have before you deals with a very specific issue, which was directly brought to our attention and which needs urgent correction. This amendment deals with a much more long lasting, far-reaching policy that deserves careful study.

I would hope that this would be incorporated into a bill which would be brought to us, perhaps the next session, and would allow us to consider it before the next General Election.

I would urge you to stay with the bipartisan, unanimous committee report and reject this amendment and I would ask for a Division.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I had fully intended to support this L.D. when it was talked about in concept until the committee worked out their very delicate, bipartisan support, which stinks to high heaven. I will tell you why.

If you want to remove the dispersions that have been cast upon the absentee ballot process, I think we should remove it, we should not pay lip service to that, we should not just remove the taint that has

been put on the candidate himself but we should remove the process. Who has more gall than somebody who is hired, whose name is not on that ballot that could be getting paid so much for every ballot he gets when it comes to respecting the rights of that voter? I have seen this happen. Somebody can come in and say: "Look, I am here working for Paul Jacques. I think you should vote for Paul Jacques. He is a good man, la-la, la-la, la." Here is this lady that you are trying to protect in a nursing home, the congregate housing unit and here is this guy who is the equivalent of a used car salesman putting the pressure on her to vote for somebody on an absentee ballot. Why? Because the candidate can afford to pay him \$10 a ballot. If you don't think that that is being done, I got news for you. It is not going to be done by us because most of us can't afford that but for the higher level candidates (and they still apply to this same law) whether you are running for Governor, Senator or State Representative, you are still going to be working under the same law.

I can just see this Junior Samples of a car salesman working these people for their absentee ballots because he is getting \$10 a piece for all of those ballots. You want to talk about some incentive to get out there and work — there is some incentive. You want to talk about some incentive to change people's minds and vote for their candidate because that person has no morals, he doesn't have to live by the same code that we used to live by and all tried to live by, getting absentee ballots. You would give the person a ballot, go and sit down, let that person vote in private, make sure he has signed it, put it in the envelope, seal the envelope and then you returned it. That is not going to happen with this hired hand. He doesn't have to do that, his name is not even on the ballot.

He is not going to get any direct gain for influencing that voter, but he is sure is going to get some indirect gain. Now if we really want (and I believe everybody in this House does) — if we really want to show the people out there that we are going to try to bring back some integrity and some credibility to the absentee process, we certainly shouldn't do it by making a great big hole that says all of us in here are basically crooked, but anybody else who is going to do it for ten bucks, is honest and straightforward. I think it is a joke, I think it is terrible, and I hope you will vote against the indefinite postponement of this amendment, and then adopt the whole bill. Then if there are some concerns, as the Chairman of the Committee said, then that committee can come out and rectify those concerns. But to pass this to just stop the candidates and let their hired monkeys do it is I think a travesty to all the people in this state and it is not going to protect them one iota, and in fact, it leaves them wide open to be taken right over the coals.

Mr. Speaker, I ask for a roll call.

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

Representative WENTWORTH: Mr. Speaker, Members of this Legislature: I think this is one of the better bills we attempted to pass. I do not believe any candidate and I never have believed any candidate should get absentee ballots. There is no question of cost of such a thing. You have election officials in your town who can take care of it for you. The bill itself sets up circumstances by which people will be taken care of. I ask you to vote against the amendment so we can adopt the bill.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In reference to one of the previous speakers, I would like to say that the committee took a long hard look at this bill. I was one of those people that was not too keen on the bill in its original inception. This is a good bipartisan bill. A lot of work went into it. I felt, and most everybody on the committee felt, and I still feel, that 99 percent of the people out there who are candidates are good honest people, but that the other one percent is the one we should take care of. To infer that it is prevalent out there that people will go out and buy someone to collect absentee ballots is a falsity. It does not exist to that extent.

Representative Paradis may have good intentions and may have merit to the amendment, but look at the Statement of Fact — that is what concerns me. I think the Representative from Brunswick, Representative Priest, brought it out very eloquently. It says: "This amendment prohibits a campaign worker, a PAC representative, or any other person receiving any type of compensation whatsoever from handling absentee ballots." The concern that comes into my mind is, if you are running for a statewide office and you have a full-time paid campaign manager, which every statewide office or even county office candidates have — would this campaign manager, say for a gubernatorial candidate, who will get on the phone and attempt to solicit unpaid voluntary workers to obtain absentee ballots, would he or she be subject to prosecution? It says "whatever," there is nothing in here that says it shall be limited to physically picking up the ballots.

As the Representative from Brunswick said, it takes more study. We, in the Legal Affairs Committee, have done one heck of a good job this year in tightening up on all absentee ballots. We have voted to prevent any candidate from handling the ballots. We have given the candidate at least the opportunity to get the applications for the ballots, but those must be turned in to the town clerks and city clerks. We have taken the candidate out of the nursing homes and the congregate housing. I think we have tightened up but this here leaves it wide open, where even the campaign manager of a gubernatorial or congressional or senatorial candidate would probably be subject to prosecution because it is too vague.

I would ask that you support the motion of the Representative from Brunswick.

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

Representative JACQUES: Mr. Speaker, I would like to pose a question through the Chair.

To the Representative from Wells, Representative Wentworth — you are very much opposed to candidates getting absentee ballots, what are your feelings on a candidate paying someone to get those ballots?

The SPEAKER: The Representative from Waterville, Representative Jacques, has posed a question through the Chair to the Representative from Wells, Representative Wentworth, who may respond if she so desires.

The Chair recognizes that Representative.

Representative WENTWORTH: Mr. Speaker, Members of the House: The same thing. I don't think anybody should be paying for ballots.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the gentlemen from Lisbon pertaining to his comments

regarding the campaign manager and whether or not he would be in violation if he solicited campaign workers to go out and get absentee ballots. If you look at the Statement of Fact, it is quite clear to me that this prohibits anyone from handling absentee ballots. I don't believe if I was running for high office and I had a campaign manager, I certainly would not hire that individual to go out and solicit absentee ballots because, if he did that, he would be wasting his time and would not be fulfilling the purpose for which he was hired and that would be to manage the campaign.

I have to agree with the gentleman from Waterville, Representative Jacques, that if we are going to tighten the screws, we might as well do it the right way. I am glad that he came around and admitted that a used car salesman would go out there and really solicit because when we were fighting a bill not too long ago about the fact that an individual that would be trading in a car would have to sign a statement attesting to the mechanical defects and, if I remember correctly, Representative Jacques got up and said, "used car salesman are honest people that would not deceive the public." But I am glad that he finally saw the light.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: This is my bill and I first want to thank the Legal Affairs Committee for the unanimous support out of the committee. They did work long and hard on this bill.

Originally, I was going to vote against the amendment because I didn't want this to cloud the issue and to hurt chances of the bill's passage. But Representative Jacques makes some very good points and I think this amendment should be included in the bill.

This bill that I put in is a good first step. It really doesn't go far enough. I think the absentee ballot process laws are really quite lax and I think they need to be tightened up. I think by removing the candidate from the process is a good first step, as I said, but there can be the instances of so much more abuse as Representative Jacques has said. I think this would help tighten up the absentee ballot procedure and I urge your adoption on the amendment and to vote no on the pending motion.

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

Representative ANTHONY: Mr. Speaker, I would like to pose a question through the Chair to the Chair of the Legal Affairs Committee.

Is the content of this proposed amendment -- was this considered by the Legal Affairs Committee in considering what to do with the bill as it came to it?

The SPEAKER: The Representative from South Portland, Representative Anthony, has posed a question through the Chair to the Chairman of the Legal Affairs Committee who may respond if he so desires.

The Chair recognizes that Representative.

Representative PRIEST: Mr. Speaker, Men and Women of the House: As I indicated, the concept was considered but because we felt that it required more time than we were able to give it right now, we elected not to deal with it at this time. I feel sure that if we don't deal with it now, we will deal with it next session before the General Election and that is what we had hoped to do. There is a number of people who feel that this amendment ought to be looked at.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to commend Representative Jacques for putting used car dealers down in the status where I think some of them belong.

Regarding this amendment, I urge you to vote against this amendment because it was a Unanimous Committee Report and we did work hard. We talked about putting on paid people for this, but there was one member of that committee who was very much against it and she came up with some very good reasoning. I guess we all had to agree with her that more work would have to be done.

If you look at this amendment, the amendment prohibits, not the campaign manager, but a campaign worker, and that would not only prohibit campaign workers for candidates running for the House of Representatives here in the House or the Senate, but it would also stop paid campaign workers from even going out and getting absentee ballots for Congress, the President of the United States, Governor, or any other office.

I urge you to defeat the motion before us.

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

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: The campaign worker who is paid to gather absentee ballots may have a lot of gall, as has been suggested, but it seems to me he is certainly within his constitutional rights.

I would urge your support of the motion to indefinitely postpone this amendment. It would appear to infringe on constitutional rights. There are too many unanswered questions being posed by this amendment. I am in sympathy with the intent which is expressed here with this amendment, but I would also urge its defeat at this time. I urge you to vote yes on the motion to indefinitely postpone and I urge you to support the hard work which we, on committee, have put into this.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I must support my good friend Representative Paradis' amendment. Each year it becomes increasingly more difficult to inspire people to collect absentee ballots. Most people are more occupied today and generally the workload has fallen on the candidates. First, you must acquire an application. A justice of the peace must be available to go out and collect the ballot. Generally, it is very time-consuming and requires people with patience and dedication.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I strongly urge you to vote no on the pending motion to indefinitely postpone this. I think what we should do is adopt this amendment and make a good bill even better. What this in essence will do -- it will encourage the mail-in ballots which keeps the voter voting by himself and not having people peer over his shoulders. Please, vote no.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with my good friend, Representative Melendy, that we should defeat the motion to indefinitely postpone so that we can pass this amendment. But I do not agree with her that this is a good bill. I am very pleased that the

sponsor of the bill likes the amendment but I would rather see the whole bill killed. Please, support Representative Paradis' amendment.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: The reason I asked the question about consideration of this amendment is I am very reluctant ever to stand in opposition to a Unanimous Committee Report if the committee has carefully considered the content of a proposed amendment and rejected it after that sort of consideration. However, I am convinced that this is a reasonable and sound proposed amendment. After listening carefully, it appears that it has not been thoroughly debated by the committee and rejected through the committee process. Therefore, I feel free to support the amendment, vote against indefinite postponement, without doing any harm to what I consider the very important committee process. I would urge other members of this body to follow that same approach.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: One of the reasons that this specific amendment was not carefully considered before the committee is because none of us had been able to see it until yesterday. We dealt with the concept in a general form, but not as a specific amendment. It was never presented to us. I would remind you that I ticked off a number of objections.

There has been a lot of debate on this amendment but no one dealt with the objections that I raised. I would urge you, if you like this concept, to give us a chance to deal with it in some depth. It is not a concept which is easy to work out, it requires some very careful line drawing. We are dealing with a criminal offense, so we are talking about some very serious effects of enacting language. I would encourage you not to hastily enact something, but to give us some time next session to carefully consider it before the General Election.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Very briefly, before we vote on this amendment, I would like to answer the good Representative from Brunswick by saying that, if there are constitutional issues involved here and I am not convinced that there are, that they will not be resolved by a legislative body, they will be resolved by the courts. If there are serious First Amendment infringements, and I don't believe in any way that there are, let's enact this amendment, enact the bill, and let it be challenged in the court by some group. The court will be definitive in its actions. They are the final arbiter under our constitutional system that will decide whether any bill that we pass in this legislature is constitutional or not. I fear that this bill without House Amendment "A" has such a loophole in it that it could be called more loophole than law, and that loophole is so big that a Trojan horse could go through under the guise of reform and make a bad system worse.

If we are going to have reform, I hope we will consider House Amendment "A." I, therefore, urge you to vote against the motion to indefinitely postpone this amendment.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I stood here this morning with interest listening to the debate on the absentee ballot bill. We have a proposal before us currently out of the Legal Affairs Committee with a Unanimous "Ought to Pass" -- bipartisan support. I saw this bill the other day for the first time. I looked at it, it makes sense to me. But the question that appeared when I looked at that bill and saw that it had bipartisan support and was unanimous, I wondered when we would see the red flag to try to kill this bill.

This is a meaningful step forward in the absentee ballot process. I have to heartedly concur with the gentleman from Brunswick, I have a great deal of respect for him as I have for every member that sits on that committee and they have put forth a Unanimous Report. They have entertained the concerns that have been addressed here this morning, and they didn't have time to address those. I don't know how many other members of this body are aware of abuses where the campaign workers are out soliciting ballots for money, but I am not aware of it. I don't see those abuses. I see a bill before us this morning which will help correct a process that has the ability to be wrought with fraud.

I think that we should pass this bill this morning, and if those problems do arise that has been suggested, there will be abuses by campaign workers collecting absentee ballots, who work for dollars. If those do occur, then we can be back here in the next session of the legislature and address those concerns and those problems. It seems to me to make sense to pass this bill this morning which would put us in the right direction.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Just to make one thing perfectly clear, I intend to vote for the amendment and I intend to vote for the bill as amended.

We have talked about constitutional rights here. What about the constitutional right of the voter? Never mind the paid person collecting ballots -- the voter. That is what this bill is supposed to be protecting and looking out for, that that person's individual right, the right that we hold above all other rights in this country, and the right that separates us from every other country in the world, free and open elections, not to be misused and abused.

To the Representative from Brunswick, if there are ten minor things wrong with it, but it still adds to the abuse of that right to vote, then it is not a good bill. It may come a long way toward making a better bill, but it is not a good bill, because it takes care of some of the problem but not all of the problem. To try to tell the people of this state that we are doing something to protect the sanctity of that absentee ballot, when we are not doing the whole job, I think is a great injustice and the people of this state should know about it.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I shudder to think of the fact that an opponent of mine might hire a used car salesman to go and solicit absentee ballots against me.

I have to concur, really, with Representative Jacques on the amendment. I think it is a good amendment and I think, frankly, we can adopt it now, it can be researched during the summer months, and in the special session, it could be addressed if there

are any loopholes. I urge you to vote in favor and vote against the indefinite postponement of this amendment.

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

Representative DUFFY: Mr. Speaker, I would like pose a question through the Chair.

How long have candidates for elected office been able to collect absentee ballots?

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

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: The simple answer is, I don't know. I can find the answer for you, but I don't know.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative Priest of Brunswick that House Amendment "A" be indefinitely postponed.

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

Representative MITCHELL: Mr. Speaker, I request permission to pair my vote with the Representative from Wiscasset, Representative Kilkelly. If she were present and voting, she would be voting no; I would be voting yes.

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

ROLL CALL NO. 92

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Carroll, Cashman, Davis, Dellert, Dexter, Diamond, Duffy, Farnum, Farren, Garland, Gurney, Hanley, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Ingraham, Jackson, Jalbert, Kimball, Lebowitz, Look, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; Murphy, T.; Norton, O'Gara, Paul, Perry, Pines, Priest, Reed, Rice, Sherburne, Small, Stanley, Stevens, A.; Stevens, P.; Stevenson, Tammaro, Taylor, Telow, Tupper, Warren, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Allen, Anthony, Baker, Bost, Boutilier, Carter, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Dore, Dutremble, L.; Erwin, P.; Foss, Foster, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Lacroix, LaPointe, Lawrence, Lisnik, Lord, MacBride, Mahany, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Pouliot, Racine, Rand, Reeves, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Seavey, Sheltra, Simpson, Smith, Soucy, Strout, B.; Strout, D.; Swazey, Tardy, Thistle, Tracy, Vose, Walker, Webster, M.; The Speaker.

ABSENT - Chonko, Richard, Scarpino.

PAIRED - Kilkelly, Mitchell.

Yes, 64; No, 80; Absent, 3; Vacant, 2; Paired, 2; Excused, 0.

64 having voted in the affirmative and 80 in the negative with 3 being absent, 2 vacant and 2 paired, the motion to indefinitely postpone House Amendment "A" did not prevail.

Subsequently, House Amendment "A" was adopted.

The SPEAKER: The pending question before the House is passage to be engrossed as amended by House Amendment "A."

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anybody from the committee.

My concern is with town clerks, maybe this section does not deal with it, I don't know -- if a town clerk is elected in that municipality and is on the ballot, does that remove them from accepting or receiving absentee ballots?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: It is unclear to me at this point as to whether you are referring to the bill as amended. If you are referring to the bill as amended, you should ask Representative Paradis. He probably could explain it to you in greater detail.

It is clear that without the amendment, the clerk whose name appeared on the ballot, would not be able to participate. However, the next section does say that, if you are employed directly by a municipality, such as a clerk, then there is no prohibition under "C." Amendment "B" probably, in my estimation, would still be applicable and the clerk would be prohibited, but you probably ought to ask the sponsors of the amendment for a clearer explanation.

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

Representative PARADIS: Mr. Speaker, Members of the House: In answer to the question from the good Representative from Corinth, House Amendment "A" is now the bill, because it struck everything out after the enacting clause.

In answer to the question, "C" allows the municipal and the town clerk to administer the absentee ballot process. Part "B" is the bill that was presented by the good Representative from Kennebunkport. "C" actually is the prohibition against having paid people do absentee ballots, so in answer to your question, the town clerks, whether they are elected by the people or chosen by the councils, are committed to engage in this process. We are not touching that. We are just saying that those who are paid specifically to do this type of action are prohibited from doing it in political campaigns, not because they are employed by the city, they are exempted, just those who would be hired by candidates to do the campaign process, the absentee ballot. Those are the people prohibited. I hope that answers the question of the good gentleman from Corinth.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I would pose a further question. If a town clerk is a candidate for another office, would this exclude the town clerk from accepting those ballots? If a town clerk is a candidate for another office, would that exclude them from receiving and accepting absentee ballots?

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

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

Representative PARADIS: Mr. Speaker, Members of the House: In answer again to the question posed by the Representative from Corinth, I would hope that if the town clerk is a candidate for higher office, that that person would name a deputy to handle the absentee ballot process and would not involve himself or herself in a process where that person's name is directly on the ballot. What is good for the goose is good for the gander.

On motion of the Representative Gwadosky of Fairfield, retabled pending passage to be engrossed as amended by House Amendment "A" (H-217) and later today assigned.

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

SENATE PAPER

Non-Concurrent Matter

RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (H. "A" H-180 to C. "A" S-65) which was finally passed in the House on June 1, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-65) as amended by House Amendment "A" (H-180) and Senate Amendment "A" (S-118) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Provide for Continuation of the Living in the Community Program for Chronically Mentally Ill Persons" (Emergency) (S.P. 83) (L.D. 169)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Prevent Inappropriate Institutionalization of Mentally and Physically Handicapped Persons" (S.P. 111) (L.D. 284)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Provide Funds for Living in the Community Program for the Chronically Mentally Disabled" (S.P. 124) (L.D. 329)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Provide for Elderly Mental Health Services Specialists" (S.P. 152) (L.D. 406)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Allow Use of the Bureau of Mental Retardation Contingency Fund by Boarding Home and Foster Home Clients" (S.P. 185) (L.D. 512)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Maintaining Community Services for Emotionally Disturbed Children and Adolescents" (S.P. 230) (L.D. 624)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Provide Support for the Bridge Shelter, a Home for the Mentally Ill" (S.P. 270) (L.D. 751)

Report of the Committee on Economic Development reporting "Leave to Withdraw" on RESOLVE, to Require

the Finance Authority of Maine in Conjunction with the Department of Environmental Protection to Devise a Plan to Financially Assist Small Filling Station Operators and Owners to Modernize their Fuel Storage Facilities (S.P. 318) (L.D. 920)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Increase the Availability of Boarding Homes and Adult Foster Homes for Persons with Mental Retardation" (S.P. 364) (L.D. 1099)

Report of the Committee on Economic Development reporting "Leave to Withdraw" on Bill "An Act to Consolidate Economic and Community Development Activities" (S.P. 491) (L.D. 1495)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 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 Telow of Lewiston, Recessed until three o'clock in the afternoon.



(After Recess - 3:00 p.m.)

The House was called to order by the Speaker.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

The Chair laid before the House the following matter: Communication S.P. 578 relative to the joint nomination by Governor McKernan of Carroll York of West Forks for reappointment to the Inland Fisheries and Wildlife Advisory Council and the nomination by Governor McKernan of Alanson B. Noble to the Inland Fisheries and Wildlife Advisory Council which was tabled earlier in the day and later today assigned pending reference in concurrence.

Was referred to the Committee on Fisheries and Wildlife in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Clarify the Organization of the Maine Sardine Council" (S.P. 572) (L.D. 1707) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Mitchell of Freeport offered House Amendment "A" (H-223) and moved its adoption.

House Amendment "A" (H-223) was read by the Clerk and adopted.

Subsequently, the bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act to Protect Existing Essential Public and Private Ground Water Supplies" (S.P. 573) (L.D. 1715)

- In Senate, Referred to the Committee on Energy and Natural Resources.

TABLED - June 1, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Reference in concurrence.

Subsequently, the House voted to indefinitely postpone L.D. 1715 and all its accompanying papers in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-109) on Bill "An Act Giving the State Fire Marshal, Deputy and Inspectors Full Law Enforcement Powers" (S.P. 307) (L.D. 886)

Signed:

- Senators: KANY of Kennebec  
ESTES of York  
DILLENBACK of Cumberland
- Representatives: PRIEST of Brunswick  
HARPER of Lincoln  
PERRY of Mexico  
PAUL of Sanford  
STEVENS of Sabattus  
MARTIN of Van Buren

JALBERT of Lisbon  
TUPPER of Orrington  
STEVENSON of Unity

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

Signed:

Representative: MURPHY of Berwick  
Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-109)

Reports were read.

Representative Priest of Brunswick moved that the House accept the Majority "Ought to Pass" Report.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to support the "Ought to Pass" Report so that we can pass the "Ought Not to Pass" Report.

This bill gives the Fire Marshal, his deputy and his investigators full police powers, and by full police powers, we mean the same powers that the state police have. These people (there are twelve of them in all) have gone to the academy, there is no question about that but they do not have the ongoing training that all of our police officers in this state have to have. In the past few years in this legislature, we have worked to upgrade the training of our police officers -- our part-time officers and our full-time. I have always been supportive of that. Therefore, I cannot support giving these people full police powers when they do not have the same ongoing training as our regular police officers.

I believe it is a bad bill and I would urge you not to support the "Ought to Pass" Report so that we can go on to accept the "Ought Not to Pass" Report. Mr. Speaker, I request a Division.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I would just like to explain to you briefly what the reasoning was behind the bill by the majority of the committee. We heard evidence that members of the Fire Marshal's Office, in trying to uncover or investigate crimes, would often come upon other crimes which were not directly related to arson or the direct duties of the Fire Marshal's Office. When they would go to the District Attorney's Office and ask that these people be prosecuted and they would essentially say, you prosecute them, you uncovered them.

At that point, the inspectors would have to say, we are sorry, we can't go ahead and do that because we don't have the powers to prosecute. This caused a lot of difficulty with District Attorneys and with the Fire Marshal's Office. As Representative Murphy told you, there are twelve weeks worth of training at the Criminal Justice Academy for these people. This is the same training that municipal police officers receive. There is a longer period of training for state police officers, but that relates to duties which are unique to state police administration and not to the basic idea of criminal justice which all law enforcement officers ought to have.

We were also told that the Commissioner of Public Safety, John Atwood, is in support of this bill, that he would write guidelines which would limit the types of areas in which these people would be involved with law enforcement. So essentially, what this bill does is ease the problems with District Attorneys and allow these people to deal with and prosecute crimes which they have uncovered in the process of doing

their local duties of investigating arson and similar crimes.

There is no intent here to make them into sheriffs or normal police officers. It is merely to cover a situation which has arisen. They have the adequate training, and again, the Department of Public Safety supports this bill.

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

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

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the Representative from Waterville, Representative Jacques, that this bill should be indefinitely postponed. I don't think that this bill should be before us today. At the rate that we are going now, it will be like living in Russia. Everybody will be armed with a pistol like the KGB. I hope that you will throw this thing out and send it down the river in a pine coffin.

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

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

Will these fire marshals, deputies and inspectors be allowed to carry guns?

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

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: We were told that they would not be carrying weapons any more than they carry weapons now.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: My understanding of this bill, and I called the Commissioner of Safety, that they would have complete police powers. If you were speeding down the road, they could stop you and arrest you. They would have the same police powers as your municipal officers or your state police or any other police officer in this state. I still say they are not qualified and I would hope that we would support the motion of Representative Jacques of Waterville.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It is not that I have a problem with the Legal Affairs Committee, it is just that this is an horrendous bill as far as the potential of what could happen because of this bill. You are talking about twelve people, there is one in my area and he wears a gun all of the time. He wears a gun when he goes grocery shopping, he wears a gun when he goes to the movie theater, he wears a gun when he stops by the local Elks Lodge and has a beer. Now can you imagine what it would be like if you give these guys the right to start stopping speeders and possible drug offenders. We don't have enough of them (they tell me) to take care of the fire investigations in this state. I have been hearing this since I have been in the legislature, and now we are going to give them another thousand and one

duties and ask them to enforce every single title that we have under the Maine statutes now.

I think you should really think about it before you give twelve people the license to do anything they want to do in law enforcement.

I remember not too long ago we had a bill in and they just wanted the blue light. We just want a blue light so we can be treated like everybody else. Well now it is past the blue light. If they want to be law enforcement officials, let them get out, go to the academy through the full course and become a Maine State Policeman, not investigate fires.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: Just to clear up a few things here, these police officers have all the training that any other police officer in the state has. They have gone through the academy, they have qualified for everything.

In connection with their investigations, sometimes there is a crime committed right next to them and they cannot do a thing about it because they don't have the authority. They are not going to go out of their way to arrest people and chase down speeders. They are just going to have the power to arrest in connection with their investigations, if something happens nearby.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, I would like to pose a question to anyone that would care to answer.

If we give these people more law enforcement power at this time, from my past experience they do not need a search warrant, but you arm them with a gun and give them more power, are they going to be able to still enter your property without a search warrant?

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

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: It is the full intent that these law enforcement officers will operate just like any other police officer with the respect to warrants. Of course, there are certain situations in which you don't need a warrant to go onto someone else's property but, in the vast majority of situations, you do. I don't see that there will be any difference in that situation. What I would stress here is that these people are not going to become general law enforcement officers, they are only going to be dealing under the guidelines which will be issued by the Department of Public Safety with crimes which they have uncovered in the course of their investigations. They are not going to go out and start enforcing the law in general. It will be a limited situation and that was basis the under which the committee recommended passage.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair for clarification.

When the Chairman says "they" have no intention of wearing a gun, and "they" won't use their police powers any more than they have to, who is "they?"

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

The Chair would respond that it is self-evident that "they" refers to the people in the bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Jacques of Waterville that L.D. 886 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.

91 having voted in the affirmative and 27 in the negative, the motion to indefinitely postpone did prevail. Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications" (H.P. 534) (L.D. 718) on which the Minority "Ought to Pass" in New Draft Report of the Committee on State and Local Government was read and accepted and the New Draft (H.P. 1237) (L.D. 1689) passed to be engrossed in the House on May 29, 1987.

Came from the Senate with the Majority "Ought to Pass" in New Draft under New Title Bill "An Act to Require that Job Classifications and Specifications be Determined by Collective Bargaining" (H.P. 1236) (L.D. 1688) Report of the Committee on State and Local Government read and accepted and the New Draft (H.P. 1236) (L.D. 1688) passed to be engrossed in non-concurrence.

The House voted to Insist.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARROLL from the Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Aggregate Limit on Insured Mortgage Loans to \$95,000,000 (H.P. 1221) (L.D. 1665) reporting "Leave to Withdraw"

Representative CARROLL from the Committee on State and Local Government on Bill "An Act Concerning the Fees Retained by Municipalities for Processing Certain Licenses" (H.P. 745) (L.D. 1008) reporting "Leave to Withdraw"

Representative CARROLL from the Committee on State and Local Government on Bill "An Act Relating to Moorings for Nonresidents" (H.P. 685) (L.D. 926) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Education on Bill "An Act to Provide Adequate Compensation for Substitute Teachers and to Take into Account Local Ability to Pay" (H.P. 118) (L.D. 143) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Improve the Qualifications and Compensation of Substitute Teachers" (H.P. 1262) (L.D. 1725)

Signed:

Senators: KANY of Kennebec  
RANDALL of Washington  
ESTES of York

Representatives: MATTHEWS of Caribou  
GOULD of Greenville  
PARADIS of Frenchville  
KILKELLY of Wiscasset  
HANDY of Lewiston  
O'GARA of Westbrook  
BOST of Orono

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

Signed:

Representatives: LAWRENCE of Parsonsfield  
SMALL of Bath  
NORTON of Winthrop

Reports were read.

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

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

This is the ten to three Majority Report of the Education Committee, which is essentially the result of work done over the past two years on the issue of substitute teachers. The bill before you is the result of the concerns of several members of that subcommittee on substitute teachers, namely Representatives Handy and Matthews, and was subsequently modified in our committee.

This New Draft raises the minimum compensation for substitute teachers as well as tightening the requirements for someone to fill this category. The legislation seeks to establish in law various categories for substitute teachers and to prescribe the length of time they may serve in one position based on the level of their qualification.

Additionally, the New Draft tightens the procedure governing the use of substitute teachers with less than minimum qualifications in emergency situations. The Commissioner of Education and Cultural Services would, under this bill, be directed to promulgate rules to implement the new requirements.

Finally, as I mentioned, this New Draft raises the minimum daily compensation for substitute teachers from \$30 to \$35 per day and places the most qualified substitutes on the regular teacher based salary scale if they have taught for twenty days or more in a given school unit.

The committee felt that the issue of hiring and retaining good substitute teachers is an important facet of educational reform and that they have largely been overlooked in the past few years. The bottom line was to ensure that the quality of instructions to students, understanding that, in many school units, it is not uncommon for a substitute teacher to spend a significant amount of time in the classroom. Given that fact, the majority of the committee felt that to increase the qualifications of substitute teachers was not unreasonable, nor was promoting more adequate minimum compensation.

For these reasons, I would urge the House today to accept the Majority "Ought to Pass" Report.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: Before I go into the printed material, I would like to clarify that the committee has been studying this for two and a half years and that a subcommittee of the group was formed, who looked into this. This report is the Minority Report of that subcommittee. The majority of the committee felt that nothing needed to be done.

L.D. 1725 "An Act to Improve the Qualifications and Compensation of Substitute Teachers" does several things. It sets up requirements by which local units can hire substitute teachers. The most important of these is, no person can substitute unless he or she has completed three years of college and permission has been granted by the commissioner. Legislator's who represent rural districts may be placing their school units in a position where they are unable to hire substitutes. There will just be nobody available.

This bill also sets new standards for compensating substitute teachers. It increases the minimum pay from \$30 to \$35. Most units pay above the \$35 now. In fact, the average pay statewide for substitutes is \$43, well above the minimum this bill sets. However, the real cost of the bill -- and it is a real cost -- is the part that states "any substitute that is certified in both grade level and subject matter will receive one one-eighth of the base pay, which will be 15.5 or computed out to at least \$86 per day after twenty or more days in a school unit." Some units pay them one one-eighth of base pay after ten consecutive days but this legislation goes far beyond that. This legislation sets the higher pay after twenty accumulative days, not consecutive.

This legislation would adversely affect even my district, which pays well above the minimum \$35 a day now. We pay \$86 a day after ten consecutive days in the same classroom. If you substitute for five days or two days, you receive \$55 a day. Under this bill, after you have accumulated your twenty days in the whole school system, every day you step into a classroom, you will receive a minimum of \$86 a day, a sizable increase for even my district.

Once again, this legislature will be taking away policymaking and wage setting responsibility from our local boards and disregarding local costs. If you were a superintendent on a limited budget, would you hire the more qualified teacher who you had to pay \$86, or would you hire the less qualified substitute who you could pay the minimum of \$35 a day or whatever minimum your town sets? This legislation may be encouraging districts to hire the less qualified substitutes, which is the exact opposite of the intent of the sponsors.

The fiscal note on this bill is vague. It is hard to guess what this will cost and probably the sponsors prefer to keep the costs vague, but the fiscal note does read "This New Draft raising the minimum compensation level for substitute teachers increases the cost for local school units beginning in Fiscal Year 1987-88. This requires an increase in general purpose aid for local schools beginning in Fiscal Year '89-'90. In other words folks, the state won't feel the impact of this legislation until after FY '89-'90, but your district and my district will feel the bite next year.

If you are still not worried about the cost to your local districts, let me read excerpts from a few letters from local school superintendents regarding this bill. This one is from the superintendent of schools in Old Town. "A quick research of this year shows me that it would have cost an additional \$8,000 to \$12,000 to implement this bill."

This one is from the superintendent of schools for School Union 106, which is in Calais. "Quite frankly, if this bill passes, you will wipe out most of my substitute list and increase my yearly costs from \$17,000 to \$48,000."

This one is from School Union #29 in Mechanic Falls -- "I don't mind the increase in the pay per day to \$35 because next year we will be going to \$45 per day for people with a B.S. and \$42 for those without. However, the increase for certified substitutes will cost a lot. In Poland, this would mean an additional \$7,000 - \$9,000; Mechanic Falls, \$5,000 - \$6,000; and Minot, \$1,500 - \$2,000. This might push us into using less qualified people as the budget cannot handle the increase.

Another one from School Union #43 in Richmond. "The L.D. has a major potential for negative impact on education in a rural state like Maine. Most systems have a cadre of trained, dependable and

effective substitutes who may not carry the requisite college training as proposed in this bill and therefore leaves the school at the whim of a commissioner sitting in Augusta, Maine as to the availability of those people.

Both Monmouth and Richmond have had in excess of 200 substitutes to date during this school year and, under the compensation language of this proposed bill, would have significantly increased our substitute teacher costs."

Ladies and gentlemen of the House, I hope you will vote with us to halt this bill before it goes any further. If you, as I am, are facing an increased budget, we are facing a twenty percent increase in Bath this year, I know many other towns are also hurting, this will just aggravate the situation more. The commission that did study substitute teachers that was set up, the majority of them felt that this was not necessary, that we are adequately paying our substitute teachers, and that there isn't enough of a problem in the state to warrant any legislation. I hope you will join with me in voting against this.

Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers. I request a roll call.

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

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

To the Representative who just spoke, the letter that you read from the Superintendent of Schools in Old Town -- could you tell me what the date was on that letter?

The SPEAKER: The Representative from Old Town, Representative Cashman, has posed a question through the Chair to the Representative from Bath, Representative Small, who may answer if she so desires.

The Chair recognizes that Representative.

Representative SMALL: Mr. Speaker, Men and Women of the House: The date is May 15, 1987.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I have spoken with the Superintendent of Schools in Old Town and I received a copy of that letter, which is why I wanted the House to be aware of the date because I think it needs to be clarified. The figure that was quoted in that letter refers to the bill in its original form, which I believe called for an increase to \$50 a day for substitute teachers. I think to use that figure now is a little bit misleading. I just wanted to clarify that for the House.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I was not aware of that on that bill, but on the other bills I have here, it says -- I am looking at a redraft of L.D. 143, so these other one's which are more recent, were regarding the redraft.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House: I hope I can break down a little bit of the gloom and doom of Representative Small. Things do not look quite that bad really. Too often we underestimate the importance of substitute teachers. In the Reform Act of 1984, standards for certification were improved for regular teachers, but nothing was said concerning substitutes. The present

substitute law dates back to the early 1970's and is not adequate. The following intents are consistent with the new educational reform measures. I will make these just as clear as I can, these are from the New Draft.

The New Draft establishes various categories for substitute teachers and prescribes the length of time they may serve in one position based on the level of their qualifications.

Number two, it encourages superintendents to have qualified substitutes from the highest available category. It tightens the procedure governing the use of substitute teachers with less than the minimum qualifications in emergency situations.

It raises the minimum daily compensation from \$30 to \$35 a day and places the most qualified substitute teachers on the regular teacher base salary if they have taught for 20 days or more in one school unit.

This bill will encourage quality people to be available for substitute positions. The objectives of L.D. 1725 is to adequately compensate for quality teachers.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I spoke to my superintendent in Presque Isle just a few minutes ago. He said that he wished that we could afford this bill in Presque Isle but we certainly cannot do it. The property tax is going up three mills in Presque Isle this year and he said this would add a substantial amount to his school budget. He said he will have more than 30 teachers who will be teaching more than the 20 days. He said that during peak times, under the qualifications in this bill, he would have a difficult time getting substitute teachers. I hope you will vote against the Majority Report.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: My concern and the concern of Mr. Jerry White, the Superintendent of SAD #7 in one of my districts, is a little different than most of what we have heard here. For those of you who aren't aware of what my district is, it is four coastal towns and four offshore islands. Each one of those islands is a school district.

The simple fact is, if this bill passes, they do not have the personnel on the islands that will meet the new qualifications to qualify as a substitute teacher. These are not places where you can call someone up on the mainland and say, "Hey, come on out" because on Monhegan there is no housing and a ferry that runs three days a week. On Matinicus, there is no housing and there is no ferry. If there is no ice, you can fly out if the weather is clear. On North Haven and Vinalhaven, while there is a state run ferry, its schedule doesn't match the school's and anybody that comes out to teach in the morning is going to have to spend the next night because there is no way off the island. The simple fact is, this bill to those islands, will take the few substitute teachers they have away from them. If we are talking about maintaining the quality of education, and I have no argument with maintaining or improving the quality of education, on these islands at least, this bill isn't going to improve the quality of education. It is going to reduce it because they are not going to have the teachers, they are not there. It is not a matter of paying a little more money. No matter how much money you have, you can't buy it if it ain't there. On those islands, it is not there.

I would appreciate it, and my islands would appreciate it, if you would support the motion to indefinitely postpone this bill.

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

Representative HANDY: Mr. Speaker and Members of the House: I am glad Representative Scarpino raised those concerns because we on the ten to three Majority Report did take those into consideration. If you look at Page 2 of the bill, in Section 3, it indicates special situations, "The Commissioner shall promulgate rules under which persons who do not meet the qualifications of Subsection 2 may be employed for limited lengths of time." So, we did take into consideration situations where there may be some geographic isolation.

We also took into consideration areas that have vocational centers and, in those cases, the special certification requirements would be applied in that the commissioner could allow those individuals who, let's say, may be a master electrician, who holds no college education whatsoever, but certainly lends a great deal of expertise to that kind of area to go in and substitute in the schools. It certainly addresses those kinds of concerns.

With respect to the issue that Representative Small raised about the 20 days, there is an amendment that will be offered at Second Reading to tighten that up and it will not be as liberal as it is in the bill. So, rather than discussing that amendment now, I would refer you to your desks where (H-228) is and you can see that that changes the bill significantly in terms of that per diem rate locking in.

Traditionally, the state has set minimum salaries for substitute teachers by statute and that minimum has not been increased since 1983, that is about four years. The last time it was raised was in 1983 and most units have raised their minimum salary beyond that, as Representative Small pointed out.

Just look at the Consumer Price Index and what that would actually yield. From 1983 at a \$30 rate which was the minimum then, increasing that just by a meager three percent would bring that up to \$35 a day beginning in 1988. So, we are certainly not out of whack with keeping up with inflation. It is a very modest increase. I think it is something that we can do -- at least make a statement in state law that we think that substitute teachers ought to be paid adequately. \$35 a day is not adequate but it is certainly a step toward that.

The other thing that I would like to tie into that is, along with that adequate pay, we want to tie in qualifications. It is very important to be consistent with the intent of our education reforms over the past several years, I think all of us want to have consistent quality education. We want to know that if that special teacher is not there for the day that we can count on some qualified teacher going into that classroom to give our students and our children the best education 180 days out of that school year.

I would hope that you would support the Majority Report of ten to pass this bill.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: After listening to what my good friend from Lewiston, Mr. Handy, said -- one thing is very obvious, he has never been 12 miles offshore in the middle of the winter in a screeching northwester. You just can't say in those places what a limited length of time is. You can't say, we are going to get someone out there because I have taken

people out in a boat on a real bad day and they stayed there just long enough for the weather to calm down enough for them to get back.

How do you get somebody to come out to an island when you say, "Come on out, there is a boat that runs three days a week, it is scheduled Monday, Wednesday and Friday but that has got nothing to do with it when it comes. There is no housing out here for you, there is no electricity out here for you, and you have got to haul your water out of a well." Now, there are people that are very happy to do that. There are people that would like that lifestyle, but you have to search for them.

I think depending on a commissioner to write a regulation for an extended period of time in an emergency circumstance, when the commissioner isn't aware of the circumstances on those islands, the very policies that the Department of Education and Cultural Services has in place right now, says that they are not aware of the conditions on those islands. I am sorry, I am not willing to put my faith in that commissioner or this department for those islands. This is one further load and one load that it is impossible for those people to resolve the way this bill is.

Once again, I would urge your support of the motion to indefinitely postpone this bill.

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

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I served on that committee two years ago and the Majority Report did not favor increasing substitute teachers' compensation.

I asked a question at that time. I would like to pose this question to anyone who would care to answer it. The question is, how many local associations have put on the negotiation table an increase in substitute teachers compensation?

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

The Chair recognizes the Representative from Portland, Representative Baker.

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer that question if I may. I would doubt very much that any local associations have put substitute teacher pay on the table. For one thing, substitute teachers are not allowed to organize and bargain collectively. Since substitute teachers are not allowed to organize and bargain collectively, no one is going to speak on their behalf. In fact, it should be noted that substitute teachers are probably of any quasi or profession underrepresented when it comes to the legislative process. Regular teachers have a union. They can engage in a lobbying effort on behalf of their members. You can't do that with substitute teachers, they aren't organized.

The SPEAKER: The Chair recognizes the Representative from Parsonsfield, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I also served on that committee last summer. It was the recommendation of that group that the State Department of Education and the State Board of Education report by January 15, 1988 to the legislature on the qualifications and compensation levels of the substitute teachers and the report should also include experiences and availability of substitutes during the certification pilot studies.

Here again we have the introduction of an act without benefit of reports called for from the Department of Education and the State Board of Education. Here we have another example of the

legislature being asked to take control over the local schools and the local board's responsibilities. It denies the rate of substitute salaries that should be decided at the local level.

The act would significantly increase the local budgetary requirements without the state's participation and increased funding. There are 103,000 substitute days annually in the State of Maine and this, even with a \$5 increase per day is a half a million dollars, which will then add to the present amount that is spent of \$4 million a year for substitute pay.

I urge you to support indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out a couple of things here. First of all, the qualifications for substitute teachers are already set by the state. Minimum pay for a substitute has been set by the state.

That isn't really why I got up here to speak. We have been arguing in this chamber for several days now about quality in education. Somehow I can't reconcile the difference between one person being called a teacher, a regular teacher in a classroom, and another person being called a substitute. The person is doing basically the same job. Yet, if any of you are familiar with what happens when a substitute comes in, you will know that in many cases we need to upgrade the qualifications of substitute teachers. This bill is an attempt to upgrade those qualifications. It does not say that you can't use a high school graduate. It allows you to use a high school graduate under special circumstances. To me, those circumstances should be special.

If we want to talk about quality education, we shouldn't be putting unprepared people in a position of trying to be a professional. I am not saying that you can't find, perhaps one out of 100 hundred high school graduates that would make excellent teachers, they probably would, but the fact still remains that the average high school graduate is not a professional and, therefore, should not be used if we want quality education.

I urge you to support this bill.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: In my district, I have two superintendents of schools and both have contacted me requesting that I do not support this particular bill.

I would like to read you just a portion of the letter that I received from Robert Hodge, the acting Superintendent of Schools of the Biddeford School System. It says, "Please be advised that, although this legislation appears to foster an improvement in the teaching profession by providing a higher degree of compensation to substitute teachers, it would be devastating to the budget of the school system in the city of Biddeford. For example, during the academic year of 1986-87, we have already expended in excess of \$70,000 for substitute teachers. Should this bill be enacted, it is conceivable that the amount would almost double in the ensuing year. Once again, may I reaffirm our opposition to this legislation on the grounds that the funding is not there from the legislature to support this kind of new direction."

Basically, what they are saying is, if we are going to mandate salary increases, that the legislature should fund those salary increases. What we are doing is placing an additional burden on local municipalities without any relief from the legislature.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, just to respond to a couple of things, I want to make sure that everybody in this House understands that the majority of the committee did consider and do acknowledge that there is going to be additional costs. Please be sure that we did not ignore that fact and that it was brought to our attention.

Secondly, we also understand that there will be unique situations as were outlined by Representative Scarpino and those will have to be addressed.

The fact of the matter is that the majority of the committee, notwithstanding those kinds of situations, feel that this change is necessary. We can pay a reasonable rate and improve and guarantee a move towards having quality in the classroom when the regular teacher is not there or we could continue the situation which provides the kind of less than adequate and less prepared teacher in the classroom.

I urge you to vote against this motion to indefinitely postpone so that we can go on with the motion.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Small of Bath that L.D. 1725 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 93

YEA - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Cashman, Clark, H.; Coles, Cote, Davis, Dellert, Dexter, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Ingraham, Jackson, Jalbert, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Martin, H.; McGowan, McSweeney, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Paul, Perry, Pines, Pouliot, Racine, Reed, Rice, Ridley, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Tammaro, Taylor, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

NAY - Aliberti, Allen, Anthony, Baker, Bost, Boutillier, Carroll, Carter, Chonko, Clark, M.; Conley, Crowley, Curran, Diamond, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Handy, Hickey, Hوجلund, Hussey, Jacques, Joseph, Ketover, Kilkelly, Lacroix, Mahany, Manning, Matthews, K.; Mayo, McHenry, Melendy, Mitchell, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Paradis, J.; Paradis, P.; Parent, Priest, Rand, Reeves, Rolde, Rotondi, Ruhlin, Rydell, Stevens, P.; Swazey, Telow, Thistle, Vose, Warren, Weymouth, The Speaker.

ABSENT - Hale, Hillock, Holt, Kimball, McPherson, Richard, Strout, D.; Tardy.

Yes, 84; No, 57; Absent, 8; Vacant, 2; Paired, 0; Excused, 0.

84 having voted in the affirmative and 57 in the negative with 8 being absent and 2 vacant, the motion to indefinitely postpone did prevail. Sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1148) (L.D. 1563) RESOLVE, Concerning the Testing of School Buildings for Radon (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-218)

(H.P. 1135) (L.D. 1545) Bill "An Act to Establish a State Cost-share Program for Salt and Sand Storage Facilities" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-221)

(H.P. 815) (L.D. 1089) Bill "An Act to Amend the Potato Marketing Improvement Fund Law" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-222)

(H.P. 1132) (L.D. 1542) Bill "An Act Converting West Forks Plantation into the Town of West Forks" (Emergency) Committee on State and Local Government reporting "Ought to Pass"

(H.P. 1118) (L.D. 1521) Bill "An Act to Clarify the Definition of Intermittent State Employees" (Emergency) Committee on State and Local Government reporting "Ought to Pass"

(H.P. 1063) (L.D. 1446) Bill "An Act to Allow the Governor to Order Emergency Activation of the Guard in Advance of an Imminent Disaster" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 498) (L.D. 668) Bill "An Act to Revise the Percent for Art Act in Public Buildings" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 836) (L.D. 1127) RESOLVE, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-224)

(S.P. 498) (L.D. 1515) Bill "An Act to Extend the Sunset Provision of the Maine Revised Statutes, Title 5, section 17004" Committee on Human Resources reporting "Ought to Pass"

(S.P. 323) (L.D. 951) Bill "An Act Authorizing Restitution in Civil Penalty Actions" Committee on Judiciary reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers was passed to be engrossed in concurrence and the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

CONSENT CALENDAR

Second Day

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

(H.P. 1198) (L.D. 1633) Bill "An Act to Amend Maine's Abandoned Property Laws"

(H.P. 1157) (L.D. 1583) Bill "An Act to Amend the Maine Condominium Act"

(H.P. 1122) (L.D. 1525) Bill "An Act to Improve Disclosure of Consumer Leases"

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

(H.P. 1052) (L.D. 1415) Bill "An Act to Fight Illegal Drug Use"

On motion of Representative Paradis of Augusta, was removed from Consent Calendar, Second Day.

The Committee Report was read and accepted, the Bill read once and assigned for second reading later in today's session.

(H.P. 743) (L.D. 1006) Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency)

(H.P. 1061) (L.D. 1436) Bill "An Act Relating to Periodic Justification of State Government Programs under the Maine Sunset Laws" (Emergency) (C. "A" H-215)

(H.P. 114) (L.D. 139) Bill "An Act to Increase Local Control of Certain Waste Water Discharges" (C. "A" H-216)

(H.P. 1137) (L.D. 1547) Bill "An Act to Create Immunity from Liability"

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

PASSED TO BE ENGROSSED

Bill "An Act to Provide for the Preservation and Care of Burial Places and Memorials for the Dead" (H.P. 1258) (L.D. 1719)

Bill "An Act Relating to Local Bridges" (H.P. 1259) (L.D. 1718)

Bill "An Act Concerning Property Tax Exemptions for the Blind, Veterans and Disabled Veterans" (H.P. 1260) (L.D. 1720)

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

PASSED TO BE ENGROSSED

As Amended

RESOLVE, Authorizing Sharon Trafton Duthie to Bring Suit Against the State of Maine (H.P. 471) (L.D. 638) (C. "A" H-210)

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

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask for a roll call on this bill.

This bill, if you remember, is the one that we debated this morning and I haven't changed my mind. I think that the responsibility lies where responsibility should lie. I don't believe that the state is responsible.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 94

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Begley, Bickford, Bost, Bott, Bragg, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Dellert, Dexter, Diamond, Dore, Duffy, Erwin, P.; Farren,

Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Hussey, Ingraham, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Look, Lord, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Rand, Reed, Reeves, Rice, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Smith, Soucy, Stanley, Stevens, P.; Strout, B.; Swazey, Tammaro, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Willey, Zirkilton.

NAY - Armstrong, Bailey, Brown, Callahan, Davis, Dutremble, L.; Farnum, Foss, Foster, Hanley, Holloway, Jackson, Lebowitz, MacBride, Marsano, Murphy, E.; Racine, Sheltra, Small, Stevens, A.; Stevenson, Weymouth, Whitcomb.

ABSENT - Boutilier, Hillock, Holt, Kimball, McPherson, Richard, Strout, D.; Tardy, The Speaker.

Yes, 117; No, 23; Absent, 9; Vacant, 2; Paired, 0; Excused, 0.

117 having voted in the affirmative and 23 in the negative with 9 being absent and 2 vacant, the Bill was passed to be engrossed as amended and sent up for concurrence.

SECOND READER

As Amended

LATER TODAY ASSIGNED

Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour" (H.P. 547) (L.D. 734) (C. "A" H-212)

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

On motion of Representative Smith of Island Falls, tabled pending passage to be engrossed and later today assigned.

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

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:

Labor

Bill "An Act to Clarify the Definition of Independent Contractor for the Purposes of Workers' Compensation" (H.P. 1266) (Presented by Representative STEVENS of Bangor) (Cosponsors: Representatives RYDELL of Brunswick, CLARK of Millinocket and Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for Concurrence.

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

RESOLVE, Authorizing the Director of Public Improvements to Resolve an Encroachment on State Property in Hallowell (H.P. 1265) (Presented by Representative DELLERT of Gardiner) (Cosponsors: Representatives CARROLL of Gray, STROUT of Windham and Senator BUSTIN of Kennebec) (Governor's Bill)



(Reference to the Committee on State and Local Government was suggested)  
 Under suspension of the rules and without reference to any committee, the Resolve was read twice, passed to be engrossed and sent up for concurrence.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" on Bill "An Act to Change the Name of the Bureau of Civil Emergency Preparedness to the Maine Emergency Management Agency" (H.P. 1194) (L.D. 1626)

Signed:

Senators: TUTTLE of York  
 BALDACCI of Penobscot  
 GOULD of Waldo

Representatives: BICKFORD of Jay  
 BOUTILIER of Lewiston  
 STROUT of Windham  
 CARROLL of Gray  
 ANTHONY of South Portland  
 HUSSEY of Milo  
 LOOK of Jonesboro  
 ROTONDI of Athens

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

Signed:

Representative: LACROIX of Oakland  
 Representative WENTWORTH of Wells - of the House  
 - Abstained

Reports were read.

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

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a correction and add my support of the "Ought to Pass" Report.

Subsequently, on motion of Representative Carroll of Gray, the Majority "Ought to Pass" Report was accepted, the bill read once 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" on Bill "An Act to Encourage Cities and Towns to Display the Prisoner-of-war and Missing-in-action Flags" (H.P. 1085) (L.D. 1476)

Signed:

Senators: TUTTLE of York  
 BALDACCI of Penobscot  
 GOULD of Waldo

Representatives: BOUTILIER of Lewiston  
 HUSSEY of Milo  
 CARROLL of Gray  
 STROUT of Windham  
 LOOK of Jonesboro  
 BICKFORD of Jay  
 ROTONDI of Athens

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

Signed:

Representatives: ANTHONY of South Portland

LACROIX of Oakland

Representative WENTWORTH of Wells - of the House  
 - Abstained

Reports were read.

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

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I move indefinite postponement of this bill and all its accompanying papers.

To stand here and speak against the POW-MIA flag flying sounds a bit like standing against apple pie and motherhood but I believe that, while there has been a problem of the POW and MIA's in Vietnam in the past, at this point -- at this point in our history, the vast majority of those individuals have been accounted for. There are still some that remain unaccounted for and we can and should presume them to be deceased. At this point, that is the way to promote the healing of this issue in our society. It is time we closed that chapter on American life and move on. The war needs healing, the Vietnam veterans and their families need healing. This bill is not about healing, I believe, it is about political statements. Opportunists are the only ones left who are still raising money to look for Vietnam veterans who are unaccounted for. If we really care about the Vietnam experience and the veterans and that whole area, we would take the \$14,000 that this bill asks to appropriate and we would be applying it for post-traumatic stress or agent orange effects or other readjustment problems of Vietnam veterans.

To pass this bill would be to maintain false hope for countless families -- not countless families -- actually, there are really very few families that are left, to pass this bill would be to maintain false hope for those people and to promote them to hang on unnecessarily. It will promote only pain in the Vietnam veterans community rather than promote healing.

I base these remarks on the testimony of a Vietnam veteran who appeared at the public hearing on this bill and on discussion with other people from the Vietnam veterans community, including the Executive Director of the Vietnam Veterans Leadership Program and the Executive Director of the Veterans Employment Training Service. I believe that passage of this bill would do nothing to solve problems, but only to prolong them. I think it is time we took a more realistic stance towards the POW and MIA problem, put it behind us, and move on.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that my friend, the Representative from South Portland, did speak out. This is the very thing that we have got to be careful of, that we do not forget the Vietnam War and the people who had to participate in it.

The Vietnam Conflict was the first time in the history of the United States that we actually lost the conflict and it was an unpopular war. We, in Maine, should be very proud of the monument is here on the grounds of the State Capitol and tells the people, who participated in the Vietnam conflict, that we understand what you went through.

If any of you ever go to Washington, make an effort to go to the Vietnam Memorial -- I do every time I go to Washington -- it is really quite a sombering effect.

I can't help but remember as an 18 year old boy leaving Lewiston in 1943 to go in the Army. It was a glorious day because many people were there to bid us good luck. We came back and a grateful government said, now that you have done your job, we will try to help you get on your feet, either you get a loan to build a house or buy a home or you can have an education. A grateful nation was grateful to their people who went in the service.

Unfortunately, I couldn't believe it when I saw some young men get off the plane after being in Vietnam and being spat at and being called child killers. Now, they wonder why so many Vietnam veterans have emotional problems. There were many problems when the veterans came back from World War II and Korea to make adjustments but can you imagine a young man coming from Vietnam having been sent over there by the politicians? The politicians and the admirals and the generals make the decisions, but when it comes to fighting a war, it is either the poor little boy from New England or the boy from the south or the boy from the farm out west or some boy from the streets of the Bronx who will have to do it.

I hope that we will not say that the Vietnam War is behind us, let's forget about it, we don't want to talk about it. Every Memorial Day, each and every little town and city in Maine, honors their war dead. I hope I never hear again, ladies and gentlemen of the House, "Let's put the Vietnam War behind us and forget all about it." I hope that never comes.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I also would hope that you would not back this "Ought to Pass" bill. My son spent four years in Vietnam and I also know many other Vietnam veterans. I do not think it is in their best interest that, every time they pass their town hall, they see a black flag flying.

Representative Paradis of Old Town requested a roll call.

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

Representative LACROIX: Mr. Speaker, Men and Women of the House: I had not intended to get up and speak on this but I think perhaps I ought to explain my position on this. I am not against the Vietnam veterans. I have nieces and nephews that served in the Vietnam War, fortunately all of them came home. Mine is a more economic reason.

In checking with the veterans organizations, most of them that I talked to were not in favor of this. They do not want a flag flying over the town halls signifying that we still have people left in Vietnam. I took that to heart.

Then I talked with a lot of people in town offices and I was told that in a lot of the small towns, the flagpoles cannot sustain another flag being flown. Now that may seem small but when I look at my town and I think that it has to have three flags on it and most of the people, unfortunately, will not know what that third flag is all about, I think it is ridiculous to pass a law that says we may fly the flag and appropriate money to send flags to the municipalities who may not even put them up. I don't think that is passing a law that is prudent and that is using good judgment. That is what I based my decision on.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: When someone said that this

was a question of economy, I can't think of one small town or city in this state who cannot afford a decent piece of wood, which we call a flagpole, to honor the veterans of the Vietnam War or the one's that are missing. When it comes to that point, I will personally take the money out of my own pocket and buy them the flagpole if it is going to be a problem.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to tell you that I am the sponsor of this piece of legislation. Many veterans want this. The one man that came to testify against the bill has been through a lot. I understand what he is saying because he and I had long talks about this. He just got back from Nicaragua, he has seen a lot of things, he feels a lot, he is emotional, and I understand where he is coming from. He has a great deal of compassion and, truthfully, he is not totally against it but he has strong feelings. We understand that, but there are many veterans out there who don't feel this way.

This weekend I got a phone call from the Veterans Association and they were very upset about this man coming up here and talking that way because they don't feel that way. They are very strong for this.

Massachusetts is the only state who has just passed this law and every town is mandated to do it, they have the law that says they "shall" fly a flag for the POW's. I spoke to a Congresswoman in Washington and she is very excited about this legislation and she, too, is following it because this is going to set a pattern for other states to do the same thing.

By the way, the official National Vietnam Veterans Coalition has as many as 400 Vietnam ERA military personnel who are being held. A total of 2,424 Americans are listed as unaccounted for, more than a decade after the end of the war. All this says is, you are not forgotten. My husband is a Vietnam veteran and he asked me to put this bill in, along with many other veterans. I cannot say no, because they served, I did not serve, but I hope that all of you that are here are well and safe because those men served. This is just a small thing to do. I have promised, if this bill goes through, that I will buy the flag for the city of Portland. It is only \$25 and I assure you that many people out there will buy a \$25 flag in memory of or whatever you want to do it for. A flagpole -- there are many flagpoles that can carry three flags. It is a beautiful sight to drive through the State of Massachusetts and see those flags flying.

I watched a ship being launched in Bath a couple of weeks ago and I saw a woman with a sweatshirt on that said POW-MIA and she was proud to wear that. There is nothing wrong with putting up a flag. All this says is that you "may" put it up and that is each town's right.

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

Representative CLARK: Mr. Speaker, I would like to pose a question through the Chair.

Is there anything in the current legislation or in the current statutes that prohibits towns from displaying these flags now?

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

The Chair recognizes the Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I believe nothing stops them

from doing it now. As a matter of fact, I think there are some towns that probably are doing it.

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

Representative PARADIS: Mr. Speaker and Members of the House: I would encourage passage of this bill today. It is a small item, a small token of our concern for those men who are still missing and who are unaccounted for.

I have heard a great deal here today about the Vietnam veterans and no mention has been made of the veterans who are still missing from Korea and, although the numbers are around 2,000 or slightly over 2,000 from the Vietnam War, I believe that we have over 5,000 that are still unaccounted for from Korea. This always results from those type of combats where you have no license and you have no relationship to go back in and claim your missing.

As we have found out here very recently, no attempt has been made with the North Korean government to reclaim those people that were missing and many of them are known, we know where they were interred, and I look forward to the day when we can go back into North Korea and bring those people out.

I think this is a small token of that when we fly our flags from our poles and our masts, it will serve to remind us that we have an obligation that is yet to be fulfilled. I would urge passage of this today.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I want to clarify about whether you can or must fly a flag and under what circumstances. I searched through the statutes and I found that there is no law that requires a town to fly an American flag or state flag nor would this require flying the POW-MIA flag. There is a law that requires the American flag and the state flag to be flown over schools. There is a law also that requires the American flag to be flown at polling places. Other than that, a town or any entity within a town, may fly whatever flag it chooses at any time, and this bill in that sense does not do anything. What it does do is appropriate the money, assuming it gets through the appropriations process, to purchase a series of POW-MIA flags that could be used by towns.

The reason I am standing to speak a second time, I think it is very important not to confuse the issue of the POW-MIA with the issue of support for the Vietnam vet's, generally. I am thinking of the good Representative from Lisbon who seems to feel that it is important to pass this bill as a way of showing support for veterans in general. If this were a bill to have a monument in each town in memory of the Vietnam vet's, I probably would be among the first to stand in support of that. This is not the issue that is before this body. The issue here is simply at what point do we say, regarding those who are missing in action and there are over 1,000 that are still listed as missing in action, most of those are individuals, I am told, that were shot down over the water, it is highly unlikely that those individuals are alive. Thus to say that they are unaccounted for is to stretch a bit the logical inference of their being no longer available. It is logical to say that these individuals are deceased and should be added, in fact, to that very moving Veterans Memorial in Washington D.C., which I have also seen virtually every time I have been in Washington, and been moved greatly by it.

I think it is important that we remember Vietnam vet's but I think it is a different issue to say that we should be maintaining unnecessary hope that there

are still people missing in action who can be recovered because I think, at some point, you have to say it makes sense to add these names to the list of those who have died in the war and get on with life. That doesn't mean you forget about the war, it doesn't mean you forget about those who have died, it means clarifying the issue and going on with things based on that.

I believe we must always remember the Vietnam experience and we must be true to those people who have lived it and who died in it or who were wounded in it and the best way to do that is not by raising flags that say lest we forget the POW-MIA, the best way to do that is to be raising memorials and to living our lives in such a way that we are, in fact, living testament to what they died for.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Most of you know me as the wild-eyed, big mouth, fisherman from St. George. The wild-eyed, big mouth fisherman also has a degree in psychology.

I have been rather concerned about some of the things I have heard in respect to the healing of the emotional scars. Anyone with an elementary knowledge of clinical psychology is well aware of the fact that emotional hurts and emotional scars don't get healed until the situation revolving around them is completed, until you complete the full circle from beginning to end, the most you can do with your problem is bury it under the rug. It is unresolvable, you can't effectively, emotionally deal with the problem that is reality and has yet to be resolved. All you can do perhaps is mask some treatments with some drug therapy or grit your teeth and try to live through it.

To me, this flag, while perhaps it will mean something to some veterans, to me it's not to the veterans, it is to the mothers and fathers and husbands and wives and children of those names who are listed as missing-in-action. What it does to those people is say that, while this state didn't have to do anything, we care, we care for your loss, we care for your hurt, we care for your needs. We may not be able to do much, we can't involve ourselves in international negotiations but we can tell everybody that we care, we care about our men that are missing in Vietnam and those that are missing from Korea and those that are missing from every war this country has ever been in.

Whether this law itself is necessary or not does not seem to me to be particularly important. What is important is that we actively show those people who have suffered the loss and who are living with the loss that we really care and really want to support and help in any way that we can. This may be a very little thing, it may not amount to much but it is certainly better than doing nothing.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I will be very brief. I think a lot has been said that is not going to change very many minds. I stand here before you today, not only as a cosponsor of this bill, but also as a Vietnam veteran. I think it would be a good gesture today if this legislature were to pass this bill. When the lights go up today, I hope it is in unanimous support to give some recognition to the people that fought for this country.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the

expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of Representative Anthony of South Portland that L.D. 1476 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 95

YEA - Allen, Anthony, Baker, Gurney, Handy, Hanley, Lacroix, Marsano, Nadeau, G. R.; Reeves, Taylor, Wentworth, Whitcomb.

NAY - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Harper, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Hussey, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pines, Pouliot, Priest, Racine, Rand, Reed, Rice, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Salisbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Weymouth, Willey, Zirkilton, The Speaker.

ABSENT - Hale, Hillock, Holt, Kimball, McPherson, Nutting, Perry, Richard, Strout, D.; Tardy.

Yes, 13; No, 126; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

13 having voted in the affirmative and 126 in the negative with 10 being absent and 2 vacant, the motion to indefinitely postpone did not prevail.

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

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

Divided Report  
TABLED AND ASSIGNED

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Provide for Election of the Public Advocate" (H.P. 524) (L.D. 708)

Signed:

Senators: GOULD of Waldo  
BALDACCI of Penobscot  
Representatives: BOUTILIER of Lewiston  
HUSSEY of Milo  
STROUT of Windham  
LOOK of Jonesboro  
BICKFORD of Jay

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

Signed:

Senator: TUTTLE of York

Representatives: CARROLL of Gray  
ANTHONY of South Portland  
ROTONDI of Athens  
LACROIX of Oakland

Representative WENTWORTH of Wells - of the House - abstained

Reports were read.

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

On motion of the same Representative, tabled pending his motion that the House accept the Minority "Ought to Pass" Report and specially assigned for Wednesday, June 3, 1987.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Broaden the Duties of the Commission on Governmental Ethics, Election Practices and Legislative Matters to include Legislative Bill Review to Review Bills Proposed to the Second Regular Session of the Legislature" (H.P. 953) (L.D. 1282)

Signed:

Senators: BALDACCI of Penobscot  
GOULD of Waldo  
Representatives: CARROLL of Gray  
BOUTILIER of Lewiston  
ANTHONY of South Portland  
BICKFORD of Jay  
HUSSEY of Milo  
STROUT of Windham  
LOOK of Jonesboro  
LACROIX of Oakland  
ROTONDI of Athens

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

Signed:

Senator: TUTTLE of York  
Representative WENTWORTH of Wells - of the House - Abstained.

Reports were read.

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

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you will not vote for the Majority "Ought Not to Pass" and I further ask for a roll call.

The intent of this bill is to allow any member of either House to propose a bill in the Second Legislative Session on the merits of the bill. What it does, it allows you to put in a bill, have a number on it, not a name, so you would not influence the committee that will be overlooking the bill. It gives the freshmen Republicans, the freshmen Democrats, the chairman of the committee, the Speaker, the President of the Senate, the same leverage on whether their bill should be appearing before the Second Legislative Session. It would be on the merits of the bill, not on any clout, not on any name, it would be whether it is good for the State of Maine, not any other question. That is my reason for putting in this bill.

I often hear the press every second legislative session criticizing us, telling us that we are dealing with bills that a far, far cry from being an emergency measure. Some of these bills that we have to deal with are ridiculous. I felt that this would be a good idea. There is a fiscal note of maybe \$1,400 to allow the Governmental Ethics Committee to

deal with these L.D.'s in the Second Legislative Session.

I certainly hope that you will support me and vote against the pending motion before the House.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Carroll of Gray that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 96

YEA - Aliberti, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Boutilier, Bragg, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Davis, Dellert, Dexter, Dore, Duffy, Dutremble, L.; Erwin, P.; Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hichborn, Hickey, Higgins, Hoglund, Hussey, Ingraham, Jacques, Jalbert, Joseph, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Matthews, K.; McGowan, 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.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Reeves, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammaro, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Bott, Brown, Diamond, Farnum, Hepburn, Holloway, Jackson, Lebowitz, Macomber, Martin, H.; Mayo, McHenry, Rice, Simpson, Smith, Webster, M..

ABSENT - Allen, Hillock, Holt, Ketover, Kimball, McPherson, Richard, Strout, D.; Tardy, The Speaker.

Yes, 123; No, 16; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

123 having voted in the affirmative and 16 in the negative with 10 being absent and 2 vacant, the motion to accept the Majority "Ought Not to Pass" Report did prevail. Sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1160) (L.D. 1586) Bill "An Act to Amend the Insurance Code Regarding Rates and Rating Organizations" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-226)

(H.P. 1161) (L.D. 1587) Bill "An Act Relating to Refusal to Appear and Taxable Wages under the Employment Security Law" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-227)

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

BILL HELD

RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742)

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-65) as amended by House Amendment "A" (H-180) and Senate Amendment "A" (S-118) thereto in non-concurrence.

- In House, House Receded and Concurred.

HELD at the Request of Representative CARROLL of Gray. On motion of Representative Carroll of Gray, the House reconsidered its action whereby the House voted to recede and concur.

On further motion of the same Representative, the House voted to recede.

Senate Amendment "A" (S-118) was read by the Clerk and adopted.

On motion of Representative Carroll of Gray, House Amendment "A" (H-180) was indefinitely postponed.

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

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

ORDERS

On motion of Representative CASHMAN of Old Town, the following Joint Order: (H.P. 1268)

Ordered, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House relating to tax exemptions.

Was read and passed and sent up for concurrence.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Joint Order Relative to Recalling Bill "An Act to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River" (S.P. 38) (L.D. 26) from the Legislative Files to the Senate (S.P. 504) have had the same under consideration and ask leave to report: that the House recede from Failing of Passage and Pass the Joint Order in concurrence; that L.D. 26 be recalled from the Legislative Files and the sponsor of the Bill be granted "Leave to Withdraw"; that the Senate Recede and Concur with the House.

(Signed) Representative MICHAUD of East Millinocket, Representative COLES of Harpswell, and Representative DEXTER of Kingfield.

Senator USHER of Cumberland, Senator CLARK of Cumberland, and Senator BLACK of Cumberland.

Was read.

On motion of Representative Michaud of East Millinocket, the House voted to accept the Committee of Conference Report.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative BRAGG from the Committee on Agriculture on Bill "An Act to Lower Milk Prices by Regulating Maximum Retail Milk Pricing Margins" (H.P. 1184) (L.D. 1614) reporting "Leave to Withdraw"

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

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

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Require an Independent Determination of the Fitness of an Applicant to Provide Long-term Care Services" (S.P. 148) (L.D. 402)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Permit the Maine Health Care Finance Commission to Consider the Special Needs and Circumstances of Hospitals which Serve Special Population Groups and to Permit Establishment of Community Pools for Free Care" (S.P. 312) (L.D. 914)

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 State and Local Government on Bill "An Act to Amend the Laws Relating to Community Living Arrangements" (S.P. 153) (L.D. 450) reporting "Ought to Pass" in New Draft (S.P. 580) (L.D. 1723)

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 read once.

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

Ought to Pass in New Draft/New Title

Report of the Committee on State and Local Government on Bill "An Act to Establish the State Bureau of Identification as an Independent Bureau within the Department of Public Safety" (S.P. 68) (L.D. 135) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize the State Bureau of Identification to Charge Nongovernmental Agencies for Services and to Provide for the Computerization of Records" (S.P. 579) (L.D. 1722).

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

Report was read.

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

Representative MACOMBER: Mr. Speaker, I would like to pose a question to the Chairman of the State and Local Government Committee if I might. Is there a start-up cost to this, and if there is, where is the funding coming from?

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

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: There are no start-up funds to get this program into operation. The Commissioner of Public Safety and the Bureau Director, as it is now set up, this will allow them to start into their

computerization program and the furthering of the fees that is not already in their budget or costs for that will be picked up from the fees they charge.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen: The reason I posed this question, this is a bill that was before the Transportation Committee and I am sure the gentleman from Gray is aware of that. The Transportation Committee would not go along with funding of the start-up costs, which were close to half of a million dollars.

I am curious as to just how you can provide this information and charge fees for a computer system that you don't have at the present time?

The SPEAKER: The Representative from South Portland, Representative Macomber, has posed another question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: To my good friend from South Portland, it was explained to us after having this bill in front of our committee for a long time that everything was ready to go, that they do have some computerization ongoing, they have some computerization that is already in place. To further that process, they will be charging fees to all those nongovernmental agencies that use that service now to enhance their computerization and to further develop it.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Chair if I may?

Is the amendment germane to the bill?

Subsequently, the matter was tabled pending a ruling by the Chair.

CONSENT CALENDAR

First Day

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

(S.P. 530) (L.D. 1582) Bill "An Act to Clarify the Powers of Arrest of a Probation and Parole Officer" Committee on Legal Affairs reporting "Ought to Pass"

(S.P. 169) (L.D. 473) Bill "An Act Making Changes to the Dietitian Registration Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-112)

(S.P. 525) (L.D. 1577) Bill "An Act to Ensure that the General Public does not have Access to Licensed Games of Chance" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-113)

Under suspension of the rules, the above items were given Consent Calendar Second Day Notification, the Senate Papers were passed to be engrossed or passed to be engrossed as amended in concurrence.

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

SENATE PAPERS

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as

amended by Committee Amendment "A" (S-116) on RESOLVE, Authorizing the Sale of Certain Public Reserved Lands (S.P. 480) (L.D. 1443)

Signed:  
 Senator: LUDWIG of Aroostook  
 Representatives: MICHAUD of East Millinocket  
 JACQUES of Waterville  
 MITCHELL of Freeport  
 COLES of Harpswell  
 HOLLOWAY of Edgecomb  
 HOGLUND of Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-117) on same Bill.

Signed:  
 Senators: USHER of Cumberland  
 TUTTLE of York  
 Representatives: RIDLEY of Shapleigh  
 DEXTER of Kingfield  
 LORD of Waterboro  
 ANDERSON of Woodland

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-117)

Reports were read.

Representative Mitchell of Freeport moved that the House accept the Majority "Ought to Pass" Report and requested the yeas and nays.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Freeport, Representative Mitchell, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 97

YEA - Allen, Anderson, Anthony, Baker, Begley, Bost, Bott, Boutilier, Carroll, Carter, Cashman, Clark, M.; Coles, Conley, Cote, Crowley, Curran, Davis, Dellert, Diamond, Dore, Duffy, Erwin, P.; Farren, Foster, Garland, Gurney, Gwadosky, Hale, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, Hogle, Holloway, Hussey, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Perry, Pines, Priest, Rand, Rice, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Small, Soucy, Stanley, Stevens, P.; Strout, B.; Swazey, Tammaro, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Warren, Weymouth, Zirnkilton, The Speaker.

NAY - Aliberti, Armstrong, Bailey, Bickford, Bragg, Brown, Callahan, Clark, H.; Dexter, Dutremble, L.; Farnum, Foss, Gould, R. A.; Greenlaw, Hanley, Lebowitz, Moholland, O'Gara, Parent, Paul, Pouliot, Racine, Reed, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Smith, Stevens, A.; Stevenson, Walker, Webster, M.; Wentworth, Whitcomb, Willey.

ABSENT - Chonko, Hillock, Holt, Kimball, McGowan, McPherson, Mills, Nadeau, G. G.; Reeves, Richard, Strout, D.; Tardy.

Yes, 101; No, 36; Absent, 12; Vacant, 2; Paired, 0; Excused, 0.

101 having voted in the affirmative and 36 in the negative with 12 being absent and 2 vacant, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (S-116) was read and adopted.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed as amended in non-concurrence 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:

(H.P. 1044) (L.D. 1407) Bill "An Act to Make the Director of Safety a Major Policy-influencing Position" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-229)

(H.P. 484) (L.D. 651) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-230)

(H.P. 384) (L.D. 506) Bill "An Act to Clarify the Home Rule Authority of Municipalities" (Emergency) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-231)

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

The following items appearing on Supplement No 13 were taken up out of order by unanimous consent:

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on Fisheries and Wildlife on Bill "An Act to Revise and Update Certain Fish and Wildlife Laws" (S.P. 508) (L.D. 1532) reporting "Ought to Pass" in New Draft (S.P. 581) (L.D. 1724)

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 read once.

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

SECOND READER

Later Today Assigned

Bill "An Act to Fight Illegal Drug Use" (H.P. 1052) (L.D. 1415)

Was 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 later today assigned.

PASSED TO BE ENGROSSED

Bill "An Act to Change the Name of the Bureau of Civil Emergency Preparedness to the Maine Emergency Management Agency" (H.P. 1194) (L.D. 1626)

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Prohibit Candidates from Receiving, Witnessing or Accepting Absentee Ballots" (H.P. 1254) (L.D. 1712) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended.

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

The Chair laid before the House the following matter: Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour" (H.P. 547) (L.D. 734) (C. "A" H-212) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Smith of Island Falls, the House reconsidered its action whereby Committee Amendment "A" (H-212) was adopted.

The same Representative offered House Amendment "A" (H-232) to Committee Amendment "A" (H-212) and moved its adoption.

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

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a lot about raising the speed limit to 65 and what would it mean? Are we going to be going 75, 85, or 95? Just what are we going to be doing? Well, I would suggest to you probably those that do not have radar detectors might be going 75, but those with them, will probably be going 85 or 95. I believe they are for one purpose only and that is to go beyond the speed limit that is allowed.

We argued about the fine that we are going to impose -- whether it should be \$25 or \$50 and we are going to get a little tougher and we are going to make that \$50. So, I would say to you that, if we are really serious and concerned about the speed that is going to take place on 95, then we should adopt this amendment and prove to the public that we are lawmakers, not lawbreakers.

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

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: Whereas this amendment deals with an electronic device and the bill deals with the raising of the speed limit, I would pose a question, Mr. Speaker. Is this amendment germane to the bill?

The SPEAKER: Before the Chair responds, the Chair would inquire if the Representative is aware whether a speedometer is an electronic device?

The matter will be tabled pending a ruling by the Chair.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Ensure the Availability of Group Accident and Sickness and Health Insurance to Retired Teachers" (S.P. 570) (L.D. 1703) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Hickey of Augusta offered House Amendment "A" (H-233) and moved its adoption.

House Amendment "A" was read by the Clerk.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment clarifies the original intent of the bill, which was to ensure that retired teachers have access to group accident and health insurance. The rate for retired teachers would be comparable to the active teachers.

Subsequently, House Amendment "A" (H-233) was adopted.

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

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this bill and all its accompanying papers.

L.D. 1703 is a bill which had no public hearing, had a hurried work session yesterday at 8:30 in the morning, which many of us were unable to attend. This bill is mandating to all local participating districts that they offer a plan of group accident and health insurance to any retired teacher who had formerly held membership in a group plan.

According to my understanding from conversations with Jo Gill and Phil Gingrow and others, I am convinced that there definitely will be a substantial increase in the cost for the group rates for both active teachers and for local participating districts.

I urge indefinite postponement of this bill. I ask for a roll call.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill just adds to the bill that was passed yesterday in the other body. It makes an opportunity for each group of teachers to be in an insurance program. The Maine Teachers Association and the Maine School Management both have these programs. There is no way that the communities have to be involved in it. I had a long talk with Mr. Gingrow on it too.

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

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: There is a substantial cost that you will be passing back to your local school district and however you want to vote on the bill, I think it is important that you know that right up front.

Basically, group insurance as you know, is based on the average age of the group. If your school district offers (as I believe almost all school districts do) group medical insurance as a paid fringe benefit to the teachers, group rates are based on the average age of the active group and the health claims and so on and so forth. Facts have proven everywhere that, obviously, if you have an older age group and you put them in with the younger age group, the rates are going to go up for everybody. The school districts pay the cost of the insurance. At least in my school district, the school district pays the cost of the teachers medical insurance. I think if the teacher wants to have his or her dependents covered, they pay their own, but as far as the teacher goes, the district pays it. Suddenly that



teacher who is in the group — of course if you put the retired people in that same group, the average age goes up, the price is going to go up. Then you are going to get more letters from the school superintendents saying, "Hey wait a minute, we just got notified from MTA, or Blue Cross and Blue Shield, or someone, that our group rates have risen substantially because now we have to absorb this group."

I hate to differ with my good friend from Augusta, but in talking with everybody I know of and I am not involved with group insurance, but everybody that I know of says that the minute that you mandate that the group has to include the retirees, up goes the price for everyone. The retirees, of course, would have to pay their own insurance like they do now, except for the bill that we passed yesterday that I debated saying that the state was going to pick up ten percent of the retirees' costs too. So the retiree would pay 90 percent.

With this bill today, we are talking about costs that are paid for by the school district. You put the retirees in that group, the average age of the group instead of being 27 is now 42 or whatever it is, and up goes the price of the thing. I think that is a fact of life. I think that if you vote for this bill, you are mandating an increase in the local districts. If anyone knows something contrary to that, I would be happy to listen, but based on that information, that is why I would urge that you support the pending motion to indefinitely postpone this bill.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This is just a question of fairness to the retired teachers. Each and every state employee upon retirement does have his or her medical insurance paid for. I think to be fair, we should include the teachers. This is something that should have been done years ago. I would urge that you not vote to indefinitely postpone.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I received letters and telephone calls from an awfully lot of teachers and, in no instance, have any of them cited that their community paid for their insurance. It has always been their cost according to them. Another thing I differ with my good friend, Representative Armstrong, on is the large percentage of these people are already in the Maine Teachers or the Maine School Management, these retirees are already in there. It is hard to see how the rate could escalate just because we are giving the ten percent.

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

Representative ARMSTRONG: Mr. Speaker, Men and Women of the House: I am not sure that Representative Hickey understood what I was saying. I was saying that the district pays the cost now for the active teachers. You put the retirees in that group and the price is going to go up for everyone. Sure, the retirees are still going to pay their own, less the ten percent on the bill we enacted yesterday, but the taxpayers, the local districts, are going to have to pay more to cover the active teachers. I think this is a clear case, if we are going to mandate that they do this, which is fine, there should be state monies included to reimburse the districts for the added cost of this group insurance. If we are going to mandate this additional cost back onto the local districts, let's

be bold enough and figure out what the costs are and come up with a state appropriation to reimburse the districts for the additional money that they are going to have to pay.

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

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I have been silent since my amendment was indefinitely postponed. I am still opposed to this bill because I think it is setting up a discriminatory system. I kind of get a little irritated when people say it is for retired teachers. I wish they would say it is for some retired teachers because I will just remind you, there are potentially three thousand teachers in a participating district that will not be eligible under this plan. I am hopeful that the other body may return the bill back and maybe I can take further action.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Lincoln, Representative Harper, that L.D. 1703 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 98

YEA - Anderson, Armstrong, Bailey, Begley, Bickford, Bragg, Brown, Curran, Davis, Dellert, Dexter, Farren, Foss, Foster, Garland, Harper, Hepburn, Higgins, Holloway, Ingraham, Lawrence, Lebowitz, Look, MacBride, Marsano, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Pines, Reed, Ridley, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Soucy, Stevens, A.; Tamaro, Taylor, Tupper, Wentworth, Whitcomb, Willey, Zirkilnton.

NAY - Aliberti, Allen, Anthony, Baker, Bost, Bott, Boutilier, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Hussey, Jackson, Jacques, Jalbert, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Lord, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Rice, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Smith, Stanley, Stevens, P.; Stevenson, Strout, B.; Swazey, Telow, Thistle, Tracy, Vose, Walker, Warren, Webster, M.; Weymouth, The Speaker.

ABSENT - Hanley, Hillock, Holt, Joseph, Kimball, McPherson, Mills, Mitchell, Richard, Strout, D.; Tardy.

Yes, 47; No, 91; Absent, 11; Vacant, 2; Paired, 0; Excused, 0.

47 having voted in the affirmative and 91 in the negative with 11 being absent and 2 vacant, the motion did not prevail.

Subsequently, the bill was passed to be engrossed as amended by House Amendment "A" (H-233) in non-concurrence and sent up for concurrence.

On motion of Representative Boutilier of Lewiston,  
Adjourned until Wednesday, June 3, 1987, at nine  
o'clock in the morning.

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

In Senate Chamber  
Tuesday  
June 2, 1987

Senate called to Order by the President.

Prayer by Father John Fortin, O.S.B. of the St. Anselm College in Manchester, New Hampshire.

FATHER FORTIN: In the name of the all holy God. Heavenly Father, guide the course of all creation, leading all that You have made to completion and perfection. You have bestowed upon us, Your servants, the powers of intellect and will, of mind and heart, that we might know Your wise design and love You for Your goodness. That we might discern Your purpose and the way of truth and peace. Guide the deliberations of this assembly with firm purpose and strong resolve. May they fashion laws in conformity with Your higher law. May they strive to bring justice and peace to all. May they hear the cry of the poor. May they honor and respect all human life and give to all people their due rights. May they, themselves, in serving the people of this State and in fulfilling their roles of office, be rewarded with even deeper understanding of Your ways, which are ever true, good, beautiful and holy. Where ever they may be and what ever they may be doing, their minds and hearts will look to You, the Lord and Protector of all. We make this prayer in Your name, oh Lord, our saving God. Amen.

Reading of the Journal of Yesterday.

SENATE PAPERS

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 576 L.D. 1717

Presented by Senator BRANNIGAN of Cumberland

Cosponsored by: Representative PARADIS of Augusta  
Which was referred to the Committee on JUDICIARY  
and ORDERED PRINTED.

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

COMMITTEE REPORTS

House

Ought Not to Pass

The following Ought Not to Pass Report shall be  
placed in the Legislative Files without further  
action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Extend and Strengthen the State's  
Mandatory Shoreland Zoning Laws"

H.P. 1187 L.D. 1617

Leave to Withdraw

The following Leave to Withdraw Reports shall be  
placed in the Legislative Files without further  
action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Amend the Certificate of Need  
Process with Respect to Nursing Homes to Increase the  
Threshold for Review with Respect to Capital  
Expenditures and to Provide an Inflation Adjustment  
to the Maximum Expenditure Authorized"

H.P. 165 L.D. 206

Bill "An Act to Protect Consumers who Join Health  
Spas"