

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
87th Legislative Day
Friday, June 12, 1987

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

Was read and ordered placed on file.

Ought to Pass in New Draft

Report of the Committee on Aging, Retirement and Veterans on Bill "An Act to Amend the State Retirement Laws" (S.P. 524) (L.D. 1576) reporting "Ought to Pass" in New Draft (S.P. 617) (L.D. 1818)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-184).

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

Senate Amendment "A" (S-184) was read by the Clerk and adopted and the New Draft assigned for second reading later in today's session.

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

Prayer by Reverend Dr. Peter Misner, Wayne-North Wayne Community Church.

The Journal of Thursday, June 11, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:
The Senate of Maine
Augusta

June 11, 1987

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

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Human Resources, the Governor's nomination of Susan B. Parker of Concord, New Hampshire for appointment as the Commissioner of the Department of Mental Health and Mental Retardation.

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

Was read and ordered placed on file.

The following Communication:
Maine State Senate
Augusta, Maine 04333

June 11, 1987

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

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nomination of Carroll York of West Forks for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

Was read and ordered placed on file.

The following Communication:
Maine State Senate
Augusta, Maine 04333

June 11, 1987

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

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nomination of Alanson B. Noble of Oxford for appointment to the Inland Fisheries and Wildlife Advisory Council.

Alanson B. Noble is replacing Dr. Appleby.

Sincerely,

Non-Concurrent Matter

Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 150) (L.D. 191) which was passed to be engrossed as amended by Committee Amendment "A" (H-275) and Senate Amendment "A" (S-157) 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 Amendments "A" (S-156); "B" (S-183) thereto and Senate Amendment "A" (S-157) in non-concurrence.

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

Senate Amendment "B" (S-183) to Committee Amendment "A" (H-275) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-275) as amended by Senate Amendment "B" (S-183) thereto and Senate Amendment "A" (S-157) in non-concurrence and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 826) (L.D. 1117) Bill "An Act to Provide Funds to Map Significant Aquifers" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-329)

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

SECOND READER

Later Today Assigned

Bill "An Act to Amend the Maine Optometric Code" (H.P. 1338) (L.D. 1828)

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

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Allow the Treasurer of State to Vote on Certain State Boards" (H.P. 902) (L.D. 1203) (C. "A" H-313)

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

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker: I would like to pose a question to the chairman of the committee. What would be the duties of a voting member of a board and what is the difference of an ex officio treasurer? Also, the Statement of Fact is contradictory to the amendment, which is cancelled out in the present law.

The SPEAKER: The Representative from Gardiner, Representative Dellert, has posed a question through the Chair to the Chairman of the State and Local Government Committee, Representative Carroll.

The Chair recognizes that Representative.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The Statement of Fact on this is, in fact, somewhat contradictory. I received a number of notes on it.

Originally, the bill gave the State Treasurer voting rights on a number of boards. The one that we have not allowed him is the State Retirement System. As an ex officio member, he can sit through the meetings, they can ask his advice, they don't have to take his advice, and then at the end of the day, he leaves the meeting without voting. As a member of those boards with voting rights, he sits through the meetings, expresses his opinion, gives his advice, and when it comes down to voting, he gets to cast a vote.

Representative Webster of Cape Elizabeth requested a Division.

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

A vote of the House was taken.

Representative Webster of Cape Elizabeth requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed as amended by Committee Amendment "A" (H-313). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 138

YEA - Aliberti, Allen, Anthony, Baker, Bost, Brown, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; McHenry, McSweeney, Michaud, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Walker, Warren, Wentworth, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Callahan, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Harper, Hepburn, Higgins, Holloway, Ingraham, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salisbury,

Scarpino, Seavey, Sherburne, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Tupper, Webster, M.; Weymouth, Willey.

ABSENT - Boutilier, Bragg, Cashman, Curran, Dexter, Dore, Duffy, Hanley, Hillock, Joseph, Mayo, McGowan, Melendy, Mills, O'Gara, Racine, Reeves, Ruhlin, Small, Whitcomb, Zirkilton.

Yes, 76; No, 52; Absent, 21; Vacant, 2; Paired, 0; Excused, 0.

76 having voted in the affirmative and 52 in the negative with 21 being absent and 2 vacant, the Bill was passed to be engrossed as amended and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Prohibit Open Alcoholic Beverage Containers in Motor Vehicles" (H.P. 590) (L.D. 801) (C. "A" H-314)

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

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

Representative WARREN: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Brunswick, Representative Priest.

I wonder if he could please explain this bill. It is my understanding that this bill would prohibit anyone from, for instance, drinking a beer in a car on the way home from work, and if they were stopped by a police officer, they could be fined \$500 for that?

The SPEAKER: The Representative from Scarborough, Representative Warren, has posed a question through the Chair to Representative Priest of Brunswick, who may respond if he so desires.

The Chair recognizes that Representative.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, this bill does establish a civil forfeiture for drinking if you are operating a motor vehicle. It says clearly what most people feel is the state policy now and that is, if you are going to drive, you don't drink and if you are going to drink, you don't drive.

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

Representative WARREN: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this bill and all of its accompanying papers.

We have a very tough drunk driving law in the State of Maine, it is one we are all proud of, it has worked very well, and it says very clearly that, if you are drinking and intoxicated and are a danger to anyone else on the road including yourself, that you face severe license suspension, severe fines, and in some cases, mandatory jail time of two days or more. Having said that however, I wonder if this bill just doesn't go too far, whether it is a working person who is driving three miles on the way home from work and stops for some gas and wants to have a beer in the car or anybody else in a similar situation, it not only says that you cannot drink one beer in your car, but if you do, you are subject to a \$500 fine. That to me is pretty severe.

I don't know the motivation for the bill. I know that the last two years I was on the Legal Affairs Committee, and we worked very closely with the Mothers Against Drunk Drivers and other organizations and we toughened the OUI law.

I had a bill in this year that was supported by the Christian Civic League and the Mothers Against Drunk Drivers to authorize punitive damage awards against drunk drivers who cause accidents. That was cosponsored by my good friend from Berwick, Representative Murphy. I think I understand the public anger against drunk driving, but this is going to put a policeman in every car. If you want to go to the beach with your family and have a beer on the way home or a wine cooler, if you want to have a beer on the way home from a Thursday night Bingo game, you cannot do that. I just think this is an extremist bill that is going to involve government, not only in our lives, but in our cars. It is going to provide police officers another reason to stop your vehicles.

I would urge everyone to push the green light and indefinitely postpone this bill and all accompanying papers.

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

Representative RIDLEY: Mr. Speaker, I would like to pose a question if I could.

I relate it to the open bottle law we had years ago -- if you were going up to your camp on a hunting or fishing trip and you happen to take a bottle of liquor with you and the seal was broken on it, but you had it in the stuff that you were taking to the camp, would you be subject to a fine in this case?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: The simple answer is no. The bill prohibits drinking liquor while operating a motor vehicle on any public way. It does not prohibit an open container in a motor vehicle. I would like to amplify that, initially, it was thought it was a public drinking law which applied to motor vehicles. Many judges have felt that a motor vehicle was not a public place and, therefore, did not apply to motor vehicles. This bill was in response to that.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Scarborough mentioned that someone on the way home from work would like to have a beer while they are driving. I drink as much as anyone else, but there are only two places to drink, either at home or at a cocktail lounge -- not while you are driving.

Anyone that is tired on the way home and has a beer, you can just imagine what the effect would be. The original bill said that you could not have an open container of liquor in the car, that put a lot of people at risk. It apparently brought out the situation that, if you have a motor home and if they should stop you and in the kitchen of the motor home you have an open bottle, you could be subject to it.

The bill was amended that, if anybody was driving, they should not have an open bottle in their hand and nipping at it. Here is what happens -- someone is stopped on I-95 with a bottle of whiskey in the hand, they test him, he tests just below .10. At that time, he is allowed to continue because they do not get him under OUI. But if that fellow is just below .10 and is allowed to keep that bottle in his hand and keeps on going on I-95, say he is Augusta, I can assure you that by the time he gets to the other side of Waterville, he will be way over .10 and then you have a problem.

I say now, put the show to Project Graduation and Mothers Against Drunken Driving and the Students

Against Drunken Driving especially this time of year when there is so much publicity about drinking at graduation parties.

If anybody has to have a drink before they get home from work, they don't need any protection, they need a little help from the counselors. I can wait until I get home, I don't have to nip it while I am going, and I think this is one thing that we should do to try to stop it. As it stands now, if someone is stopped, there is not a thing they can do about it. This is a good bill, it was amended, and I would urge you to not vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Tamarro.

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

Take, for instance, a man who doesn't drink at all and he has a couple of people with him, which in my case I do, and they would have a beer and would be drinking the beer in the car and I was stopped -- would I be subject to a \$500 fine?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: The bill only prohibits operating a motor vehicle while drinking on a public way. It does not pertain to your passengers. It only pertains to you if you are operating a motor vehicle.

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

Representative WILLEY: Mr. Speaker, may I inquire if the amendment is germane to the title?

The SPEAKER: The Chair would advise the Representative that the pending question is indefinite postponement. The Chair is not in a position to make a ruling at this time; however, the Chair would be in a position after this motion.

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, I would like to pose one additional question on this bill.

The question I have is, under the current OUI laws, somebody could be plastered right out of their mind behind the wheel of a vehicle and pay a \$350 fine, and under the provisions of this bill, they could have taken two sips out of a beer and could pay \$500. Am I misunderstanding this or could somebody explain to be the rationale behind this somewhat confusing fine structure?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: This is a civil violation, not a criminal violation. What you are talking about -- OUI is a little different. This says, not more than \$500, it does not require a fine of \$500, it says not more than. Obviously, this is a civil violation, discretion can and will be used.

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

Representative JACQUES: Mr. Speaker, the question is, potentially then, if what I hear is true, somebody could be completely, totally plastered and pay \$350. Then, depending on the judge or the circumstances, somebody could have three sips out of

a can of beer and pay \$500. Am I incorrect on that assumption?

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

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: The fine for Operating Under the Influence is \$350, which is only a minimum. I cannot speak to exactly what the maximum is, but I know it is up in the range of at least \$1,000, so the fine could obviously be more and the suggestion in the question would, therefore, not be the case.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: If I understand it correctly and I have been reading the paper correctly, everything in the paper for OUI has been around \$250, \$350, and suspension of license for 90 days and 48 hours in jail. If we are going to go out and take somebody that wants to have a beer on the way home and charge them \$500, or up to, and probably will happen -- \$500 for having a can of beer, somewhere we are making the laws a little bit unfairly.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: At first, this sounded like a good bill, but in light of the questions that have been asked, it has raised a number of questions in my mind. I question how enforceable this bill could be. I mean a person could theoretically be driving down the road and have a sip of beer and when the police car shows up, hand it to the passenger, and the passenger says, "Well I am the one who is drinking the beer." How is this going to be enforceable?

It seems that the fine is a little extreme and while I commend the intent of this and I certainly have been a strong supporter of stricter OUI laws, I think that the Representative from Scarborough is correct and this goes just a little too far. I would urge you to support the pending motion.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: We have on the books in this state that we cannot drink on a public beach. We cannot drink in a public way, but yet we want to allow people going down our highways, even though they are in their own vehicles, driving and drinking beer. I even have a problem with people drinking coffee. I wonder how much attention they have on the road. I cannot drink coffee and read the newspaper but I have driven by people with a newspaper across the steering wheel. I kind of have a problem with that also.

I just don't think it is necessary that we have to drive a vehicle, drinking beer. The guy could have had a couple of drinks before he got into that car after he got out of work. I really feel as though this is a good bill. If we want to be firm with drunk drivers, why do we have to drive down our highways with a can or bottle of beer in our hands? Therefore, I urge you to support this Committee Amendment and make this a law.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to bring up a couple of points on this bill that I have sponsored here. Originally, the language was a little bit

loose and the committee worked very hard and I think came up with some good language here in Committee Amendment "A" (H-314). I just wanted to read a couple of phrases here in the bill.

A violation is "that no person may drink liquor while operating a motor vehicle on any public way." That means, if you have it in the backseat or you just bought it, you bring it home from the store, even if somebody in the back is drinking, that is not covered by this bill. It has to be the operator of the vehicle actually drinking a container of alcoholic beverages.

With regard to penalties, everyone has been bantering around the \$500 penalty here, that is the maximum penalty. Very seldom do we see the maximum penalty ever adjudged in our judicial system. It can go no higher than that. In fact, it would probably almost in every case be much, much lower than that. Most people believe that this is already a law, that it is already illegal to drink and drive. I think that it is just putting something into place that most people believe is very reasonable, is very good, and it is the direction we should be going in a society that has now determined that drinking and driving is not the way to go.

I hope that you would support the Committee Amendment and oppose the motion on the floor.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against indefinite postponement. I ask you to think about the mixed message that is coming out of this chamber this week. Yesterday we voted to place fairly high sentences on drug dealers and we voted to open more liquor stores. Today, we are fighting about whether people ought to be able to drive down our public highways and drink. Alcohol kills far more people than drugs in this state and I think we are giving very mixed messages, particularly to our young people. I would urge you to vote against the motion.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: The reason I asked my questions is not because I am in favor of the drunk driver. We are not talking about a drunk driver because Maine has, and it has been tooted all over this nation, the strongest drunk driving laws in the country, or we did at one time. The problem I have is that the \$500 fine may be the maximum, and that is probably all right in Kennebec County, but if you go to Somerset County, where the judge there has the tendency to go with the maximum, you are looking at the potential of giving somebody a \$500 fine for taking two sips out of a can of beer. Men and women of the House, you can accidentally shoot your wife or husband and pay a \$200 fine, doesn't make an awful lot of sense to me.

The other night on T.V. they had a special on this very same law that was passed in this state -- I think it was New Jersey or Virginia -- they said the only thing that this law has been able to do in those states is, it has made a real good business for the fellows that sell a plastic wrapper that goes around the beer can that says Pepsi, Coke or 7-UP. They put that around the beer can because the law says you have to see the operator of the vehicle drinking a beer. So they wrap this thing around the can of beer, (and it was on T.V.) they drive around and it says 7-Up, Coke or Pepsi. The Attorney General or some big lawyer for this state said it is just unenforceable, it is another law that hasn't helped us a bit, it doesn't do a thing. If the guy is

drunk, nail him, put him in jail, throw away the key, I don't have a problem with that. I am talking about the guy that has one beer, the same way some of you might have a Very Fine juice or whatever else. I have a concern when you make it so the person who takes that sip could potentially be fined more than somebody who is plastered right out of their tree that doesn't even know what they are doing. Those are the concerns I have. I am not out to bail out the drunk driver, believe me.

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

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

In order to rule germaneness of the Committee Amendment to the bill, if the motion to indefinitely postpone was withdrawn and the question was then asked to the Chair, could you then make a ruling?

The SPEAKER: The Chair would answer in the negative.

Representative VOSE: Then I would ask, what would one do to get to that posture?

The SPEAKER: The Chair would advise the Representative from Eastport and the members of the House that a request for a germaneness ruling must be made at the time that the matter is before the body, which in this instance would mean at the time of acceptance of the Committee Report.

Representative VOSE: Thank you Mr. Speaker.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We just raised the speed limit to 65 miles an hour. It seems to me that, if anyone wants to drive down the road at 65, sipping a beer, has already had enough.

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

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of this bill. I have had the experience of investigating accidents in which people had been drinking and, in some cases, that was the cause of the accident. I can tell you right now it can be a pretty sorrowful sight. There is a place and a time for everything, and if I feel that I have to have a drink going from point A to point B, I am in pretty bad shape, while I am in the vehicle.

We all receive the monthly tally from the Maine Highway Safety Committee that tells us how many people are killed in highway accidents. It also tells us how many of those had been drinking. Now can we put a price on a death? I am not about to do that today. Let's not be afraid to vote in favor of this bill and to vote against the pending motion on the floor.

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

Representative CURRAN: Mr. Speaker, Men and Women of the House: I am only going to say a very few words on this, but what I have been hearing has disturbed me very much because I have heard it over and over and over from many lips this morning. That is the two or three sips taken while driving, two or three sips — two or three sips. Nobody opens a can of beer and takes two or three sips, whether he is behind the wheel or whether he is behind a table or behind a bush. If a person opens a can of beer and takes two or three sips, he is drinking a can of beer. We are not only talking about beer, we are talking about any kind of liquor here.

Rather than two or three sips and trying to protect a few who want that, what I see are the words that haven't been spoken here this morning yet and the words are, arrogance, contempt, contempt for the efforts that we have made to clean up the highways and prevent some of our deaths, contempt for the very basic things that we are trying to do in this legislature, day after day. I hope you will all support the bill. I hope you won't question its legality in any form whatsoever. I hope you will support it and vote it into law.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: We represent all ranges of people and we try to pass good laws for them. I think that when we get up here and we question the legality of a law, that is our job. I cannot imagine not debating a bill. If we just let them go through, we would have been home three months ago.

But I do wonder — the legality of this bill tells me that, if there is an open beer in the car, it might have been there for a week, somebody might have left it, the guy had a beer in the bar and he goes home, he is sober but he has some on his breath, he has an open beer in his car and he is stopped — whether they saw him drinking a beer or not, I will bet you ten to one, he is going to be arrested.

We are making a law that is almost impossible to enforce. We put .10 on the books because that is the standard that we wanted to say would cause impairment of driving. Now we want to say, we will go out and get you anyway we can. As far as I know, the tough drunken driving laws in this state, the death total is starting to climb again. What I would like to do is to go out and get the person that is driving under the influence, do it right, but don't do it unfairly.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: During the last few years, this legislature has made policy statements, both in the area of the OUI law and then on a bill that Representative McSweeney and I had worked on very intensely and supported by many people in this legislature dealing with the problem of public drinking. What we are looking at today is closing the loophole in that public drinking law. I think we have an opportunity today, if we pass this law, to say that automobiles are a means of transportation and not rolling cocktail lounges on wheels.

The SPEAKER: The pending question before the House is the motion of Representative Warren of Scarborough that L.D. 801 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 103 in the negative, the motion to indefinitely postpone did not prevail.

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

Representative WILLEY: Mr. Speaker, may I inquire if the amendment is germane to the title?

The SPEAKER: The Chair would advise the Representative, as he responded to the question posed by the Representative from Eastport, Representative Vose, that we are now in second reading and what is now before us is the redraft. The Chair is not in a position to make a ruling on germaneness.

Representative Jacques of Waterville moved the House reconsider its action whereby Committee Amendment "A" was adopted.

Representative Priest of Brunswick requested a Division on the motion to reconsider.

The SPEAKER: The pending question before the House is the motion of Representative Jacques of Waterville that the House reconsider its action whereby Committee Amendment "A" was adopted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 86 in the negative, the motion did not prevail.

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

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

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" in New Draft under New Title Bill "An Act to Delineate Areas of Economic Distress and to Create Job Opportunity Zones to Alleviate Distress" (H.P. 1312) (L.D. 1790) - Minority (5) "Ought to Pass" in New Draft (H.P. 1313) (L.D. 1791) - Committee on Economic Development on Bill "An Act to Create Job Opportunity Zones" (H.P. 1116) (L.D. 1512)

- In House, Minority "Ought to Pass" in New Draft (H.P. 1313) (L.D. 1791) Report of the Committee on Economic Development read and accepted and the New Draft (H.P. 1313) (L.D. 1791) passed to be engrossed on June 9, 1987.

- In Senate, Majority "Ought to Pass" in New Draft under New Title Bill "An Act to Delineate Areas of Economic Distress and to Create Job Opportunity Zones to Alleviate Distress" (H.P. 1312) (L.D. 1790) Report of the Committee on Economic Development read and accepted and the New Draft (H.P. 1312) (L.D. 1790) passed to be engrossed in non-concurrence.

TABLED - June 11, 1987 (Till Later Today) by Representative CROWLEY of Stockton Springs.

PENDING - Motion of same Representative to recede and concur.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Crowley of Stockton Springs that the House recede and concur and later today assigned.

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

An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime (H.P. 1297) (L.D. 1775) TABLED - June 11, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

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

Representative WARREN: Mr. Speaker, Ladies and Gentlemen of the House: I move that L.D. 1775 and all accompanying papers be indefinitely postponed.

I ask all members of this body to please consider voting against this bill. It is a bill that negatively affects private property rights and is

intended to do things that people can do already through the private sector. There is no demonstrated need for this bill in the State of Maine. Also, it violates the U.S. Constitution and the Maine Constitution.

The Bill asks this legislature to create another government program. It says that when a person is merely accused of a crime, not just convicted but accused of a crime that that person should give up certain private property rights.

We had a legislator in this body this year, men and women of the House, who was accused of a crime. Representative Donald Sproul was accused of ballot tampering. Despite being accused of the crime, this legislature spoke loud and clear that that legislator should be allowed to sit in his seat and serve the people of his district until he had a trial. The message from this legislature was, just because you are accused of a crime does not mean that you should give up any of the rights this country has had people fighting and dying for during two world wars and other international conflicts.

In this legislation, however, we are asked to go against that basic principle of government. The principle is, innocent until proven guilty. Think about that -- innocent until proven guilty. That is a very powerful phrase. It is not a Republican phrase, it is not a Democratic phrase, it is not an unenrolled voter phrase, it is an American phrase.

Ask yourselves this question -- if you and a family member or a friend or a constituent were accused of a crime and you were going to have to face trial by jury of your peers on that crime -- what legal standard would you want to face you? Would you want the standard that applies in the Kremlin in Russia that they wouldn't have arrested you unless you were guilty or would you like to be deemed innocent until proven guilty? I suggest that you would choose innocent until proven guilty.

The bill before you today is a bad bill for many reasons. It is unnecessary, it establishes a new program in the Attorney General, Jim Tierney's office. It ignores private sector solutions and it suffocates the first amendment right to free speech and the right to private enterprise. The reason why we suffocate that free speech is because we don't like it.

This bill would apply to a lot of different groups, it would have applied to Martin Luther King. To those of you in this body who admired Martin Luther King and what he taught and what he spoke, this bill would have prevented him from speaking out.

The idea for this bill comes to the Maine Legislature from New York City and Hoboken, New Jersey and other faraway places. The idea for this bill was born because people in those places felt they had a problem. I suggest to you, just because people in New York City and Hoboken, New Jersey have a problem, that the Maine Legislature does not have any duty to act to solve a problem that we don't have.

The bill says that when a person is convicted or accused of a crime, he may not speak or write his thoughts or feelings for compensation with people like a book publisher for instance. The bill establishes a program that mandates the Attorney General's Office to review any contract between that accused person and a book publisher or other private business person who has made a contract with the accused. They must submit that contract for state approval. Also, if there is any compensation between the book publisher or other individual and the accused person, that money does not go to the individual, it goes to the Attorney General's Office to be put in a bank account.

The main problem with this bill is that people who are accused of a crime or indicted, arrested, put in jail and face trial, some of them can't meet bail, also some of them can't afford money for a lawyer. Let me give you an example. We have an individual who is from Waldo County, his name is Harold Higgins and, over the past three years since I have been in the legislature, I have received numerous communications from Harold Higgins on many topics but I think his favorite topic is what he feels is his second amendment right under the Constitution to keep and bear arms in his home.

As you all know, the Speaker of the House, the Representative from Bangor, Representative Duffy, the Representative from Brewer, Representative Ruhlin and others, have been pushing a measure through this House that would make it clear that the people of the State of Maine have a right to keep and bear arms in their home.

Now, let's say that Harold Higgins, for instance, is sitting in his home on a Sunday afternoon having had Sunday dinner with his wife, his family, his little grandchildren and, all of a sudden, there is a rap on the door and he goes outside on his porch and he sees four drug-crazed hippies, with long hair, with T-shirts that say "Shut Down Maine Yankee" and they have metal crucifixes and they come at him chanting some Hari Krishna type chanting telling him that they are going to kill him. He tries to talk them out of it, he tries to get them off his property but it won't do any good, they keep coming after him. He, out of concern for his family and his grandchildren, goes to his bedroom, gets his shotgun and comes out and shoots them all in self-defense.

He, of course, would be arrested by the local sheriff, he would be indicted for murder and he would be sent to jail. Also a very high bail would be imposed or perhaps he wouldn't have any bail at all because it is such a serious crime. Immediately, he would have a right to meet with a lawyer. Any lawyer, who is going to defend a murder case, would want a retainer of a very substantial amount of money. If Harold Higgins didn't have money to defend himself of a crime that probably most of the members of this body feel he shouldn't be convicted of, the lawyer could say, if possible, a group like the National Rifle Association or some other private property group would like to pay you some money to tell your story. You have a very compelling story that the people of the State of Maine ought to hear because if, they hear the story, then the legislature might make it clearer that self-defense and defense of your property or your life, is allowable.

If someone like the National Rifle Association or some publisher wanted to pay him a certain amount of money that he could use to hire his high-priced lawyer to provide him the defense he deserves, the Attorney General would step in and the Attorney General, Jim Tierney, would say, let me see that contract and let me see if there is any money coming to you under that contract. If there is any money coming to you, you are not going to be allowed to have the money.

There is an exception in this bill for legal defense but it presents, what I consider to be, a repugnant situation. I would think even the Representative from Belfast, my much elder professional colleague, Representative Marsano, would agree with me on this -- in determining this lawyer's fee and whether he was going to get paid money to represent this Maine citizen, Attorney General Jim Tierney would be involved. I think that anyone would be repulsed at the thought that the prosecutor would be somehow involved in deciding whether you, as a

citizen, were going to have money to hire a lawyer to provide your legal defense. This is not Russia, this is the State of Maine in the United States.

Anyway, because the Attorney General would step in, obviously the publisher would have no interest in going further with any contract with that individual. I submit to you that that person would probably sit in jail for six, eight, or ten months until his trial came up. He probably wouldn't be able to raise the money for bail. His wife, children, and grandchildren would be without his companionship, he wouldn't have money to hire a lawyer and he would just have to wait for his trial and maybe he would get a court appointed lawyer, I am not sure, it all depends on his financial circumstances. That is a problem.

The Representative from Gorham, Representative Hillock, and the Representative from another part of Gorham, Representative Brown, and also the Senator from Cumberland, Senator Usher, should be interested in this topic. Recently, there was a murder charge brought against an individual in the Durand murder case down in Cumberland County. There are two individuals who have been charged. The first individual, who went to trial recently, was acquitted and justice was done. A jury of his peers heard all the evidence and decided that he did not commit the crime. Despite that, that individual sat in jail for approximately eight months. Eight months in jail. Who is going to give him that time back? Who is going to give him that time with his family back? Who is going to give him that portion of his life back? I submit, no one. He was simply accused of a crime and he was deprived of a very serious right, his right to liberty. That is precisely what this bill purports to do. It doesn't just deal with convicted people, as the title says, it deals with accused people, people like this individual from Gorham who was tried in Cumberland County, people like Representative Sproul, who were only accused and not to have the right to sit in their seat and serve their people. For that reason, I think this bill is seriously flawed and it is against the Constitution of the State of Maine and the United States.

Finally, I think this bill is unnecessary. As any lawyer would tell you, there is currently a remedy available. If a victim is seriously injured by a criminal and the victim has medical bills and wants compensation and the victim feels that the accused person has some assets, some real estate, some property, there is a method available for that person to go to court and get access to those assets. It is called a motion for attachment. Undoubtedly, you have all heard of a motion for attachment. You go into court, you bring a lawsuit, as this bill requires the victim to do, and you ask the judge to seize any real estate that the person has, put a lien on it, seize any bank accounts, money etcetera, to be set aside in the event that you do get a judgment by a jury against this person for civil damages. To that extent, this bill is absolutely unnecessary. It may be necessary for some strange reason in the City of New York or in the City of Hoboken, New Jersey but this is the State of Maine and I know we all respect constitutional rights and for that reason, Mr. Speaker, I hope the men and women of this House will please consider going along with the motion to indefinitely postpone this bill because it is not needed in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: This bill was reported out of the Judiciary Committee in a unanimous fashion at a

time when the Representative from Scarborough was not able to vote. I have long been sympathetic to his views about this bill because he has articulated them over a substantial period of time. As a matter of fact as late as yesterday, I understood that the tabling of this bill was for the purposes of his obtaining an opinion from the Attorney General with respect to its constitutionality.

I have long felt that the bill was constitutional and I had an opportunity to meet in the hall of the House last night with the Attorney General and I had the opportunity to discuss the constitutionality of this bill with him and he assured me that my views, with respect to its being constitutional, were correct, that they were views which he had when the matter was originally and then later reviewed by him. I understood, though have not seen it, that an opinion to that effect is already circulating someplace. It does not come from Attorney General Tierney himself but it is an opinion from his department and I understood that it was Cab Howard who had written it.

Notwithstanding that, let me speak quickly to the reasons why I believe that this is not an unconstitutional taking and is not an infringement on the right of speaking or writing. It is not an unconstitutional taking because it is, in fact, not a taking, it is simply a holding and there is a substantial difference between the state taking something or holding something. If, and I hope it never happens to anybody and it has never happened to me, and I know it only because I have represented so many clients who have had the misfortune to be arrested, if you become an arrested person in this state and you are taken to the jail, they will take from you your watch, your wallet, your money and they will put it someplace until such time as you leave the jail and then they will give it back to you. That is a holding, it is not a taking, and the money would obviously be there for whatever purposes were necessary, the wallet, the watch, and whatever other things you might have. They would be held by the state, they would not be taken. It would still be your property, it would simply be available for others under certain circumstances.

This bill does not impact upon bail in the slightest. It also does not impact upon a person's right to write or to speak. It simply says that, in hideous crime situations, you cannot profit from it.

The situation that I heard about only the other evening related to a Chicago murder, the case was one of those bizarre, unfortunate events that occurs too often in our society today. It related to a woman who had been a natural parent, given the child up for adoption, and the child was taken by another woman, adopted into her family, and then brutally murdered some 25 years ago. The fact that it was 25 years ago was the bizarre fact that attracted somebody to the case. They were talking immediately after the conviction of turning this into a movie so that there would be all this money available for legal fees, for appeals, and all the rest of it. It strikes me that these kinds of things in our society is one of the things that is bad about our society and one of the reasons that I supported this bill. That was because this bill simply makes a statement that the bizarre criminal, the Samantha Glenners of our day are not entitled to profit from the hideous ways in which they create crimes. That if all we do is make a public statement at this time, from this place, to the effect that you will not be able to create a more bizarre way of killing or maiming or hurting people and to profit from it, then we will, in my view, have made a statement about our society which is important.

I respect the right of the Representative from Scarborough to speak about the constitutional protections that we have, the right of free speech is, I think, the most important protection we have in an open society. This does not prevent that sort of thing.

It is my view that Dr. King would have written, notwithstanding what would have happened to the right of the profits from that writing. He would have written because he was right. Socrates would not have not written if this bill had been in effect in ancient Greece and profits could have been taken, because Socrates believed that he was right.

The people who we use as examples of what might happen if this bill becomes the law are not people who would be adversely affected by the holding that is implied in this bill. They would not be affected because their right of free speech would have been as important to them as it is to all of us. It is important that we recognize that this bill does not impair free speech or the right to contract or anything else, it simply says that there will be a holding of any profits from grizzly crimes.

I urge the adoption of this bill by this House.

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

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I am not a lawyer so I will be much more painfully brief than the two gentlemen that preceded me. I am glad that I don't serve on the jury very often if that is what the jurists have to listen to all the time but they both made excellent points.

This is my bill. I apologize to the Representative from Scarborough, Representative Warren, for getting him all worked up. I personally believe that he is making a mountain out of a mole hill. You talk about a new government program being established, it is likely that no one will ever fall into this or it is likely that just one or two people will ever fall into this so-called government program as he calls it.

As we have heard from Representative Marsano, it truly is constitutional.

The fact about the accused, the bill says that those that apply to this are the convicted persons or the accused person but only if the accused is eventually convicted. Even on convicted people, once they have paid their debt to society, there is no problem with them then profiting from it.

Although this is somewhat a lengthy bill with a lot of legal structuring, the concept is really quite very simple. No one should profit from their crime via movie rights, book rights, TV rights, etcetera. I got the idea a couple of years ago from watching two movies within a week's time, one about the Marine doctor, McDonald I think his name was, who supposedly murdered his family and then blamed it on a band of hippies. The other one was about the Scarsdale Diet lady, Mrs. Harris I believe her name is, who killed her lover and was convicted of it. I don't know if these two people received money from those movies or not.

In our own state, what about the baby being burned in the oven? Representative Warren talked about this bill being repugnant. Wouldn't it be repugnant to you to have John Lane contract movie rights or book rights or television rights to make a profit and become a rich man over burning a baby in an oven? I find that as ghastly as the crime he committed. I say, let us close the door on this before it even happens.

I just want to read to you an editorial that was published in the Portland Press Herald. This was published the day before the public hearing, probably a month or so ago. The editorial reads, "In Maine, convicted criminals may legally sell the stories of their crimes to anyone willing to pay for them and then pocket the profits. That is repugnant, no one ought to be able to line their pockets by capitalizing on the crimes they commit. In several states, it is against the law for criminals to profit from their crimes. In New York, a law prohibiting profits from crime was enacted after David Berkowitz, the Son of Sam killer, sold his story to publishers and movie makers. Despite the reason of the proposal, Maine has never enacted that sort of legislation. As a rule, Maine has few crimes which receive nationwide attention but when they do occur, it is possible that payment may be made for books, magazines and movie rights. For example, a transsexual now in Maine State Prison for murdering a woman in Hancock, has expressed plans for writing a book about the crime. To us, there is something terribly wrong when criminals may be in the position of selling their story to the highest bidder growing rich while their victims suffer from financial and emotional pain. The legislature ought to pass a law preventing it from ever happening here."

That is what the Judiciary Committee has recommended on a unanimous vote and I urge you to vote no on the pending motion.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question if I may. If I understood the gentleman from Belfast, Mr. Marsano, correctly, this would only apply to people who commit grizzly crimes and is there a definition in the bill of what a grizzly crime is?

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

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: No, I don't mean to suggest that. I just mean to suggest that there isn't any pocket value for a crime that does not have some kind of sensational aspect. There is, of course, and to that extent, the gentleman would be right. I didn't mean to suggest that there is any limiting on it, it does apply to people who would write about commissions of crime.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Although I am licensed as a lawyer, I haven't been actively practicing for several years so, hopefully, I have learned succinctness.

Like most of us here, I look at the papers that come across my desk and my first notice of this particular bill was in the statement of the Representative from Scarborough, Representative Warren. So, my first look at this bill itself was two days ago. I was interested right off the bat when I read the title because it is an area that I am very concerned about and supportive of, the protection of victims. It seemed like a very good idea. I have long been involved in various pieces of legislation that tried to protect victims of crimes, particularly child sexual abuse which has been an area of particular interest to me and it makes good

sense to me that a victim of sexual abuse, a child should be able to proceed against a criminal for proceeds of anything that is done in order to fund treatment, for example.

The more I looked at the bill, however, the more I decided that this is not the proper bill that we should be using to get that idea across.

First I noticed that this dealt, not only with convicted persons, but those accused of crimes. This is on page 2, line 5 and it occurs at other places in the bill.

I am bothered by the notion that we should be trying to take away property even on a temporary basis and hold it from people who are accused of crimes. This flies in the face, it seems to me, of what I understand about the notion of "innocent until proven guilty." I recognize that, in certain situations, a person going to jail does have his belt taken away so he can't hang himself. He has his money taken away but it doesn't really matter because he can't spend it there. There are good reasons for those sorts of holdings. And there would be a good reason for this but, nevertheless, to interfere with a person's right to have the use of property until that person has been accused and has been convicted of a crime, it would take a special need and I do not find that here.

Then I noticed some other things about the bill. I noticed that there is no interest provision in this bill, thus money that is taken by the Attorney General is held, but it does not earn interest, which would be of benefit of either the person if he was later acquitted or after his release, nor would it help the victim, if the victim came forth.

Then I noticed that the bill requires that the money be held for a long period of time. On page 2, line 24, it makes it clear that this money would be held for a period of five years from the date of release of the convicted person from imprisonment. Now, if a person goes to prison for ten years, let's say, that means that that money is going to be held for 15 years. This, despite the fact that the statute of limitations for collecting money, is six years. Thus, we are requiring long after the statute of limitations has expired that the money be tied up in escrow. That does not make good sense to me.

My first reaction when I first read this bill was to say, maybe it could be fixed. In fact, I went through the process of getting an amendment prepared dealing with the accused issue. Frankly, that would have helped a great deal but then I had other problems -- I finally concluded that the bill really needs to be looked at again and thought about. I would like to see it come back in another year. I think it is a good idea, I think it is one we ought to be putting in place but I don't think that this bill represents what we need in this state. This is not good policy and I am not going to support the passage of a good idea in a bad execution because that makes bad policy, not good policy.

Then I started to wonder, have there been any situations in Maine that this might apply to? There have been some mention of situations in other states. I could only think of one situation in Maine where somebody in prison has been publishing anything and that is the case of James Lewison, the convicted murderer at Thomaston and while there, he continued writing poetry as he had done earlier. Those of you who do not recall, he murdered his wife with a gun in a drunken state one night. We was a well-known, well-recognized, nationally-recognized poet and he has continued to publish good poetry.

If I read this bill right, and particularly in light of the fact that many of Mr. Lewison's poems

have dealt with his period of imprisonment and his life experiences since that time, then the proceeds of that poetry would go into escrow and would be held for victims. Now, who are victims? I am not sure who victims were in this case. I know his children were left without their mother and I know that they went off to live with other relatives, I believe in California. I know that the proceeds from the books currently have been used, in part, to provide support for those children. I am not sure, if this bill were passed, that that would be permissible because I am not sure those children would fit into the definition of victims under this bill because they haven't suffered personal injury, they haven't suffered death, and I am not sure they have suffered economic loss. You could argue that the loss of their mother made them to suffer economic loss but I am not sure that that would be so.

I also noticed under this bill that, in the case of James Lewison, it wouldn't have allowed him to have paid any income taxes to this state or the federal government because there is no provision in this bill to provide that the Attorney General should pay income taxes. I got attracted to that, because in looking further to find out what this bill is based on and, of course, I did learn it was based on the Son of Sam case in New York and that case went to the New York Law Court and, interestingly enough, the New York Law Court pointed out that it had no provisions whatsoever for income tax payment and there was no authorization for it within the legislation that exists in the State of New York.

I also noticed that in the State of New York, this bill, this law, did not prevent the entering of the contract or the personal representative of Mr. Berkowitz to have full access to the money. The money did not go to the Attorney General. The proposal that was here proved to be unsuccessful in the State of New York for doing what it was intended to do.

I also noticed in this, if you apply it to the James Lewison situation, under this bill, there would have to be a publishing every six months in a newspaper of notice to potential victims. If you apply that to the Lewison case, what that means is the amount of money that would be available to be sent directly to the children, as is currently happening, would be depleted because some part of it would be siphoned off to pay publishing costs. Again, it did not make sense to me in the one case that I knew of in this state where this might have applied. So I concluded that this would be legislation that would basically spawn litigation, probably.

There is some question about its constitutionality, I have heard opinions in two different directions as to its constitutionality. I do not think it is a good idea to be putting into law a bill that is going to spawn litigation. That is what fits my definition of a lawyer's bill. I do not want to participate in putting in that sort of a lawyer's bill on the books. It does not make good policy, it does not protect victims. It is a good idea but it needs to be refined and I would hope, that in a future session of this legislature, we can pass a bill that does do what this good idea tries to do but does not succeed in doing.

I would urge support of the motion for indefinite postponement.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think we have just one thing to think about when we vote on this bill and

that is, we are innocent until proven guilty by our peers.

I urge you to support the indefinite postponement of this bill and all its accompanying papers.

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

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

Why was the accused included in the bill rather than just the convicted?

The SPEAKER: The Representative from Bangor, Representative Stevens, has posed a question through the Chair to any member of the Judiciary Committee who may respond if they so desire.

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is that in the bizarre case to which this bill really addresses itself, unless there is a holding of the accused's money, by the time there is a result in the trial, the money would be gone. That bears upon the point that the Representative from South Portland made which is really, I think, a wrong point. The simple fact of the matter is that a lot of the people who are benefiting from the contracts are the lawyers of these individuals who participate in these bizarre crimes. They arrange these contracts for the purposes of having lots of money around, which means that the formerly indigent criminal is no longer indigent and there is a big pocketful of sensational money left to pay legal fees. This is anything but a real lawyer's bill. It is for people who want to take advantage of the kinds of hideous situations that are created by these bizarre crimes.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe this is a good bill. It could be improved. We tell our people, crime does not pay, but if you recall the Watergate, everybody and all those criminals that were proven guilty, wrote books and they made a profit from it. I think the bill should be passed, and next year we can fine tune it to make it workable. I truly believe this is a good bill. Why should the criminals profit by their crime? Why should they have books and movies and receive royalties on those? They are in jail, they are buying all kinds of favors with the money that they do receive. I truly believe this is a heck of a good bill.

We also tell our people, you are innocent until proven guilty. Well, I would defy anybody to go to court and not have an attorney to prove that they are innocent. Let them sit in court and say, I am innocent. The system here in the United States says, you are innocent until proven guilty. Therefore, I am not guilty, I do not need a lawyer -- you know different. In actuality, you are guilty until proven innocent. If you have enough money, you are innocent even if you are guilty.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

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

Is it true that Congress has declined to pass such a law as this because of its constitutional problems? Can anybody answer that?

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: It is true that Congress has declined to pass this bill because they considered it to be of questionable constitutionality. It is also true that the bill has received criticism again, in the one case that went to the courts, the Son of Sam case. The court described it as having a noble spirit though closed, in loose, vague and inconsistent language in a later point. Though it may be a little weak on details, the bill is certainly strong and definite as an expression of public policy.

Another point, this bill is terribly drafted, its intent and objective should be praised, but it should be vetoed. That was a suggestion to the Governor of that state by a member of the legislature at the time. This proposal has been criticized numerous times.

In fact, the gentleman is correct, the Congress of the United States has declined to pass this bill.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: This is a different bill, however. It is a different bill from the original bill, it is a different draft. I think that the one person or persons that we have forgotten in much of this discussion today has been the victim. That money is really to be put in an escrow account and let me read from the bill, "The Attorney General shall deposit that money in an escrow account for the benefit of and payable to any victim of the legal representative of any victim of crimes committed by the convicted person or the accused person but only if the accused person is eventually convicted of the crime."

I do agree with the Representative from South Portland that an amendment should be made to the bill to include interest. I do think that this really is an important bill and I think it is important to send that message out to the people that you cannot profit from crime.

I hope you will support the nearly Majority Report of the committee.

Representative Tracy of Rome requested a roll call vote.

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

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

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

Representative WARREN: Mr. Speaker, Men and Women of the House: I will be very brief. I am glad we are not in a Court of Law because if we were, I would have been able when my good friend from Belfast, Representative Marsano, stood up to say, "Objection, Your Honor." His statements are based on hearsay.

Concerning this talk about the Attorney General's opinion, it is true that as a compromise several of us wanted to get an Attorney General's opinion on the constitutionality of the bill. There are reams and reams of papers and decisions in this general area, none specifically on point. My understanding yesterday was that the Attorney General's Office, Cab Howard specially, had said that he couldn't give us

an Attorney General's opinion yesterday because in his words, "It would take days and days and days to research." Now, I don't know what Representative Marsano and this Attorney General's Office representative talked about in the hallway last night, one on one for ten minutes, but I suggest that this bill is far too complicated to decide essentially in ten minutes.

The last point I would like to make is that I appreciated his reference again to another state where this bill is needed, Chicago, and if he runs for the Chicago or the Illinois Legislature, I will happily support him.

But the final point is, in the Senate and House Register, that is published every two years, there is a provision in the front of it and I am beginning to wonder why we print it. It is called the Constitution of the State of Maine. It says, "The Constitution of the State of Maine as Amended, January 1, 1983." It is not for yesterday or not just for today, it is supposedly for all time. We are very intent in this legislature to send messages. We are becoming a body of ham radio operators we are so intent on sending messages to people. I am all for sending messages but I don't think we can send a message because it is convenient or popular at the minute.

The idea of a Constitution as Alexander Hamilton said, and this is the 200th anniversary of the constitution, is that "We are a nation of laws and not a nation of men." This should not be a flexible society. People should know what is legal and what is not legal. To that extent, we have certain provisions of this Constitution. One of them is innocent until proven guilty. I didn't write that, nobody here wrote that, but that is in our Constitution, and we cannot simply set it aside because we think someone who is accused of a crime, like the person Representative Seavey mentioned, John Lane, just because he is accused and just because we don't like him, doesn't mean we can take his rights away. This little book stands in the way.

I think this is a good idea to help victims, but the wrong way to do it.

I would urge everyone to press their green light and indefinitely postpone this bill for that reason.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Scarborough, Representative Warren, that L.D. 1775 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 139

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Bickford, Bost, Bott, Brown, Carroll, Chonko, Clark, H.; Clark, M.; Coles, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Ingraham, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Martin, H.; Matthews, K.; McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, J.; Pouliot, Priest, Rand, Reeves, Richard, Ridley, Roide, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Walker, Warren.

NAY - Armstrong, Bailey, Begley, Bragg, Callahan, Carter, Cote, Crowley, Curran, Davis, Dellert, Dexter, Farren, Foss, Foster, Garland, Hale, Hanley, Harper, Hepburn, Higgins, Holloway, Jackson, Jalbert, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Manning, Marsano, McHenry, Murphy, T.; Nadeau, G. G.;

Nicholson, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Reed, Rice, Salisbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Tupper, Vose, Webster, M.; Wentworth, Weymouth, Willey.

ABSENT - Boutilier, Cashman, Conley, Hillock, Jacques, Mayo, Racine, Whitcomb, Zirkilton, The Speaker.

Yes, 79; No, 60; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

79 having voted in the affirmative and 60 in the negative with 10 being absent and 2 vacant, the motion to indefinitely postpone L.D. 1775 and all its accompanying papers did prevail in non-concurrence. Sent up for concurrence.

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

An Act to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities (Emergency) (S.P. 610) (L.D. 1800)

TABLED - June 11, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

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

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first Tabled and Today assigned matter:

An Act Dealing with the Authority of Harbor Masters (H.P. 1315) (L.D. 1794) (H. "A" H-288)

TABLED - June 11, 1987 by Representative CARROLL of Gray.

PENDING - Passage to be Enacted.

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

The Chair laid before the House the second Tabled and Today assigned matter:

Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection" (H.P. 1251) (L.D. 1709)

TABLED - June 11, 1987 by Representative DIAMOND of Bangor.

PENDING - Adoption of Committee Amendment "A" (H-311)

Subsequently, the House voted to adopt Committee Amendment "A" (H-311).

Under suspension of the rules, the Bill was read a second time.

Representative Michaud of East Millinocket offered House Amendment "A" (H-328) and moved its adoption.

House Amendment "A" (H-328) was read by the Clerk and adopted.

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

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S.P. 576) (L.D. 1717) (S. "A" S-152, S. "C" S-155,

S. "D" S-164, S. "E" S-167, and S. "F" S-168 to C. "A" S-147)

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

By unanimous consent, ordered sent forthwith.

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

BILL HELD

Bill "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)

- In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-166) on June 11, 1987.

- In House, House Recede and Concurred.

HELD at the Request of Representative ROLDE of York.

On motion of Representative Rolde of York, the House reconsidered its action whereby the House had voted to recede and concur.

On motion of the same Representative, the House voted to recede.

Senate Amendment "A" (S-166) was read by the Clerk and adopted.

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

(Off Record Remarks)

Representative Richard of Madison was granted unanimous consent to address the House.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: Sunday, June 14th, will be the 210th anniversary of the institution of the United States Flag. If you would bear with me, I would like to take a couple of moments at this time to read you some excerpts from an article from the most recent American Legion Magazine from a Major Turbock who is a retired Air Force veteran who served in Vietnam.

"Old Glory's timeless, ageless, beauty began in the dark days of a faltering revolution. On June 14, 1777, a terse resolution by the Continental Congress gave birth to a national flag. People talked of her stripes and the stars and her red, white, and blue, but they made no mention of the bravery that would stitch her together nor of the wisdom that would make her last and the greatness that might sharpen her colors; yet somehow they knew.

Two months later, before the ensign joined the army, patriots at Fort Scarlet, New York, fashioned her likeness from shirts, petticoat, and cloak. They raised their homemade flag in the face of the British siege and Old Glory came under fire for the first time. Out of that war and into the next, she served.

On a dark night near Fort McHenry, a young lawyer strained to see if the Stars and Stripes still flew above the battle. In the anxious moments of the dawn's early light, he put his fears in her promise on paper, and suddenly Old Glory had her own song.

Down through the decades she has come, increasing with each generation her strength, wisdom, and majesty. To soldiers, she is a leader taking them into battle. To those who fall, a final cloak.

Some say the flag is only a symbol, a simple symbol of a complex nation and people. But sometimes a symbol can reduce complexity to essence. Sometimes a symbol becomes the thing it represents, so it is

with Old Glory. We are the flag, the flag is us. Woven into its fabric is all that we are, and all that we can be. So it is that when we raise our eyes to the red, white, and blue banner, it is not just the flag we salute, rather, a whole nation, a whole people rippling in the wind, the glory of the past and a promise of the future, the last best secular hope for mankind."

If and when we adjourn today, I ask that we adjourn in honor of Old Glory.

(At Ease to the Gong)

The House was called to order by the Speaker.

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

SENATE PAPERS

Resolve, Authorizing Alton Dishon to Bring Civil Action Against the Maine State Retirement System (S.P. 622) (L.D. 1829)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Authorize Androscoggin County to Raise up to \$8,900,000 to Renovate and Expand Jail Facilities for Androscoggin County" (S.P. 623) (L.D. 1830)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative CROWLEY from the Committee on Economic Development on RESOLVE, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve Elementary and Secondary Curriculum to Better Prepare Maine Students for the World of Work (Emergency) (H.P. 726) (L.D. 977) reporting "Ought to Pass" in New Draft (H.P. 1339) (L.D. 1831)

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.

Ought to Pass in New Draft/New Title

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 371) (L.D. 492) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1988" (Emergency) (H.P. 1340) (L.D. 1832)

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.

Ought to Pass in New Draft/New Title

Representative TARDY from the Committee on Agriculture on Bill "An Act to Ensure Uniformity in Pesticide Regulation" (H.P. 93) (L.D. 102) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Study the Need for Uniformity in Pesticide Regulation" (Emergency) (H.P. 1341) (L.D. 1833)

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft/New Title

Representative STROUT from the Committee on Transportation on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 388) (L.D. 522) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1987, June 30, 1988 and June 30, 1989" (Emergency) (H.P. 1342) (L.D. 1834)

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.

Ought to Pass in New Draft/New Title

Representative THISTLE from the Committee on Judiciary on Bill "An Act to Implement Administrative Adjudication of Traffic Infractions" (H.P. 290) (L.D. 375) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Transfer Administrative Authority over Traffic Infractions to the Secretary of State" (H.P. 1343) (L.D. 1835)

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.

CONSENT CALENDAR

First Day

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

(H.P. 1050) (L.D. 1413) Bill "An Act to Return to Maine Income Taxpayers the Additional Tax Payments Associated with Conformity to the United States Internal Revenue Code of 1986 for Tax Year 1987" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-330)

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. 8 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MURPHY from the Committee on Legal Affairs on Bill "An Act to Make Substantive Changes in the Liquor Laws" (H.P. 1149) (L.D. 1564) reporting "Ought to Pass" in New Draft (H.P. 1348) (L.D. 1842)

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

Ought to Pass in New Draft

Representative RICHARD from the Committee on Utilities on Bill "An Act Concerning the Harrison Water District" (H.P. 923) (L.D. 1235) reporting "Ought to Pass" in New Draft (H.P. 1349) (L.D. 1843)

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.

Ought to Pass in New Draft/New Title

Representative CROWLEY from the Committee on Economic Development on Bill "An Act to Make Available State-owned Land for the Construction of Affordable Housing" (H.P. 1222) (L.D. 1666) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for the Inventory of State-owned Land for Various Uses" (H.P. 1344) (L.D. 1838)

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.

Ought to Pass in New Draft/New Title

Representative RICE from the Committee on Marine Resources on Bill "An Act to Establish a Moratorium on New Mussel Aquaculture Leases" (Emergency) (H.P. 418) (L.D. 563) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Aquaculture Leasing Statutes" (H.P. 1346) (L.D. 1840)

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.

Ought to Pass in New Draft/New Title

Representative HUSSEY from the Committee on State and Local Government on Bill "An Act Concerning Parking Violations at the Capitol Complex" (H.P. 588) (L.D. 799) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Public Violations at the Capitol Complex" (H.P. 1347) (L.D. 1841)

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

SENATE PAPERS

Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Revise the Harassment Law" (H.P. 984) (L.D. 1331) on which the Minority "Ought Not to Pass" Report of the Committee on Judiciary was read and accepted in the House on June 9, 1987.

Came from the Senate with the Majority "Ought to Pass" in New Draft (H.P. 1309) (L.D. 1787) Report of the Committee on Judiciary read and accepted and the New Draft Passed to be Engrossed as amended by Senate Amendment "C" (S-188) in non-concurrence.

On motion of Representative MacBride of Presque Isle, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

An Act to Strengthen the Lobster Hatchery Program (Emergency) (H.P. 1055) (L.D. 1425) (H. "A" H-121) which was Passed to be Enacted in the House on May 15, 1987.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-180) in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

The following Joint Resolution: (S.P. 625)

JOINT RESOLUTION EXTENDING GREETINGS

AND BEST WISHES

OF THE MAINE LEGISLATURE TO THE PEOPLE

OF THE UNION OF SOVIET SOCIALIST REPUBLIC

WHEREAS, Peace and goodwill among nations of the world is a common hope and dream, shared by young leaders of all nationalities;

WHEREAS, the American Council of Young Political Leaders is sending a delegation of 15 members to the Union of Soviet Socialist Republic, Andrea Ciancetta of Portland, Maine in the United States has been selected as the New England representative for this important journey; and

WHEREAS, this mission will help to improve relations between the United States and the Soviet Union, by encouraging communication and friendship among the young leaders of the 2 nations; and

WHEREAS, the State of Maine already has a unique place in Soviet-American relations due to the efforts of Maine's own Samantha Smith. This tour is being conducted in the same spirit of cooperation and peace as that of Samantha Smith's historic trip; now, therefore be it

RESOLVED: That We, the Members of the 118th Legislature of the great and sovereign State of Maine, take this opportunity to extend greetings and best wishes to the People of the Soviet Union and offer our best wishes to the American Council of Young Political Leaders' efforts to improve relations between the 2 super powers; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the people of the Union of Soviet Socialist Republic in token of the sentiments expressed herein.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

The following Bill was received and, upon the recommendation of the Committee on Reference of

Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Education

Bill "An Act to Enhance the Certification of Educational Personnel Law" (H.P. 1353) (L.D. 1847) (Presented by Representative SMALL of Bath) (Cosponsors: Representatives BROWN of Gorham, SOUCY of Kittery and LAWRENCE of Parsonsfield) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Availability and Improve the Quality of Child Care in this State" (H.P. 1141) (L.D. 1551) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for State-subsidized Loans or Grants to Owners of Residential Underground Tanks" (H.P. 1034) (L.D. 1392) reporting "Leave to Withdraw"

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

The Chair laid before the House the following matter: Bill "An Act to Revise the Harassment Law" (H.P. 984) (L.D. 1331) on which the Minority "Ought Not to Pass" Report of the Committee on Judiciary was read and accepted in the House on June 9, 1987 and came from the Senate with the Majority "Ought to Pass" in New Draft (H.P. 1309) (L.D. 1787) Report of the Committee on Judiciary read and accepted and the New Draft Passed to be Engrossed as amended by Senate Amendment "C" (S-188) in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I would make a motion that the House recede and concur.

I was able to meet with Senator Gauvreau and we considered the arguments that had been made here in the House on whatever day this matter was debated at some length, recognizing the appealing qualities of the argument presented by Representative Hickey of Augusta and conferences I had with several other people. We attempted to address the concerns that I spoke to the other day when I addressed the House. Those appear on page 2 of the bill in respect to temporary orders.

The purpose of the amendment is to ensure that there is an adequate evaluation by the court of the claim and simply not a right to go to the court with a simple affidavit. It incorporates the concept that the prospective defendant should be notified of the impending hearing to determine whether or not the person has been guilty of harassment. We feel that this paragraph 2, respecting temporary orders is a significant addition and further, with respect with the issue of monetary damages assuming that the right doesn't exist to remove most of these matters to a jury trial forum which may be the case, we have nevertheless provided in line 17 through 25 of page 3 that, in fact, a jury trial may be obtained by removal from the district court for that purpose.

Further, you will remember that there were two matters which I spoke to when we opposed the bill

which related to the question whether or not it would be limited only to relief by adults. It has now been changed so that any person, which would include minors as well as adults, can approach the court for relief from the kind of conduct which is proscribed by this statute.

There is also a correction which I suggested on the floor the other day that has been made with regard to the warrantless arrest provisions which appears now was clearly in error. There have been the deletions which I understand have been discussed by members of the House on several occasions.

For those reasons, Mr. Speaker and members of the House, I made the motion to recede and concur.

Subsequently, the House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Amend the Maine Optometric Code" (H.P. 1338) (L.D. 1828) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Melendy of Rockland offered House Amendment "A" (H-332) and moved its adoption.

House Amendment "A" (H-332) was read by the Clerk. The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I rise to say that, in general, I am in support of this bill. I have, however, two specific concerns with the bill. These concerns have nothing to do with politics or with heavy-handed lobbying efforts or with striking deals or even with pressure from my constituents. These concerns are with the health and safety of Maine people. For that reason, I am offering an amendment to the bill and, if it is approved, I will wholeheartedly endorse this legislation.

The amendment proposes two small but important changes that will prevent optometrists from administering two medications that, if not properly administered and monitored, could cause blindness or even death and that is no exaggeration.

The first medication is steroids. Currently, steroids are used only as a last ditch effort by ophthalmologist because they are very potent and could cause severe damage to the eyes. The administration of steroids should not be trial and error medications because it requires constant follow up and monitoring. I do not believe it should be used by anyone who does not have experience with the use of steroids for eye conditions and who is not familiar with the many adverse side effects of steroid use and who cannot provide continuing follow up care to ensure that such side effects do not occur. These side effects can include glaucoma, severe infections, the melting of the cornea and even eye ruptures.

The other medication that I believe should be excluded from the optometrist use is anticholinesterase. This medication is currently used to treat cross-eyes. Like steroids, it is a very strong medication on its own. When in the presence of pesticides, however, this already potent medication can cause nerve poisoning and even death.

Men and women of the House, the likelihood of mixing this medication with pesticides may sound remote but consider a child who, without knowing, walks through a blueberry field that has just been sprayed, consider the farmer or the farm worker who is out in the field during or immediately after spraying, consider the many people who make, sell, handle and apply pesticides in Maine. These people

and others could very easily be using this medication and come in contact with pesticides or its residue.

There are many new products on the market that could be used to treat cross-eyes but I believe that anticholinesterase should only be used by a medical doctor.

The committee intentionally specified that optometrists cannot treat glaucoma. They were obviously aware that optometrists have certain limits in what they can treat, considering their training.

I am merely asking that these two very potent medical agents also be excluded from their use. They are not doctors, they do not have all the knowledge and experience that doctors have because of their extra schooling. I applaud the committee's sensitivity and desire to allow optometrists to better be able to serve the people of Maine.

I think the list of medications the committee has voted to allow optometrists to use is appropriate, except for two. I say, please, please vote to pass this amendment and prevent optometrists with their new responsibilities from using these two very potent, dangerous, and sometimes even fatal drugs so that we can protect the public.

I also ask those of you who plan to vote against the bill completely to at least vote for this amendment so, if this bill does pass, it will be at least a safer bill for the optometrists to work with.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: I move the indefinite postponement of House Amendment "A."

As my seatmate is very concerned about the health and safety of the people of the State of Maine, so am I and so are the members of my committee and so are, I believe, all the members of this House. We differ, however, as to how to achieve that goal.

In order to discuss the amendment that I have moved indefinite postponement of, I think it appropriate that I discuss the entire bill as the unanimous committee report.

The SPEAKER: The Chair would advise the Representative she may not do that, you may only deal with the pending amendment.

Representative ALLEN: I guess in order to argue the amendment in total and in perspective and as part of the bill that you have before you, I would have to outline the provisions of the bill. I have not had an opportunity to do that.

I would urge you to reject the amendment before you because the topic that is being brought to you today on the House floor is the topic that was thoroughly discussed in our committee. We discussed the elimination of steroids and anticholinesterase and other pharmaceutical agents but rather opted for other safety features (which I can't mention) as opposed to specifically eliminating drugs as any member of this body might suggest.

I think I can say that the committee worked long and hard in achieving a goal that we felt served the health needs of the constituents that we represent.

So, with that brief explanation, I would urge you to support my motion to indefinitely postpone this amendment.

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

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

To Representative Melendy -- could these drugs be applied under the direction of a physician by an optometrist?

The SPEAKER: Representative Aliberti of Lewiston has posed a question through the Chair to

Representative Melendy of Rockland, who may respond if she so desires.

The Chair recognizes that Representative.

Representative MELENDY: Mr. Speaker, Men and Women of the House: If I heard the question right, he is asking if these medications can be administered by an ophthalmologist and the answer is yes. They are medical doctors and they can be. If the question is different, I would like to hear it again.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti, who may restate his question.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: The question is, can an optometrist administer these drugs under the direction of an ophthalmologist?

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy, who may respond to the question.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure but right now the way the bill is drafted, it would allow the optometrist to be able to prescribe this. I am assuming that they cannot prescribe it now; otherwise they wouldn't be given the right to be doing this with this bill.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I didn't say whether they could prescribe it, I said, could they, under the direction of an ophthalmologist, be able to treat under his direction with the use of those drugs?

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy, who may respond to the question.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: In response to that, I would certainly say that they might but if I were talking to my ophthalmologist, I would suspect that he would say that that was something that he would himself do rather than if he had an optometrist working under him. He tells me that these are drugs that they use very infrequently. They are very very potent, they are not trial and error types of drugs but they are something that really have to be handled very gently. I am sure he would do it himself and not allow someone under him to be doing it.

The SPEAKER: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

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

To the Representative from Rockland -- I would like to know, in other states, is this drug eliminated from the laws that optometrists have?

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

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Ladies and Gentlemen of the House: No, they are not. In other states, they are eliminated from oral consumption as Maine is intending to do. Nineteen other states allow this, Maine is doing the same thing, it is not like we are trying to do something totally different. We have, as other states have, although not all other states have, some states allow the oral intake, we have prohibited oral and kept it to topical and we are doing as other states have done.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify the point that was just made. If an optometrist may administer medication, if he is working under the protocol of a physician, the same thing as a physician's assistant, the same thing as a nurse -- and I am sure that the gentleman from Lewiston knew the answer before he asked it because he was at the hearing when these things were discussed.

Now, to answer Representative Holloway's question, of the 19 states that allow optometrists to prescribe medication, some states require that the medication be approved by to a certification board and if the certification board determines that it is beyond the scope of what the optometrist has been trained for, of what the optometrist is qualified to perform, then they will not allow that optometrist to prescribe steroids.

I would like to speak in favor of the amendment that is on the floor. I feel that it is a good amendment and I would like to state my reasons why. I am a strong believer that optometrists are not physicians. They are not trained, they do not have the background, they do not have the education; therefore, they should not prescribe medication.

Now, the bill looks very simple regarding the prescribing of medication. It only requires for prescribing medication but, in order to prescribe medication, you have got to be able to diagnose, you have got to know what you are treating. If you are not trained, you can't do it.

I would hope that you would support the amendment that is on the floor to prevent optometrists from prescribing steroid medication.

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

Representative CURRAN: Mr. Speaker, Men and Women of the House: I am a cosponsor of this bill so I have a responsibility to it. I must say that part of that responsibility is to point out to you that there has been a great deal of give and take after an intensive lobbying effort and a satisfactory bill has been put together which seems to have satisfied all the parties who were going to be affected by it, especially the public.

Now we find a flicker here, a renewal here for your benefit after it has left committee -- reminds me of a flicker in the forest after a forest fire and the firefighters had gone home a week ago. I must stand up and defend it.

I hope you defeat the motion to indefinitely postpone. I will only do one thing for you in order to convince you of that and that is to direct your attention to Section 11, Subsection 1, which is a requirement written into the bill, "All applicants for therapeutic pharmaceutical license under this section shall submit proof of satisfactory completion of the course in general, an ocular pharmacology with particular emphasis on the application and use of pharmaceutical agents for the purpose of examination, diagnosis and treatment of conditions to the eye and its adnexa." That was put in there for a purpose and to satisfy -- let me back up a little bit, to satisfy this matter of whether or not.....

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine, and inquires for what purpose he arises?

Representative RACINE: Point of order, I believe the gentleman is discussing the bill rather than the amendment.

The SPEAKER: The Chair thanks the Representative from Biddeford. The Chair would advise the Representative that when he began, the Chair thought he was okay but he went back to the bill so the Chair

would ask him to restrict the remarks only to the amendment.

The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, thank you, I appreciate that being pointed out to me. I really don't have anything more to say because, unfortunately because of the rules, I think I have said it.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am the prime sponsor of the original unmentionable bill. I would urge you to follow the gentlelady from Washington to vote to indefinitely postpone this amendment, to keep alive the agreement that the committee made. I would ask for a roll call.

I would also make the following points. I talked to my optometrist after I learned this amendment was coming out. The optometrist in my area, not only has extreme specialized training in treatment of the eyes, he teaches at the Harvard Medical School.

In regard to the steroid medication, he told me that, under certain circumstances, it can be dangerous when taken orally, that is prevented by the bill. He also told me some of these medications can actually be bought over the counter.

Another point you should be aware of is that, in order for any optometrist to use these particular topical medications, (topical means just an application) they would have to, under the provisions of the bill, have 100 hours of specialized treatment in the eyes.

One of the things that bothers me is that there are many medical doctors in the State of Maine, in fact any medical doctor, can prescribe this medication without having any specialized training in the eye. You could have a psychiatrist for example who could prescribe this, none of them would have to have this intensive training or the experience that optometrists have every day in looking at eyes. For example, we talk about diagnosis. When I go to my optometrist, he immediately does a test on me for glaucoma, he diagnoses my eyes as to whether I can have glaucoma, which is the most serious eye disease. That we already allow. So, this particular amendment, it is my understanding, was considered again and again by the committee. They rejected it in forging the compromise that was made that was initially agreed to by all parties in which one party now is ready to break by having this amendment put in.

I was on the other side, our side came in with an open-ended bill and it has been narrowed down by at least two-thirds to this very small portion of allowable medication that the committee has unanimously agreed to.

I hope, therefore, you will kill this amendment because I think it undoes an agreement and ineffectively guts the entire work of the committee.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I also urge the defeat of the amendment. My optometrist has said the same thing as most optometrists have, but my ophthalmologist supports this 100 percent. He urges the passage. There is nothing detrimental in this. I have talked to him extensively about it, he feels that people should think with their heart and not with their pocketbooks when they are lobbying for an issue such as we have before us. The optometrists are fully qualified in certain areas. The areas have

been addressed and any further areas or expansion can be addressed at a later date.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: I hope that you will support the amendment of Representative Melendy. I, too, spoke with a doctor in Boston, Chief of the Corneal Specialists and teacher at Harvard University. He has assured me that the eye is a very unique part of the body where a direct and detailed examination of blood vessels and the brain is possible without performing surgery. This allows physicians who are trained to diagnose and treat disease to manage, not only the diseases of the eye, but other diseases. Many diseases can affect one's vision and even cause blindness if not properly diagnosed and treated. Classroom lectures on pharmacology do not compensate for the optometrist's lack of medical education and exposure to a significant number of actual patients with real eye disease. I hope you will support this amendment.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Tamaro.

Representative TAMMARO: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will back Representative Allen's motion to kill this amendment. You take in my rural area, Woodland, Calais, Princeton, and Eastport, the nearest ophthalmologist is 100 miles away in Bangor or Ellsworth. We have two young optometrists in our area that are really very competent and I understand they worked out a happy medium in committee and what have you. I hope you will support Representative Allen.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I was a member of this committee and I can assure that all aspects of this situation were discussed. This reminds me back along when the osteopathic physicians were trying to obtain equal rights with the medical doctors. That was quite a fracas, I can assure you. As a matter of fact, I happened to have a brother-in-law at the time that was an osteopath and the feelings ran high, just as they are on this issue. But fortunately, because of education and special requirements, the needs were met and needless to say, they are now married and they are getting along well. I think this is a similar situation and I hope that you vote for the indefinite postponement of this amendment.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I want you to know where I am coming from. When I am telling you that I am wanting to add this amendment on, it is coming from an ophthalmologist, who months ago told me, you know there will be a bill coming before you for the optometrists. I believe the optometrists are getting much more training and, even though the other ophthalmologists are angry with me because I do support that, I would like to see them be able to give some of the medications that they are not now allowed to. So you are not dealing with somebody who is way out in left field.

He did not call me on this but when I started hearing things yesterday in the halls that is the reason why I did not talk to the committee members earlier. I called him after the printed bill had come out and asked him if there was a problem. He said, there are probably many more things in there

that I would like to have seen in there. He says, "But please Rita, please try to do something about these two medications that we ophthalmologists ourselves very seldom use. Chances are, many optometrists may not even use it because there are many other things on the market now that they can use and do use. But for those few times that someone might pick up and use that, because they are not dealing with it everyday, it is dangerous."

So I really ask you to support it. When I hear Representative Rolde say to vote against this amendment because it would gut the whole bill, I am sorry, but I am afraid there are still quite a few other topical ointments in there and drops that these optometrists would be able to use. I strongly urge your support on this amendment.

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 Washington, Representative Allen, that House Amendment "A" (H-332) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 140

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Bickford, Bost, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Chonko, Clark, H.; Coles, Conley, Crowley, Curran, Davis, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Ingraham, Jackson, Jacques, Jalbert, Ketover, Lacroix, LaPointe, Lawrence, Lord, MacBratney, Macomber, Mahany, Manning, Marsano, Martin, Hill, Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Michaud, Mills, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Poiry, Perry, Priest, Rand, Reed, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Sheltra, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Thisleton, Tracy, Vose, Walker, Warren, Webster, M.; Willey.

NAY - Begley, Clark, M.; Cote, Dellert, Hepburn, Joseph, Lebowitz, Lisnik, Look, Melendy, Parent, Pines, Racine, Rice, Richard, Seavey, Smith, Stevens, P.; Stevenson, Tupper, Wentworth, Weymouth.

ABSENT - Bott, Cashman, Hillock, Kilkelly, Kimball, Mayo, Mitchell, Moholland, Pouliot, Reeves, Ridley, Scarpino, Whitcomb, Zirkilton, The Speaker.

Yes, 112; No, 22; Absent, 15; Vacant, 2; Paired, 0; Excused, 0.

112 having voted in the affirmative and 22 in the negative with 15 being absent and 2 vacant, the motion to indefinitely postpone House Amendment "A" did prevail.

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

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

PASSED TO BE ENACTED
Emergency Measure

An Act Concerning Municipal Water Supplies (H.P. 737) (L.D. 1000) (H. "A" H-298 to C. "A" H-293)

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. 110 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.

FINALLY PASSED
Emergency Measure

RESOLVE, to Establish a Task Force on Post-secondary Education Financing (H.P. 1294) (L.D. 1772) (H. "A" H-297)

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 Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Act Act to Honor Governor Joseph E. Brennan (S.P. 42) (L.D. 37) (H. "A" H-299 to H. "A" H-289)

An Act to Make Technical Amendments in the Certificate of Need Act to Expedite the Process (S.P. 483) (L.D. 1460) (S. "A" S-149; C. "A" S-159)

An Act Providing for the 1987 Amendments to the Finance Authority of Maine Act (S.P. 613) (L.D. 1807)

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 Boards and Commissions (H.P. 959) (L.D. 1288) (C. "A" H-295)

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.

ENACTOR

Later Today Assigned

An Act to Create the Post-secondary Enrollment Options Act (H.P. 1326) (L.D. 1810)

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

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

PASSED TO BE ENACTED

An Act to Create a Maine Post-Secondary Educational Loan Program (H.P. 1327) (L.D. 1811)

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

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: This L.D., while I really appreciate what it is trying to do for our Maine secondary students, I have some problems with it. I wanted to just bring some of those problems to your attention and then request a roll call upon its enactment.

I have three general problems — one of the problems is that, under the requirements the first year a student is accepted into the program, they would get one-quarter funding, the second year they would get one-half funding of their tuition or up to, the third year they would get three-quarters funding, and the fourth year they could get full funding. Obviously, if you keep students in the program as the bill allows and their amount that they can receive increases, so must the appropriation. In fact, with no new students entering after the first year, the appropriation must double each year to fully fund the students. So I see this number as going up significantly in the next number of years.

Also, the new program, and this is a new program, despite the fact that we already have other scholarship programs, creates a new position in the Department of Education at a cost of \$9,500 the first year and \$14,000 the second year. If we put this money into some of the existing programs that we already have, there would not be that department cost and I think a more effective use of the monies as it would be going to the student instead of putting in a half-position at the department.

I guess the third part of this bill that I object to the most, one of the parts that I object to the most, is the loan forgiveness portion. After you have received this money from the state and after you complete your college education, if you go to work anywhere in the state, for each year you work in the state, part of that loan is forgiven — up to four years. So if you take some of the state's money (meager monies) and use them for the loan program and then you get out of college and you go to work at a \$50,000 a year job, the mere fact that you are staying in the state, that loan will be forgiven. I am not sure that that is our best use of our limited resources that we have.

So for these reasons, I request a roll call upon enactment and I hope you will vote against this bill.

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

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the 12 to 1 Majority "Ought to Pass" Report on this bill. It was a bipartisan report, it was a bill that we worked on for several weeks in committee. It is well thought out, it is a sound bill, it is a sound proposal. In its amended form, which you have before you right now, it represents the Education Committee's initiative this session toward addressing the student financial aid crisis currently facing Maine students. The bill sets up a no interest loan program for Maine students with a loan forgiveness provision for those students who work in Maine for a designated period after graduation. We believe that it is a strong step in the right direction.

Very briefly, the bill does the following: It sets up a progressive loan program for college students along with specific criteria for grade point average for eligibility. The amount that an eligible student qualifies for increases by quarter increments through a college. One-quarter in the first year, half in the sophomore year, three-quarters in the junior year, and full tuition in the senior year. This will not only serve as an economic incentive to remain in school but an academic one as well, because student loans under this program will be forgiven provided the graduate stays and works within Maine for five years. That was, to the Education Committee a very reasonable proposal.

The loan must be repaid in increments if the student moves out of the state, so there is an obligation by that student to repay the state if he

or she does not meet the terms of the agreement. Hopefully, this bill will encourage students to pursue higher education. I think that is one of the goals of this legislature. I certainly hope it is. We want to encourage them to stay in higher education, once they are in, through completion. That is another goal of this legislation and then prevent the brain drain that is so common in this state. How many times have we heard about talented graduates being offered well paying, rewarding jobs out of state? I think this is a step to begin to reverse that phenomena.

Maine has one of the lowest percentages of high school graduates going on to college in the United States -- 38 percent. Raising the aspirations of high school students to attend college will have a positive effect on the state's economy and the well being of its citizens. In addition, many of Maine's graduates have traditionally left the state for employment as I indicated earlier.

In brief response to the good gentlewoman from Bath, she indicated that one of her objections was that the bill created a half-position at the cost of \$9,000, that that \$9,000 could be better spent toward addressing the issue. Surely, she is kidding.

I would hope this House would accept the 12 to 1 Majority "Ought to Pass" Report.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: Surely, I would be kidding if I suggested that \$9,500 would be all that we put into the program but we currently have a student incentive program, which I believe has a potential budget item for a half of a million this year. I would suggest that the \$99,000 the first year and the \$104,000 the second year go into a program such as that so that no monies have to be expended for new personnel.

I guess I would like to pose a question through the Chair if I might.

To the Chairman of the committee -- if we have a hundred students who are funded up to a quarter in the first year of their tuition costs and those same hundred students as the bill allows remain in that program for the second year for half of the cost, how can we do that with \$89,500 the first year and \$90,000 the second year? Wouldn't that figure have to double?

The SPEAKER: The Representative from Bath, Representative Small, has posed a question through the Chair to the Representative from Orono, Representative Bost. The Representative may respond if he so desires.

The Chair recognizes that Representative.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: I believe the good gentlewoman from Bath knows the answer to that question. As the bill was worked in committee, we determined that yes, in fact, the cost of the program would increase. That is the essence of the program, whereas the student continues through his or her college training, the state's commitment to that student as long as the criteria is met, will continue and will increase. The program is designed to go forth and stay in place on its own merits. If the program is deemed unworkable, I am certain that a future legislature will take the appropriate action. I believe it will work. The 12 members of the Education Committee believe it will work as well.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I understood about future

obligations, but here on the back of the page under Appropriation, '87-'88 is \$89,500. For the second year, the year that we already know will at least double the cost that will incur, we have got \$90,000 down. Now either that year should have been left out and we would realize that there was going to be a doubling of the appropriation, or this is an error, or we are going to have to decrease less than one-half of the cost of those students. Unless I am missing something, simple math says \$89,500 has to be doubled.

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

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

Is this a loan fund limited to people going on to the University or can people going to the VTI's get benefit of this loan program?

The SPEAKER: The Representative from Oakland, Representative Lacroix, has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that is that it is not limited to those continuing their education in the University of Maine System, it would include vocational education as well.

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

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

I would like to ask any supporter of the bill, why we would use General Fund money, taxpayer money, to reward someone for simply working in Maine after graduation from college? Currently, the Portland area has less than three percent unemployment, the York-Kittery area has around one percent unemployment. I don't understand the reward and the forgiveness provisions simply for working in this state. I could understand if it were in an underserved area.

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

The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: Would the gentlelady please rephrase her question?

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly will. There is a forgiveness provision on page 4 of this bill that gives forgiveness of the loan for full-time employment within the State of Maine. My question is, there are parts of the State of Maine with very, very low unemployment rates, and I don't understand why we are rewarding people for simply working in this state. I could understand it if it were underserved areas.

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

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, this is designed to be a statewide initiative. Certainly there are pockets of this state in which the unemployment figures are favorable and that this legislation would perhaps not address that population. I believe that the vast majority of this

state would benefit from such graduates working within this state.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Within the last week, our educational department has expressed a serious concern about the shortage of teachers. I think we would be very short-sighted cutting this money out and not encouraging young people to go into the teaching profession.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: A series of questions, Mr. Speaker.

To the Chairman, is this program limited to teachers?

Two, it is my understanding that those people that are in the program, their share of the tuition that will be paid progressively increases each year, as well as new students each year coming into the program and we have not had an explanation for the second year of that fiscal note.

I think the third question would be, are there differences in per capita income for different regions of the state, such as Portland which is 115 percent of the national average, some sections of the state that are 60 to 70 percent, and why does this bill not distinguish between those areas?

The SPEAKER: The Representative from Kennebunk, Representative Murphy, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the first question, no it is not limited to teachers.

In answer to the second question, the second year costs of this program would perhaps be addressed in the second year if it were not sufficient.

In answer to the third question, there is language in the bill which gives the commissioner discretion to address how this bill would be implemented. I would assume that if it were not addressing underserved areas that the commissioner would see fit that it was.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Permission to pose a question?

To the Chairman of the committee -- is the gentleman saying we have two choices? One to enact a bill with a faulty fiscal note?

Two, two years from now in the second year of the program, tell students that are in the program that we right now made a mistake in terms of estimating the cost and that 50 percent of them will be eliminated from the program?

The SPEAKER: The Representative from Kennebunk, Representative Murphy, has posed additional questions through the Chair to the Representative from Orono, Representative Bost, who may respond if he so desires.

The Chair recognizes that Representative.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: We did not anticipate that the fiscal note on this would remain stagnant. We anticipated the program to be a successful program and that, as the years went on and the program succeeded, that the legislature would see fit to add additional appropriations to this fund. If it does not see fit to add additional appropriations to this

fund, then the appropriation remains stagnant and perhaps the program would dissolve.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

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

If all of our scholarships that I know about are based on need and on payback, how can we in the State of Maine who have many, many needs to fill from our General Fund afford to do this?

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

The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: As a committee, we felt that there is substantial need in this state based on the figures of those high school students going on to college that there was a need to address this issue. We did not believe that simply basing this provision on economic need would fully address the issue. The economic need issue is a discretionary power of the commissioner in implementing this program. If she sees fit to distribute the money on a needs basis, then she will in fact do so.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question through the Chair, please?

Is there anything in this bill that would require the person receiving the loan to have to work in that area that they have been trained in or could they just say go off into the woods for five years and still have their loan paid off by the state?

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

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

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, the committee considered that issue. There was another bill before the Education Committee this session which would have tied repayment to work in the field. The majority of the committee felt that, because of the lack of employment in many specialized fields, that it would be prohibitive, in order to qualify for the forgiveness, and require them to work within their field. We felt that five years was certainly enough time for them to go out into the job market, find their place, and begin gainful employment.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I think that we have some issues before us more than just a faulty fiscal note, that we see that there are alternatives here that we should be doing. We have existing programs and possibly some of these monies could be better spent in terms of putting into the programs. I think that the idea or the position the state should be taking is to try and open up that door of opportunity to get Maine young people into the schools. By that forgiveness factor, which isn't directed to either distressed areas or a particular occupation where there is a shortage, we are actually taking money away from other youngsters coming out of high school and closing that door of opportunity to them in terms of being able to get into college. Once one has that college education, the ability to repay that loan is

far greater than maybe the other citizens of the state working at a far lower income, and they are the one's paying the freight. I think I would rather see the money go into existing programs. The money that would have gone toward the forgiveness should be put into additional pools of money for youngsters to be able to enter into those college programs and, hopefully remain here in the state.

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

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

To the good gentleman from Kennebunk -- what door of opportunity would the gentleman from Kennebunk prefer in place of this legislation? Is there a vehicle that he knows of to put the money that is within this bill to address this program? Is he prepared to put that money into existing programs?

The SPEAKER: The Representative from Orono, Representative Bost, has a posed a series of questions through the Chair to the Representative from Kennebunk, Representative Murphy, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would prefer to see the money go into the Student Incentive Program.

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. 141

YEA - Aliberti, Allen, Anthony, Baker, Bost, Bott, Boutilier, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadnosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lawrence, Lisnik, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Seavey, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bragg, Brown, Callahan, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Holloway, Ingraham, Jackson, Lebowitz, Look, Lord, MacBride, McPherson, Murphy, E.; Murphy, T.; Paradis, E.; Parent, Pines, Reed, Rydell, Salisbury, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Webster, M.; Wentworth, Weymouth, Willey.

ABSENT - Cashman, Higgins, Hillock, Kilkelly, Kimball, Mayo, Reeves, Scarpino, Whitcomb, Zirkilton.

Yes, 91; No, 48; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

91 having voted in the affirmative and 48 in the negative with 10 being absent and 2 vacant, the Bill

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

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

FINALLY PASSED

RESOLVE, Authorizing Dorothy Gammon to Bring Civil Action Against the State and Cumberland County (H.P. 1235) (L.D. 1687) (H. "B" H-300)

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

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists" (S.P. 608) (L.D. 1798) which was passed to be engrossed as amended by House Amendment "B" (H-317) in the House on June 11, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-185) in non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(S.P. 552) (L.D. 1658) Bill "An Act to Correct, Amend and Improve the Laws Relating to Education" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-192)

(S.P. 427) (L.D. 1307) Bill "An Act to Enhance Public Access and Outdoor Recreation Opportunities" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-186)

(S.P. 453) (L.D. 1380) Bill "An Act to Revise the Maine Banking Law" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-189)

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

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative GARLAND from the Committee on Banking and Insurance on Bill "An Act to Amend the Law Relating to Group Life and Health Insurance" (H.P. 1138) (L.D. 1548) reporting "Ought to Pass" in New Draft (H.P. 1351) (L.D. 1845)

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.

Ought to Pass in New Draft

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Change the Basis of Telecommunication Taxation" (H.P. 1086) (L.D. 1477) reporting "Ought to Pass" in New Draft (H.P. 1352) (L.D. 1846)

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.

Ought to Pass in New Draft/New Title

Representative WILLEY from the Committee on Labor on Bill "An Act Relating to Subcontractors Under the Workers' Compensation Act" (H.P. 982) (L.D. 1329) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Independent Contractors under the Workers' Compensation Act" (H.P. 1350) (L.D. 1844)

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.

Divided Report

Later Today Assigned

Majority Report of the Committee on Education on Bill "An Act to Amend the Teacher Certification Law" (H.P. 468) (L.D. 635) reporting "Ought to Pass" in New Draft (H.P. 1345) (L.D. 1839)

Signed:

Senators:

ESTES of York

KANY of Kennebec

Representatives:

O'GARA of Westbrook

HANDY of Lewiston

MATTHEWS of Caribou

GOULD of Greenville

BOST of Orono

NORTON of Winthrop

KILKELLY of Wiscasset

PARADIS of Frenchville

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

Signed:

Senator:

RANDALL of Washington

Representatives:

SMALL of Bath

LAWRENCE of Parsonsfield

Reports were read.

On motion of Representative Diamond of Bangor, tabled pending acceptance of either report and later today assigned.

The Chair laid before the House the following matter: An Act to Create the Post-secondary Enrollment Options Act (H.P. 1326) (L.D. 1810) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

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

(At Ease to 4:00 p.m.)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

Bill "An Act to Make Substantive Changes in the Liquor Laws" (H.P. 1348) (L.D. 1842)

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

ORDERS OF THE DAY

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1325)

Bill "An Act to Clarify the Offense of Driving under the Influence of Illegal Drugs" (H.P. 1188) (L.D. 1618)

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby the "Ought Not to Pass" Report was accepted.

On motion of the same Representative, was recommitted to the Committee on Judiciary. Sent up for concurrence.

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act Concerning Raising Wild Birds and Wild Animals in Captivity" (H.P. 39) (L.D. 42) reporting "Ought to Pass" in New Draft (H.P. 1354) (L.D. 1851)

Signed:

Senators:

ERWIN of Oxford

USHER of Cumberland

Representatives:

JACQUES of Waterville

CLARK of Millinocket

SMITH of Island Falls

DUFFY of Bangor

ROTONDI of Athens

WALKER of Norway

BROWN of Gorham

FARREN of Cherryfield

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

Signed:

Senator:

BRAWN of Knox

Representatives:

GREENLAW of Standish

WEYMOUTH of West Gardiner

Reports were read.

Representative Clark of Millinocket moved the House accept the Majority "Ought to Pass" Report.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This is the very famous cat bill. For the Record, I would like to set the matter straight. This bill was introduced for Mr. and Mrs. Don Cote of Augusta who are constituents of Representative Bragg from Sidney and not from Representative Jacques from Waterville.

The original bill attempted to deal with (what I consider) a flaw in the law that dealt with pets killing somebody's domestic animals, livestock, poultry, whatever the case may be. What we did is take Section 7504, Subsection 6B of the Fish and Wildlife statutes that used to say, "any owner of domestic animals, livestock or poultry; any member of this family or any person of whom is entrusted the custody of any domestic livestock or poultry may kill

any dog killing or attacking any of the domestic animals, livestock and poultry."

What they did was put the word "cat" in there including cat and dog and they added the words domestic, wild birds or animals. That was for the 140 or so people that raise wild animals, licensed through the Department of Fisheries and Wildlife, in their own facilities. Those that were licensed under those facilities had to conform with the Fish and Wildlife statutes and regulations which meant that they had to be penned and they were inspected and, if they mistreated those animals, the Fish and Wildlife Department could then pull their license.

When we presented this bill, we stated at the public hearing that we did not want to kill anybody's cats and -- Section 7406 of the Fish and Wildlife statute, Subsection 14 states -- (and this is still on the books and would have stayed) "A person is guilty of shooting domestic animals if he, while on a hunting trip or pursuit of wild animals or any wild birds, intentionally, knowingly, recklessly or negligently shoots or wounds or kills any domestic animal, including dogs, cats or domestic birds". That was when the mail started coming.

We have a lady who had her cat shot by some young boys target practicing in the back and I believe probably, with good justification, has a real problem with people who hunt and trap because of the pain that her cat went through. Unfortunately, we don't put everybody in that same category. There is no question that some people don't have any heart when that comes about.

L.D. 42 has five different sections in it. The first three sections the Fish and Wildlife Committee put in the omnibus bill which dealt with banding of wild birds, wild turkeys and golden pheasants -- that has been passed and is on the Governor's desk. The committee came up with a new version that is on this divided report which would have made the game warden the person who would be a go-between between the pet owner and the animals whose birds were being harassed or threatened.

I understand that 50 people who were involved and raised birds are not a large political voice. Probably nobody is going to get elected to Congress, or become governor by helping these people out but I did believe they had a legitimate concern and it should be addressed.

Thankfully, the Agriculture Committee, when they recodified the Animal Welfare Laws, and I guess the debate over L.D. 42 had something to do with it, the past law used to say that the owner and keeper of a dog which does damage to a person or property is liable for damages in a civil action to the person injured.

When the Cote's tried to go to court, there were no references in any of the statutes regarding cats. They were advised by their lawyers that probably they would have no grounds because a judge would look at the law and say cats were exempted so the legislature obviously had a reason to exempt them. If it was a dog, you could have done all these different things but a cat is something special, you have no form of redress. The Agriculture Committee now added language to their Animal Recodification Bill which states, (this is Subsection 3964) "The owner or keeper of an animal which does damage to a person or property is liable in damages in a civil action to the person injured." Now the bird breeders are comfortable that they can get restitution in the event that one of their animals is killed. The animal welfare people are happy with this language and I applaud the Agriculture Committee for finally addressing what was clearly an inequity in the law.

I would also like to state that this will not solve the problem if somebody is concerned about their animal being attacked. This only provides for liability, once that particular animal is killed and now, under the current law, it is probably not going to guarantee that that cat or dog is not going to be killed because I don't think a lot of people are going to sit back and let a very valuable animal be killed before they take any action.

The version of L.D. 42 was designed to kind of solve that problem that would avoid somebody from having to make a decision of either killing the animal or waiting until their animal was destroyed before they could seek financial reimbursement. Some of the people didn't think that was necessary, they didn't want game wardens involved, they felt that this was something above and beyond what was really needed. I don't know if that is going to be the case but I think they should understand that the game wardens will not be out there chasing people who may cause harm to a cat any more than they ever did before. This is the version they wanted, this is the version we would like to see go.

Mr. Speaker, I move that L.D. 42 and all its accompanying papers be indefinitely postponed.

Representative Weymouth of West Gardiner requested a roll call vote on the motion to indefinitely postpone.

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 Jacques of Waterville that L.D. 42 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 142

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Faren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hepburn, Hichborn, Hickey, Hognlund, Holloway, Holt, Hussey, Ingraham, Jacques, Jalbert, Joseph, Ketover, Lacroix, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Webster, M.; Wentworth, Weymouth, Willey.

ABSENT - Carter, Cashman, Chonko, Conley, Dellert, Harper, Higgins, Hillock, Jackson, Kilkelly, Kimball, LaPointe, Macomber, Mayo, McHenry, O'Gara, Reeves, Scarpino, Warren, Whitcomb, Zirkilton, The Speaker.

Yes, 127; No, 0; Absent, 22; Vacant, 2; Paired, 0; Excused, 0.

127 having voted in the affirmative and none in the negative with 22 being absent and 2 vacant, the

motion to indefinitely postpone did prevail. Sent up for concurrence.

The Chair laid before the House the following matter: An Act Dealing with the Authority of Harbor Masters (H.P. 1315) (L.D. 1794) (H. "A" H-288) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 1794 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-334) and moved its adoption.

House Amendment "B" (H-334) was read by the Clerk and adopted.

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

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 150) (L.D. 191) which was passed to be engrossed as amended by Committee Amendment "A" (H-275) as amended by Senate Amendment "B" (S-183) thereto and Senate Amendment "A" (S-157) in the House on June 12, 1987.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-275) as amended by Senate Amendments "A" (S-156) and "B" (S-183) thereto and Senate Amendment "A" (S-157) and asked for a Committee of Conference in non-concurrence.

The House voted to Insist and Join in a Committee of Conference.

Non-Concurrent Matter

Later Today Assigned

An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime" (H.P. 1297) (L.D. 1775) which was indefinitely postponed in the House on June 12, 1987.

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

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

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

An Act to Provide a Mechanism for Allocations of the State Ceiling on Private-activity Bonds (S.P. 618) (L.D. 1819)

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

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 1819 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-333) and moved its adoption.

House Amendment "A" (H-333) was read by the Clerk and adopted.

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

Reference was made to (H.P. 150) (L.D. 191) Bill "An Act to Amend Certain Motor Vehicle Laws"

In reference to the action of the House on whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative MOHOLLAND of Princeton

Representative SOUCY of Kittery

Representative STROUT of Corinth

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 22 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:

(S.P. 477) (L.D. 1440) Bill "An Act to Expand the Authority of the Board of Underground Storage Tank Installers" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-199)

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

The following items appearing on Supplement No. 21 was taken up out of order by unanimous consent:

SENATE PAPERS

Ought to Pass in New Draft

Report of the Committee on Fisheries and Wildlife on Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (S.P. 198) (L.D. 555) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 627) (L.D. 1848)

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

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

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Clarify the Freedom of Access Law" (S.P. 384) (L.D. 1161) reporting "Ought to Pass" in New Draft (S.P. 628) (L.D. 1849)

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

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

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

Ought to Pass in New Draft

Report of the Committee on Marine Resources on Bill "An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Law" (Emergency) (S.P. 539) (L.D. 1628) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 624) (L.D. 1836)

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

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

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

Ought to Pass in New Draft

Report of the Committee on State and Local Government on Bill "An Act to Establish the Bureau of Intergovernmental Drug Enforcement within the Department of Public Safety" (S.P. 527) (L.D. 1579) reporting "Ought to Pass" in New Draft (S.P. 626) (L.D. 1837)

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

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

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

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the State Retirement Laws" (S.P. 617) (L.D. 1818) (S. "A" S-184)

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

On motion of Representative Hickey of Augusta, the House reconsidered its action whereby Senate Amendment "A" (S-184) was adopted.

Representative Hickey of Augusta offered House Amendment "A" (H-335) to Senate Amendment "A" (S-184) and moved its adoption.

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

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

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

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

SENATE PAPER

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-193) on Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (S.P. 512) (L.D. 1536)

Signed:

Senators: TWITCHELL of Oxford

DOW of Kennebec

Representatives: DUFFY of Bangor

NADEAU of Saco

DORE of Auburn

SWAZEY of Bucksport

CASHMAN of Old Town

MAYO of Thomaston

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-194) on same Bill.

Signed:

Senator: SEWALL of Lincoln

Representatives: SEAVEY of Kennebec

INGRAHAM of Houlton

JACKSON of Harrison

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-193)

Reports were Read.

Representative Swazey of Bucksport moved that the House accept the Majority "Ought to Pass" Report.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose that motion and I would like to explain the reason why. I would hope that you people would listen very carefully.

There was only one area that we disagreed on this administrative change in the bill and that was the provision giving tax information to Legislative Research at their request. It is my opinion and I think I am speaking for the members of the Minority Report that that is a seriously confidential position and we would not want to see that breach occur.

Currently, the Bureau of Taxation provides the Committee with all the statistical data that is needed. It has been done for as long as I have been here and the people that I have discussed this with say as far back as when we first started as a state. That information has always come from the Department of Taxation whenever the request was made by legislators or by individuals who were concerned. I think it is proper that it stay there. I think that the support that that department has given this legislature is appropriate.

So, I hope today that you would vote against the Majority Report and accept the Minority Report.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: It is absolutely true there is only one small difference between the two reports. I would hope that you would support the Majority "Ought to Pass" Report.

What the Majority Report does is that Legislative Research (and I hope you people can appreciate how much work the staff does for us in Taxation) wanted to get tax information but it would be absolutely confidential. There would be no Social Security numbers, there would be no names, there would be no references and this would only apply to individuals. It would not apply to getting information on corporations because we have so few corporations and maybe somebody could put two and two together. This information would make it easier for the staff to compile all the data we have. I hope you go along with the Majority "Ought to Pass."

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: The previous speakers have been exactly correct on this. There is one fairly minor change between the Majority Report "A" and the Minority Report "B" on this bill.

The provision that Report "A" contains that "B" does not is the provision of information which is specifically related to individual tax returns. Currently, the Taxation Committee of the Legislative Branch obtains its information solely at the mercy of

the Executive Branch. We do not believe that is necessarily a good practice. True enough in the past, we have had very excellent cooperation from Tony Neves, the State Tax Assessor and other members of the Executive Branch in providing us equal information. However, we are solely basing this opinion on individuals. Who is to say that Tony Neves' successor, whoever he or she may be in a few years, will have that same individual policy. There is nothing to say that that person must comply with our request and demands. If the State Tax Assessor, if the administration basically wants to say no, there is nothing in statute which says that they are not in power to do so.

The Majority Report is saying the Legislative Branch should have access to the same types of information as the Executive Branch, no more, no less.

As Representative Duffy appropriately pointed out, there would be no names, no addresses, no Social Security numbers involved. We are talking generic terms such as tax return number 3,164, no other information than that, strictly for informational purposes, strictly on statistics.

I urge you to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Ingraham.

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: The system, as it presently is working and has for quite a while, seems to be quite satisfactory. I feel if this part goes into the bill, it can jeopardize confidentiality. Personally, I like confidentiality as far as my tax returns are concerned and I am sure you would too. I hope you defeat this motion.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Swazey of Bucksport that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 56 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-193) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time and passed to be engrossed as amended in concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Relating to Boards and Commissions (H.P. 959) (L.D. 1288) (C. "A" H-295) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 1288 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-336) and moved its adoption.

House Amendment "A" (H-336) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" thereto in non-concurrence and sent up for 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. 23 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Authorize the State Bureau of Identification to Charge Fees to Nongovernmental Agencies for Services" (S.P. 631) (L.D. 1852)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Enhance the Certification of Educational Personnel Law" (H.P. 1353) (L.D. 1847)

Signed:

Senators: ESTES of York
KANY of Kennebec
Representatives: O'GARA of Westbrook
HANDY of Lewiston
KILKELLY of Wiscasset
PARADIS of Frenchville
GOULD of Greenville
BOST of Orono
MATTHEWS of Caribou
NORTON of Winthrop

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

Signed:

Representatives: SMALL of Bath
LAWRENCE of Parsonsfield

Reports were read.

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

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

You have before you the Minority Report of the Committee on Education unchanged from the original which was defeated in this House two weeks ago. We have on our desks to be considered later in this evening's session the Majority of the Education Committee's compromise on the Teacher Certification. I would imagine that you all by now should have a fact sheet which we, as a majority of the committee, have circulated to explain in detail that compromise report.

It is, therefore, that I urge you to accept the Majority "Ought Not to Pass" Report so that we can get on with the compromise bill.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: I hope you will defeat the original motion so that we can go on and pass the "Ought to Pass" Report. This is essentially the same bill that we had before. I would like to just briefly let you know what is in the Minority Report.

Basically, the first four provisions are in agreement with the Majority Report. First, it allows for the completion of the Administrative Certification Pilot Project currently in operation and that is agreed on by both the Majority and the Minority.

It extends the implementation date for administrative certification from July 1, 1988 to July 1, 1989. That is in agreement between Majority and Minority.

Three, it continues the three levels of teacher certification but renames the second and third levels, Professional Level 1 and Professional Level 2 and that is not in agreement between the two.

Four, it generally continues July 1, 1988 as the implementation date for the teacher certification law but allows the teachers whose current certificates expire on July 30, 1988 to renew their certificate under the old law if they wish and that is in agreement between the Minority and the Majority.

Then it goes on and provides for continuation of pilot projects of the third level of certification and for delayed implementation on that level. So, basically, the difference between what we have agreed on in the original Minority and Majority Report is, of course, the Master Teacher pilot programs continuing.

If the other bill is not passed and enacted as they said in their fact sheet, what will happen if this bill is not enacted and signed into law and they list all the things that will not happen -- well, that is true, if their bill is not enacted and I have every reason to believe it won't be, then there is going to be a void of laws that both of us agreed on and the Minority Report will fill this void.

Also, for those of you that are concerned and we have heard many concerns about the pilot programs going on for another year, the Minority Report will make the State Board report back to the Legislature and I will quote, "The State Board of Education and the Commissioner of Educational and Cultural Services shall study the results of the pilot program projects on Professional Level 2" which is Master Teacher "Certification and the State Board shall report to the Joint Standing Committee of the Legislature having jurisdiction over education by January 15, 1989. That report shall address appropriate qualifications, methods of selection and duties for Professional Level 2 teachers and shall include draft rules for the implementation of Professional Level 2 certification. It shall also include projected costs of implementing the Professional Level 2 certificate on a state wide basis." And most important, "The Joint Standing Committee on Education shall review the report of the State Board, conduct its own review on the Professional Level 2 Teacher Certification concept and issue its report to the Legislature by April 1, 1989." I feel it is very important that this legislature have a second chance, another chance after the piloting is completed, to review the State Board's recommendation and then make their determination on the Master Teacher. This bill will provide that.

If the Majority Report bill goes through and it does make final passage but does not become law, there is a void and this bill attempts to fill that.

Mr. Speaker, I request a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Bost of Orono that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 143

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Carroll, Carter, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Lacroix, Lisnik, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; McGowan, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest, Rand, Rice, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, The Speaker.

NAY - Anderson, Armstrong, Bailey, Bickford, Bott, Bragg, Callahan, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hepburn, Hichborn, Higgins, Holloway, Ingraham, Jackson, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Pines, Racine, Reed, Richard, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Willey.

ABSENT - Begley, Brown, Cashman, Chonko, Conley, Harper, Hillock, Kilkelly, LaPointe, Mayo, McHenry, McPherson, O'Gara, Reeves, Scarpino, Walker, Warren, Whitcomb, Zirkilton.

Yes, 77; No, 53; Absent, 19; Vacant, 2; Paired, 0; Excused, 0.

77 having voted in the affirmative and 53 in the negative with 19 being absent and 2 vacant, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: Divided Report Majority Report (10 members) of the Committee on Education on Bill "An Act to Amend the Teacher Certification Law" (H.P. 468) (L.D. 635) reporting "Ought to Pass" in New Draft (H.P. 1345) (L.D. 1839) Minority Report (3 members) of the same Committee reporting "Ought Not to Pass" 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 Orono, Representative Bost.

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

The art and spirit of compromise is the very essence of this body. The legislators in this chamber who represent constituencies across this state and reflect individual perspectives and attitudes come together on issues of major importance and seek out middle ground. If that were not to happen, if reaching compromise positions did not occur, we would then be effectively polarized. To

remain unyielding or unbending may serve short term political agendas but the end result is always the same, no one wins, everyone loses.

The legislation you have before you represents the efforts of a bipartisan majority of the Joint Standing Committee on Education to extend the olive branch to indicate to members of this body that, in the face of an earlier defeat, we come prepared to offer a workable, reasonable, alternative. It has been said that a true compromise is one that no one completely likes and that can certainly be said of this New Draft. It is an effort to assume some middle ground on an issue that, unfortunately, has taken a sharp turn away from logical, reasoned arguments and has turned instead to strictly political rationale. The people who have gotten lost in the shuffle are the teachers of this state and, ultimately, our young people. Allowing that distortion to continue is irresponsible and serves no one well.

Through this bill, the bipartisan majority of our committee has taken the high road, has said that there are common themes here, which invite a resolution, that to do nothing would be abandoning the charge that we have been given by those who have elected us.

This bill directly addresses two of the three objections that the Governor forwarded in his veto message in the original legislation and it partially addresses his third objection.

The new bill continues the master teacher pilot sites, allowing five such sites to continue, that was his first objection.

The bill then addresses the rewarding of exemplary teachers by setting into motion a second set of pilots to examine and implement staff development at the local level as well as the continuation of the master teacher concept -- that addresses his second objection.

Finally, the bill removes reference to the third tier in statute in order that both pilot programs, the master teacher and staff development, be given a chance to work on equal footing and that the 114th Legislature have the opportunity to then place into law the most workable proposal. That we believe is a very prudent approach.

If the master teacher concept works after we continue piloting for an additional year as the Governor wants and we have granted through this legislation, it may then be placed into law by the 114th Legislature. If it doesn't work, then the legislature will have an alternative. Currently, only one alternative is here before us, master teacher or no master teacher. I believe this is a good bill, a workable bill, one that deserves our support.

Again, I urge this House to accept the Majority "Ought to Pass" Report.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the Majority Report. This compromise bill was shown to the minority members after it was finished. It was shown to the State Board and to the Governor's Office and all members opposing the original bill felt that they could not accept the New Draft. This is obviously not a compromise, one side deciding what the other could or should accept.

The New Draft eliminates reference to the third level of certification, same as the last bill on master teacher, eliminating it from law. We have already seen legislation to eliminate master teacher even before the State Board made its recommendations

to the Education Committee. What assurance would we have, therefore, with master teacher deleted from law that the pilots would have a fair hearing? They haven't yet.

This bill does allow for piloting of master teacher for one more year but with concurrent pilots on staff development. You will hear compelling reasons why we need staff development to ready us for upcoming certification mandates. But why the sudden cry for staff development when there was no debate in committee on this when we developed our original recommendations for the legislature to approve? Only after the veto assured master teacher pilots would continue was there a hue and cry for competing pilot projects.

Now understand I am in total agreement on the benefits on staff development. In fact, I supported putting staff development into the Reform Act and it is now required in the school improvement plan. Over the next five years, all schools will have to meet staff development requirements, it is not a new or original idea. We do not need to pilot staff development, it works, it is good, it is already mandated.

Part of the reason for changing the licensing of teachers from state to local units was to incorporate staff development into the schools. My former superintendent, a devotee of staff development, supported the three levels of certification for this reason. If we reject this measure today, we will be allowing the State Board to continue its pilot for master teacher, make subsequent recommendations and to report back to us in the 114th for enactment or rejection of the third level of certification. Even if we reject this bill and leave the master teacher provision in law, the State Board has the good sense to realize whatever plan they bring back to us must alleviate the concerns of the majority of both the House and Senate, the Governor, and the teachers for whom the certification process is designed.

I urge you today to reject this measure and delay your decision until the 114th.

I request a roll call.

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

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

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: When we debated this issue last week, I made a pledge to you that I would continue to work for quality education. I believe this compromise represents that pledge, the pledge to quality education.

Now my friend, Representative Small said that this is not a compromise. I suppose you could accurately say that it is not a compromise, if you look at a compromise as a two way street. I guess that is what a compromise is all about, it is a two way avenue. One side has gone down the avenue. I know it is a compromise of what I believe is best for education, but to ensure that we continue to work for quality education, I am willing to compromise. If the other side is not willing to compromise, to improve and to get better quality education, then no, you do not have a compromise. Yet, we are offering a viable alternative to the bill as it existed before. We have even added staff development to it which is

not presently enforced in every school system in this state. Staff development is a separate and important issue to certification.

So to conclude, I urge you to support this bill, to go along with the compromise and perhaps we can convince others just what compromise is all about.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Orono, Representative Bost, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; opposed will vote no.

ROLL CALL NO. 144

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Carroll, Carter, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Hale, Handy, Hickey, Hogle, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Lacroix, Lisnik, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; McGowan, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest, Rand, Rice, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Vose, The Speaker.

NAY - Anderson, Armstrong, Bailey, Bickford, Bott, Bragg, Callahan, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hepburn, Hichborn, Higgins, Holloway, Ingraham, Kimball, Lawrence, Lebowitz, Look, Lord, Marsano, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Pines, Racine, Reed, Richard, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Willey.

ABSENT - Begley, Brown, Cashman, Chonko, Conley, Gwadosky, Harper, Hillock, Kilkelly, LaPointe, Mayo, McHenry, McPherson, O'Gara, Reeves, Scarpino, Walker, Warren, Whitcomb, Zirkilton.

Yes, 78; No, 51; Absent, 20; Vacant, 2; Paired, 0; Excused, 0.

78 having voted in the affirmative and 51 in the negative with 20 being absent and 2 vacant, the motion to accept the Majority "Ought to Pass" Report did prevail, 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 following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Education on Bill "An Act to Enhance Educational Opportunity for Disabled Students" (S.P. 390) (L.D. 1209) reporting "Ought to Pass" in New Draft (S.P. 629) (L.D. 1850)

Signed:

Senators: ESTES of York
KANY of Kennebec
RANDALL of Washington
Representatives: HANDY of Lewiston
PARADIS of Frenchville
BOST of Orono
KILKELLY of Wiscasset
O'GARA of Westbrook

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

Signed:

Representatives: NORTON of Winthrop
SMALL of Bath

LAWRENCE of Parsonsfield
MATTHEWS of Caribou
GOULD of Greenville

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.

Subsequently, the House voted to accept the Majority "Ought to Pass" Report, the New Draft read once.

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

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Resolution: (S.P. 630)

JOINT RESOLUTION CONCERNING
CONTINUED DIVERSIFICATION

OF MAINE'S SOURCES OF ELECTRICITY

WHEREAS, the State of Maine must continue to plan for its long-term electrical energy needs and such planning requires legislative policy direction, executive agency action and consultation with consumers and utilities; and

WHEREAS, existing law clearly establishes the State's support for conservation and the development of indigenous renewable resources, including small power production and cogeneration; and

WHEREAS, legislation is pending that would establish state policy supporting the acquisition of Canadian power as another source for Maine's electrical energy and that legislation has stimulated debate and is now under consideration by this Legislature; and

WHEREAS, the Central Maine Power Company, pursuant to its responsibility as a public utility to provide electric power, has signed a nonbinding letter of intent with Hydro-Quebec, a Canadian Crown Corporation, which appears likely to promote long-term price stability; and

WHEREAS, the Joint Standing Committee on Utilities of the Maine Legislature completed in December 1986, a report on electric power transmission and purchases which identified several key issues including: Wheeling of electric power, importation of Canadian power, bottlenecks in the transmission grid between Maine and Southern New England and the comparative economics of electricity production within Maine from renewable resources and of the purchase of the power from outside the State; and

WHEREAS, the State Planning Office and 5 other agencies, at the request of the Governor of the State of Maine, have prepared a preliminary report on the effects of the proposed purchase of power from Hydro-Quebec and that office needs additional time to complete its full study; and

WHEREAS, the Public Utilities Commission has nearly concluded a preliminary investigation of whether the Central Maine Power Company should continue to pursue the proposed Hydro-Quebec purchase; and

WHEREAS, the Central Maine Power Company is expected to file its formal petition for a certificate of public convenience and necessity with the Public Utilities Commission in the near future and the commission is required to conduct a comprehensive review and issue its order within 12 months after the petition is filed; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, now assembled in First Regular Session, take this opportunity to: Support the continuation of negotiations between the Central Maine Power Company and Hydro-Quebec over the possible sale of electricity to Maine utilities; Encourage the Central Maine Power Company to undertake the necessary engineering, economic and environmental studies to fully evaluate the Hydro-Quebec proposal and document its applications for the necessary regulatory permits; and Urge the administration and the Public Utilities Commission to give the Hydro-Quebec proposal full, fair and prompt regulatory review and consideration, along with full evaluation of the alternatives, for their potential as parts of a diversified, least-cost energy strategy that is consistent with the best interests of all the people of Maine; and be it further

RESOLVED: That We further: Reaffirm the commitment of the State to an energy policy based on a diversity of electric supply and demand alternatives, including conservation, conventional central station steam plants, indigenous resources such as cogeneration and hydroelectricity and appropriate levels of imported power from NEPOOL and from Canada; Take note of the importance of electric energy choices because of the significant and widespread effect that the price of electricity has upon the State's economy, including nearly every individual, business and industry; Encourage all Maine electric utilities to continue their exploration of all reasonable energy supply and demand alternatives; and Urge the administration and the Public Utilities Commission to consider carefully the effect of the Hydro-Quebec proposal on interstate and intrastate transmission facilities available to Maine utilities, including bottlenecks in transmission of power to Southern New England and to other parts of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Quebec Prime Minister, the Quebec Minister of Energy and Resources, the Governor of the State of Maine, the Chairman of the Maine Public Utilities Commission and the chief executive officer of each electric utility in the State.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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

Representative ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House reconsider its action whereby the Resolution was adopted.

I would request a roll call.

This Resolution, as you are aware, is a Joint Resolution concerning continued diversification of Maine's sources of electricity. I have attended several meetings regarding Central Maine Power Company's proposal to import power from Canada and I am of the opinion that there are many unanswered technical questions about the effects this high voltage direct transmission line, which would enter Maine from the Province of Quebec, will have on the environment in Franklin and Oxford counties and on the health and safety of my constituents in the towns of Carthage and Dixfield, both towns being located in the proposed route for the transmission lines.

Because there are many, many questions that are unanswered and have not been answered to my

satisfaction or that of many of my constituents and because of their concerns, I plan to vote against this Resolution that is being presented here tonight.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I think if you will read the Resolution carefully, this body and the other body are simply saying that we would like the Central Maine Power to continue investigating and to find out those very facts that the gentleman is concerned with. That is all this Resolution does, we are not supporting any sale, any purchase, or anything of the kind. We are just simply saying continue on with your investigation. There will be a lot of hearings held in the very near future.

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

Representative BICKFORD: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the good Representative that just previously spoke that this issue is only to further study the Hydro-Quebec, but I think there is one more issue here that we have to consider. That issue is, do we want to rely on foreign power? Canada is an ally. However, are they an ally when it comes to economic issues? What did they do to our fishing industry? What have they done to our potato industry and what would they do with our power industry? It concerns me that we would have to rely on foreign power. There have been many debates with the nuclear power and its effects, there have been many debates on the Big A and its effects, but I think the time has come that we, the Maine people, have to face that we do need to rely on power, but that power should come from within this state. But I also have concerns as the good Representative from Wilton has said about the health and safety of my constituents, about the eminent domain the power company would have if they were to take the land of my constituents. I have received numerous phone calls. Nobody has called me supporting this Resolution, everybody has called me to oppose this Resolution. I, too, would ask for your support in opposing this Resolution.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: As the previous speakers have all indicated, there is a large number of questions that surround the purchase of power from Hydro-Quebec. This Resolution simply asks that we answer those questions. I hope you will vote in favor of the Resolution.

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

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

My question is, why do we need this Resolution in order for the explorations to continue?

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

The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to your question, it is simply to reaffirm what this state has already indicated as far as looking for alternative sources of power. We now have a referendum coming up to close Maine Yankee, we have to be conscious that, if that referendum does pass, we have to know where to get the alternative power. Quebec-Hydro is one.

It says here in the Resolution, "Encourage all Maine electric utilities to continue their exploration of all reasonable energy supply and demand alternatives." It simply is sending a message out to the utilities that you must start looking for alternative sources of power, and obviously, the one right now in question that is being investigated is Quebec-Hydro. This doesn't address just that project.

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

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

It is not clear to me that these searches for alternative sources of power won't happen if we do not pass this Resolution. Am I misinterpreting this?

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

The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I would assume that it would continue, to what extent I am not sure, but I think that we should show our support for them to continue their searches for alternative power. I see no harm in this Resolution. In fact, I am a little puzzled at the House or the opposition to it. It seems to pretty much tell it like it is. It is simply saying continue onwards gentlemen, we are going to need something in the very near future and we are encouraging you to do something as quickly as possible.

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

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

My question is to any member of the Utilities Committee. Would it be necessary to require legislative approval prior to entering into a contract to purchase power from Hydro-Quebec and if not, my second question, is would this Resolution be interpreted or be touted as some form of legislative approval of the idea of proceeding forward toward the purchase of power from Hydro-Quebec?

The SPEAKER: The Representative from South Portland, Representative Anthony, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Baker.

Representative BAKER: Mr. Speaker, Men and Women of the House: I will attempt to answer the question. First of all, the Resolution doesn't really commit us to putting our feet into cement, so to speak. It is different than if you passed a law.

Now to answer your question, we don't have to pass a law to get the power companies to negotiate. However, it was felt that it might be a good sign to the Canadians that we, in the legislature, felt that the negotiations were worthwhile. That is why we have a Resolution, just as a sign to the Canadians that yes, we think it is a good idea to negotiate. That is part of the Resolution. I hope that answers your question. If you have more, feel free to ask.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe I can address the good Representative from South Portland's questions.

I did want to make a statement that I am concerned with this Resolution. I see in this Resolution that LURC is seeking of an acknowledgement from the power companies of the State of Maine that, before they proceed with obtaining agreements or making further contracts with the Canadians, that they have the approval of this legislature for their actions and that this here constitutes the first step in that direction.

Now we have heard of our feet not being placed in cement, well the cement may not be wet, but it is cement and it does have a way of firming up and eventually we will find ourselves locked into a position. Now I don't fault the companies for this at all. This legislature had ways, and our very own PUC had ways of placing our companies at great risk with the forced withdrawal from investments that had been made in the nuclear power plants to the south. Right now we have our own nuclear power plant in this state that is at risk and it will soon be up for referendum.

That plant generates approximately 30 percent of the energy that is used in this state. Our electric companies have to search, we have forbidden them from exploiting the rivers, we object to their burning coal, we have directed them to burn wood, and the wood is finite, and each year we have larger and larger tracts of our woodlands, where a jackrabbit would need a knapsack to get across it to carry his rations. We don't have that much left, it is going fast.

So our electric companies, instead of being producers will soon become merchants, and they look to the north. I have apprehensions about going to the north and I know the Canadians are friends, and now today the Japanese are friends, but someday you come by my office and I have a Japanese war bond on my wall, just to remind me of the past.

I had occasion to hear a Minister of Energy from one of the provinces to the north some years ago and he reminded us that we had contracts with his province for electricity, rather extensive contracts and that they had been made for a period of ten years. That would enable us to come on line with electricity and purchase from them for that period of time while we constructed and met our own needs. In that two years that had passed, we had not done anything. We have done very little about production.

So I leave you with that thought tonight. I will oppose this Resolution on the grounds that I believe it is a step in the direction of which I have a great deal of hesitancy to proceed further.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I urge you the passage of this Resolution. I followed the debate of the Dickey-Lincoln project for years. We talked and talked, back and forth, pros and cons. While we were doing all of that talking, Hydro-Quebec was moving and doing and they have built beautiful dams up in the north country.

Fraser Paper in Madawaska has all of its power from Quebec, New Brunswick, whatever. But anyway, I have absolutely no worries that Canada is ever going to shut us off because we are bigger than them and I think we have got to start planning and we have to start planning for something clean, something concrete, hoping that the energy shortage is going to go away, hoping something is going to come up, that pie in the sky. I really urge you, let's make a statement here tonight.

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

Representative HOLT: Mr. Speaker, Members of the House: I simply would like to say a few things for the Record about the amount of electricity Maine uses that is afforded through the nuclear power reactor in Wiscasset, with all due respect to the good Representative from Old Town. It is nearly 20 percent, not 30 percent, perhaps it was once 30 percent.

As a member of the Utilities Committee, I would like also to say I think the committee pondered this issue in the realization that the utilities would very much like us to have presented a bill to you with the go ahead signal for Hydro-Quebec energy purchase. However, I think we all realize there are many, many questions on the part of our constituents and this Resolution was our kind of compromise.

At this point, Representative Gwadosky of Fairfield was appointed to act as Speaker Pro Tem.

The House was called to order by the Speaker Pro Tem.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: It is obviously true that faced with a Resolution of this sort we have two choices, either to pass it or not to pass it. I think we have to look at what the consequences of either of those actions are. If we do not pass this Resolution, it is still true that exploration of the purchase of power from Hydro-Quebec can continue. I do not oppose that, I do not in any way oppose the notion of there being diverse sources of power in this state. I think it is highly appropriate for us to be exploring carefully and thoughtfully this idea. But that can happen whether or not we pass this Resolution and the danger it seems to me in the passage of this Resolution is that it could well be interpreted as an endorsement by us, however subtle, of proceeding towards the purchase of power. I don't want to weigh the balance in any way either for or against that until more is known. I have concerns and yet I am not opposed to it at this time. It seems to me, therefore, appropriate since, not passing this Resolution will still allow going forward, exploring these issues, and exploring them in an unweighted fashion, with a clean slate.

It is for that reason, after listening to the various comments and in recognition of the fact that ultimately we do not have the power in any event to decide whether or not Hydro-Quebec power will be purchased, that I, too, have come to believe that we should not be supporting this Resolution at this time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I suppose, at this point in the evening, we have to wait for papers from the other body anyway, we might as well use up the time to educate one another about power. I find myself in an interesting position because I guess, for the first time in many years, I find the rest of the state now appreciating what we in Aroostook have had to deal with for a long time. I like the comments of some people who talk about their concerns with foreign power but yet, during all this period of time, when

we in Aroostook, have been talking about foreign power -- no one has really been listening.

Maine Public Service of which I happen to be a customer of has really no direct line with the rest of the state. There happens to be one connecting line between Houlton and southern Maine of about 110 K-V's. The only way that Aroostook County gets power is through Canada. We get Maine Yankee power through the power grid coming through New Brunswick, they keep a portion of the power for themselves before they turn over the remainder of 5 percent that Maine Public owns in Maine Yankee. The remainder of our power comes from three sources. It comes from a contract with New Brunswick Light and Power Company, a contract of "We will give you what we can, when we feel like it, at the price we want to give it to you." The second source is a dam known as Tinker Dam located in Canada that is owned by Maine Public Service subsidiary, 100 percent. The remaining source of power is Quebec-Hydro. That is the only way that Aroostook County survives. Without that capacity, we would be without electricity. So, I find it interesting tonight that the rest of the state, through its elected Representatives, is now concerned about foreign power. I find it most enlightening and I am glad that you have now joined us in understanding the problem of power because it is one of those issues that we have had a great deal of problems with. You have heard me in the past discuss some of those problems.

I was one of those who objected to the original purchase of Seabrook. I lost that battle because the Public Utilities had the authority and encouraged the utilities of the state to buy power, as much as they could, wherever they could. We then attempted to pass a law in this legislature, some 14 years ago, which would require that, before utilities buy power, they get the approval of the Public Utilities Commission. It took us five years to get that authority to the PUC. The utilities in the meantime made their second purchase of Seabrook and again, in my opinion, a mistake.

Finally, about 8 years ago, we put through a piece of legislation, which I sponsored, that basically said that we would write off whatever, when they realized that Seabrook was not probably ever going to open and they attempted to sell, they wanted the ratepayers to pick up 100 percent of the cost. We finally succeeded with an amendment that I introduced in this very spot which said that what was prudent purchase at the time would be paid by the ratepayers and the remainder would be paid by the stockholders. Roughly, that amounted to about a 60-40 split and the result of that is that the ratepayers got socked for about 40 percent of the total investment and interest involving Seabrook. I might point out there were other facilities in which that occurred -- one in Massachusetts, which we ended up paying for and, of course, Sears Island.

As you know, I cosponsored a piece of legislation before the PUC for allowing the purchase of power from Quebec-Hydro and we have reached the point where we need to buy additional power. We can do it three ways, conservation, additional harvesting of wood-fired power plants or Quebec-Hydro. That's really all there is.

We all know with wood-fired plants there is a finite number to that. Then, of course, the second approach is conservation -- if everyone conserved, we would need no additional sources of power and we could probably close down some of the existing generating facilities that we have.

The problem with all of that is that there is no one in this legislature or perhaps in this country

that is willing to enact legislation to make people conserve, whether you are talking about the 55 mile speed limit or, as the Representative from Cumberland well knows, preventing people from buying dishwashers or using them in homes and the rest of all the appliances. We haven't got the political guts to pass that kind of legislation. That then leads us to Quebec-Hydro. Quebec-Hydro basically is doing something very simple for the first time in the generating of power. They are going to build, in the James Bay area, some additional generating plants, if and when, they get the money up front. The commitment that they will get, in long-term sales, which is what is being talked about here, is that they will go to the banks of New York and Toronto to get the available sources of money to build the new generating facilities. If they don't get it or they get it somewhere else, that is where the power will go. This is the first time that Quebec-Hydro has talked about long-term contracts of 30 years at a fixed rate, period. In other words, they will decide what the rate is, they will establish it ahead with the inflation clause and that will be the rate which you will pay, not the kind of rate that we pay in Aroostook to New Brunswick Light and Power Company. Based on what we have left, you buy at the price we want to sell it for -- a heck of a nice contract for New Brunswick Power. I might point out that it is not very nice for Maine Public Service and its ratepayers but that is the deal. That is the only deal that we can get.

Quebec-Hydro is going around the country right now, particularly in the northeast and New York, and making the offers to the various states. Vermont is in the process of working out an arrangement with them and Central Maine Power is in the process of doing the same. We can choose not to and that available power generated from that kind of construction will simply go elsewhere. Then we will have to buy excess power at the price they want to sell it for.

Why is the need for this Resolution before us? It is very simple. Quebec-Hydro has told me, I might point out, directly as well as the officials of Central Maine Power, that if you choose not to go into it, we will start looking to other states to buy the power. If you are interested in buying this power in the long-term block, we need the commitment of the legislature saying that we are interested, pure and simple.

I don't know how many dealings you have had with the Quebec Legislature or the New Brunswick Legislature or with any provincial legislature in Canada -- when they tell you something, they do it. They are not like the legislative structure of the United States because the administration controls the legislature. The legislature is the administration and the administration is the legislature. When Minister Ciaccia of the Department of Energy and Natural Resources of the Quebec Province said, this is what it is, that is what it is. He is there for probably four more years or as long as the Bourassa government remains in power.

If we turn down the Resolution, I suspect, knowing what I know about my Quebec friends, that they will simply go to New York, who wants the power very badly, and negotiate the deal with them. So, we don't have to accept this but I might point out, from my point of view, this is not power that will be coming to Aroostook County. This power is all coming to the territory of Central Maine Power. We will still be on our old termed contract and, if somehow, I can get my friend, Mr. Ciaccia to agree to a contract directly with Maine Public Service but, in

order to do that, we will have to construct a line through the woods between Quebec and Maine to avoid New Brunswick. If it goes through New Brunswick, we will have to pay a handling fee (what is called wheeling charge) to New Brunswick for the handling of the power so that will be somewhat of a problem we will face.

I guess I should say that for me, personally, it doesn't make any difference but for the future of the state, I suspect it makes one big difference. That is the issue, I think, before us tonight.

This Resolution does not force the legislature or bind the legislature into a final contract. What it says is, "we suggest that Central Maine Power continue their negotiations and we are saying to Quebec, in effect, we are interested." That is all we are doing.

I share the concerns with the Representative from Wilton and Jay in terms of the power line. I happen to disagree with the present siting plan. My suggestion is that the transmission line ought to be, as much as possible, through existing corridors, existing transmission areas now, so that you do not need to cut into any more of the territory of Maine and go into areas that have not had transmission lines. That is an issue that will be going to public hearing this summer and fall. This legislature can have an impact on those hearings and I intend to participate in that. I hope that the Representatives from that area would do the same because that is the issue. That can be accomplished because they can go through that power grid in Dover-Foxcroft, for example, and almost avoid any new construction of any lines at all. It would be a very short distance coming across the border.

The difference, however, would mean a longer line construction for Quebec-Hydro because they would have to go through a greater portion of the Province of Quebec before they got to Maine. For us, it would be less of a problem, environmentally, and I think in terms of what the public reaction would be. I am sorry to have taken so long to discuss it but I thought it would be worthwhile that you would understand exactly where we are.

I would point out to you that I do not believe that the Quebec government is playing games. When they tell you, this is it, I suspect, that it is.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I want to thank the gentleman from Eagle Lake, Representative Martin. I think he has done a real fine job and I take no issue with what he has had to say. I think it was very well done and he summarized and expanded on some areas of which I only touched upon.

I do still feel that by passing this Resolution that we will begin to respect ourselves and to possibly effect the possibility of dealing with this issue for future actions.

I would point out again to you that it appears to me that our energy policy for this state is still pretty much adrift and quite well fragmented. It appears to have small direction and it takes its course along the easy line. Right now, the easy line for the power needs of our state appear to be exodus across the border where we can thereby export our resources and share our market products with the source to the north.

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

Representative NICHOLSON: Mr. Speaker, Men and Women of the House: I have been on the Utilities

Committee now for three years and I am also a member of the Eastern Regional Conference Council of State Government. I have been working with other eastern states on this particular problem. I have reported to my superiors on meetings I have attended. I have actually seen James Bay. I simply want to say this -- Maine obtaining energy from Quebec would be firm power for emergencies, a sound backup source serving in part as a long-term solution.

This Resolution identifies that we are moving forward in what we are thinking and doing in regards of making sure that we have electricity for the people of Maine. This is another way of keeping this door open as we negotiate and study all sources of energy.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I plan to vote for this Resolution and I am going to tell you one of the biggest reasons why. Those of you who were around a couple of years ago remember the deal we had with the Keyes Fibre industry in the city of Waterville and the town of Fairfield and, all during the negotiations, it was not Workers' Compensation that was putting Keyes Fibre on the ropes, it was not the minimum wage bill that was putting Keyes Fibre on the ropes, it was the \$7 million dollar electricity bill. Nobody ever did anything about that \$7 million dollar electricity bill. They hadn't modernized the plant in 47 years but, ultimately, the employees of Keyes Fibre gave \$10 million in wage concessions. Every time I went to Keyes, they told us the high cost of energy is going to put us out of business in this state. The high cost of energy is going to make us non-competitive in this market in this state -- \$7.5 million electricity bill for the year.

I don't want everybody to believe that all the people in Quebec are thrilled with the fact that Quebec-Hydro is going to sell power to the State of Maine because they are not. As a matter of fact, there is a citizens group that is planning to file suit, if they already haven't, against Quebec-Hydro because they feel that their power should be used to attract businesses across the border into Canada and build the economy of Quebec. It is good reasoning, it is a very sound idea. One of the reasons Quebec has so much power is, because when they have a potential site somewhere on a river, they build a dam. What Representative Martin says is, is exactly true, they don't let Trout Unlimited and everybody else get away, they just say, we are going to build a dam and they do. They put fishways and fish ladders in because Canada and Quebec has some of the best fishing in the north American continent. Most of the provinces in Quebec do and they have a lot of dams there.

The whole point is, if you don't like nuclear -- in this state, every time they talk about building a dam somewhere, (and I am not a big proponent of dams) we can't build it there because it is a very special significant site, it is a jewel, it is a gem, there is a little fish there that is a rare and endangered species, there is a flower, whatever the case -- so we don't build a dam.

I would like to pose a question to anybody who can answer it -- where are we going to get the power? We have a major problem with Maine Yankee and the waste and whether we close it down or keep it open, there is still going to be a waste problem, it is just a question of how much waste you are going to deal with. The State of Maine is still 90 percent forested but, every time you burn wood now, you are

causing a new problem in the atmosphere that compounds itself with the acid rain, which is a problem we have from burning soft coal in this country now but they burn it someplace else and the garbage ends up in our state and some of the Provinces of Canada. Where are we going to get the difference of power? Where are we going to make up the difference? How is Keyes Fibre going to make up that difference? \$7 million dollars worth. Or are the people who work in the mill going to come up with another \$7 million dollars in wage concessions? That doesn't sound like a very progressive government to me. It sounds kind of regressive.

I am not too thrilled about being dependent upon a foreign country but I am a little more comfortable with Canada than I am with the Arabs or Mexico or some of these other places where we get our power from now. At least I can talk to them.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House: I can't answer Representative Jacques' question but the gist of this Resolution, which I am in favor of, in the second paragraph of page 2, "urge the administration and the Public Utilities Commission to give the Hydro-Quebec proposal full, fair and prompt regulatory review and consideration." Here is the clincher: "Along with full evaluation of the alternatives for their potential is parts of a diversified lease cost energy strategy that is consistent with the best interest of all the people of Maine." Also in the 5th paragraph: "Encourage all Maine electric utilities to continue their expiration of all reasonable energy supply and demand alternatives."

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

Representative RIDLEY: Mr. Speaker, Men and Women of the House: The previous speaker really took the words right out of my mouth but I would like to expound on it a little more.

Back in the 110th Legislature, when I first came down here, I had the honor of serving on the Public Utilities Commission and this is nothing new about getting power from Canada. I can very clearly remember, and I am sure that Representative Vose will vouch for this, we had a meeting with our good neighbors to the north in regards to purchasing power. At that time, they wanted nothing to do with Central Maine Power, they just wanted to talk to the heads of state here, the Governor and whatnot, as far as any contracts were concerned. They proposed, at that time, if we would build an \$800 million dollar power line up through to connect onto their grid up there, that they would sell us what power was available and they weren't sure of the price. I felt that that was like buying a pig in a bag and we certainly didn't want to go along with that.

Recently, I went to Quebec through my affiliation with the Energy and Natural Resources and there has been a complete turnaround. Now they have more power up there than they know what to do with. They have got unlimited sources that they haven't even tapped yet. A few weeks ago, if any of you were down in the Legislative Council chambers when we met with the Premier of Quebec, he very clearly stated that the State of Maine has something that they want and they feel that they have something that the State of Maine wants. I believe that this is true. They are now willing to sit down and negotiate with some long-term contracts, which they were never agreeable to before.

As the previous speaker mentioned, if you will look on page 2 of the second paragraph, there is certainly nothing binding, they want them to look

into it, take it under consideration, along with other proposals or other facilities that might be available. Really, I don't look at Canada as a foreign neighbor. As you all know, that is the longest uncut boundary in the world. We have had very good relations with Canada. True, there has been some times when we have had some minor conflicts but I think what is good for up there is good for down here.

I found, as the Speaker mentioned, that when they say something up in Quebec and the Canadian Provinces, you can rest assured that this is what they are going to do. I certainly hope that you will send them a message up there that we are interested, that we are not willing to commit ourselves fully at this time, but we are interested and we would like to take it under consideration and this is just what this Resolution will do.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: Okay, I am convinced that we have to adopt this if we are going to keep our options open to negotiate. I have no reason to doubt the good Representative from Eagle Lake's observations about this. If we didn't adopt this, that would foreclose the possibility of having this as one of the options.

I did want to say that I feel a bit frustrated, a bit like something has sneaked up behind and said, "Boo" and given me a choice and that I have to decide right then and there based on ten or fifteen minutes of education. That is a frustration. I just wanted to go on Record as saying that I feel a bit chagrined that, with this sort of decision coming up, that there was no briefing, no warning, no effort of any sort by any committee nor through caucuses or anything of the sort to let us know that we were going to be facing this sort of choice this afternoon. I feel like I have to make this decision based on less information than I would have liked. I certainly would not foreclose the possibility of purchasing Canadian power and it is for that reason, based on the representation that passage of this Resolution is necessary to keep that option open, that I will be supporting it but I do want to express, clearly, my frustration that I didn't have enough warning and enough information before me to have made a more thoughtful decision here today.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Men and Women of the House: Mr. Speaker, as I understand it, the motion before us is reconsideration?

The SPEAKER PRO TEM: The Chair would answer in the affirmative.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that we ought to grant reconsideration of this item. This is an issue that is of tremendous importance and we ought to be able to decide the issue on the merits of it and grant reconsideration to those people who have asked for it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: So far there has been two sides to this issue and not one person that has spoken this evening has been wrong. That is rare in this House.

The gentleman from Waterville is very correct in terms of energy being a key component of any future economic development in this state. Many individuals

have spoken to what is very much like Maine being a sovereign nation than when we send dollars outside our borders, either for products that we can't produce or energy to foreign nations, be they Arab in the Middle East or a neighbor or friend to the north -- those are dollars that are lost in terms of our lifestyle, our economy, and Maine jobs.

I think one of the major issues that we are going to have to face in the next year or two, when we move beyond the Resolution stage, is that we have a proposal before us which clearly has lower energy costs. When you look at the alternatives within the Maine border, be it new nuclear, coal or wood or hydro, when you look at the kilowatt cost, this power from the north is far less expensive. But somewhere along the line, we, the legislature, the Executive Branch, the power companies in this state and the Maine people, have to make a decision -- do we go the easy route in terms of buying Canadian power, which has been proven in terms of cost projections to be far lower than anything we could develop in this state or will we develop our own independent energy plan saying that whatever new sources we find in this state may be more expensive but we will keep Maine dollars in Maine and that the jobs that are created from energy creation are Maine jobs rather than Canadian. We cannot answer that here this evening, even with the sketchy advance information we have been given. If we vote this Resolution down, we will never be able to make that choice. We do not have an energy plan for the State of Maine.

Somewhere, some day, we as a legislature, have to develop that plan and vote for it. If we vote against the Resolution, one of those future choices has been taken away from us.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Men and Women of the House: I know that the hour is getting late but I will be brief.

I guess I wasn't going to speak on this issue until my good friend, the Representative from South Portland, mentioned that he was frustrated on only having 15 minutes to make this decision. I guess I would agree with the number 15 but I think this has been coming for 15 years, not 15 minutes.

Dickey-Lincoln was not approved. Tidal power was not approved. The Big A was not approved. Now nuclear power, coal-fired power, wood-fired power also are being severely questioned. I guess I would concur with the good Representative from Waterville -- where is our power going to come from?

I will close by saying that, the proposed transmission line, is within 200 feet of my home and my dairy farm business. Yet, in reviewing all the options, I certainly feel that it is about as clean a source of power, even though it is very close to my own home and business, as any other source of power. I do urge adoption of this Resolution. It gives us another bargaining chip.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

Representative Armstrong of Wilton withdrew his motion for a roll call on reconsideration.

Subsequently, on motion of Representative Armstrong of Wilton, the House reconsidered its action whereby the Resolution was adopted.

Representative Armstrong of Wilton requested a roll call on adoption.

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 adoption. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 145

YEA - Aliberti, Allen, Anderson, Anthony, Baker, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Carter, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hanley, Hepburn, Hichborn, Hickey, Hogle, Holt, Hussey, Ingraham, Jackson, Jacques, Jaibert, Joseph, Ketover, Kimball, Lacroix, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Rice, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Seavey, Sheltra, Sherburne, Simpson, Smith, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Webster, M.; Wentworth, Weymouth, Willey, The Speaker.

NAY - Armstrong, Bailey, Bickford, Greenlaw, Holloway, Paradis, E.; Parent, Richard, Small.

ABSENT - Begley, Brown, Cashman, Chonko, Conley, Harper, Higgins, Hillock, Kilkelly, LaPointe, Lisnik, Mayo, McHenry, McPherson, O'Gara, Reeves, Salsbury, Scarpino, Soucy, Walker, Warren, Whitcomb, Zirnkilton.

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

117 having voted in the affirmative and 9 in the negative with 23 being absent and 2 vacant, the Resolution was adopted in concurrence.

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Continue Insurance Coverage for Mental Health, Alcohol and Substance Abuse Treatment Services for Maine Citizens (S.P. 561) (L.D. 1674) which was passed to be enacted in the House on June 1, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-204) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 26 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail" (S.P. 607) (L.D. 1797) which was passed to be engrossed as amended by House Amendment "A" (H-321) in the House on June 11, 1987.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-321) as amended by Senate Amendment "A" (S-198) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Create the Department of Economic and Community Development, to Establish Consistency among Economic Development Laws and to Establish a Capital Budgeting and Planning Process" (H.P. 1324) (L.D. 1808)

- In House, passed to be engrossed on June 11, 1987.

- In Senate, passed to be engrossed on June 11, 1987, in concurrence.

- Recalled from the Engrossing Department pursuant to Joint Order (S.P. 621)

Came from the Senate passed to be engrossed as amended by Senate "B" (S-201) in non-concurrence.

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

The following items appearing on Supplement No. 27 were 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. 397) (L.D. 1216) Bill "An Act to Implement Certain Recommendations of the Judicial Council's Committee on the Collection of Fines" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-205)

(S.P. 514) (L.D. 1557) Bill "An Act to Improve the Ability of the Department of Agriculture, Food and Rural Resources to Respond Constructively to Complaints of Insect Infestation" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-207)

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

(At Ease to the Gong)

The House was called to order by the Speaker.

Representative Richard of Madison Was granted unanimous consent to address the House.

Representative RICHARD: Mr. Speaker, on the last roll call, I was recorded as voting nay and I wish to be recorded as having voted yea.

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

Bill "An Act to Clarify the Authority of Municipalities to Construct Sewer Systems or Sewage Disposal Systems" (H.P. 1355) (L.D. 1854) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot and Senator PERKINS of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on Utilities was suggested)

Under suspension of the rules and without reference to any Committee, the Bill was read twice, passed to be Engrossed and sent up for concurrence.

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

Was read and ordered placed on file.

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

SENATE PAPER

RESOLVE, Establishing the Maine Commission of Forest Land Taxation (S.P. 632) (L.D. 1853)

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

Under suspension of the rules and without reference to any Committee, the Bill was read twice, passed to be Engrossed in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities (Emergency) (S.P. 610) (L.D. 1800) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Baker of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1800 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-337) and moved its adoption.

House Amendment "B" was read by the Clerk and adopted.

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

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 34 was taken up out of order by unanimous consent:

SENATE PAPER

The following Communication:

The Senate of Maine
Augusta

June 12, 1987

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today appointed the following conferees to the Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 150) (L.D. 191).

The President appointed on the part of the Senate the following:

Senator Dow of Kennebec
Senator Theriault of Aroostook
Senator Cahill of Sagadahoc
Sincerely,

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 150) (L.D. 191) have had the same under consideration and ask leave to report: that the Senate recede from passage to be engrossed as amended by Committee Amendment "A" (H-275) as amended by Senate Amendments "A" (S-156) and "B" (S-183) thereto, and Senate Amendment "A" (S-157); recede from adoption of Committee Amendment "A" (H-275) as amended by Senate Amendments "A" (S-156) and "B" (S-183) thereto; recede from adoption of Senate Amendment "B" (S-183) to Committee Amendment "A" (H-275) and indefinitely postpone same; adopt Committee Amendment "A" (H-275) as amended by Senate Amendment "A" (S-156) thereto; and pass the Bill 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).

That the House recede and concur with the Senate.
(Signed) Senator DOW of Kennebec, Senator THERIAULT of Aroostook, and Senator CAHILL of Sagadahoc - of the Senate.

Representative MOHOLLAND of Princeton, Representative SOUCY of Kittery, and Representative STROUT of Corinth - of the House.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-275) as amended by Senate Amendments "A" (S-156) and "B" (S-183) thereto and Senate Amendment "A" (S-157) and asked for a Committee of Conference in non-concurrence.

Report was read and accepted.

The House voted to recede and concur.

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code" (H.P. 1332) (L.D. 1822) which was Passed to be Engrossed in the House on June 11, 1987.

Came from the Senate Passed to be Engrossed as amended by Senate Amendments "A" (S-190) and "C" (S-208) in non-concurrence.

On motion of Representative Paradis of Augusta, the House voted to insist and asked for a Committee of Conference.

The following items appearing on Supplement No. 35 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Extend the Period of Anticipatory Borrowing by Municipalities" (S.P. 633) (L.D. 1855)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to any Committee, the bill was read twice and passed to be engrossed in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Public Violations at the Capitol Complex" (H.P. 1347) (L.D. 1841) which was passed to be engrossed in the House on June 12, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-200) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 36 were taken up out of order by unanimous consent:

SENATE PAPERS

Ought to Pass in New Draft/New Title

Report of the Committee on State and Local Government on Bill "An Act to Consolidate and Improve the Administration of Workers' Compensation in State Government" (S.P. 385) (L.D. 1162) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Develop a Plan for the Administration of Workers' Compensation Claims of State Employees (S.P. 634) (L.D. 1856).

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

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

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

Ought to Pass in New Draft/New Title

Report of the Committee on Banking and Insurance on Bill "An Act to Amend the Maine Produce Liability Risk Retention Act" (S.P. 516) (L.D. 1559) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Maine Product Liability Risk Retention Act" (S.P. 635) (L.D. 1858).

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

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

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

The following item appearing on Supplement No. 37 was taken up out of order by unanimous consent:

SENATE PAPER

Ought to Pass in New Draft/New Title

Report of the Committee on Banking and Insurance on Bill "An Act to Afford Consumer Protection in Retirement Communities which Offer Continuing Care" (S.P. 241) (L.D. 672) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Afford Consumer Protection in Retirement Communities which Offer Continuing Care" (S.P. 636) (L.D. 1859).

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

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

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

The following item appearing on Supplement No. 38 was taken up out of order by unanimous consent:

SENATE PAPER
Non-Concurrent Matter
Later Today Assigned

Bill "An Act to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities" (Emergency) (S.P. 610) (L.D. 1800) which was passed to be engrossed as amended by House Amendment "B" (H-337) in the House on June 12, 1987.

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-337) and Senate Amendment "A" (S-165) in non-concurrence.

On motion of Representative Manning of Portland, tabled pending further consideration and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities" (Emergency) (S.P. 610) (L.D. 1800) which was passed to be engrossed as amended by House Amendment "B" (H-337) in the House on June 12, 1987 and came from the Senate passed to be engrossed as amended by House Amendment "B" (H-337) and Senate Amendment "A" (S-165) in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

The House voted to recede and concur.

The following item appearing on Supplement No. 39 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 637) ORDERED, the House concurring, that Bill "An Act to Make Substantive Changes in the Liquor Laws" (H.P. 1348) (L.D. 1842), be recalled from the Engrossing Department to the Senate.

Came from the Senate, read and passed. Was read and passed in concurrence.

(Off Record Remarks)

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act Relating to Boards and Commissions" (H.P. 959) (L.D. 1288) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-295) and House Amendment "A" (H-336) in the House on June 12, 1987.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-295) and House Amendment "A" (H-336) as amended by Senate Amendment "A" (S-212) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 40 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Make Substantive Changes in the Liquor Laws" (H.P. 1348) (L.D. 1842)

- In House, passed to be engrossed on June 12, 1987.
- In Senate, passed to be engrossed on June 12, 1987 in concurrence.

- Recalled from the Engrossing Department pursuant to Joint Order (S.P. 637)

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-210) in non-concurrence.

Representative Priest of Brunswick moved that the House recede and concur.

On motion of Representative Murphy of Berwick, the House voted to recede.

The same Representative offered House Amendment Senate called to Order by the President.

House Amendment "A" (H-340) was read by the Clerk.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment allows Class A restaurants and hotels holding liquor licenses to sell liquor on Sundays starting at 10:00 a.m. and this will allow these licensees to serve liquor with their Sunday brunches. The liquor must be sold in conjunction with the sale of food.

Representative Priest of Brunswick moved the indefinite postponement of House Amendment "A."

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

A vote of the House was taken.

58 having voted in the affirmative and 40 in the negative, the motion to indefinitely postpone did prevail.

Subsequently, the House voted to concur.

On motion of Representative Willey of Hampden,

Adjourned until Monday, June 15, 1987, at nine o'clock in the morning in honor of Old Glory, the Flag.

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

In Senate Chamber
Friday
June 12, 1987

"A" (H-340) and moved its adoption.

Prayer by the Honorable Robert R. Gould of Waldo.

SENATOR GOULD: Let us be in the spirit of prayer. O Lord, on this last day of the week, we pause and thank You for the strength You have given us. Thank You for the wisdom and knowledge You have imparted to us. Grant us continued strength, wisdom and knowledge to finish the work that we have been entrusted with by the people of the state. Through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (Emergency)

H.P. 1286 L.D. 1762
(S "A" S-150; H "A"
H-278)

In House, June 8, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-278).

In Senate, June 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-278) AND SENATE AMENDMENT "A" (S-150) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-150) AND HOUSE AMENDMENTS "A" (H-278) AND "B" (H-322) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Allow Increased Participation of State Employees in the Electoral Process"

S.P. 606 L.D. 1796

In Senate, June 9, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-323) in NON-CONCURRENCE.

On motion by Senator TUTTLE of York, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail"

S.P. 607 L.D. 1797

In Senate, June 10, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-321) in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Create a New Major Policy-influencing Position for the Department of