

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
 85th Legislative Day
 Wednesday, June 10, 1987

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

Prayer by Father Raymond Melville, St. Mary's Catholic Church, Augusta.

The Journal of Tuesday, June 9, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS
Divided Report

Majority Report of the Committee on Banking and Insurance on Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists" (S.P. 252) (L.D. 703) reporting "Ought to Pass" in New Draft (S.P. 608) (L.D. 1798)

Signed:

Senators: THERIAULT of Aroostook
 COLLINS of Aroostook
 Representatives: RYDELL of Brunswick
 CURRAN of Westbrook
 SIMPSON of Casco
 WEBSTER of Cape Elizabeth
 BOTT of Orono
 GARLAND of Bangor
 TARDY of Palmyra

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S.P. 609) (L.D. 1799) on same Bill.

Signed:

Senator: BUSTIN of Kennebec
 Representatives: ERWIN of Rumford
 CLARK of Millinocket
 TRACY of Rome

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft (S.P. 608) (L.D. 1798) passed to be engrossed.

Reports were read.

On motion of Representative Rydell of Brunswick, tabled pending acceptance of either report and later today assigned.

Divided Report

Majority Report of the Joint Select Committee on Corrections on Bill "An Act to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities" (Emergency) (S.P. 488) (L.D. 1470) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 610) (L.D. 1800)

Signed:

Senators: BUSTIN of Kennebec
 MATTHEWS of Kennebec
 GILL of Cumberland
 Representatives: BAKER of Portland
 STROUT of Windham
 MAYO of Thomaston
 MANNING of Portland
 TAYLOR of Camden
 ANTHONY of South Portland
 MELENDY of Rockland
 THISTLE of Dover-Foxcroft
 KIMBALL of Buxton

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

Signed:

Representative: GREENLAW of Standish

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

Representative Baker of Portland moved that the House accept the Majority "Ought to Pass" Report.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I did not vote out a 12 to 1 Report on a corrections bill without giving it a lot of thought. I voted the 12 to 1 Report out because I read the preamble of the bill. The preamble of the bill says we have an emergency and this is an emergency bill. Yet, in the text of the New Draft it says we do not have an emergency, that this committee wants the Department of Corrections to report back at a later date on where the site for the prison would be. What the committee is requesting in the New Draft is after test borings, after money has been spent, after hearings have been held, they will come back to this committee and ask, do you approve of this location? This could drag this bill and the construction of a new prison out for an indefinite length of time, years.

In the bill, it is even doubtful this select committee will be here because it says, in case this joint select committee is not in service at that time, it will go to a committee that controls corrections.

Ladies and gentlemen, I believe it is an emergency in Thomaston because I have been there. If you have ever seen movies of a prison riot, of people having rods run through them, or fires and burning, we are playing with a very dangerous situation.

The only reason that the situation at Thomaston is under control today is because we have a fine warden at Thomaston who has an information service set up so he is getting the heartbeat of what the people in the cells are thinking. When they found out (like a month ago) when the fires were set so that a man could commit suicide, he had a pretty good heartbeat on this but cannot keep it all under control. When he loses control and the system breaks down due to not having a prison on line, we are going to have a real problem.

I was hoping that sections of this bill could be ruled not germane but apparently I have lost that argument.

In this bill, we have what I consider major policy changes on fees for tax and tax for fees that should be before other committees and should not even be in this bill. I realize that with a 12 to 1 report, I am probably not going to win. I will be voting for the Minority Report and would like to have some support.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I am a signer of the Majority "Ought to Pass" Report. That, believe me ladies and gentlemen, was not an easy decision for me to make. This bill will place into my district, into an area where my mother grew up, into an area where my son goes to day care, a prison facility that will have the 100 worst criminals within the state correctional facility. The options that we had before us in the committee led me to that decision. I voted to put the prison in my district in South Warren.

Representative Greenlaw has referred to the fact that this bill requires the Department of Corrections to make a site plan recommendation to the Joint Standing Committee that has jurisdiction over corrections. If the Joint Select Committee does not

exist, then the Joint Standing Committee on Human Resources would make the decision. The decision to where the prison belongs within South Warren is not an easy one and the department is looking into that process. They were comfortable with the language that said they could come back and make a recommendation to the committee and we would approve it at that time. I would ask this House to remember the individuals who live along that river, who live and work from that river, derive their livelihood, it is not an easy decision to make and one that should be made upon careful evaluation of the alternatives.

This will not slow down the process whatsoever. I made several inquiries of the commissioner along the process in voting out this legislation whether we were slowing him down or hampering him in getting this project underway. The answer was no.

The allocation of these funds can be made now, they will go to site plan review, they will go to engineering and architectural design and that is a long process.

While that process is ongoing, they can come to the Joint Select Committee and we will make our final recommendation as to the site and will not slow down the ultimate completion and occupation of that facility one day, not one day.

As to the kind words the Representative from Standish said about my constituent, the warden, Warden Magnuson, I share his feelings. Warden Martin Magnuson and Commissioner Don Allen have brought to the State of Maine great service and they have prevented, clearly prevented, many major problems that could have occurred at the maximum security prison in Thomaston. Those are not the questions before us today.

The questions before us today are, are we going to allocate these funds and build this prison in a prudent manner that both protects all the citizens of the State of Maine but specifically the citizens of the State of Maine who live in South Warren, Maine where we are putting this prison?

As to the sections of the bill that Representative Greenlaw didn't feel were germane, I submit to you, they are very germane. The town of Thomaston has suffered for many years for the prison facility that doesn't even comply with local zoning ordinances. When it rains in Thomaston, ladies and gentlemen of this House, the rain water from the prison roof flows into our sewer system and the sewer plant operator has to open up the sewer gates and let the raw sewage run into the river. My constituents and Representative Scarpino's constituents who live down the river, who earn their living digging clams in that river and from other activities along that river, are put out of work. I think we need to take steps to make sure that this facility is constructed and constructed properly and that it meets all appropriate standards and protects everybody involved.

As for the fee for service for counties that is involved in this legislation, I submit to you that the small county of Knox should not be responsible for the cost involved in transportation of prisoners once they commit an additional crime within the prison facility. Just because the prison is located in Thomaston, it doesn't seem to me to be fair that the taxpayers in Knox County should pay for the transportation and security costs of inmate-committed crimes. I think it is a state function and should be borne by the state and the majority of the committee agreed with me. I don't believe those are far-reaching philosophical changes, those are necessary changes, especially when you consider that, potentially, the County of Knox is going to house 1200 inmates down the road, 1200 inmates who have

already committed one crime and probably will commit another while they are incarcerated. Why should the taxpayers of the county of Knox bear that burden?

I would urge this House to adopt the pending motion. Mr. Speaker, I would request the yeas and nays when the vote is taken.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I simply would ask you to look at the Report, it is a 12 to 1 Report. It has come about with a lot of looking at it and a lot of study. I would simply urge you to take that as a conclusion that we worked out what we thought was the best arrangement for both the Department of Corrections as well as the town.

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 Baker of Portland that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 125

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Diamond, Dore, Duffy, Dutremble, L. Erwin, P.; Farnum, Foss, Foster, Garland, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoglund, Holloway, Holt, Hussey, Ingraham, Jackson, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lacroix, Lawrence, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K. Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Rand, Reed, Reeves, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Scarpino, Seavey, Sheltra, Simpson, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

NAY - Davis, Dellert, Dexter, Farren, Greenlaw, Lapointe, Lebowitz, Norton, Paradis, E.; Salsbury, Sherburne, Stevenson.

ABSENT - Brown, Cashman, Jacques, Murphy, T., Priest, Racine, Rydell, Small, Weymouth, The Speaker.

Yes, 127; No, 12; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

127 having voted in the affirmative and 12 in the negative with 10 being absent and 2 vacant, the Majority "Ought to Pass" Report was accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed in concurrence.

Non-Concurrent Matter

Bill "An Act to Provide Discretion to the State Liquor Commission to Establish Temporary Agency Liquor Stores in Response to Natural Disasters"

(Emergency) (H.P. 1311) (L.D. 1789) which was referred to the Committee on Legal Affairs in the House on June 9, 1987.

Came from the Senate passed to be engrossed under suspension of the rules and without reference to a Committee in non-concurrence.

Representative Smith of Island Falls moved that the House adhere.

Representative Gwadosky of Fairfield moved that the House recede and concur.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: First, I would ask for a roll call.

My heart goes out to those who have lost life, homes, and personal property in a disaster. But I have a real problem of creating any sympathy for the loss of a liquor store, I really do.

I hope you have looked at the bill that is an emergency measure. I can't really believe the bill is here, look at the words in the emergency measure, "Necessary for the preservation of the public peace." I think we will have public disturbance -- and for the health -- whose health? I am wondering how many are damaged by it. Safety, another criteria -- OUI on the highways.

Who determines that sufficient need exists? What is sufficient need?

The commissioner is going to invite all those interested in having a liquor store in the community to apply so that doesn't mean the person who had the liquor store and was washed out is going to come back in and have it. There is nothing definite about that. They are going to do away with the radius or ten mile limit, they can put it anywhere in the area and it is good for 120 days. Well, it seems to me if anybody needed liquor, they could pick it up somewhere for the period of 120 days.

I just can't believe that we need this bill. As far as the need, I guess when we hear the people singing, "How Dry I Am" -- is that when we put the liquor store in?

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

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill was brought about by the Liquor Commission. The reason for it is the liquor store in Gardiner was flooded out and severely damaged and it cannot be used again. What the commission would like us to do in the event of a natural disaster, could be a flood, hurricane, or other forces of nature, to enact this bill to enable them to have an agency store for a period of 120 days or less. In the event that they find a place within 120 days, then the new store will open. This is just to tide them over through the tourist season.

People are complaining that a city of the size of Gardiner, not having a place to buy liquor, should not have to drive all the way into Augusta. For this reason, the bill is before you at this time. I hope you support 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 Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The reason that this bill is before us is because of the flood in Gardiner and the liquor store was washed out. It was a state liquor store at the time and after the 120 days or whenever the director can find another spot, it will continue to be a state liquor store. It will not be an agency store.

He just asked for permission to put in a temporary agency store because the state has been providing a service in that city and they would like to continue to provide that service. The people in Gardiner feel as though they deserve it. They said they had to drive clear to Augusta for their alcoholic beverages. I feel that in a case of emergency where we have been providing services to that city, I think that we should continue to do that and I don't think this bill is unreasonable at all. I think it is a good measure and I would hope that you would support the motion to adhere.

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

Representative STROUT: Mr. Speaker, I would pose a question through the Chair to anyone on the Committee.

Does this bill relate just to Gardiner or would it relate to a situation statewide?

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

The Chair recognizes the Representative from Mexico, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill would apply to any natural disaster, as I said earlier. It could be a flood, it could be a huge fire, it could be a hurricane, you name it.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: As has been pointed out, this bill doesn't just apply to one place, there are others. The important part of it is, I think this is a bill of quite a substantial matter. I think it should have had a hearing. That is all I am asking, let's have a hearing on this bill.

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 126

YEA - Allen, Bott, Boutilier, Brown, Carroll, Conley, Crowley, Dellert, Diamond, Erwin, P.; Gurney, Gwadosky, Hale, Harper, Hickey, Hogleund, Holt, Ingraham, Jacques, Jalbert, Kilkelly, Lacroix, Manning, Martin, H.; Mayo, McGowan, McSweeney, Melendy, Mills, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Reeves, Rolde, Rotondi, Sheltra, Simpson, Soucy, Strout, B.; Swazey, Tammaro, Thistle, Tracy, Tupper, Vose, Walker, Webster, M..

NAY - Aliberti, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bragg, Callahan, Carter, Chonko, Clark, H.; Clark, M.; Coles, Cote, Curran, Davis, Dexter, Dore, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Handy, Hanley, Hepburn, Hichborn, Higgins, Hillock, Holloway, Hussey, Jackson, Joseph, Ketover, Kimball, Lapointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Marsano, Matthews, K.; McHenry, McPherson, Michaud, Mitchell, Moholland, Norton, Nutting, Paradis, E.; Parent, Pines, Pouliot, Rand,

Reed, Rice, Richard, Ridley, Ruhlin, Rydell, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Tardy, Taylor, Telow, Warren, Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Cashman, Murphy, T.; Priest, Racine, Weymouth, The Speaker.

Yes, 53; No, 90; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

53 having voted in the affirmative and 90 in the negative with 6 being absent and 2 vacant, the motion to recede and concur did not prevail.

Subsequently, the House voted to adhere. Sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Daryl Parker Wells, of North Whitefield, beloved firefighter of the Augusta Fire Department, Captain of the North Whitefield Volunteer Fire Department, deputy sheriff, popular supermarket manager, an exceptional community volunteer and always a friend; (HLS 563) by Representative PARADIS of Augusta. (Cosponsors: Senator BUSTIN of Kennebec, Representative KILKELLY of Wiscasset, Senator DOW of Kennebec)

On motion of Representative Paradis of Augusta, was removed from the Special Sentiment Calendar.

Was read.

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

Representative PARADIS: Mr. Speaker, Members of the House: Briefly, I would just like to say that I appreciate this item being on today's calendar. In our haste yesterday, we were not able to express ourselves regarding this and I appreciate the courtesy extended to me and the cosponsors.

I bring with me also this morning the appreciation of the Augusta Fire Department for having presented this Order and recognizing one of their own.

I knew Daryl Wells very well for the last four or five years. I had worked with him closely on a number of issues. I considered him a very good friend, and many others did also.

Some firemen die fighting a blaze, they know the dangers inherent in their profession and they don't take their responsibilities lightly. But, Daryl died in a training accident. It is unfortunate, he died with his friends and co-workers and I suppose if he had had a choice and he knew that he had to die, he would have chosen to die with his fellow firefighters and would have died doing what he wanted to do best, help them record what training is all about, what the safety procedures ought to be. He put together a booklet that could better explain what the errors are in trying to respond to a major fire alarm.

I went to the funeral yesterday and I was overwhelmed by the number of his fellow firefighters from all over New England who attended. It was truly a display of fraternity and collegiality that so many people would have traveled so far to pay their respects for such an outstanding person.

Whatever he did, he did to serve the people of his area, as you can attest by his many activities. It is nice to know that here in Maine that we have people like Daryl, hundreds of them, who are dedicated to helping us out. The Augusta Fire Department is going to miss him. His family, of course, is going to miss him. I think that the

people of Maine will miss him because there is one less Daryl Wells around.

Subsequently, the Resolution was adopted and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Enhance Local Control of Community Growth and Strengthen Maine's Land Use Laws (S.P. 601) (L.D. 1764)

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. 121 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Enhance Higher Educational Opportunities (H.P. 581) (L.D. 779) (C. "A" H-259)

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. 114 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 Relating to Reimbursement of Counties for Costs Associated with Operations of the County Jails (H.P. 808) (L.D. 1082) (H. "A" H-269 to C. "A" H-239)

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 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, to Create the Commission on Sport Fisheries to Study the Possibility of Enhancing and Upgrading Fishing Opportunities in the State (S.P. 591) (L.D. 1744) (S. "B" S-143)

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

FINALLY PASSED

Emergency Measure

RESOLVE, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve the State's Adult Education Program to More Adequately Address the Problems of Illiteracy and High School Completion (H.P. 1281) (L.D. 1754)

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

PASSED TO BE ENACTED

An Act to Ensure that Salaries, Perquisites and Other Compensation of Executives of Regulated Utility Companies are Just and Reasonable and do not Unfairly Increase Utility Rates (H.P. 1282) (L.D. 1755)

An Act Concerning Wholesale Power Purchases by Consumer-owned Electric Utilities (H.P. 1283) (L.D. 1756)

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

ENACTOR

Later Today Assigned

An Act Relating to Taxation of Trucks (H.P. 1284) (L.D. 1757)

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

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

PASSED TO BE ENACTED

An Act to Establish a Program of Financial Assistance to Expedite the Removal of Underground Oil Tanks (H.P. 1287) (L.D. 1763)

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

ENACTOR

Later Today Assigned

An Act to Authorize the Construction of an East-West Highway (S.P. 231) (L.D. 625) (S. "B" S-144; C. "A" S-145)

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

On motion of Representative Hale of Sanford, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Establish a Cancer Prevention and Control Advisory Committee (S.P. 462) (L.D. 1419) (C. "A" S-146)

An Act to Assure Accessibility to Newly Constructed and Renovated Educational Facilities (S.P. 600) (L.D. 1760)

An Act to Amend Certain Motor Vehicle Laws (H.P. 150) (L.D. 191) (C. "A" H-275)

An Act Relating to the State Employee Assistance Program (H.P. 683) (L.D. 924) (C. "A" H-271)

An Act to Refund Fuel Taxes (H.P. 1006) (L.D. 1353) (H. "C" H-267 to C. "A" H-246)

An Act to Increase Penalties for Violation of Laws Relating to Vital Statistics (H.P. 1046) (L.D. 1409) (C. "A" H-276)

An Act to Protect the State's Freshwater Great Ponds and Rivers (H.P. 1285) (L.D. 1761)

An Act to Amend the Laws Relating to the Maine State Retirement System (H.P. 1291) (L.D. 1769) (H. "A" H-273)

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

FINALLY PASSED

RESOLVE, Creating a Watershed District Commission (S.P. 261) (L.D. 742) (H. "B" H-268 to C. "A" S-65)

RESOLVE, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Bangor, Fronting Main Street, for 2 Parcels of Land at the Bangor International Airport, being part of the Former Dow Air Force Base (H.P. 1293) (L.D. 1771)

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

ORDERS OF THE DAY

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:

RESOLVE, Authorizing Dorothy Gammon to Bring Civil Action Against the State and Cumberland County (H.P. 1235) (L.D. 1687)

TABLED - June 9, 1987 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

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

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

RESOLVE, to Establish the Juvenile Corrections Planning Commission (Emergency) (H.P. 1302) (L.D. 1781)

TABLED - June 9, 1987 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

Representative Anthony of South Portland offered House Amendment "A" (H-283) and moved its adoption.

House Amendment "A" (H-283) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter: Divided Report Majority Report (nine members) of the Committee on Banking and Insurance on Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists" (S.P. 252) (L.D. 703) reporting "Ought to Pass" in New Draft (S.P. 608) (L.D. 1798) and Minority Report (four members) of the same Committee reporting "Ought to Pass" in New Draft (S.P. 609) (L.D. 1799) on same Bill which was tabled earlier in the day and later today assigned pending acceptance of either report.

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

Representative RYDELL: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report in concurrence.

Mr. Speaker, Men and Women of the House: This bill is the report of the majority of the Banking and Insurance Committee, a report on a mandatory automobile insurance law. This issue has been discussed and studied for several years and I can assure you that it has been thoroughly worked and reworked this year by the Banking and Insurance Committee.

The committee had before it five mandatory auto insurance bills. We held a joint hearing on all of these bills where we heard from many people who had been victims of uninsured drivers and had sustained injuries or their family members had sustained injuries for which they were not able to receive any compensation. We heard stories of the hardships that this has imposed upon their families and upon the individuals. In some cases, their health insurance was inadequate or they did not have health insurance to cover these injuries and they have been forced to use their own private resources, they have been forced to live with unpaid bills and a debt for many years to come.

The committee worked with insurance agents, insurance companies, the Secretary of State's Office, and interested members of the public, to arrive at the proposal that you have before you, one that we feel is a fair and just proposal. That proposal includes a plan for implementing a mandatory insurance requirement for the State of Maine. We must recognize that despite any law there will continue to be people who are uninsured, so the proposal also contains provisions to collect data on bodily injuries that result from accidents that still involve uninsured drivers.

Nine members of the committee signed this Majority Report, and four members signed a Minority Report which includes just the data collection portion.

In 1986, there were 70,182 individual reports of accidents involving damage over \$300. Out of those accidents, 10,124 or 14.4 percent involved uninsured motorists. Thus, we have a significant number of accidents involving uninsured motorists. A majority of the committee felt it was important to rectify this situation, to state in our Maine law that one must have proof of insurance or financial responsibility before driving an automobile, not after one has had an accident and possibly severely injuring one or more persons, but before this would happen.

Our proposal puts into statutes that requirement, that every owner or operator shall have evidence of financial responsibility. But it does not set up any cumbersome administering or enforcing mechanism. Enforcement will be the same as it is for a driver's license. We have a law that says that everyone must have a valid driver's license. If you think about the last time you showed that driver's license except for a means of identification for cashing a check or for some other identification purpose, it probably was the last time you were stopped for a motor vehicle violation or involved in a reportable accident.

Thus, it will be the same for our insurance. If a person is stopped for a moving violation or is involved in an accident, that person will be asked to show evidence of insurance, a card that the person would have gotten from his or her insurance company. If that person cannot show this evidence, they would receive a ticket. It would be a traffic violation, however, we feel that the person ought to have an opportunity to acquire insurance. In other words, the purpose is to ensure that people have insurance, not to punish people. So if that person can show

evidence of insurance or financial responsibility, no later than twenty four hours before the time set for court appearance, than the proceeding will be dismissed. I would reiterate and stress that the purpose is to encourage people, to give them every opportunity to acquire insurance, not to punish people.

We feel that this is a safety mechanism for that person who is driving and it certainly is a safety mechanism for all of us who might be hit and injured by an uninsured driver. The person would then be given at least thirty days to comply, or perhaps even more days, depending upon when the court date was set up. This is a grace period.

However, let us suppose that the person does not show evidence within twenty four hours of the court date, then that person would be fined for a traffic violation and would be given an additional thirty days to comply with the law. If the person still does not comply, then at that time the law empowers the Secretary of State to suspend the person's right to operate. So we would be giving people two grace periods in order to secure their insurance.

We would not be requiring people to show proof of insurance at the time of registration of their vehicle. That would be both expensive to administer, a nightmare for insurance agents and a nightmare for all of us who, if we would admit it, wait until the last moment to register our car because we have forgotten when that registration date is. We don't receive any notice, it is incumbent upon us to remember and hence, if we were to remember and dash into our town office and we didn't have our insurance card, we wouldn't be able to register our car. So the committee decided that it is not workable in the State of Maine and that it would be too expensive to require proof of insurance at the time of registration.

We do feel that we could enforce this the same way we enforce our driver's license statute. It is just as important today for people to have insurance as it is for them to have a valid driver's license. This proposal will encourage most people to purchase insurance. Most people do not want to be in non-compliance with the law. They comply with the law because it is on the books. It will allow recalcitrant people an opportunity to comply with the law even after they have been stopped and discovered to be without their insurance. It strengthens our current law, it provides protection for our people who are not now protected and are being severely injured and paying dearly out of their own assets because the person who drove the car did not have insurance.

This proposal is supported by the Secretary of State, the Motor Vehicle Division which worked very, very well with the committee and helped us to draft this proposal. It is supported by one of the insurance companies, it is supported by the Independent Insurance Agents Association, which included in their latest Legislative Bulletin, a recommendation that this proposal be supported by the legislature and urged their agents to contact their local legislators.

I would just like to read to you a couple of sentences from their Legislative Bulletin: "IIAAM supports the concept that no one should be driving on our highways unless they are financially responsible. We feel that it is important to institute a system we agents can live with. The vast majority of legislators are working to get some form of mandatory, compulsory motor vehicle insurance enacted. Your association has worked with the Banking and Insurance Committee to draft a bill which

will represent the Majority Report of the committee. The IIAAM feels this draft is a positive step because it strengthens Maine's financial responsibility law. Also, many legislators reported to us that a majority of their constituents, answering their questionnaires, supported some form of mandatory automobile insurance."

We asked the insurance companies for data to support their contentions that mandatory automobile insurance would significantly raise rates in Maine. We were not given this data. In those states where it has significantly raised rates, it is not, as a majority of the committee feels, because of mandatory auto insurance, but because of the type of system that was instituted in those states. Massachusetts is one example that I can state from family experience in that your insurance agent and your insurance company do a great deal more things than just provide insurance for you, including getting your plates if you purchase a new car and you pay for those kinds of services.

The majority of the committee also recommended that data be collected on uncompensated victim's of accidents involving uninsured operators, even after this law is in effect. We need to know how many people who suffered bodily injury, as a result of an uninsured driver, would still have uncompensated costs after this law has been in effect. That is, how many people would still be in a difficult situation financially because their own uninsured driver insurance did not cover, because perhaps they were a pedestrian and not a driver of an automobile or they did not have adequate health insurance to cover these costs. So the question still to be answered would be, would we need to set up some type of fund or to work out a system to cover these uncompensated costs? But we do not need to know that data beforehand. We need to know after the institution of a mandatory automobile insurance law how many of these victims would there still be?

The Minority Report asks only that this data collection be done. In other words, that we collect the data on the system that we have now. We know that, if we were to pass a mandatory automobile insurance law, we would not have as many accidents involving uninsured drivers, because we would be reducing the number of uninsured drivers on our roads.

The entire committee did agree that this data collection is necessary but, the disagreement was on whether we should have a baseline before we discuss any type of law or whether we should pass the law and then discuss what type of compensation system might be needed. We would actually have six months before this law went into effect to collect the data now. We could collect data by requesting the Secretary of State to do so starting immediately. We could also ask them if it were possible to go back and collect past data on person's who were injured. But really the basic point that the majority of the committee felt very strongly about was that the time has come to state that driving an automobile has certain responsibilities and one of them is, you are capable of compensating victims that you might injure if you were to be involved in an accident, that it is unfair as drivers of automobiles not to have a provision for being able to compensate any person who might be injured in an automobile accident that we, as drivers, are the cause of.

Even if uncompensated victims are able to be paid for the costs of their illnesses and injuries, we must remember that there are many other costs that may accrue from being injured in an automobile accident, such as loss of wages that insurance can

help take care of, not your health insurance but our liability insurance on our automobile policies.

The committee also heard arguments that low income people cannot afford to purchase insurance. Well, the same might be said with regard to our state inspection law. Low income people may have trouble replacing their brakes or putting in an exhaust system that cannot meet inspection. We do not say that the safety standards of their cars should be lower than the safety standards of other cars. We say instead that, if you are going to drive an automobile at all, it must pass inspection and that you must make whatever changes are necessary in order for that automobile to pass inspection before you can have it on the road again.

The same should be true now, the majority of the committee feels, with respect to automobile insurance. It is a very grave responsibility that we carry when we drive on the roads of Maine. We need to be prepared in many ways to meet that responsibility. The majority of the Banking and Insurance Committee, after hours and hours and days of study, is recommending the passage of the Majority Report, which is L.D. 1798, and we would ask your support for this bill.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I urge you today to support the Majority "Ought to Pass" Report of the Committee on Banking and Insurance. This is a very significant area that we must address in state policy. Every time the uninsured motorist starts up the engine, goes out the driveway and down the road, they are playing Russian Roulette with the life, health, and safety of every single person in the State of Maine. That means everyone in this body, everyone of the men, women and children that we represent back home. There is absolutely no reason why an uninsured motorist should gamble with our safety by not having insurance and fulfilling their responsibility.

Having said that, I would like to point out that the committee considered several bills in this area and we took a look at all the different issues. We had very lengthy testimony from people whose lives have been seriously affected and ruined by an accident with an uninsured motorist. Yet, throughout the deliberations, we were also very sensitive to the area of insurance premiums that are paid by all the people that we represent. Many people sent out questionnaires and the overwhelming response was that we need to pass some type of mandatory insurance. Many of those questionnaires failed to ask about increases that could potentially be passed along to us in the area of premiums. The committee looked very, very carefully at that issue because we felt that, no matter what we do, there would still be a certain number of people who would fail to buy insurance. So the committee was attempting to reduce the number of uninsured motorists by as great a number as possible while still being sure that insurance rates would not go up for all of our constituents. I feel that this is a very important step in reducing the pool of uninsured motorists. Sure it is not a cure-all but I feel it will reduce the number of uninsured motorists and make the situation out on our highways much safer while, at the same time, protecting the situation that we benefit from in that we pay much lower insurance premiums than most of the states in the country. We did not want to jeopardize that, we felt that if it wasn't broke, don't fix it, so we came forth with this proposal.

You will note in the proposal there is also a sunset provision three years down the road so that, in the event that this doesn't work, we can repeal it. I think it is a very positive step forth. It is not quite as far as many of the proponents of the bills that came before us wanted it to go, but I think it is a very measured, careful step and an important step if we are going to close this window of vulnerability that exists every single day that there are uninsured motorists on the road.

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

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Those of us who are on the Minority Report agreed with portions of the Majority Report. However, the five bills that we had before us, two of them were really mandatory bills. This version, this new draft, is not a mandatory insurance bill. It merely strengthens the financial responsibility laws that we have already in statute and it strengthens it ever so slightly.

It gives the uninsured motorist who is out there on the highway up to twenty-four hours before court is set to get insurance. This is after they have already had an accident. That person who was injured by an uninsured motorist is still injured by an uninsured motorist.

The new proposed draft would give a three month insurance policy. All they would have to buy is a three month insurance policy.

Once they are stopped and issued a citation, all that uninsured motorist has to do is obtain this three month policy of insurance and the ticket will be torn up and they will be forgiven for whatever violation that was, either an accident or a moving violation. They can repeat this as many times as they want to, because it is not limited in this draft.

I would hope that you would not go with this and let us find out how many people injured by uninsured motorists, how much it cost them to sustain their injuries and then we can come up with a victim's fund. This is not mandatory insurance.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question to anyone on the committee, who would care to answer.

I hear people saying that there is some strength in this bill, it is a bill whose time has come, and everything like that. I know many of you have sent out questionnaires. My question would be -- when I return home after the session and this bill goes into law, let's assume in January, and in March, I start getting barraged with phone calls at home and people ask me, "I was just hit by an uninsured motorist" -- what will be my answer to them?

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: In response to that question, first of all, the law will state every owner or operator of a motor vehicle shall have evidence of insurance or financial responsibility. However, just like with our driver's license and with many other of our motor vehicle laws, we do have people who are not complying. We cannot assure 100 percent compliance with any of our laws. We are not set up to do that with any other law, we cannot

assure that with this law. Unfortunately, we will not be able to. What we can do is greatly decrease the number of uninsured motorists who are on the road today.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair?

The question has come up regarding assigned risk on someone who may not be able to get insurance because of prior accidents -- will there be any provisions that they will be able to get insurance?

The SPEAKER: The Representative from Lisbon, Representative Jalbert, has posed a question through the Chair to anyone who may respond.

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: We are not changing that portion of our current law. We are only adding to the current law. The rest of the current law will remain on the books.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I speak in favor of this bill with a feeling of concern for the many elderly drivers in our state. It does seem only fair that all motor vehicle operators should share in the responsibility of carrying liability insurance, not just those who do it voluntarily and in good conscience for the good of all concerned. It is unfortunate that those carrying this insurance voluntarily should have to pay for the people who are not insured and who create the accidents.

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

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

The question is, what is the rationale behind three months? It seems to me, if people who do not have insurance, we ought to be saying that you ought to have insurance for a year. I would like to know what the rationale for three months is.

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: Yes, we would all prefer that people purchase their insurance policy for a whole year at a time but we recognize that, in terms of people's financial capabilities, they may be able to pay for only one quarter of the year at a time. So we are saying that the minimum policy that could be sold would be for three months. That is to allow people and many of whom are now doing that including probably many in this body to be able to pay for their insurance on a three or four, or perhaps twice a year and not have to pay for the whole thing at one time. But the minimum they would be able to pay would be for a three month policy.

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

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

As our present law stands right now, as I understand it, the state says you do not have to have insurance if you do not want it, but if you get into an accident and you do not have it, then God help you

because you are going to have to file proof of financial responsibility and be required to have insurance from then on. Now I understand that you have not changed any of the present law but, in regards to someone having an accident, there seems to be a conflict here. In the present law going to be in effect that if you have an accident, you are going to be required to prove that you have insurance from then on, no waiting period, no nothing, or are you going to have to go through this procedure where you have all of this waiting time, three months, and will you be required to have insurance from then on out?

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: First of all, the law is strengthened in that it is not only after an accident, but it would be after any moving violation. So if you were stopped for speeding, you would now have to show your proof of insurance, which is now under the proposed new law, it is not in current law. We are changing the current law to give people an opportunity to be able to purchase that insurance. That came as a result of many people saying that one of the problems was in putting together their financial resources. This will give people time to do this and continuing to allow them to drive because, as people said, how would they get to work if they were not able to purchase the insurance the day after, so they have this grace period to enable them to continue to drive when they have to and one of those times is when they drive to and from work.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I have another question to pose if I may.

Looking at the calendar today, the Majority Report is "Ought to Pass" in New Draft, the Minority Report is "Ought to Pass" in New Draft. It seems as though both are "Ought to Pass" Reports, I was wondering if the Chair might explain what the difference between the two reports is before we vote so we would have a better idea of what they are.

The SPEAKER: The Representative from Bethel, Representative Mills has posed a question through the Chair to the Representative from Brunswick, Representative Rydell who may respond.

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the difference between the two reports is that the Majority "Ought to Pass" Report includes two parts -- a provision to require automobile insurance or proof of financial responsibility for every owner or operator and a data collection on the bodily injuries that would be uncompensated after that law went into effect.

The Minority "Ought to Pass" Report includes only the data collection portion.

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I would like to answer the question that the Representative from Bethel asked by explaining my opinion of the Minority Report and where it fails to address the problem that we are dealing with.

The Minority Report asks us to start looking at the problem, keeping data on what the problem is with

uninsured motorists. I feel we already have that data, we don't have it by instituting a plan that is offered in the Majority Report.

This is a mandatory automobile insurance requirement. It does state that there will be a penalty of \$100. It does require that they do provide proof of insurance at all times when you are operating a motor vehicle on our roads. What we don't know about that though is how many people are still not going to carry insurance and what are the reasons for that. The Majority Report also deals with that question.

I would just like to make one other point -- though many of you surveyed your constituents and most of the people responded back that they are in favor of a mandatory automobile insurance policy, one of the questions that people brought out in the hearing is, if everyone's premiums have to go up, is mandatory automobile insurance still desirable? I think that is the catch that many of you are going to have to accept. We heard sufficient testimony from a number of speakers and the majority opinion from a number of people was, there was no conclusive evidence that mandatory automobile insurance, as presented in the Majority Report, would increase premiums. That is not to say that in other states automobile insurance premiums haven't gone up or in some cases down. But if you look at what is happening in the entire area of insurance premiums, you know that they are going up and that this report, the Majority Report, would definitively answer the question of costs and other statistical data while the Minority Report is saying what we should do before we go ahead with the Majority Report.

I hope that answers your question and I urge you to support the Majority Report.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to state that we found out that there are 38 states who now have a form of mandatory insurance. In each of those 38 states, the rates went up. Currently, Maine is 41 in 51 in the low insurance rates in the country.

I can assure you ladies and gentlemen that, if this bill goes through, the rates will go up because those who are a risk, the one's who have to get insurance because they weren't insured before an accident, someone will have to pick up that bit of cost. It is surely going to be spread out among all of the people who have insurance. You can be sure that your insurance will go up.

15 percent now are uninsured on the highway. With this bill, we might pick up another four percent but you are still going to have at least 11 percent of uninsured motorists on the highway.

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

Representative CURRAN: Mr. Speaker, Men and Women of the House: With all due respect to Representative Erwin, she cannot assure us that our premiums will go up. That hasn't been established conclusively and I even doubt that it will happen. There are 120,000 people out there uninsured and we are all exposed to those people. There are high risk people out there and low risk people out there, people who are self-insured, we won't know until the final chapter is in whether or not the premiums will go up.

Many of the things that I am going to say to you in the next few minutes, you have already heard this morning. Under other circumstances, I would be prone not to repeat those because we are getting down to the deadline and we are all tired. But, this is an

important issue. No matter what you call it, it is important to every person in this room, it is important to every person in this state, to every family, man, woman and child. I am going to say a few things over again that have already been said this morning.

I hope you will support this bill and I hope you will vote for the Majority Report.

We thrashed this out in the committee in the strictest sense of that term. We worked it over and worked it out. There is hardly anyone that you know or anyone that I know who hasn't been a victim or at least known a victim of an uninsured driver.

As has been said before this morning, I am one of those that think that this bill does not actually go far enough, in my estimation, but it at least takes another step, another step in the present financial responsibility law that is already on the books. It will get some more uninsured drivers off the road and that is what it is intended to do.

The purpose contained in the bill tells it all, I think. Let me read just a few lines of it, not all of it: "The Legislature finds that the economic damage inflicted by uninsured motorists goes uncompensated in many cases due to the failure of motorists to maintain liability insurance. The present law condones the financial irresponsibility of these motorists until they have already inflicted injury or damage. The purpose of this sub-chapter is to reduce the likelihood that, financially, irresponsible motorists will operate on the state's highways."

You have heard before that such a revolutionary thing will drive the cost of insurance to the rest of us up and you heard it this morning. We don't know that. We just don't know it. It may do just the opposite, it may drive it down. We don't know that either. At any rate, you may consider it worth it, even if it does go up, to get uninsured drivers off the road.

You have heard before that it will hurt the poor. Nobody wants to hurt the poor. I say that just the opposite would be true in all most every case. In any event, no one has the right to be irresponsible or disrespectful of anyone else's life and limb or financial downfall, be he rich or be he poor.

The committee, in its Majority Report, took into consideration an apparently mushrooming move for the requirement that every driver have liability insurance. My own questionnaire, and I realize there are faults in it, but I have to take it for what it seems to say to me, my own questionnaire in Westbrook, for instance, indicated 88 percent of the people in favor of even a stronger and more stringent bill than this one before you. I hope you will support it, as I intend to do. I hope that you won't be dissuaded by the Minority proposal.

Sure, as Representative Erwin says, it takes only another small step, but it does, indeed, take another small step. I would hate to think that the Minority Report is really a tactic to delay this movement that we have started off in the right direction. Please support it.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I, too, would urge you to accept the Majority Report which is L.D. 1798. This fine piece of legislation is the result of many hours of hard work by the Banking and Insurance Committee. Originally, there were several bills on this subject of auto insurance. I was one of those who introduced legislation on this topic. L.D. 1798 represents the

best in all of them, although many of us, including myself, would still prefer stronger legislation, this document is a compromise which met with wide approval.

This bill, basically, is an extension of the existing financial responsibility law. Currently, if a motorist is involved in an accident, proof of insurance is required of the driver. L.D. 1798 includes a provision allowing a law enforcement officer to request evidence of insurance if a driver is stopped for a moving violation, as well as a reportable accident. Failure to do so could result in a penalty of \$100 or suspension of license.

In the interest of fairness and good public policy, I strongly recommend that you vote for this bill.

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

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose another question if I may.

My question is -- we talk about insurance and I assume there has to be some kind of minimum amount that they are going to cover -- is it \$20,000 or \$40,000?

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 Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: The same minimums that are now in effect in 2040 would remain in effect with this law.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I find it a little difficult to stand here this morning debating my good chairman, who is also my seatmate, but I feel before we put a bill into place, we should not put a bill into place that is really piecemealing it.

We had a great discussion on this bill in work session. We put it to great task with all the members. I can tell you all the members themselves are not opposed to mandatory insurance. We have a great concern out there.

I, myself, sent out a questionnaire of which 1300 people responded back to me. Basically about 93 percent of them said, "Yes, Representative Clark, we want mandatory liability insurance." So, I have to ask myself, do we want a mandatory liability insurance that nobody can afford or are we going to put a burden on the people out there that need insurance or the people that get hurt? I have quite a concern with the people that get hit by uninsured motorists.

We listened to debate after debate, testimony after testimony, from these individuals. I think they should be covered, I think there should be insurance out there for them. I don't know if this is the bill, that is why I am on the Minority Report.

Right now, there are many states that have mandatory liability insurance and I am under the understanding that some of these states are trying to repeal this themselves because of the increase.

The insurance people who came before the committee testified, carrier after carrier, that our premiums could go up between 18 and 44 percent. I don't know if the public out there is willing to carry this burden on themselves for an increase to say that they have mandatory liability insurance.

We talk about the poor people of the State of Maine. A lot of people out there just can't afford to buy liability insurance for one reason or

another. Is this going to be a burden on them? We have to ask ourselves that also.

We had a long testimony, a long debate on this, like I indicated before, I don't think any member on this committee wants to piecemeal a bill just to say that we put out a bill saying we have mandatory liability in the State of Maine to cover a small portion of the segment out there that doesn't have liability insurance now. With all the information that was given to us, we may be picking up between two and four percent of the people who don't have liability insurance today. What are we going to do with the people coming in from out of state, the one's that may be coming here without any insurance whatsoever? What are we going to be doing with the people coming in from Canada who don't have any insurance? I asked the question to my Senate Chairman from the other body, are we going to be willing to put up booths in Kittery or Fort Kent to see who has insurance and who doesn't?

You have to ask yourself, when you are stopped for a traffic violation, how many people are stopped time and time again because the police officer or the arresting officer out there have identification problems with these people. I don't know if this bill is really going to work. I think we should give it some study, I think we should come back the next session and put a bill out there that is going to be helpful to everybody out there to see that people have a mandatory liability insurance of some type. I don't think this bill is the right way to do it. I think the four that signed on the Minority Report have the same concerns as the Majority Report, that people out there need some kind of coverage.

I hope today when we take the vote that we give some consideration to the people out there that just can't afford mandatory liability insurance. We can come back at a later date and work out something. I hope when you vote today you give the Minority Report some consideration because I think we also put in the same hard work as the majority did and we don't want to go down ill in vain.

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

Representative HANDY: Mr. Speaker and Members of the House: I was pleased to present one of the five bills that the Banking and Insurance Committee heard on this issue. I think when you have five bills coming from a myriad of legislators and if you multiply that times four for the co-sponsors that tells you the kind of basic support that there is for this kind of legislation.

I would like to hit on some of the points that my good colleague, Representative Clark, raised. You know, you and I who carry insurance, are fortunate people because we do have the money to afford it. Those who don't carry it because they are poor are in an unfortunate situation, not because of their position in life, but because if they get hit by someone who is an uninsured motorist, they are going to be absolutely devastated, they will have everything taken away from them. If that poor person who just has an old clunker to get back and forth to work and they get hit and that car is totaled and they are hit by an uninsured motorist, and they themselves are uninsured, what happens to that person? How does that person get back and forth to work?

I see this piece of legislation as a very moderate step, it does not go as far as the legislation that I presented. I would certainly like to see a stronger piece of legislation but this certainly is sensitive to the needs of people who are

not of the means to afford \$9,000 automobiles and the highest possible coverage of insurance.

I would like to read to you a portion of a letter I received from a gentleman by the name of Peter E. Geiger, who is Vice President of Marketing for Geiger Brothers in Lewiston, one of the state's companies of whom many of us are very proud. He has written me before concerning this issue, before I even presented the legislation. He said, "You know my concerns relative to mandatory automobile liability insurance. I strongly support such legislation and commend you, John Aliberti, Susan Dore and JoAnne Lapointe for your work on this behalf. If people refused to pay for a license plate or excise tax, they would not drive a car, and yet someone can do away with insurance without any obligation. I think that the time has come for mandatory automobile liability insurance."

Among the many organizations supporting this legislation are the Mothers Against Drunk Driving. They presented this statement: "Last year alone, 211 people were killed and 12,148 people were injured in Maine. These people were victimized and the families suffered in numerous ways as a direct result of these deaths and injuries. Must we add insult to injury by allowing some people to drive without insurance? We at MADD believe that driving is a privilege and, therefore, entails a certain amount of responsibility. We encourage driver education, seat belts, prudent rates of speed, and the obedience of all traffic laws, especially the laws regarding operating under the influence. It only seems logical and responsible to require motorists to carry insurance to protect themselves and others in case of an accident. That should come with the territory of owning or driving any vehicle. MADD encourages the passage of this bill."

The American Association of Retired Persons, both nationally and in the state have endorsed mandatory automobile liability insurance because elderly people oftentimes are the victims of an uninsured motorist.

My good colleague from Lewiston, Representative Aliberti, raised a point in the many discussions we have had on this issue and that is the issue of a pedestrian who is hit by an uninsured motorist.

You know this whole issue of uninsured motorists is very far-reaching. As it has been indicated by my good colleague from Westbrook, Representative Curran, we all know someone, if it hasn't been ourselves, who has been affected by an uninsured motorist.

I think it is time today, men and women of the House, that we as the spokesperson's for the people of the State of Maine can take a giant step forward and not play party to the victimizing of thousands of people across the State of Maine.

During the public hearing, we asked and we asked and we asked people, people who were victims, people from the insurance industry, why are people alleging that the rates will go up? Show us some evidence that they indeed will go up and those people who have made those charges cannot respond to that question.

I would ask you today to support this moderate piece of legislation, a compromise piece of legislation which the majority of the Banking and Insurance Committee has put before us today. I think, although it is a moderate piece, it is a giant step toward a comprehensive, mandatory liability insurance law for Maine.

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

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I have thought about this issue

over a number of years. I, for one, have had two vehicles in the past 20 years that were involved with uninsured motorists. The first accident with one of my automobiles was involved in an accident that two people were killed, including my first wife, and one young lady who was in a hospital for 90 days. One of the problems that I see with this bill that is being proposed, is that that situation with my first vehicle which was involved in a fatal accident, the driver of the other vehicle was supposed to have had insurance in order to drive on the road. He did not have any insurance and he was operating under the influence. The problem that I have with the Majority Report here today is that I think we are sending a wrong message. I know that my people back home and a lot of people are saying that they want mandatory liability insurance. I don't think this is going to do that. If you think that, once this bill passes and becomes law in January, you can drop your uninsured motorist coverage, you had better think twice because I believe that the situation I had a few years ago is not going to be any different after January 1st. That is one of the problems that I have because I feel people are going to say now that we have a mandatory liability insurance, I won't need coverage to cover against that person who doesn't have insurance.

People think there is not going to be any increase in insurance coverage — I asked some relatives that live in Massachusetts and they tell me since they adopted their liability insurance, their premiums have gone up substantially.

What is wrong with increasing our uninsured coverage? Is it less expensive to increase our uninsured coverage or to have a mandatory liability insurance policy? I don't know. I don't think any of us do. Maybe the Minority Report is not the right way to go, maybe we need to study this a little bit further before we put an insurance requirement on the people in the state. People are saying to me, I want mandatory insurance but I don't want my premiums to rise. Nobody has told me today that, if this bill should pass, that our insurance will not increase. I think there are still some questions to be answered out there and I would urge you to vote against the Majority Report.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I just want to reinforce the involvement that I had in the 112th Legislature, along with my reinforced position before this present legislature. I think responsibility with a capital "R" is what it is all about. Sure, I am sympathetic with those have-nots, they have a responsibility also to the rest of the population that are meeting their responsibility.

Rates? Of course, they are going to go up. I was in Florida in March and I went to the insurance bureau and they have a built-in rate increase this year, which has nothing to do with mandatory insurance. How many other states right now are planning a rate increase for automobile insurance? If this bill should be passed, I hope you don't blame the law for the increase. There is an increase built-in right at this time for 1988 on your next insurance policy.

Do you know that we have awakened a sleeping giant? That sleeping giant is your constituency and mine. They are sick and tired of having us tell them we cannot pass this law even though over 90 percent of every single one of the questionnaires that went out asked us to pass the law. I think you better face up to the situation now that they are not going

to take no for an answer. You will have to be accountable to them.

In the meetings that we had, Representative Handy and I, we encouraged them to make you accountable and to almost threaten you with a no vote if you do not pass this legislation this time. I had an all inclusive bill, pages and pages long, it is known as "No Fault Insurance" — I could not, in good conscience, pursue it because I couldn't even understand it myself. So, how could I ask you to support a concept that I could not understand myself? However, the insurance community would have accepted "No Fault" before any one of the bills before them now. That is a concept that we chose not to pursue. I commend the committee for taking all sides and trying to come up with a reasonable bill.

In concluding, the television exposure that Representative Handy and I had, we had some very basic questions coming from the public out there and they have all surfaced here, right now. I urge you to pass a mandatory bill so, if we need to correct it, we can correct it. We warned our constituency that there may be an increase and we asked for their indulgence, not this time if it is passed, but a year from now when they will start taking you and me over the coals for passing some legislation that may not be what we are projecting it will be.

There is a trial period coming up here. We made our constituency aware of that. Have you done the same thing?

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I feel compelled to respond to some of the arguments that have been made here today. I would like to say that they were all made by good friends of mine and they are fine Representatives and I know they mean well, but let's take a look at those arguments. What I am hearing is two separate arguments.

On the one hand, I am hearing the argument that this is going to raise the rates, that this is going to cost you more. I honestly feel that they are debating other bills that have come before this body in the past that have been far-reaching mandatory bills that have failed and I probably voted against them too for the same reasons, because in trying to correct a problem, you can go overboard and you can raise the rates for everyone and that is not what we want because we have one of the lowest average premiums for auto insurance in the country right now.

Taking a look at the second argument, I hear opponents say that this bill isn't good because it goes too far. I really wish that you could have it both ways but the committee had to strike a very careful balance. We couldn't go too far because it would cost too much. We couldn't have it cost too little because it wouldn't go far enough. We looked at both sides of that question and we tried to strike a balance. We weren't operating under the illusions that any bill that we pass is going to make sure that everybody buys insurance. No law that we pass has 100 percent compliance but what we were trying to do was reduce the problem out there, reduce that pool of uninsured drivers that represent a threat to you and I and everybody we represent in this state. At the same time, we wanted to make sure that we didn't jeopardize the situation, a favorable situation, where we have lower auto insurance premiums. It is a careful balance, it doesn't go too far but it doesn't cost too much either.

Other members have gotten up and some people say, well, this is mandatory auto insurance or no, this is

not mandatory auto insurance, call it what you will but call it a positive step forward.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I was hit by an uninsured person. My wife -- it took three operations to correct the damage done to her face. It took me money, lawyers fees, and a lot of time to straighten the whole mess out. It cost me a lot more than it would have if I had had an increase in my insurance policy. I urge you to vote for this bill.

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

Representative TELOW: Mr. Speaker, Ladies and Gentlemen of the House: I am kind of familiar with this and always have been in favor even back in the days when Representative Pouliot and I were on the Business Legislation Committee. We worked hard trying to come up with something that would give us this liability.

However, there is something that bothers me on this here because I speak from experience. Several months ago, my wife had a hit and run -- well, we found out it was a hit and run, she was stopped in a line of traffic (this was at night) and a car came up and clipped her in the backend of the car and then kept on going. We couldn't get the license number, reported it to the police and so forth. What I am leading up to is the fact that I was fortunate and I had uninsured coverage on my policy. The damages amounted to \$1,500. I had the \$100 deductible and we had to rent a car for a week, so it came to about \$200 out of my own pocket but, at the same time, we saved about \$1300.

In the Statement of Fact, Section 3 -- "A provision that allows dismissal of charges if the driver shows evidence of insurance or obtains insurance up to 24 hours before the court appearance for the first offense." Now, if he has obtained his insurance, that insurance company certainly isn't going to pay for the damages that have occurred in the accident. So, this is something that bothers me. The question I will ask is this, maybe two questions, -- one, you are still going to have to carry the uninsured on your insurance policy because there is no protection here if that person gets an insurance policy after the accident. Number two, was there any check into the hit and run drivers that are on the road today? Will it increase the number of hit and run because a person who doesn't have uninsured on his policy is going to say, "Well, I am going to try to get away with it if I can."

Will we still have to carry the uninsured on our policies because it still is protection to us? And was there any check into the number of hit and runs that have happened? I am for the bill but these are the things that bother me.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Brunswick, Representative Rydell, that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Pursuant to House Rule 19, I request permission to be excused.

The SPEAKER: The Chair will grant the request to the Representative from Winslow, Representative Carter, to be excused pursuant to House Rule 19.

The SPEAKER: The pending question before the House is the motion of the Representative from Brunswick, Representative Rydell, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 127

YEA - Aliberti, Anderson, Anthony, Bailey, Baker, Begley, Bott, Boutilier, Bragg, Callahan, Chonko, Clark, M.; Coles, Conley, Cote, Crowley, Curran, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Handy, Hanley, Harper, Hichborn, Hickey, Higgins, Hogle, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Mayo, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Rand, Reed, Reeves, Rice, Richard, Ridley, Rolde, Ruhlin, Rydell, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tardy, Taylor, Telow, Thistle, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Whitcomb.

NAY - Allen, Armstrong, Bickford, Bost, Brown, Carroll, Clark, H.; Davis, Dellert, Dexter, Erwin, P.; Farren, Hale, Hepburn, Hillock, Holt, Hussey, Lacroix, Lapointe, Macomber, McGowan, McHenry, Moholland, Nicholson, Pines, Rotondi, Salsbury, Smith, Soucy, Strout, D.; Tamaro, Tracy, Weymouth, Willey, Zirkilton.

ABSENT - Cashman, Matthews, K.; Murphy, T.; Priest, Racine, The Speaker.

EXCUSED - Carter.

Yes, 107; No, 35; Absent, 6; Vacant, 2; Paired, 0; Excused, 1.

107 having voted in the affirmative and 35 in the negative with 6 being absent, 2 vacant and 1 excused, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in today's session.

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Create an Additional Section to the Maine Code of Military Justice to Encompass General Disciplinary Offenses Similar to the United States Code of Military Justice" (H.P. 1320) (L.D. 1804) (Presented by Representative MARSANO of Belfast) (Cosponsors: Representatives RICHARD of Madison, JALBERT of Lisbon, and Senator BLACK of Cumberland) (Governor's Bill)

(Committee on Aging, Retirement and Veterans had been suggested.)

Under suspension of the rules, without reference to any committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

ORDERS

On motion of Representative MANNING of Portland, the following Joint Resolution: (H.P. 1321) (Cosponsors: Speaker MARTIN of Eagle Lake, Senators GILL of Cumberland and GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS SPOUSAL IMPOVERISHMENT LEGISLATION FOR RELIEF WHERE ONE SPOUSE IS CONFINED TO A NURSING CARE FACILITY AND THE OTHER SPOUSE IS USING ALL AVAILABLE RESOURCES TO PAY FOR THE CARE OF THAT SPOUSE

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the Members of the United States Congress, as follows:

WHEREAS, current Medicaid procedures impose great hardships on a married couple when one spouse requires institutionalization and one spouse remains at home; and

WHEREAS, the institution attaches the income of the spouse who is institutionalized; and

WHEREAS, the spouse at home, which is the wife 80% of the time, is left with insufficient income for support of herself and maintenance of the home; and

WHEREAS, current regulations of the United States Department of Health and Human Services do not adequately define the ownership and availability of income between married spouses in these circumstances; and

WHEREAS, Senator George Mitchell, Representative Olympia Snowe and other Members of Congress have initiated federal legislation to correct this inequity; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge the Congress to work expeditiously to enact legislation reforming the Medicaid program to repair this inequity that causes hardship to Maine citizens; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation.
Was read.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This Joint Resolution, hopefully, will try to address a problem that the Committee on Human Resources had dealing with spousal impoverishment when one member of the family has to go to a nursing home and finds the person who is outside the nursing home completely without money because all of the money has to go right into the nursing home. We have found out that Congress is looking at this. It is a problem that we are addressing by statute here that won't go into effect until March of 1988. We are hoping that between now and March of 1988 that the Congress of the United States will address this so that many of the elderly people in this country can live with dignity and not go in the poverty lines because their spouse is in a nursing home. I hope you vote for this passage.

Subsequently, the Resolution was adopted. Sent up for concurrence.

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

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (Emergency) (S.P. 590) (L.D. 1743)

TABLED - June 9, 1987 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Rolde of York, under suspension of the rules, the House reconsidered its action whereby L.D. 1743 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-291) and moved its adoption.

House Amendment "A" (H-291) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act Relating to Taxation of Trucks" (H.P. 1284) (L.D. 1757) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: Bill "An Act to Authorize the Construction of an East-West Highway (S.P. 231) (L.D. 625) (S. "B" S-144; C. "A" S-145) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: It is not my intent to add any amendments, just to ask questions through the Chair so that I can understand exactly what is going on.

According to Amendment S-145, it says that there is a cost of \$150,000 in the fiscal year '87-'88 for preliminary location and analysis. It also states \$416,667 are preconstruction engineering costs for the fiscal year of '88-'89. Is this the total cost to be expended upon this project at this time and how would it affect any existing projects that are already in the red book?

The SPEAKER: The Representative from Sanford, Representative Hale, has posed a series of questions 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: To answer the good lady's question, yes that is the cost. As far as I can understand, the money is coming out of the existing DOT funds. It will cost you no additional money. I suppose it would cost you just as much to work on that road as if you were going to build any

other road -- 201, 191, Route 16, I suppose they would go along, I haven't seen anything different in raising any money to do this job.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: An additional question through the Chair.

If it is a feasible project -- the engineering costs etcetera -- what would be the total cost of this East-West Highway and how would it be funded?

The SPEAKER: The Representative from Sanford, Representative Hale, has posed a question through the Chair to anyone who may respond.

The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Ladies and Gentlemen of the House: The East-West Highway proposal when it originally came to the committee was a bit different this year than what it has been in the past. Many times in the past, we have talked about having a four-lane highway or something of that sort, similar to an interstate system for an East-West Highway.

The proposal that came before the committee this year calls for using existing highways and, basically, taking Routes 2 and 9 and part of the Interstate that already exists and making somewhat of an East-West Highway out that. It calls for widening of shoulders and passing lanes. It is not calling for a huge, super four-lane system.

We met in committee and discussed the bill. To do that project, it was going to cost approximately, from all estimates, \$100 million. We discussed in the committee about trying to set up some program where we were going to commit \$100 million in the future and spell it out in this bill. We decided, after debating the bill for a long time, that that was not very probable to get the bill passed as far as the future and knowing what monies would be available. So what we ended up doing was passing this bill, which was worked out with the amendments, which basically said \$150,000 for preliminary engineering and \$450,000 for projects in the future.

What will happen from that point is, once we go on to the next step, if we want to continue funding the project at all, it will come back to the legislature and it will come to this body and those sections will be discussed in the red book, and passed just like any other projects are. The legislature will have the final say. What we are trying to do, we are trying to say that this will be a primary road that will be worked on in the future.

We are not saying that we have to spend that money down the line. We are saying that we do think it is important for this state, democratic agenda's from the Governor's Office and everyone on down has said that they thought the East-West Highway is important for this state. So we are starting with this step and I think it is a reasonable step. It does not lock us in on the funding in the future. Any funding that will be done in the future will come before this body just like all the other projects do in the red book. At the time, if the people have problems or objections with those projects, they can speak against them. I hope you will support the bill.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Since Route 1A goes through the town of Hampden, it is virtually impossible. I ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the

expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL NO. 128

YEA - Aliberti, Anderson, Anthony, Armstrong, Bailey, Baker, Bickford, Bost, Bott, Boutilier, Callahan, Carroll, Carter, Clark, H.; Coles, Conley, Cote, Crowley, Curran, Diamond, Dore, Duffy, Erwin, P.; Farnum, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hepburn, Higgins, Hogle, Holt, Ingraham, Jacques, Joseph, Ketover, Kilkelly, Lacroix, Lebowitz, Lisnik, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paul, Perry, Pines, Pouliot, Rand, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Seavey, Sheltra, Simpson, Smith, Soucy, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Wentworth, Whitcomb, The Speaker.

NAY - Allen, Begley, Bragg, Brown, Davis, Dexter, Farren, Foss, Foster, Hanley, Hichborn, Holloway, Lapointe, Lawrence, Look, Nadeau, G. R.; Norton, Parent, Reed, Reeves, Rice, Sherburne, Small, Stanley, Stevenson, Strout, B.; Tupper, Webster, M.; Weymouth, Willey, Zirkilton.

ABSENT - Cashman, Chonko, Clark, M.; Dellert, Dutremble, L.; Hickey, Hillock, Hussey, Jackson, Jalbert, Kimball, Macomber, McPherson, McSweeney, Murphy, T.; Paradis, P.; Priest, Racine, Richard, Salsbury.

Yes, 98; No, 31; Absent, 20; Vacant, 2; Paired, 0; Excused, 0.

98 having voted in the affirmative and 31 in the negative with 20 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" in New Draft under New Title Bill "An Act to Limit Electric Hook-up Fee Requirements by Electric Utilities" (H.P. 1289) (L.D. 1767) - Minority (4) "Ought to Pass" in New Draft (H.P. 1290) (L.D. 1768) - Committee on Utilities on Bill "An Act to Prohibit Initial Service Charges by Public Utilities" (H.P. 854) (L.D. 1148)

TABLED - June 9, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative VOSE of Eastport to accept the Majority "Ought to Pass" in New Draft under New Title Report. (Roll Call Requested.)

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

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

Mr. Speaker, I would request a ruling from the Chair on whether or not the New Draft is germane to the title of the original bill?

The SPEAKER: In response to the question posed by the Representative from Scarborough, Representative Higgins, the Chair would rule that the New Draft is in violation of the rules and is not germane.

On motion of Representative Vose of Eastport, retabled pending further consideration and specially assigned for Thursday, June 11, 1987.

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend Certain Probate Laws" (H.P. 591) (L.D. 802) reporting "Ought to Pass" in New Draft (H.P. 1322) (L.D. 1805)

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

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists" (S.P. 608) (L.D. 1798)

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

(Off Record Remarks)

Representative Lapointe from Auburn was granted unanimous consent to address the House.

Representative LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: On L.D. 703, I intended to vote yea and I voted nay.

(At Ease To The Gong)

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Name the Finback Whale as the State Marine Mammal" (H.P. 368) (L.D. 482) on which the Bill and accompanying papers were indefinitely postponed in the House on June 9, 1987.

Came from the Senate passed to be engrossed in non-concurrence.

The House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Provide Health Care Benefits to Uninsured Individuals" (H.P. 1292) (L.D. 1770)

- In House, passed to be engrossed on June 8, 1987.
- In Senate, passed to be engrossed on June 8, 1987, in concurrence.

- Recalled from the Engrossing Department pursuant to Joint Order (S.P. 611)

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-151) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (Emergency) (H.P. 1286) (L.D. 1762) (H. "A" H-278)

- In House, passed to be engrossed as amended by House Amendment "A" (H-278) on June 8, 1987.

- In Senate, passed to be engrossed as amended by House Amendment "A" (H-278) on June 8, 1987, in concurrence.

- Recalled from the Engrossing Department pursuant to Joint Order (S.P. 612)

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-278) and Senate Amendment "A" (S-150) in non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(H.P. 737) (L.D. 1000) Bill "An Act Concerning Municipal Water Supplies" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-293)

Under suspension of the rules, Second Day Consent Calendar Notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Amount the State Disregards in Determining Eligibility for the Supplemental Security Income Program" (H.P. 312) (L.D. 411) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Aid to Families with Dependent Children Standard of Need" (Emergency) (H.P. 489) (L.D. 656) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for Annual Increases in the Aid to Families with Dependent Children Standard of Need" (Emergency) (H.P. 494) (L.D. 664) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations" (H.P. 1190) (L.D. 1621) 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. 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 Enhance and Expand Services Provided to Victims of Sexual Assault" (S.P. 229) (L.D. 623)

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

Non-Concurrent Matter

An Act to Amend Certain Motor Vehicle Laws (H.P. 150) (L.D. 191) (C. "A" H-275) which was passed to be enacted in the House on June 10, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-275) as amended by Senate Amendment "A" (S-156) thereto and Senate Amendment "A" (S-157) in non-concurrence.

On motion of Representative Moholland of Princeton, the House voted to recede.

Senate Amendment "A" (S-156) to Committee Amendment "A" (H-275) was read by the Clerk.

Representative Moholland of Princeton moved that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I would hope that you would vote against this motion. This amendment that came before the Transportation Committee was added on at the last moment. Currently, Avis and Hertz and other Rent-A-Car's have been selling cars at locations that they have had near airports. This amendment was added on at the last moment to make it illegal for them to do so. They would have to stop doing so. Could be a good idea, might not be a good idea, I don't know. We had no hearing on it, we had no chance for Avis or Hertz or anyone else who would be affected by this to come before us and let us know whether or not they supported it or what they thought about it. I voted against the motion in committee and it has been repealed in the Senate and I would hope that we would vote against this motion and get rid of this part of the bill. The rest of the bill is a good bill and I would hope that we would get rid of this part with this amendment. I would hope that you would vote against the current motion.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was put on down in the other body. As you know, we have a lot of dealers in the State of Maine but I do not think it is fair for Hertz and Avis and all the companies that own these cars to go to fairgrounds all over the state selling these cars. I think it takes a lot of work and everything away from the dealers that pay \$300 or \$400 to have the right to sell cars in the State of Maine. I don't think it is right that Hertz and Avis and all the big rental companies sell these cars at the fairs, baseball fields and everywhere else. I hope you will go along with my amendment.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: I hope that you will vote against the indefinite postponement of this amendment. The bill "An Act to Amend Certain Motor Vehicle Laws" is a bill that we worked on in the Transportation Committee in great detail. The amendment that we are discussing now which was put on in the other body removes a section of the bill that does deal with prohibitions of how rental car companies sell their cars. It is a rather complex issue that was just casually brought in by a lobbyist to the committee meeting. It was not really

discussed in committee. Representative Mills and I and several others voted against including it in the bill. I think this is a good amendment, removing this particular issue from the bill. It is an issue that can be brought up and discussed again and should have a public hearing on its own. I hope you will vote against indefinite postponement of this amendment.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I think the issue here is that if Hertz and those other rental people want to sell cars in the State of Maine, they ought to be licensed like any other dealer. I would urge you to move the indefinite postponement.

The SPEAKER: The pending question before the House is the motion of the Representative from Princeton, Representative Moholland, that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 21 in the negative, the motion to indefinitely postpone Senate Amendment "A" (S-156) to Committee Amendment "A" did prevail.

Subsequently, Committee Amendment "A" was adopted.

Senate Amendment "A" (S-157) was read by the Clerk and adopted.

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.

COMMUNICATIONS

The following Communication:

COMMISSION ON SAFETY IN THE MAINE WORKPLACE

June 8, 1987

Charles P. Pray, President of the Senate

John L. Martin, Speaker of the House

State House

Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Commission on Safety in the Maine Workplace is pleased to submit its recommendations to the Legislature pursuant to 1985 Public Law 372, Part A, Section 51.

Sincerely,

S/Charles Weeks

Chair

Was read and ordered placed on file.

CONSENT CALENDAR

First Day

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

(S.P. 324) (L.D. 952) RESOLVE, Creating the Commission to Study the Use of Involuntary Services for Substance Abusers (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-160)

(S.P. 316) (L.D. 918) RESOLVE, to Support Dioxin Research by the Bureau of Health Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-161)

Under suspension of the rules, Second Day Consent Calendar Notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MILLS from the Committee on Transportation on Bill "An Act to Amend the Maine Turnpike Authority Act" (H.P. 240) (L.D. 308) reporting "Ought to Pass" in New Draft (H.P. 1323) (L.D. 1806)

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

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed and sent up for concurrence.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move we reconsider our action whereby the House voted to adhere on Bill "An Act to Name the Finback Whale as the State Marine Mammal" (H.P. 368) (L.D. 482.)

Representative Taylor requested a Division.

The SPEAKER: The pending question before the House is the motion of the Representative from Mt. Desert, Representative Zirkilton, that the House reconsider its action whereby the House voted to adhere to its former action on L.D. 482. Those in favor will vote yes; opposed will vote no.

A vote of the House was taken.

Representative Mayo of Thomaston 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 Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I would urge this House not to reconsider. The motion is to reconsider so that the House can pass the finback whale bill. I think we stated yesterday why some of us have objected to that. This House took the appropriate step I thought yesterday (or was that this morning) to indefinitely postpone this legislation. I think it is inappropriate to send the finback whale out as the State Marine Mammal over the harbor seal which is revered by many people in my area and throughout the State of Maine. I would urge this House to vote against the pending motion.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: Never in my wildest moments did I think that I would be up on this issue today, but I spoke to a group of 22 third graders in the town of Manchester the other morning. After I finished telling them about the legislature and answered some of their questions, and they some of mine, a really enjoyable morning was held. I merely asked them, "Do you have any questions on specific bills?" I thought they might not be following anything. "Oh yes," one little fellow said. "Look at our bulletin board." It was full of whales. I said "I know that bill. Do you have an interest in

it?" "Oh yes, and we hope you will vote for it." And so I decided to hold a vote right there. I asked first, so that I would not mislead them, "How many are in favor of this legislation?" They all put their hands up (or I thought they did) and just to check I said, "How many are not in favor?" Not a hand went up. So when my constituents, in that number, are so much behind any piece of legislation, how could I do less?

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Just remember what happened to the children and the lobsters.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Mt. Desert, Representative Zirkilton, that the House reconsider its action whereby the House voted to adhere to its former action on L.D. 482. Those in favor will vote yes; opposed will vote no.

ROLL CALL NO. 129

YEA - Aliberti, Anthony, Armstrong, Bailey, Baker, Begley, Bost, Bott, Boutillier, Bragg, Callahan, Carroll, Chonko, Clark, H.; Conley, Cote, Curran, Davis, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Hussey, Ingraham, Lacroix, Lapointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Marsano, Martin, H.; Matthews, K.; McPherson, Michaud, Moholland, Murphy, E.; Nadeau, G. G.; Norton, Paradis, E.; Parent, Pines, Reed, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Stanley, Stevens, A.; Stevenson, Tamaro, Telow, Tupper, Vose, Walker, Webster, M.; Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Allen, Anderson, Bickford, Brown, Carter, Coles, Crowley, Dellert, Diamond, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Manning, Mayo, McGowan, McHenry, McSweeney, Melendy, Mills, Mitchell, Nicholson, Nutting, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Rand, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Smith, Soucy, Strout, B.; Strout, D.; Swazey, Taylor, Thistle, Tracy, Warren, Wentworth.

ABSENT - Cashman, Clark, M.; Dutremble, L.; Hillock, Jackson, Kilkelly, Kimball, Murphy, T.; Nadeau, G. R.; O'Gara, Priest, Racine, Reeves, Stevens, P.; Tardy, The Speaker.

Yes, 75; No, 58; Absent, 16; Vacant, 2; Paired, 0; Excused, 0.

75 having voted in the affirmative and 58 in the negative with 16 being absent and 2 vacant, the motion to reconsider did prevail.

Subsequently, on motion of Representative Zirkilton of Mt. Desert, the House voted to recede and concur.

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

CONSENT CALENDAR

First Day

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

(H.P. 959) (L.D. 1288) Bill "An Act Relating to Boards and Commissions" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-295)

Under suspension of the rules, Second Day Consent Calendar Notification was given, the House Paper was

passed to be engrossed as amended and sent up for concurrence.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby (H.P. 737) (L.D. 1000) Bill "An Act Concerning Municipal Water Supplies" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-293) was passed to be engrossed.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-293) was read by the Clerk and adopted and the Bill assigned for Second Reading later in today's session.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(S.P. 559) (L.D. 1671) Bill "An Act to Establish the Aroostook Water and Soil Management Board" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-162)

Under suspension of the rules, Second Day Consent Calendar Notification was given, the Senate Paper was passed to be engrossed in concurrence.

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

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

SENATE PAPERS

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail" (S.P. 380) (L.D. 1156)

Signed:

- Senators: TUTTLE of York
BALDACCI of Penobscot
- Representatives: CARROLL of Gray
HUSSEY of Milo
ROTONDI of Athens
LACROIX of Oakland
BOUTILIER of Lewiston

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S.P. 607) (L.D. 1797) on same Bill.

Signed:

- Senator: GOULD of Waldo
- Representatives: ANTHONY of South Portland
BICKFORD of Jay
STROUT of Windham
LOOK of Jonesboro

Came from the Senate with the Minority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

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 Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: This bill is to allow Aroostook County to contract for services for operation of the county jail. It seems to me that this is an issue for Aroostook County to decide just as we decide our budgets. I am sure you are all aware that Aroostook County sometimes has a few problems. This has been one of our problems. I would appreciate your allowing us to make the decision on our county operations.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Carroll of Gray to accept the Majority "Ought not to Pass" Report and specially assigned for Thursday, June 11, 1987.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MAYO from the Committee on Taxation on Bill "An Act to Provide a Sales Tax Exemption to Youth Scouting Organizations" (H.P. 864) (L.D. 1165) reporting "Ought Not to Pass"

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Concerning Municipal Water Supplies" (H.P. 737) (L.D. 1000) (C. "A" H-293)

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

On motion of Representative Manning of Portland, the House reconsidered its action whereby Committee Amendment "A" (H-293) was adopted.

The same Representative offered House Amendment "A" (H-298) to Committee Amendment "A" (H-293) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

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

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

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Maintain Lifeguard Services in State Government" (S.P. 415) (L.D. 1273) which was Passed to be Engrossed as amended by Committee Amendment "A" (S-119) as amended by House Amendment "A" (H-280) thereto in the House on June 9, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-119) as amended by Senate Amendment "A" (S-153) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (Emergency) (S.P. 588) (L.D. 1742) which was Finally Passed in the House on June 8, 1987.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-139) in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and specially assigned for Thursday, June 11, 1987.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 543) (L.D. 727) on which the Minority "Ought to Pass" as amended Report of the Committee on Taxation was read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-274) in the House on June 9, 1987.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Taxation read and accepted in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and specially assigned for Thursday, June 11, 1987.

UNASSIGNED

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned matters:

RESOLVE, to Honor Governor Joseph E. Brennan (Emergency) (S.P. 42) (L.D. 37)

- In House, Referred to the Committee on State and Local Government, January 26, 1987.

- In Senate, Insisted on its previous action whereby the Bill was passed to be engrossed without reference to a committee in non-concurrence.

TABLED - January 28, 1987 by Representative DIAMOND of Bangor.

PENDING - Further consideration.

On motion of Representative Diamond of Bangor, the House voted to recede.

The same Representative offered House Amendment "A" (H-289) and moved its adoption.

House Amendment "A" (H-289) was read by the Clerk.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: This amendment deals with a question that came up earlier in the session pertaining to whether or not a state policy should exist whereby a retiring Governor is entitled to his desk and chair. This amendment would establish that policy and give the option to that chief executive whether or not he or she would want to take that desk and chair with them once they leave office. I ask for your support.

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

Representative PARADIS: Mr. Speaker, Members of the House: I think this amendment recognizes the affection the people of the State of Maine have for a Governor who has served them and I believe it is an appropriate gesture, which can be conveyed by the transfer of these two items. I would appreciate your support.

Representative Diamond of Bangor offered House Amendment "A" (H-299) to House Amendment "A" (H-289) and moved its adoption.

House Amendment "A" to House Amendment "A" was read by the Clerk and adopted.

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

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

On motion of Representative Taylor of Camden, Adjourned until Thursday, June 11, 1987, at nine o'clock in the morning.