

MAINE STATE LEGISLATURE

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



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

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

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
88th Legislative Day
Monday, June 15, 1987

The House met according to adjournment and was called to order by the Speaker.
 Prayer by Reverend David A. Johnston, Rome Baptist Church.
 Pledge of Allegiance.
 The Journal of Friday, June 12, 1987, was read and approved.
 Quorum call was held.

SENATE PAPERS

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 Adhered to its former action whereby it referred Bill "An Act to Create a New Major Policy-influencing Position for the Department of Defense and Veterans' Services, Namely, a New Civilian Position of Deputy Commissioner" (H.P. 1330) (L.D. 1814) to the Committee on Aging, Retirement and Veterans.

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

Senate
 Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act Relating to the Maine Transportation Capital Improvement Planning Commission" (S.P. 598) (L.D. 1758) which was Committed to the Committee on Transportation in the House on June 9, 1987.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-187) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON AGING, RETIREMENT AND VETERANS
 June 11, 1987

The Honorable John L. Martin
 Speaker of the House
 113th Legislature
 Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the First Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	39
Unanimous reports	37
Leave to Withdraw	13
Ought to Pass	8
Ought Not to Pass	3
Ought to Pass as Amended	5
Ought to Pass in New Draft	8
Divided reports	1
Carry Overs	0
Re-referred	1

Respectfully submitted,
 S/Sen. Georgette B. Berube S/Rep. Daniel B. Hickey
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON ECONOMIC DEVELOPMENT
 June 12, 1987

The Honorable John L. Martin
 Speaker of the House
 113th Legislature
 Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Economic Development during the First Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	21
Unanimous reports	20
Leave to Withdraw	12
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	7
Divided reports	1
Carry Overs	0

Respectfully submitted,
 S/Sen. Thomas H. Andrews S/Rep. Nathaniel J. Crowley
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON EDUCATION
 June 12, 1987

The Honorable John L. Martin
 Speaker of the House
 113th Legislature
 Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Education during the First Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	65
Unanimous reports	54
Leave to Withdraw	23
Ought to Pass	7
Ought Not to Pass	2
Ought to Pass as Amended	15
Ought to Pass in New Draft	7
Divided reports	6
Carry Overs	4
Re-referred	1

Respectfully submitted,
 S/Stephen C. Estes S/Stephen M. Bost
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON FISHERIES AND WILDLIFE
 June 11, 1987

The Honorable John L. Martin
 Speaker of the House
 113th Legislature
 Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Fisheries and Wildlife during the First Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	65
Unanimous reports	57
Leave to Withdraw	17
Ought to Pass	5
Ought Not to Pass	18
Ought to Pass as Amended	2
Ought to Pass in New Draft	15
Re-referred to Another Committee	2
Divided reports	6
Carry Overs	0

Respectfully Submitted,

S/Edgar E. Erwin S/Paul F. Jacques
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON LABOR
 June 12, 1987

The Honorable John L. Martin
 Speaker of the House
 113th Legislature
 Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Labor during the First Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	63
Unanimous reports	52
Leave to Withdraw	18
Ought to Pass	5
Ought Not to Pass	13
Ought to Pass as Amended	8
Ought to Pass in New Draft	8
Divided reports	8
Carry Overs	2
Re-referred	1

Respectfully submitted,

S/Dennis L. Dutremble S/Edward A. McHenry
 Senate Chair House Chair
 Was read and ordered placed on file.

Later Today Assigned

The following Communication:

STATE OF MAINE
 OFFICE OF THE GOVERNOR
 AUGUSTA, MAINE
 04333

June 12, 1987

TO: The Honorable Members of the 113th Maine Legislature

I am returning without my signature or approval L.D. 1170, "AN ACT to Increase the Minimum Wage." The decision to veto this bill has been agonizingly difficult for me. I realize that strong and emotional arguments can be made in favor of this measure. But, it is my judgment that we should not pursue policies which could have the effect of further identifying Maine as a singularly unattractive place for job creation.

January 1, 1987 marked the final increase of the minimum wage law passed by the Legislature in 1984, making Maine's minimum wage the highest in the continental United States. This bill, which mandates

raising it even further -- an eventual thirty cent per hour increase -- unacceptably isolates Maine in the economic development marketplace.

My decision to oppose this legislation should not be interpreted in any way as a lack of concern for those at the lower levels of the wage scales. I am dedicated to bridging the gaps between individual and family incomes and their needed level of financial well-being as well as to increasing economic opportunities for Maine citizens. This legislation, in my opinion, does not address equally both sides of this equation and, thus, will serve neither the long range interests of the people nor the climate associated with doing business in Maine.

I am not convinced that raising the State's minimum wage, by itself, sufficiently remedies income disparities in Maine. Three years ago, Maine did increase our minimum wage to a level which surpassed the other states; yet, Maine's per capita income figures still show us to be near the bottom of the national scale for per capita income.

The minimum wage law is a tool in fighting poverty, but it is not the only nor, arguably, the most effective tool. Raising the minimum wage is not the simple, catchall answer to this very broad and complex problem. The initiatives already set forth by my Administration, which include increased day care services, additional funding for employment and training programs, support of secondary and post secondary education and our university system, and the formulation of a State economic development and human resource development strategy, are more effective methods for addressing the needs of those at the lower wage levels. After three consecutive years of legislatively-mandated wage increases, the State should turn to and implement these additional tools to address the issues of poverty and to promote job creation.

Clearly, certain areas of the State have benefited in the last three years from steady economic growth. This growth has resulted in higher wages through efforts to attract workers in an increasingly tight labor market. This economic growth, however, has clouded the impact of the recent minimum wage increases. Maine already has a workers' compensation system that is widely reputed for its high costs, and a minimum wage that is already among the nation's highest. Additional legislatively-mandated increases in the minimum wage, at the state level, would be neither timely nor prudent.

As you doubtless are aware, a proposal to increase the federal minimum wage is presently pending before Congress. If federal legislation is finally enacted in this area, I would support State legislation to ensure that Maine's minimum wage keeps pace with the national standard. I cannot, however, support legislation which would further enhance an image of our State as an economic island.

What Maine needs first and foremost is increased job availability and the ability of Maine people to fill the jobs which are created. That, in my opinion, is the proper avenue upon which to proceed, rather than the approach envisioned by a mandated minimum wage increase. Such an approach could further isolate Maine economically, resulting in even fewer new job opportunities for Maine people.

For these reasons, I am in firm opposition to this bill and urge you to sustain my veto of L.D. 1170.

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

Was read and ordered placed on file.

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

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

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Charles R. Priest of Brunswick be excused June 5 for legislative business and June 8, 9 and 10 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Peter J. Manning of Portland be excused May 6, 7 and 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Margaret Pruitt Clark of Brunswick be excused June 10 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph W. Mayo of Thomaston be excused June 11 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Amend the Title Laws of Maine" (H.P. 140) (L.D. 181) reporting "Ought to Pass" in New Draft (H.P. 1356) (L.D. 1857)

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 items appeared on the Consent Calendar for the First Day:

(H.P. 1053) (L.D. 1416) Bill "An Act to Establish a State Nuclear Safety Program for Commercial Nuclear Power Facilities in the State" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-338)

On motion of Representative Manning of Portland, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-338) was read by the Clerk.

On motion of Representative Manning of Portland, tabled pending adoption of Committee Amendment "A" and later today assigned

(H.P. 1216) (L.D. 1659) Bill "An Act to Amend the Charter of the Lincoln Water District" (Emergency) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

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.

PASSED TO BE ENACTED

Emergency Measure

An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June

30, 1987, June 30, 1988, and June 30, 1989 (S.P. 242) (L.D. 673) (C. "A" S-171)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Correct Errors and Omissions in the Legislation Implementing Collective Bargaining Agreement for Maine Vocational-Technical Institute System Employees (S.P. 615) (L.D. 1815)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide for the Compilation of data and Information Relating to Reasons for Residential Mortgage Foreclosures in Maine (S.P. 616) (L.D. 1817)

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. 105 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (H.P. 415) (L.D. 549)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Ensure Safe Abatement of Asbestos Hazards (H.P. 1286) (L.D. 1762) (H. "A" H-278; H. "B" H-322; S. "A" S-150)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Discretion to the State Liquor Commission to Establish a Temporary Agency Liquor

Store in Response to a Natural Disaster (H.P. 1311) (L.D. 1789) (H. "A" H-309)

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. 112 voted in favor of the same and 18 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1987-88 (H.P. 1328) (L.D. 1812) (Emergency)

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

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby L.D. 1812 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-331) and moved its adoption.

House Amendment "A" (H-331) was read by the Clerk and adopted.

The Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED
Emergency Measure

An Act to Expand Employment Opportunities for Minors under the Age of 16 Years (H.P. 1334) (L.D. 1824)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED
Emergency Measure

RESOLVE, to Establish a Joint Select Committee on Long-term Care Staffing Issues (S.P. 147) (L.D. 401) (C. "A" S-178)

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

FINALLY PASSED
Emergency Measure

RESOLVE, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 588) (L.D. 1742) (H. "B" H-302)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR
Emergency Measure

Later Today Assigned

RESOLVE, Requiring the Department of Conservation to Study the Problem of Submerged Watercraft in Coastal Waters of the State (H.P. 1316) (L.D. 1795) (H. "A" H-292)

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

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

Representative SCARPINO: Mr. Speaker, does this require a fiscal note?

The SPEAKER: The Chair would advise the Representative from St. George, Representative Scarpino, that the fiscal note documentation contains no provision for the need of a fiscal note but the Chair would read the remarks, "If enacted, it would expect that the fiscal impact of this legislation be absorbed by the Department of Conservation utilizing existing resources."

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Aside from the fact that I have a little difficulty with that fiscal note, this bill raises a couple of concerns so I picked up the phone and I called the First District Coast Guard in Portland and talked to Lieutenant Ullman who is the Executive Officer of the First District Coast Guard. As a result of that phone call, I was informed that the coast guard has authority in all designated channels, they will remove all vessels that they define as impeding commerce. The Corps of Engineers has a responsibility outside of the designated channel and the local harbor masters have that authority to remove any vessel that they define as interfering with the normal ways of their harbor.

The simple fact is, if somebody had bothered to spend five minutes and make one phone call, they would have realized there is no need for this bill, no need for this study. All the information is there. All the authority is well defined.

Quite simply, this is just another piece of legislation that accomplishes nothing other than to spend a little money.

I would urge you not to support this piece of legislation.

On motion of Representative Look of Jonesboro, tabled pending final passage and later today assigned.

ENACTOR

Later Today Assigned

An Act to Provide for Renewal of Auto Registration and Inspection Sticker at the Same Time (S.P. 386) (L.D. 1163) (C. "A" S-174)

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

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

PASSED TO BE ENACTED

An Act to Make Adjustments in the School Finance Act (S.P. 405) (L.D. 1256) (C. "A" S-172)

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

PASSED TO BE ENACTED

An Act to Maintain Lifeguard Services in State Government (S.P. 415) (L.D. 1273) (H. "A" H-318)

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

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

Representative DELLERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to 1273 and move that this bill and all its accompanying papers be indefinitely postponed.

The bill is not necessary. The Department is handling the matter well. They are training the staff, requiring that all have Red Cross training or the equivalent, then doing further training in-house. The department is also doing video taping of this training to provide other municipalities with some of the material.

With so many requests for the state's dollars, it would seem unwise at this time to put through a bill that is not necessary. If the department needs the help, they will request it further in the years ahead.

I move that we indefinitely postpone L.D. 1273.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not move to indefinitely postpone this piece of legislation. It will not cost the state any money at all. This is the bill that we discussed about the fiscal note, about the impact, and there is no fiscal note on this.

It will now be done by the Chairman of the State and Local Government Committee in the other body in conjunction with the other studies as we move through this system this summer. It is a chance to coordinate and to upgrade lifeguard services statewide, put them in compliance with the United States Lifeguard Association standards nationwide, so that the individuals who are lifeguards here will match the standards of those lifeguards nationwide.

I would hope you would stay with your original support of the bill and send this on its way.

The SPEAKER: The pending question before the House is the motion of Representative Dellert of Gardiner that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 68 in the negative, the motion to indefinitely postpone did not prevail.

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

PASSED TO BE ENACTED

An Act to Improve Fire Prevention Activity of Railroads (S.P. 439) (L.D. 1334) (C. "A" S-177)

An Act to Remove the Responsibility of the Department of Agriculture, Food and Rural Resources to Pay for Wildlife Damage (S.P. 496) (L.D. 1513) (C. "A" S-176)

An Act to Recodify the First-lien Real Estate Secured Lending Provisions Relating to Nonbanks in the Maine Consumer Credit Code (S.P. 517) (L.D. 1560) (S. "A" S-163)

An Act to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code (S.P. 620) (L.D. 1821)

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 to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care (H.P. 313) (L.D. 412) (C. "A" H-307)

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 Establish the Maine Court Facilities Authority (H.P. 329) (L.D. 428) (H. "A" H-303 and H. "B" H-304 to C. "A" H-265)

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

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

ENACTOR

Later Today Assigned

An Act to Facilitate Access to In-home Services (H.P. 1062) (L.D. 1445) (C. "A" H-308)

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

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

PASSED TO BE ENACTED

An Act to Amend the Maine Juvenile Code (H.P. 1331) (L.D. 1816)

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

FINALLY PASSED

RESOLVE, to Establish the Joint Select Committee to Study the Costs of Providing Benefits and Compensation Under the Workers' Compensation Act (S.P. 447) (L.D. 1361) (C. "A" S-173)

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

ORDERS OF THE DAY
UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment on Friday, 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:

An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime (H.P. 1297) (L.D. 1775)

- In House, indefinitely postponed on June 12, 1987.
- In Senate, passed to be enacted in non-concurrence.
TABLED - June 12, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Further Consideration.
On motion of Representative Diamond of Bangor, retabled pending further consideration and later today assigned.

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

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 as amended by Senate Amendment "B" (S-201) in non-concurrence.
 TABLED - June 12, 1987 (Till Later Today) by Representative DIAMOND of Bangor.
 PENDING - Further Consideration.

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

The Chair laid before the House the third 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 12, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Motion of Representative CROWLEY of Stockton Springs 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 following item was taken up out of order by unanimous consent:

On motion of Representative BAKER of Portland, the following Joint Resolution: (H.P. 1357) (Cosponsors: Representatives NORTON of Winthrop, PARADIS of Frenchville, and HOGLUND of Portland)

JOINT RESOLUTION MEMORIALIZING
 THE UNITED NATIONS TO
 GRANT FREE ACCESS TO ITS FILES
 ON NAZI WAR CRIMINALS

We, your Memorialists, the Senate and the House of Representatives of the State of Maine in First Regular Session of the 113th Legislature, now assembled, most respectfully present and petition the Secretary of the United Nations, Javier Perez de Cuellar, as follows:

WHEREAS, the question of exacting justice for Nazi war crimes continues to haunt our era. As eyewitnesses of the gruesome Nazi atrocities vanish with the passage of time, documentary evidence becomes ever more critical to the tracking down of the guilty. Some experts have pointed to the potential for forged evidence by the Soviet bloc, which derives advantage from dividing American ethnic groups; and

WHEREAS, the debate over untainted evidence rages, a clear, unimpeachable and reliable body of evidence continues to be shielded from public scrutiny; and

WHEREAS, that evidence is to be found in the War Crimes Files of the United Nations, which were gathered by the Allied War Crimes Commission. The files contain information on approximately 40,000 suspected war criminals, of whom 25,000 warranted prosecution; and

WHEREAS, upon completing its work, the allied commission turned over its records to the United Nations for safekeeping, intending that these documents contribute to bringing other war criminals to justice. Inexplicably, United Nations officials have since restricted access to the files, maintaining that permission must be secured from the 17 nations which comprise the commission; and

WHEREAS, the Maine Legislature believes that the enormity of Nazi crimes outweighs such narrow procedural arguments; now, therefore, be it

RESOLVED: that We respectfully urge the United Nations Secretary General Javier Perez de Cuellar to open the war crimes files. Continued opposition to access to this important source of information acts as an impediment to the punishment of those guilty of crimes against humanity; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to United Nations Secretary General Javier Perez de Cuellar.

Was read and adopted and sent up for concurrence.

(Off Record Remarks)

(At Ease to Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (H.P. 1286) (L.D. 1762) (H. "A" H-278; H. "B" H-322; S. "A" S-150) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Brown of Gorham, under suspension of the rules, the House reconsidered its action whereby L.D. 1762 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" (H-322) was adopted.

On further motion of the same Representative, House Amendment "B" was indefinitely postponed.

Representative Brown of Gorham offered House Amendment "C" (H-344) and moved its adoption.

House Amendment "C" (H-344) was read by the Clerk and adopted.

Subsequently, the bill was passed to be engrossed as amended by House Amendment "A" (H-278) and House Amendment "C" (H-344) and Senate Amendment "A" (S-150) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: (Emergency) RESOLVE, Requiring the Department of Conservation to Study the Problem of Submerged Watercraft in Coastal Waters of the State

(H.P. 1316) (L.D. 1795) (H. "A" H-292) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: The reason I tabled this matter is, when this came before the State and Local Government Committee, it was determined that at that time we could find no area that would handle such a matter. I, personally, called the Department of Transportation, the Corps of Engineers, and the United States Coast Guard, none of whom indicated that it was within their realm.

At the present time, the submerged lands are under the jurisdiction of the Department of Conservation, the Bureau of Public Lands.

I urge you to support this Resolve to have the study completed and perhaps we can get some area of knowing who is responsible for taking care of the submerged vessels.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Apparently my good friend from Jonesboro, Representative Look, talked to someone other than the gentleman I talked to in the Coast Guard. The Marine Safety Office is responsible for all of the coastal and inland waters in which navigation takes place in this state. They will remove any vessel that is interfering with commerce, any vessel that they define as interfering with commerce. They will search down and find the owner of any vessel that is polluting and they will be responsible for the cleanup of that vessel and they will be responsible for the recovery of funds from the owner of the vessel.

The Corp. of Engineers is responsible for the removal of any vessel that they define as interfering with access into any harbor in which they function. The Coast Guard also defines that the state and municipal powers in the waterways are concurrent with theirs and that the state and the municipality, if the Coast Guard and the Corp. of Engineers do not define an abandoned or a sunken vessel as a hazard to navigation, access, or commerce, do have the authority to take whatever action is necessary to remove that vessel if they desire to have the vessel removed. It is all very clear.

What this issue rises out of is one vessel in Cundy's Harbor. The Coast Guard has not defined it as being a hazard to navigation or interfering with commerce. The Corp. of Engineers does not define it as interfering with access, the town doesn't want to pay for the removal.

If you look at the initial bill, they wish to have the state define it and remove it. So what we are talking about is setting up a study that is going to define either the state or the municipality the responsibility of removing vessels that the Coast Guard and the Corp. of Engineers have already defined that there is no necessity to remove.

I think the study is unwarranted, the ability is already there. I think the purpose is unnecessary and I think the bottom line is an extremely large expense for the benefit of an extremely few amount of people. I do not feel the expense is justified, I do not feel the bill was justified. I urge your opposition to this bill.

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

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

Representative COLES: Mr. Speaker, Men and Women of the House: There are, in fact, in Cundy's Harbor six of these vessels. There is one in Robinhood Cove in Georgetown and there are probably dozens of them elsewhere along the coast.

This bill was looked at closely by the committee. It received a unanimous committee report, an agreement was worked out with the Department of Conservation and the Bureau of Public Lands. It has no fiscal note attached to it.

Its purpose is to move the state and the towns in the direction of resolving this problem that no one seems to be accepting responsibility for. The Town of Harpswell worked a number of years with both the Coast Guard and Corp. of Engineers and got nowhere. These boats were put there without the town's permission. They are resting on state land and this bill is a very reasonable way to start doing something about the problem. I would appreciate your support for enactment.

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. This being an emergency measure, a two-thirds vote of the members present and voting is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 146

YEA - Allen, Anthony, Baker, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Davis, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Gould, R. A.; Gwadosky, Hale, Handy, Harper, Hichborn, Hickey, Higgins, Hillock, Hoglund, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kimball, LaPointe, Lawrence, Look, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reeves, Rice, Richard, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Sheltra, Simpson, Smith, Soucy, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Taylor, Telow, Tracy, Vose, Walker, Warren, Wentworth, Whitcomb, Willey, Zirnkilton.

NAY - Anderson, Armstrong, Bailey, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hepburn, Ingraham, Lebowitz, Lord, Marsano, McHenry, McPherson, Murphy, E.; Parent, Reed, Scarpino, Seavey, Sherburne, Small, Stanley, Tupper, Webster, M..

ABSENT - Aliberti, Carter, Cashman, Chonko, Dexter, Gurney, Jackson, Kilkelly, Lacroix, Lisnik, Mayo, McGowan, Nadeau, G. G.; Ridley, Tardy, Thistle, Weymouth, The Speaker.

Yes, 105; No, 26; Absent, 18; Vacant, 2; Paired, 0; Excused, 0.

105 having voted in the affirmative and 26 in the negative with 18 being absent and 2 vacant, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Provide for Renewal of Auto Registration and Inspection Sticker at the Same Time"

(S.P. 386) (L.D. 1163) (C. "A" S-174) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: Bill "An Act to Establish the Maine Court Facilities Authority" (H.P. 329) (L.D. 428) (H. "A" H-303 and H. "B" H-304 to C. "A" H-265) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: Bill "An Act to Facilitate Access to In-home Services" (H.P. 1062) (L.D. 1445) (C. "A" H-308) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1445 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-308) was adopted.

The same Representative offered House Amendment "A" (H-347) to Committee Amendment "A" (H-308) and moved its adoption.

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

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

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

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

ORDERS OF THE DAY
BILL HELD

RESOLVE, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (Emergency) (S.P. 588) (L.D. 1742) (H. "B" H-302) - In House, Finally Passed on June 15, 1987.

HELD at the request of Representative MANNING of Portland.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1742 was finally passed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1742 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" (H-302) was adopted.

The same Representative offered House Amendment "A" (H-348) to House Amendment "B" (H-302) and moved its adoption.

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

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

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

The Chair laid before the House the following matter: (H.P. 1053) (L.D. 1416) Bill "An Act to Establish a State Nuclear Safety Program for Commercial Nuclear Power Facilities in the State" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-338) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-338).

Representative Manning of Portland offered House Amendment "A" (H-343) to Committee Amendment "A" (H-338) and moved its adoption.

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

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

Representative HOLLOWAY: Mr. Speaker, Ladies and Gentlemen of the House: May I have an explanation of this amendment please?

The SPEAKER: The Representative from Edgecomb, Representative Holloway, has posed a question through the Chair to the Representative from Portland, Representative Manning, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The House Amendment that I just put on deals strictly with the evacuation plan and not with any of the other parts of Committee Amendment "A." Basically, it indicates that CEP will have to come up with a plan for the secondary evacuation zone outside a ten mile zone and not a nineteen mile zone that previously was on Committee Amendment "A."

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

Representative HOLLOWAY: Mr. Speaker, Members of the House: Since I live within the evacuation zone as it primarily is considered today, I have some problems with talking about an extension of this in the secondary zone. Today, we have very few fire engines and sirens and emergency vehicles to evacuate the zone that we live in which is a ten mile zone. It frightens me somewhat just to hear of the consideration of expanding the zone to nineteen miles. I am not very pleased with the amendment and I am sure the people in the peninsula area that I represent would not be pleased with even the thoughts of going to nineteen miles.

Therefore, I would hope that you would defeat this amendment and I would ask for a division.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does not have nineteen miles in it. This amendment indicates that the Bureau of Civil Emergency Preparedness will come up with a plan outside the ten mile present zone. This will be a secondary emergency planning zone, it has nothing to do with nineteen miles. It could be 10.1, or it could be 15 miles, it could be 35 miles, it is up to the Civil Emergency Preparedness to look at this. I might add that this amendment was put on by myself but with the unanimous support of the whole committee and the Governor's Office and Maine Yankee.

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

Representative SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Request permission to address a question through the Chair?

In reading the amendment on Page 2, lines 23 through 32, "ingestion pathway zone." "The ingestion pathway zone shall be designed by the CEP by rule as the zone beyond which the emergency planning zone where the protective action plans are required relative to the food chain. Unless changed by rule, the ingestion pathway zone shall be a circle of a radius not less than 50 miles centered on the Nuclear Power Plant whether located within this state or any adjoining state or province." Could somebody please give me a definition of an ingestion pathway zone and how it relates to the food chain?

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

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I cannot answer the gentleman's question directly. I would just point out to him that what he is quoting from is existing law.

Representative Rolde of York 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 adoption of Committee Amendment "A" as amended by House Amendment "A" thereto. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 147

YEA - Allen, Anderson, Anthony, Baker, Begley, Bost, Bott, Boutillier, Brown, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Harper, Hickey, Higgins, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kimball, LaPointe, Look, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Reeves, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Seavey, Sheltra, Simpson, Small, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Tracy, Vose, Walker, Warren, Wentworth, Whitcomb, The Speaker.

NAY - Armstrong, Bailey, Bickford, Bragg, Callahan, Davis, Dexter, Farren, Foss, Foster, Garland, Hanley, Hepburn, Hichborn, Hillock, Holloway, Ingraham, Jalbert, Lawrence, Lebowitz, Lord, MacBride, Marsano, McPherson, Murphy, E.; Norton, Parent, Salisbury, Sherburne, Stanley, Stevens, A.; Stevenson, Strout, B.; Tupper, Webster, M.; Willey, Zirkilton.

ABSENT - Aliberti, Cashman, Gurney, Jackson, Kilkelly, Lacroix, Lisnik, Thistle, Weymouth.

Yes, 103; No, 37; Absent, 9; Vacant, 2; Paired, 0; Excused, 0.

103 having voted in the affirmative and 37 in the negative with 9 being absent and 2 vacant, Committee

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

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

The following items appearing on Supplement No. 1 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:

(H.P. 775) (L.D. 1047) Bill "An Act to Repeal the Mandatory Brucellosis Vaccination for Cattle" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-341)

(H.P. 1274) (L.D. 1741) Bill "An Act to Better Accommodate Over-order Milk Pricing" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-342)

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

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

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Uniform Commercial Code Regarding Tribal Government" (Emergency) (H.P. 1358) (L.D. 1860) (Presented by Representative CASHMAN of Old Town) (Cosponsor: Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on Judiciary had been suggested and printing ordered.)

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.

PASSED TO BE ENGROSSED

RESOLVE, to Reconstitute the 9-1-1 Study Commission (Emergency) (H.P. 1359) (L.D. 1861) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator KERRY of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on Utilities had been suggested and printing ordered.)

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

The Chair laid before the House the following matter: Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime" (H.P. 1297) (L.D. 1775) which was tabled earlier in the day and later today assigned pending further consideration.

Representative Seavey of Kennebunkport moved that the House recede and concur.

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

Representative ANTHONY: Mr. Speaker, I would ask for a Division.

Mr. Speaker, Ladies and Gentlemen of the House: This is the same bill, if you recall, that we took a position of indefinite postponement last Friday morning and it went over to the other body and has come back to us for us to take a position once again. I would urge you all that this bill was a bad bill when we looked at Friday morning and it is still a bad bill. There have been no changes to it, it is too bad because it is not a bad idea, it is just that the bill itself as it has been developed and presented to us is not well developed and well presented.

It has no provision whatsoever for collecting interest on money that is set aside from criminals who are trying to profit from stories about their activity and the money is supposed to be held, you will recall, in an escrow account for victims. Ultimately, if no victims come forth, then it would be returned to the individual. It has no provision whatsoever for collecting interest on that money to benefit anybody. It has no provision whatsoever for paying any income taxes; thus these criminals would have none of these proceeds to pay income taxes to the state if they should be making some money on whatever they are writing or any movie or the like. It has no provision whatsoever for paying child support out of the fund and it could well be that we, as taxpayers, will end up supporting the children of these convicted or accused individuals rather than have the child support coming out of the fund. It has no provision whatsoever for termination when the statute of limitations expires.

The statute of limitations is normally six years and these funds could be held for fifteen years or longer. In the meantime, there would be continuing advertising depleting the fund even though it might be clear that there are no additional victims or the statute of limitations has expired.

But worse still and the most important, the most central thing in this bill, it applies not only to persons who have been convicted of crimes, but also those who have been accused of crimes. Anybody who is accused could have their money held indefinitely under very vague rules. This flies absolutely in the face of the principles of our constitution -- that a person is innocent until proven guilty. It flies in the face of the whole principles of our criminal laws.

Unfortunately, it is words that we enact into legislation not ideas. The words of this bill, ladies and gentlemen of the House, do not make good policy. This bill should be defeated. I would urge voting against the motion that was presented here.

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

Representative WARREN: Mr. Speaker, Men and Women of the House: Not to belabor this point, we did debate this bill Friday, extensively. The House did decide, 79 to 60, to indefinitely postpone this bill. I don't think anything has changed concerning the merits. We haven't received any more affirmations of the constitutionality of the bill. It is suspect. Above and beyond that, I just don't think it is necessary.

The only evidence that we have heard that this is needed is that it would be needed in New York City, Hoboken, New Jersey, and also I think there was evidence about the City of Chicago. Other than that, it is just not a needed bill. I urge us to stand by our prior vote and not adopt this.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone that may answer it.

I was not here last Friday when this bill was debated. Was this a Divided Report and if so, what were the... Should I ask the Clerk to read the Committee Report to get that information? I will ask for the Clerk to read the Committee Report.

The SPEAKER: The Chair would advise the Representative that it was a Unanimous Committee Report.

The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: Just two minutes of your time. First of all, 22 states have enacted this type of legislation.

Secondly, the provision in the bill that talks about accused is the stumbling block apparently towards those people that oppose this bill. But the simple fact of the matter is, of those people that would fall into this program, the accused person but only if the accused person is eventually convicted of his crime. When you are accused you automatically lose certain rights anyway, you may land in jail even if you are accused but haven't been proved guilty yet and you may be denied bail. Of course, you have to remember again, these are crimes that may never happen in this state or they may, we don't know that but only if the accused person is eventually convicted of the crime.

Representative Martin of Eagle Lake requested a roll call vote.

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

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

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

ROLL CALL NO. 148

YEA - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Cote, Davis, Dexter, Dutremble, L.; Farren, Foss, Garland, Hanley, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Ingraham, Jalbert, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McHenry, Murphy, T.; Nicholson, Norton, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Racine, Reed, Rice, Salsbury, Scarpino, Seavey, Sheltra, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Telow, Tupper, Vose, Webster, M.; Zirkilton.

NAY - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Callahan, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Crowley, Curran, Dellert, Diamond, Dore, Duffy, Erwin, P.; Farnum, Foster, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Lacroix, LaPointe, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nutting, Paradis, J.; Pouliot, Priest, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sherburne, Simpson, Smith, Stevens, P.; Swazey, Tammaro, Tardy, Tracy, Walker, Warren, Wentworth, Whitcomb, Willey, The Speaker.

ABSENT - Cashman, Conley, Gurney, Jackson, Kilkelly, Lisnik, Strout, D.; Thistle, Weymouth.
 Yes, 61; No, 79; Absent, 9; Vacant, 2; Paired, 0; Excused, 0.

61 having voted in the affirmative and 79 in the negative with 9 being absent and 2 vacant, the motion to recede and concur did not prevail.

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

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House insist and ask for a Committee of Conference.

The difference between passage of this bill and not passage are not much, but they seem to be a major stumbling block, I think we could work them out in a short time between the bill which was enacted under the hammer in the other body and in this body. I hope that you would give us the chance to let us work out our differences.

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

Representative WARREN: Mr. Speaker, Men and Women of the House: I urge the House to adhere to our action. I think we have debated this bill long and hard, it is a good intellectual issue but it is not needed in the State of Maine.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Seavey of Kennebunkport that the House insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 61 in the negative, the motion did prevail. 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)

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

On motion of Representative Perry of Mexico,
 Recessed until two o'clock in the afternoon.

(After Recess - 2:53 p.m.)

The House was called to order by the Speaker.

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

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Make Adjustments in the School Finance Act (S.P. 405) (L.D. 1256) (C. "A" S-172) which was passed to be enacted in the House on June 15, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-172) as amended by Senate Amendment "A" (S-211) thereto 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. 537) (L.D. 1623) Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Stripper Well Overcharge Case" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-213)

Under suspension of the rules, Second Day Consent Calendar Notification was given, the Senate Paper was passed to be engrossed as amended 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 JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Ensure Safe Management, Recycling and Disposal of Solid Waste and to Reorganize the Solid Waste Law" (H.P. 1107) (L.D. 1499) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1360) (L.D. 1862)

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 ALLEN from the Committee on Utilities on Bill "An Act to Make Changes in the Laws Governing Public Utilities" (H.P. 256) (L.D. 339) reporting "Ought to Pass" in New Draft (H.P. 1361) (L.D. 1863)

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.

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. 3 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Dedicate a Portion of the Real Estate Transfer Tax to Fund State Revenue Sharing Programs" (H.P. 621) (L.D. 840)

Signed:
Senators: TWITCHELL of Oxford
DOW of Kennebec
Representatives: NADEAU of Saco
DUFFY of Bangor
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 "A"
(H-345) on same Bill.

Signed:
Senator: SEWALL of Lincoln
Representatives: SEAVEY of Kennebunkport
INGRAHAM of Houlton
JACKSON of Harrison
ZIRNKILTON of Mount Desert

Reports were read.

Representative Mayo of Thomaston moved that the
House accept the Majority "Ought Not to Pass" Report.

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

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

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

Representative JACKSON: Mr. Speaker, Ladies and
Gentlemen of the House: I rise this afternoon to
oppose the Majority Report.

First of all, I think many of you know that our
communities throughout the state are experiencing
extreme difficulty with their local property taxes.
It is quite clear to me, as I am sure it is quite
clear to many of you in this body, that there doesn't
seem to be much on the horizon for reducing the
property tax of those communities throughout this
state.

What L.D. 840 as amended by Committee Amendment
"A" (H-345) will do is take one-half of the proceeds
that are received from the transfer tax going to the
Maine State Housing Authority and redirect those
proceeds to the Municipal Revenue Sharing Program
which then would be distributed on 12 monthly
payments.

It seems to me that when we passed the original
bill that funded the HOME Program and the legislation
which followed that it was never felt that the
transfer tax would generate as much money as it
generates today. It is anticipated that this
transfer tax will generate somewhere in the vicinity
of \$15 million this year.

The Housing Authority, under the budget
Resolution of last year under the L.D. that increased
their appropriation, will be operating with
approximately \$3.5 or \$3.6 million in this year.
They have already received upwards of \$6 million. It
would seem to me that it would be wise and it would
be equitable to take a portion of those funds and
redirect those funds back to the municipalities
through the Revenue Sharing Program.

I attempted, with the original bill, to take a
portion of the General Fund and redirect that in that
direction but it was brought to my attention that
that portion of the money was out of reach.

I know that several will say that \$2 million is
not a lot of money and really will not do much to
reduce the tax burden at the local level. I think

anything that we give the municipalities will assist in reducing that burden that has been created.

The amendment, as I said, calls for one-half of the monies that are transferred to the HOME Program to be redirected to the Revenue Sharing Program and it would give \$2 million in this year's property tax relief. Next year, it is anticipated that it would give about \$3.5 million, \$3.6 million to be exact.

I think that is the step that we should be going in. I know that some will probably say that by doing this we are going to be impairing the ability of the HOME Program to provide what they consider affordable housing to the residents of this state. I disagree with that. We know that this year, under the federal guidelines, the Maine State Housing Authority can issue \$130 million in bonds, next year it will be a little less than \$130 million in bonds. We have also been told that the Maine State Housing Authority, for every dollar that they invest, can leverage for a minimum of \$30 to a maximum of \$50 per dollar that is invested. It would seem to me that we are not going to impair any programs, we are not going to cut any services that are being provided currently and we can give tax relief to the citizens of this state through this mechanism.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Let me try to briefly outline today what you will be doing if you do not adopt the Majority Report, which I hope you will adopt, which will kill this legislation. Presently, the Maine State Housing Authority, through the HOME Program and through the money that comes from the real estate transfer tax that is dedicated to the Maine State Housing Authority, is providing single family loans to 10,000 Maine families. They are administering Section 8, Federal Rental Assistance money, which brings in \$34 million in federal funds. They set up, administer, and implement programs for homeless within the State of Maine. They set up and implement apartments for low and middle income Maine residents. They operate a consumer hot line to assist Maine home buyers in that difficult process of buying a first home.

There has been a lot said about the money that is in this fund and where it goes, but none of this money, not one dime of it, goes to salaries. The money for salaries for the Maine State Housing Authority comes from the points that are charged on the bonds that are issued. In 1979, the Maine State Housing Authority received a \$72,000 allocation from this legislature to set itself up and they paid that back five years later. The Maine State Housing Authority has not taken money from the General Fund.

What we are being asked to do here today, ladies and gentlemen of this House, is to take money from one needy program and give it to another area of concern. Believe me, when I say that the money that would be allocated by taking half of this money and putting it towards property tax relief, would not go sufficiently, in my opinion, to solve the problem. We have to couple it in lots of other areas. I don't think it is appropriate to take money from one needy program and give it to another. That is why I oppose the bill, that is why I voted out the Majority "Ought Not to Pass" Report. I would encourage this House to vote for the Majority Report and kill this legislation.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Representative Mayo has said to you we would be redirecting funds, taking funds away from one worthwhile project and sending them towards another. I suppose that is true, we would definitely be sending them towards another worthwhile cause and that cause is property tax relief for the people of the State of Maine.

I think it is important that we review the purpose of the HOME Program at its original inception and why it has done as well as it has done and what it is here for. Its original creation was to help Mainer's afford housing at a time when interest rates in this state and this country were excessive. In fact, in the over 20 percent range — since that time, as all of you know, interest rates have come down. Last summer, I think they were below 10 percent and now you can get variable ARMS annual adjustable rate mortgages in the area of 9.75 and some fixed mortgages 20 or 30 years in the area of 10.5 to 10.75 percent. So, even though the original idea of the HOME Program and its urgent need at that time has passed, it has still proved itself to be very worthy in the areas that Representative Mayo has mentioned today.

The question is the amount of money that they have received and whether or not some of that money could be better utilized to help Maine people afford the excessive property taxes that they are forced to endure at this time.

The HOME Program in fiscal year 1986 received \$3.65 million from the real estate transfer tax. So far this year in 1987, with the fiscal year not yet complete, they have received \$5.824 million and the budget amount for 1988 is expected to be around \$6.1 million, a rather substantial increase percentage rate and one that I am sure that any other agency would be more than pleased to operate on.

I guess you have to consider a couple of points when it comes to property tax relief. When people buy a home, they have several concerns. They, obviously, are concerned with the amount of money that they have to pay to the bank on a monthly basis, their mortgage rate. One of their other major concerns, especially for folks on a fixed income, is the amount of property taxes they have to pay. Those taxes keep going up and up ever year. So, regardless of whether we adopt this bill or not and allow the HOME Program to continue operating on the astronomically increasing funds that it presently receives and more than likely will continue to receive, if we were to adopt the bill, we would still be helping out the people of the State of Maine. I would say to you that more than likely would be helping out the overwhelming majority of the people and not just a select few by pumping these monies back into revenue sharing.

The theme of this legislative session, among others, has been property tax relief. We have been trying for some time now to try and figure out a means or a number of ways by which we could help pay for the Educational Reform Act of 1984 and also help to provide some kind of property tax relief for other factors which have contributed to the high property taxes we have in the State of Maine. This is one way in which we can do that and we will not hurt the program. The HOME Program could continue to operate by at least as much as they were running on in 1986 and more than likely, as real estate sales continue to transact, that fund would probably still increase.

I say to you, I guess, put our votes where our mouths have been for the last six months, let's offer some meaningful tax relief for the people of

the State of Maine by pumping these funds into the revenue sharing. For that reason, I would hope that you would reject the "Ought Not to Pass" Report and adopt the "Ought to Pass" Report.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I request a roll call when the vote is taken.

I speak as one of the original cosponsors of the HOME Program, a bill that I was very proud to cosponsor at that time and a program that I still support. I feel very comfortable in terms of looking at this bill and saying that we are looking, as the other speakers have said, at a surplus that is on hand. It is coming from the dollar volume of sales which was never anticipated, plus those individual sales, the inflated price of that real estate. So, these are funds that were not anticipated, they are funds that are not needed for the program, they are surplus accounts.

It does not make sense when we have funds on hand in a surplus account not to be able to help the good citizens of Millinocket, Thomaston, Kennebunk, Old Town, Portland -- to be able to bring property tax relief to the citizens of those towns.

I think very clearly in this roll call vote, a yes vote is against property tax relief. A yes vote is against revenue sharing monies going to the individual towns. If you vote no on this report, so we can get to the Minority Report, you will be able to vote to send back to the Maine municipalities in the first year \$2,032,300 in property tax relief. In the second year -- \$3,658,200 in property tax relief. I would urge you to vote against the motion so we can get to the Minority Report and take a positive stand for property tax relief in this House.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in response to the Minority Leader whose comments have amused me. Obviously, Representative Murphy is pegging this particular bill as the property tax relief measure of 1987 and, obviously, that is not the case.

The Taxation Committee has a number of issues that we will be dealing with to handle the property tax problem. As he well knows, the Governor's own administration has determined to hold over most of their items for property tax relief until they have a chance to examine the tax mix.

In many instances, the Taxation Committee has decided to hold over a number of property tax relief bills and I think that those things will be put forth during the next two years.

I think that the attempt today to raid the housing fund under the guise of property tax relief really misses the direction of where the Housing Authority has taken us. Probably one of the more popular programs that we have had in the state is the Housing Authority, particularly the HOME Program. Many of us were involved in the initial establishment of the HOME Program and constituents, as Representative Mayo has indicated, some 10,000 to 14,000 individuals, have taken advantage of that program. In addition to that, the Housing Authority has helped to provide some 10,000 elderly, handicapped, and low income families to live in decent apartments.

I guess that I would dispute today and suggest that the amount of money that is currently available in the HOME fund is not sufficient to take care of the housing problems that we have still in the State

of Maine. We face severe problems of availability and affordability of housing across this state and the idea that, because of a formula that was put together two years, that there is now a little bit more money than somebody expected and means that there is now a surplus really does not come to grips with what is happening in the housing market and the severe housing problems that we are facing in the State of Maine.

What are those housing problems? I think you only have to look toward the Governor's Task Force on Homelessness in 1986 which had estimated that there are now 2,500 to 3,500 homeless people in the State of Maine. There are another 52,000 families or 118,000 individuals who are at risk of being homeless. That is defined as people who pay more than 80 percent of one-half of their total income for housing and heat. There are currently 25,000 families in federal assistance housing and there are another 20,000 families that are eligible or are on the waiting list now for housing.

Since 1970, if we want to talk about affordability and availability of housing, incomes have increased in the State of Maine 186 percent but rents have increased more than 300 percent.

Funding on the federal level, as we all know, has decreased over the last ten years. In 1977 to 1982, federal monies were producing almost 1,100 units of housing per year. Since 1983, federal housing production has dropped to 250 units per year. If there was a telling figure, if you look at income in 1970, almost 81 percent of Maine families had incomes sufficient to purchase a medium priced home. In 1980, that percentage dropped to 43 percent. Just three years later, last year, that has dropped to 40 percent.

Representative Jackson had indicated that the Housing Authority has the ability to leverage money. That is true, they leverage money 30 to one at least on a regular basis. So, for every dollar we pump into housing, they are able to produce \$30.00 of housing economic activity. Obviously, a loss of \$5 million over two years multiplied by 30 is going to be a substantial amount of housing activity -- it is a housing activity that we can't afford to lose in the State of Maine.

I think it is easy to say that we need to give money back to municipalities but you have to look at it in a different light. When you pump money into housing, you are helping to generate jobs, you are generating municipal property tax revenues, you are generating sales tax and income tax revenues. I think to take money away from the HOME fund to relieve by some marginal amount property tax burdens in municipalities is really your classic example of trying to rob Peter to pay Paul less. I think that is exactly what we are doing in this instance if we go along with Representative Jackson's proposal.

The availability of affordable housing is a critical ingredient into economic development as we are all aware. Certainly it makes little sense in any areas of the state to try to create 100 new jobs in a particular area if people can't afford to live in a particular town. It doesn't make any sense to me for school districts to require that their teachers live within their particular community if they can't find a place to live and they can't afford to live in that particular community.

I also want to mention that we have also had a major reallocation of HOME funds this year. As you know, this Spring the Housing Authority stepped forward and was willing to allocate \$1 million to those people who were devastated by the flood. That

money is now being leveraged to help people across the state from one end to the other.

More than anything else, I guess, given the slight benefit to be gained from property tax relief through municipalities, I think that it really doesn't compensate for the types of money that we need in housing, the amount of monies that we are going to have to spend in housing if we are not going to be able to utilize these funds. If people are really interested in property tax relief, as we are, certainly the members of the Democratic party share the concern that would help the Republican party, we have proposals on the table now that we will be dealing with. They will be proposals that we will be working on with and against the members of the Republican party throughout the rest of this session and next year and those are the issues that we will be dealing with that will provide long lasting property tax relief and not provide it under the guise here today of raiding the HOME fund.

I would certainly hope that you would support the good Representative from Thomaston, Representative Mayo, in accepting the Majority "Ought Not to Pass" Report.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Just to respond briefly to the good gentleman, Representative Gwadosky, on some of the points that he made.

He referred to the proposal before us as robbing Peter to pay Paul. In reality, this is one of the few proposals that we have seen before us this year that provides a mechanism for property tax relief which does not have in it any kind of a tax increase whatsoever. The gentleman referred to bills that were being held over in the Taxation Committee which we decided not to deal with and which would have offered property tax relief. The reason we decided not to deal with them is because every one of those was a tax increase on all of the people of the State of Maine and clearly would have been robbing Peter to pay Paul or a diversion from the right pocket to the left. No matter how you slice it, it comes down to the no free lunch formula. This, on the other hand, deals with existing revenues that we have available to us and does not impose any tax increase.

He talked about all the wonderful things that the HOME Program has done and they have done those things. I think it is also important to point out that they have done it on the funds they are getting now and not on the millions of dollars they are going to be getting over the next few years which they had not anticipated on getting in the first place. They probably can continue to excel and do that fantastic job without these monies if we decide to pass this bill today.

As far as the alarming comments, which we are all aware of, dealing with the number of homeless that we have in the State of Maine and also throughout the nation, I guess I would just say to you that the best way for us to help the homeless is not to create all sorts of government subsidized or free homes, the best thing we can do for these people is to create the kind of business climate that creates jobs and gives them the means by which to earn enough money to buy their own housing. That is what they would rather do anyway, they are not looking for handouts, they want jobs, not handouts. I think that is where our directions should be going.

I would just say to the gentleman that, as the days wane, in the First Regular Session of this Legislature, our opportunities to provide meaningful

tax relief to the people of this state are rapidly diminishing.

I would hope that you would take advantage of this opportunity now so that we can, in fact, do what we have just been talking about for a very long time.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Fairfield, Representative Gwadosky, made reference of the fact that this was probably the property tax relief bill of 1987. I personally do not see that as such. I think it is the first step in the direction of bringing property tax relief to our municipal offices from the pressures that they have been under.

I would also point out that I do not believe that we are going to get the bill either this year or next year which would be all encompassing and do everything all wrapped up in one bill. I anticipate that property tax relief will come with a series of bills and that this is, quite possibly, the first step in that direction.

If we were to get one bill, and my question is to the gentleman from Fairfield or to anyone else that may answer, are we looking at a one cent increase in the sales tax or 20 percent? I see that as the only other vehicle that would probably bring us sufficient revenues to bring one whole omnibus bill for property tax relief.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I want to thank the Minority Floor Leader that, if I voted yes on this bill, that I would be voting against property tax relief for the people back home because I would have never understood that if he hadn't pointed that out.

There was one reason I supported the HOME Program way back when we started this. That was because it helped someone in the middle, for once. It didn't help the rich person, who we help all the time. It seems that we do it on the federal level more now than we ever did before but we weren't going to help that guy in the middle and we always have tried to look out for the guy on the bottom. The HOME Program was based on helping somebody that was in the middle that fell between the cracks of getting subsidized housing through a local housing authority because he was so poor or being able to afford a beautiful home in Cape Elizabeth because he was so rich. If it is determined now that we have too much money in that program, I am very surprised that Representative Jackson hasn't come out and said, let's reduce the transfer tax or do away with it altogether because it is making so much money we apparently don't need that so-called tax any more. We have been accused of being tax/spend, tax/spend -- get rid of it. I don't believe it is going to be a bonanza.

I think that, even on the federal level, they have told us that the interests rates are going to go up and your people and my people that are in that middle area are still going to be faced with the same situation. As they mess around with the interest rates, those people are going to be preempted from buying a house and they are going to be paying \$350 for a rent, in some not so great apartment somewhere, or they are going to have to do without.

I supported the HOME Program and the transfer tax that goes to that program for a specific

reason. Now, if you want to come out with a new initiative to do something different, then I think we should do that but I don't think we should be robbing this program because there happens to be a little extra money in it.

It reminds me of the snowmobile fund a few years back, the Transportation Department was in some financial trouble and, because the snowmobile fund had extra money in it, they said, they are not using all their money, let's go get it. That was rebuffed in this House and I think it was done wisely because, a few years later, when we had a lot of snow and the snowmobilers got out and used up the money, they ended up being broke and that is why we had to pass an increase in the snowmobile registration fee. Just because you have a moment of gravy doesn't mean that moment of gravy is going to last for a long time.

I am very heartened by Representative Zirkilton saying that he will do everything he can to assure that the working class people of this state can earn enough money to afford to buy a house on their own. I am sure that he will be voting that way whenever we take up the message that will be coming down from the Governor's Office.

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

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

We have talked about revenue sharing formula and I would like to have someone explain that in very clear concise terms of how that operates?

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

The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I will try to attempt to answer that question as clearly as it was given to me. As I understand the revenue sharing formula, it is based on population, per capita income, state evaluation, and that determines how much a community will get. Those factors are all considered in that consideration. So, if you have a high per capita income and a high state evaluation and the population might be low, you would get the lower rate. If it is lower, then you get a higher rate, that is how they figure it. I don't know the exact percentage but that is what they take into consideration.

Mr. Speaker, while I am on my feet I would like to address the body again.

Ladies and Gentlemen of the House: I have listened to the previous debate on both sides of this issue. I don't think that everybody understands what is happening in the 496 communities throughout this state. I don't think that they understand that the federal revenue sharing has been terminated, \$25 million lost. I don't think that they understand that we have a \$22 million shortfall in the aid to education, the Education Reform Act and mandated salaries.

I think if you have been attending your municipal meetings, your town meetings, and your school board meetings you would recognize that there is a problem out there. That problem is being borne by the local property tax.

We talk about creating new homes for people. We talk about giving them the ability to purchase these homes. Well, I am asking you today folks to give these people who live in the homes currently the ability to pay their property taxes. If we continue

down this path that we are going and not addressing the needs of the local communities, the needs to the school administrative districts throughout this state, we are going to be driving people from their homes, they can't afford to stay in them any longer. Their property taxes are exorbitant -- when you see your municipal budgets increasing by 20 to 30 percent per year, your school budgets at a minimum of 14 percent and much greater, how much longer can you expect the taxpayers of the state to continue under that burden folks? They can't do it. They can't earn enough money. What we are asking for here today is to take surplus -- yes, surplus.

We understand that Maine State Housing Authority can leverage at a minimum of \$30 and a maximum of \$50 for every dollar they invest. Well, you take a look at \$3.5 million, figure it out folks, and see how many dollars they can leverage, how many dollars that go into affordable housing.

All we are saying is, let's take one-half of that transfer tax that is received by that program and redirect it back to revenue sharing. I don't think that we are trying to rob Peter to pay Paul. I think that this is a conscientious effort to get tax dollars back to taxpayers, and that is exactly what it is, the taxpayers of those 496 communities throughout the state, that seems to me to makes sense. Irregardless of how much we send back -- anything that we send back will relieve that burden.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: A couple of points. In response to the gentleman from Mt. Desert, Mr. Zirkilton's analysis -- one would have to assume that the HOME Program is currently meeting the needs of housing in this state. I think the Representative from Fairfield, Mr. Gwadosky, outlined for you today that that certainly is not the case.

Something in the last several years that is a phenomenon in this country is called "New Federalism," the administration in Washington came aboard and they said that decentralized programs give the states more responsibility, local control -- call it what you want. But the fact is, more responsibility has been put on the state, we have more burdens today than we had several years ago. From 1981 to 1986, the federal government cut back on housing programs 67 percent. The federal government, for all intents and purposes, is getting out of the housing business. Therefore, we have got two choices, we either ignore the problem, accept the fact the federal government has gotten out of that area and let people fend for themselves or we look at the problem and attempt to address it.

Several years ago the HOME Program was born, it was, I think, our response to, not only the homeless problem in Maine, but just the basic everyday expectation that people do want to own or at the very least rent a home or a place to live.

One of the most severe problems we are going to be facing in this state and I don't suspect it is limited to this state, in the future as far as economic development is concerned, is the housing problem. If employers and regions of the state can not find employees who can find a place to live, then they are going to have a problem. That is certainly occurring in some of the more congested and high-priced areas of the state. I think you will find many business people who will testify to that effect.

So, ladies and gentlemen, we as a legislature and as a state, I think, have an obligation to attempt to resolve some of those problems. The HOME Program, I think, as has been said on both sides of this argument has been a very effective mechanism to do so.

Property tax relief is not the issue here today. Property tax relief is our commitment to the problem of home ownership in Maine for some people. I think the gentleman from Waterville, Mr. Jacques, pointed that out nicely. This was finally a program that did attempt to address those folks in the middle. I think that is a very important point to remember. The effect on the economy that this money has is staggering. I think it has an \$88 million effect on the economy, generates something in the order of \$600,000 in tax revenue. Ladies and gentlemen, this program has wide implications.

The Appropriations Committee has committed \$12.1 million for property tax relief this session, something I hope this House and the other body will adopt when the time comes. We have made an attempt to address property tax relief this session. As has been mentioned, the Governor has got a task force that is going to look at the tax mix issue between now and next session. The issue is on the table and very much alive.

I thoroughly agree with Representative Gwadosky's classification of taking from Peter to give Paul less. I think we ought to keep that in mind today as we vote. It is a good program, it doesn't come anywhere close to addressing the need that exists in the state and that will exist in this state. Let's not tamper with it, let's let the HOME Program and the Maine State Housing Authority do their job.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: One thing that has become painfully clear to us this session is that we do not have the kind of revenues that we would like to combat all the many problems that face this state at this time. So, what we are left with is prioritizing the limited resources that we have to the best of our ability to meet as many problems as we can meet.

I, for one, feel that property tax relief is a higher priority at this time than surplus accounts.

This is my third term here in Augusta and every time I run for election or reelection I have had to answer many questions regarding my stand on the issue of property tax relief. Every time I have said yes, property tax relief is one of my priorities, it is a pressing problem and we need to do something about it. I would submit to you that every member of this body -- and if there is anyone that would fall outside of this category I wish they would stand up, but it is my belief that every member of this body at one time or another has said, yes we have to do something about property tax relief. Well, here we have a proposal to do something about it and it is time to put our money where our mouth is and reduce the repressive property tax levels that are paid by all Maine citizens. This is a proposal that attempts to work towards reducing those property tax levels and I would urge you to support it.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: There have been characterizations of this bill as taking surplus revenue. Let me say, this is not surplus revenues, these are revenues that are dedicated to the HOME Program and will be spent and allocated in that HOME Program to meet a

demand that we can't meet, that has been clearly stated -- the demand for assistance, for both housing, for the homeless, for rental assistance, it goes on and on and we have not met that need. So, this is not just simply taking surplus revenues that are lying around being unused or unappreciated.

It has also been stated that we are going to beef up our revenue sharing formula. That is of concern to me in the way that this legislation is drafted. What I see happening is that these funds will become, if they are sent back to the towns, new money that the towns will be receiving and may become accustomed to.

What happens in two years from now, if interest rates go through the roof and we in fact need to put desperately needed money back into the HOME Program, where are you going to take it from? Are we going to take it from property tax relief? Is that what we want to be involved in, a dedicated account that dedicates half its revenues to the HOME Program and half to property tax relief having to choose between those two?

Representative Jackson pointed out that there is a need for \$47 million out there. He talked about \$25 million with the federal revenue sharing cuts and \$22 million worth of educational reform requirements -- taking \$2.3 million from a worthy program and putting it towards a \$47 million problem, to me ladies and gentlemen of this House, is not significant property tax relief, it doesn't even approach it.

Representative Murphy outlined what he thought the vote would be today if you voted yes or no. Well, let me outline what I feel that it is. A vote of no today, ladies and gentlemen of this House, on the pending motion is a vote against the homeless; a vote of no today is a vote against those men and women of this state who are buying their first home; a vote of no is a vote against rental assistance programs. I urge this House to adopt the pending motion.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Since January, we have heard a lot of rhetoric about property tax relief and we are down to the last closing days of this session. It has been very interesting having listened to all the rhetoric that, when it comes down to a yes or no vote in terms of sending money back to the municipalities -- the squirming -- the defense in terms of why we should not send money back. We have heard that it is not really very much money, just a marginal amount and the Appropriations Committee has gone along and made a commitment of \$12.1 million.

If we support the Minority Report in this bill before us, we can increase that amount by another 50 percent. The facts are that this is surplus money, this is not going to take money away from needed programs at home, which I have supported in the past and I support now. The very simple fact, as Representative Jackson laid out, we had a surplus account here in Augusta with no programs on the table to spend it. Our local boards of selectmen, our local school boards, don't have a surplus account. In August and September, the property tax bills are in the mail and you have an opportunity today in terms of your vote on this bill to reduce the level of that bill -- it is that clear.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: As the Representative from Kennebunk said, it is getting late in the session

and we should be anxious to do something about property tax relief since we haven't apparently done anything up until this point during the past five months or so that we have been in session. Obviously, the gentleman is ignoring what is taking place down on the second floor in the Appropriations Committee, he is ignoring the fact that both members of leadership from both parties have been working together to try to fabricate a budget that accomplishes some sort of property tax relief. He is also ignoring the reality that the goal of both parties this session has been to put together such a package and it looks as though we are going to succeed. Most everybody in here by now should be aware that there is \$12.1 million set aside in the Part II budget to accomplish property tax relief. That is a significant amount of money. I think it is indeed going to make a significant dent in the property tax bills of the people back in our home districts. That money is going, for the most part, to the communities themselves to deal with the problem that we all realize and all respect.

We are hoping that this bill be the first step in many steps that we take toward addressing the problem of the burden of property tax.

I do not agree that we should stand here and say that, if the surplus appears to exist somewhere, that we should spend it. That is the kind of mentality that we in the Democratic party have been criticized for over the past few years by the gentleman in that other corner. If you take that approach, why not spend the Rainy Day Fund? After all, that is, indeed, a surplus account of \$22 million. If you want to follow the logic of the gentleman in the other corner, then let's spend that too, let's spend the cupboard bare. We have to do the most responsible thing when we are here and we know that that money is going to be needed sometime down the road and, for that reason, we don't spend it.

We also realize that, with the HOME Program, there is money there now. But, as the gentleman from Fairfield and the gentleman from Thomaston said, just moments ago, that money is going to be needed too. That money has been working and has been working extremely well. It would be a big mistake on the part of this legislature if we foolishly adopted the recommendation of the gentleman in the other corner and the gentleman from Harrison. We have a program that is working, we have been dealing with that program in a responsible way and this legislature should be credited for creating it in the first place. If we are wise today, we would reject the proposal, we will move on to more serious significant forms of property tax relief and we will all be better off if we do so.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would pose a question to the Majority Leader. Is it the position of the Majority Leader that \$12.1 million is enough in property tax relief and that we do not need \$6.5 million additional property tax relief?

The SPEAKER PRO TEM: Representative Murphy of Kennebunk has posed a question through the Chair to Representative Diamond of Bangor who may respond if he so desires.

The Chair recognizes that Representative.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: Obviously, the answer is no. There is much more we could do and we should do. We are doing what we can with limited resources. Obviously, we have to balance those resources. The

availability of those resources is something we often have to struggle with, nor is the money in that fund though something that is appropriate for the housing needs of this state. Others have said today, and I hope the gentleman recognizes the facts since he and I cosponsored this legislation just a few years ago, that it is going to be nearly impossible for us to ever deal with the housing needs of this state, that we have to do as much as we can in utilizing through the most creative means possible, methods to implement the types of reforms we want, if it is a housing policy we are trying to put together or if it is a property tax reform policy we are trying to put together. I would say that there are other areas that we should look at.

I would be concerned about some of the tax breaks that we have considered giving to some of the corporations of this state. Possibly the loss of that revenue would be better put toward dealing with the property tax concern. Maybe we should look at some of the new departments that the Governor is talking about creating, specifically the Department of Community and Economic Development. Now, maybe we should consider using some of that money as well. I think though, in the balance, we probably wouldn't want to do that because we realize that there are a number of needs that have to be addressed. We balance our resources, we try to get the biggest bang for the buck when we put them out there and fortunately, through the HOME Program, we have been able to get a pretty big bang as a result. It would be a big mistake to take this money away just because we want to do more.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: Two things -- I sponsored a bill this session as a result of the Speaker's Select Committee on Property Tax Relief to increase revenue sharing. It was felt, obviously, that the kind of money necessary for that would not be available. As a matter of fact, the Governor's representative, Mr. Millet, testified on a couple of occasions that day before Appropriations and Taxation against those initiatives stating that the Governor's task force would be working on these issues over the course of the summer, preparing a report for us next year.

Over the course of the last couple of months, the work of the Appropriations Committee and the Taxation Committee, that balance has been struck through the best of our ability. We have found some resources that we could apply and direct toward property tax relief, a significant amount of money, if I may say so.

I think we have made an effort this session and obviously, according to the Governor's dictate, that effort will continue between now and next session.

When the word surplus is mentioned in debates, during this debate or other debates of this kind, I am always skeptical. I went to get Mr. Webster's book and found the word surplus and the definition of surplus is, "The amount that remains when use or need is satisfied." Ladies and gentlemen, I submit to you that the word surplus is certainly not applicable in this situation because I think we have heard very clearly today that the need is certainly not satisfied.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I just have one little point I would like to make. When I first got

elected to this legislature back in 1978 -- and as I look around, there is not an awful lot of you left from that time -- the first thing that we were asked to do was to vote on a return that then Governor Longley had promised to the people and this legislature had done just before election time. There was a surplus then too, I guess that is what they had used -- the word surplus, and as freshmen Representative Nadeau and myself, Representative Paradis, came in here and the first thing they wanted us to do was to vote to take that away from the people after the politicians showing the usual courage they do, had voted to give it to them just before election time. I thought it was an awfully stupid idea that, if you had some money reserved -- because your banker tells you in life you should always keep a little money to the side so that you can carry on with life and you don't have to count on this every day money that you get -- I thought it was stupid to give this money back but the politicians had promised it to the people. They expected it and the people thought they were really getting something back, getting back that \$54 or \$48 or whatever it was. Well, we voted to do that. It wasn't too long into the First Regular Session of the 109th Legislature that we realized that, in our political haste and rhetoric, (to use the term used by the Minority Floor Leader) we had done an awfully stupid thing because, as it turned out, we needed the money. So, not only did we have to go back and get back that \$50 or whatever it was that we gave back to the people, we had to get a little bit more because you all know when money passes through government hands, for some reason, 10 or 15 percent just seems to be absorbed by the overhead costs.

I vowed at that time that I would never allow myself, whether it be for rhetorical reasons or political reasons, to be forced into making such a stupid mistake again. I don't intend to do that and I think the definition of surplus that was just read to you by Representative Nadeau says it exactly right. Just because things look good today -- that doesn't mean they are going to look good tomorrow. I still remember the lesson that Governor Longley taught us all way back in 1978 and I have no intention of repeating that stupid mistake.

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

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

To the Majority Floor Leader -- just last term under Governor Brennan's last two years in office, he neglected to put the HOME Program in the budget for funding. I guess he felt that that money could be better utilized elsewhere. At that point, there was an outcry about what was going to happen. As a result, we doubled the real estate transfer tax after already having doubled it the year before. What we did was impose that same tax on the buyer instead of the seller. So then the HOME Program was funded by the tax on the seller and the money that came from the buyer just went into the General Fund and was spent on other initiatives.

My question to the gentleman is -- if you are so concerned that this program is presently underfunded, I am sure you felt it was underfunded before, then why didn't you fight your governor in his attempts to remove such an important program from the budget and insist that we double the tax and use both of those taxes to fund this, obviously in your opinion, drastically underfunded program?

The SPEAKER PRO TEM: Representative Zirkilton, of Mt. Desert has posed a question through the Chair to Representative Diamond of Bangor who may respond if he so desires.

The Chair recognizes that Representative.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I don't recall that I ever said that the fund was underfunded or grossly underfunded. If I did, I certainly didn't mean to say so, that would be wrong. I do say that it is adequately funded, that the mechanism in place is adequate, it deals with the problems. It has allowed us to anticipate problems down the road, funding problems we might have and it is also something that keeps that security blanket in place that we are going to need. One of the reasons the fund has developed to such a point that it is at now is because the economy has been fairly good, thanks in great part to the leadership of the gentleman who was on the second floor whom the Representative from Mt. Desert just made reference to a minute ago.

We found that interest rates were low, the housing starts in the state were up and the economy reacted positively to that. We don't know what is going to happen. When we created this fund back in 1982, interest rates through conventional loans were at 17 percent and, to take part in the HOME Program, you got the great deal of 13.5 percent. That was considered a great deal at the time. A lot of people who have those loans now have refinanced those loans to take advantage of the lower conventional rate. But those rates are climbing already. We know now that interest rates are in double digits and that they are probably going to climb even more so. What happens then to the fund? That fund, if we exhaust it now or if we cut it in half, is not going to be in the same shape that it is and we can't afford for that to happen. It is very shortsighted to look at that fund now and see a gold mine, because a gold mine doesn't exist, it is fool's gold if you look at it through those eyes. I think what you have to do is recognize that there may be a cushion there now but it might not be there tomorrow.

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

Representative INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, served on the Property Tax Committee and I am sure you are well aware of the buzz word "property tax relief" is not just in this House, it is throughout the State of Maine. People are greatly concerned. I would remind you of your title, you are a Representative, if you could ask every one of your constituents which way they would like you to vote on this, there is no doubt in my mind which they would choose. Please defeat the motion.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: Being a municipal official, I am well aware of how property tax relief is needed. I am well aware of the increased costs of education. I am well aware of many things, but I am also well aware that it was the best possible thing we could do when we created the HOME Act to allow first-time buyers for our middle income people. These are our children, our grandchildren and the future of this state. There is no way that they can afford housing. I speak as a municipal official and I look at it from a viewpoint from my neck of the woods. They cannot even afford the apartment, let alone the house.

If you think that this amount of money, \$2,032,300, is going to be any astronomical amount of money going out into 496 municipalities in property relief, well ladies and gentlemen, I assure you it is not. Each time a person that rents an apartment, the taxes go up for whatever reason, they don't pay as the homeowner pays, they pay on a monthly or weekly basis. For 52 weeks a year, they are paying much, much more than a homeowner. This is their only incentive to working, and as far as a remark that the good Representative from Mt. Desert made about needing jobs and not handouts, this is very true. They do want jobs and they do not want handouts, but they also need housing. They do need a place to live, they need basic necessities. This is where homes for the homeless is an asset. If you do not have a roof over your head, a meal inside of your body, if you do not have heat, then you cannot go out and look for work.

We are training people right now in this state for jobs, jobs that do not exist. When we created this fund, it was designated for one thing and one thing only, it was to help them to invest in a home and that was the top priority and I hope that you will remember that.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to this going back and forth, back and forth, and I have a little different viewpoint on it than probably what most of you do. Part of it is from a business standpoint and part of it is probably from the area or the back country that I live in.

But when we went on this economic tour this was one of the things that they kept stressing, time after time, the lack of housing. I think this HOME Program certainly has been a very good program. Look at it from this standpoint, when they are building houses, they are creating more jobs for the electricians and the carpenters and masons.

Probably even more than that -- when they build a house, you have a permanent structure standing out there that the communities are going to get tax revenue from year after year after year whereas, if you return to them money on the revenue sharing program, truly it might go on for a couple of years and then it is going to cease. It has been my experience, being one of the town fathers for a number of years, that when they get revenue sharing back, whether it be from the federal government or the state and especially when it would be a smaller amount, they really don't use it to lower in a lot of cases, there are exceptions, but they say "Oh, we've got some more money so let's think of another way to spend some more." So you end up paying about the same tax rate.

I hope you would go along with the Majority Report on this.

The SPEAKER PRO TEM: 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.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The pending question before the House is the motion of the Representative from Thomaston, Representative Mayo, 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. 149

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

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

ABSENT - Cashman, Crowley, Kilkelly, Lisnik, Strout, D.

Yes, 80; No, 64; Absent, 5; Vacant, 2; Paired, 0; Excused, 0.

80 having voted in the affirmative and 64 in the negative with 5 being absent and 2 vacant, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The following items appearing on Supplement No. 4 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:

(H.P. 618) (L.D. 836) Bill "An Act to Establish a Comprehensive Ground Water Protection Plan" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-350)

On motion of Representative Michaud of East Millinocket, was removed from the, Consent Calendar, First Day.

The Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-350) was read by the Clerk.

Representative Michaud of East Millinocket offered House Amendment "A" (H-359) to Committee Amendment "A" (H-350) and moved its adoption.

House Amendment "A" (H-359) to Committee Amendment "A" (H-350) was read by the Clerk and adopted.

Committee Amendment "A" (H-350) as amended by House Amendment "A" (H-359) thereto was adopted.

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

(H.P. 598) (L.D. 809) RESOLVE, to Establish the Commission on Children in Need of Supervision and Treatment (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-351)

(H.P. 1081) (L.D. 1472) Bill "An Act to Amend Maine's Radiation Protection Law" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-352)

(H.P. 644) (L.D. 867) Bill "An Act to Regulate the Profession of Accounting" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-353)

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

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

SENATE PAPER

The following Communication:
The Senate of Maine
Augusta

June 15, 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 Insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code" (H.P. 1332) (L.D. 1822).

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

Senate

Was read and ordered placed on file.

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1268)
Representative MAYO from the Committee on Taxation on Bill "An Act Relating to Tax Exemptions" (Emergency) (H.P. 1362) (L.D. 1864) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1268)

Report was read and accepted, the bill read once.

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

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

PASSED TO BE ENACTED

Emergency Measure

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 (S.P. 627) (L.D. 1848)

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. 106 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Address Productivity and Wage Adjustments for Hospitals, to Sunset the Maine Health Care Finance Commission and to Establish a Blue Ribbon Commission to Study the Regulation of Health Care Expenditures (H.P. 222) (L.D. 290) (C. "A" H-324)

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. 108 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Strengthen the Lobster Hatchery Program (H.P. 1055) (L.D. 1425) (S. "A" S-180)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Requiring that Informed Consent be Given to those Persons Tested for the Presence of Antibodies to HIV and to Make Technical Changes in the Chapter Dealing with AIDS (H.P. 1099) (L.D. 1490) (C. "A" H-325)

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. 103 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 Commission to Study Health Services in Public Schools (H.P. 802) (L.D. 1076) (C. "A" H-306)

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

FINALLY PASSED

Emergency Measure

RESOLVE, to Establish the Juvenile Corrections Planning Commission (H.P. 1302) (L.D. 1781) (H. "B" H-319)

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

FINALLY PASSED

Emergency Measure

RESOLVE, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve Elementary and Secondary Curriculum to Better Prepare Maine Students for the World of Work (H.P. 1339) (L.D. 1831)

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.

FINALLY PASSED
Emergency Measure

RESOLVE, to Study the Need for Uniformity in Pesticide Regulation" (H.P. 1341) (L.D. 1833)

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

PASSED TO BE ENACTED

An Act to Revise the Maine Banking Law (S.P. 453) (L.D. 1380) (C. "A" S-189)

An Act to Expand the Authority of the Board of Underground Storage Tank Installers (S.P. 477) (L.D. 1440) (C. "A" S-199)

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

PASSED TO BE ENACTED

An Act to Require Maintenance of Financial Responsibility by All Motorists (S.P. 608) (L.D. 1798) (S. "A" S-185)

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

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: My greatest concern has been and still is how the public perceives this bill. It is deceiving the public when we label this legislation as mandatory auto insurance. Although this law requires that all motorists obtain and maintain motor vehicle liability insurance, there will still be many uninsured motorists on the highway. They will be uninsured until stopped for a moving violation or a reportable accident.

Thirty-eight states have passed some form of mandatory or compulsory auto insurance. However, in many of these states, the number of uninsured drivers has not been reduced dramatically.

With this legislation, if an uninsured motorist is stopped for a moving violation or has a reportable accident, the motorist will be issued a citation. All the motorist has to do is obtain a three month insurance policy no later than twenty-four hours before the time set for hearing and then all is forgiven and the ticket is torn up, no fine is imposed. Because of the high cost of the three month policy, many will let it lapse and the whole procedure will be repeated perhaps, again and again.

To repeat what I mentioned at the outset, I fear what the perception of the citizens of this state will have when they see the headlines in the newspapers, such as the Morning Sentinel last week, "House Votes Mandatory Car Insurance" and "Mandatory Insurance Near Approval." This is not mandatory insurance, it merely strengthens our current financial responsibility law.

I would like to read a few lines from editorials that appeared in the papers recently. In the Kennebec Journal on June 3rd: "The perennial battle over mandatory automobile insurance has resumed in the legislature. Though described as a compromise, this is the wrong approach to the subject. If mandatory insurance makes sense and we believe it does, then it should apply to everyone. Maine's

motor vehicle system would operate better if all drivers were insured but the legislature should apply the regulations equally. Halfway measures will just introduce more inequity." And from the Bangor Daily News on June 12th: "The bill being debated in the legislature is a step in the right direction but it needs more teeth. It would only require drivers to show proof of at least three months of insurance if they are stopped by the police. That's not stringent enough. More effective would be an amendment requiring drivers to show proof of insurance for a year when they register their motor vehicles."

I just wanted to put these thoughts on the Record to state that I do not believe this does what our constituents really would like it to do.

Mr. Speaker, I would request a roll call.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill is, indeed, a step forward and I think it is a good step forward. I am sure that the people of Maine will understand what we are trying to do and would want us to go slowly and carefully in this area to make sure we are doing exactly the right thing. I feel this is definitely the right approach. It is something that has been coming for a long time, people have been asking for some relief in this area. I think this bill is really a good first step, so I do hope you all will support it.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I just want to remind you that this bill will make it illegal to drive an automobile that was not insured -- the driver has not shown financial responsibility. For the first time we will be putting into Maine law that you must have insurance to drive on the Maine roads.

The assumption of the majority of the committee and of this body earlier in the week was that Maine citizens abide by the law and hence the very existence of the statute will encourage persons who are not currently purchasing automobile insurance to do so. The minority of the vehicles that will continue to be uninsured, and we recognize that that is so, there will be an enforcement mechanism and ensuing penalties. I ask you to please support the enactment of this very important new law for Maine motorists.

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 of L.D. 1798. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 150

YEA - Aliberti, Anderson, Anthony, Bailey, Baker, Begley, Bost, Bott, Boutilier, Bragg, Callahan, Chonko, Clark, M.; Coles, Conley, Cote, Crowley, Curran, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Handy, Hanley, Harper, Hichborn, Hickey, Higgins, Hognlund, Holloway, Hussey, Ingraham, Jackson, Jacques, Jaibert, Joseph, Ketover, Kimball, LaPointe, Lawrence, Lebowitz, Look, MacBride, Mahany, Manning, Marsano, Martin, H.; Mayo, McGowan,

McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Reed, Reeves, Rice, Richard, Ridley, Rolde, Ruhlman, Rydell, Scarpino, Seavey, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tardy, Taylor, Telow, Thistle, Tupper, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey.

NAY - Allen, Armstrong, Bickford, Brown, Carroll, Clark, H.; Davis, Dellert, Dexter, Erwin, P.; Farren, Hale, Hepburn, Hillock, Holt, Lacroix, Lord, Macomber, McHenry, Moholland, Nicholson, Parent, Pines, Rotondi, Salsbury, Sheltra, Smith, Strout, D.; Tammaro, Tracy, Zirnkilton.

ABSENT - Carter, Cashman, Kilkelly, Lisnik, Matthews, K.; Vose, The Speaker.

Yes, 111; No, 31; Absent, 7; Vacant, 2; Paired, 0; Excused, 0.

111 having voted in the affirmative and 31 in the negative with 7 being absent and 2 vacant, the bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify the Freedom of Access Law (S.P. 628) (L.D. 1849)

An Act to Require Community Mental Health and Mental Retardation Involvement in Social Services Planning (H.P. 386) (L.D. 520) (C. "A" H-316)

An Act to Prohibit Drinking of Alcoholic Beverages in Motor Vehicles (H.P. 590) (L.D. 801) (C. "A" H-314)

An Act to Provide Funds to Map Significant Aquifers (H.P. 826) (L.D. 1117) (C. "A" H-329)

An Act to Clarify the State's Responsibility to Establish Competitive Pay Schedules for State Teachers and Related Classifications (H.P. 884) (L.D. 1185) (C. "A" H-305)

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

Tabled and Later Assigned

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 Engrossed Bills as truly and strictly engrossed.

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

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

I can understand why the services of the Treasurer of the State of Maine would be valuable to many boards but I do not understand why it is necessary for him to have a vote on the boards.

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

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is a unanimous committee report from the Committee on State and Local Government and we have to respond to the Representative's question. For those who haven't had

a chance to catch up with this particular bill, this bill would make the Treasurer of the State a voting member of four boards, which he currently is a non-voting member of, those boards being the Finance Authority of Maine, the Maine School Building Authority, the Board of Trustees of the Maine Health & Higher Education Facilities and the Maine State Housing Authority.

I do not think there is anyone here that would debate the fact that the Treasurer of the State has substantial knowledge and expertise in all areas of state finance and he really is the one person that is responsible for accounting and managing the state's money whether it is in the form of cash, bonds, or securities. He invests some \$180 to \$200 million that the state has on hand at any one time and another \$12 million that the state has in trust. He has done an outstanding job with that as evidenced by the state's double A rating from Moody's and triple A rating from Standard and Poor's.

I think that his particular vote on this board -- I think those of you who have taken the chance and opportunity to look and talk with members of those boards, they will be the first to stand in line and say that it is important to have the State Treasurer as a voting member of that board.

He has had an outstanding attendance record. He really has an understanding of finance and money management that is crucial to those boards and I think is going to make them have a better understanding of the whole picture of things and our state's financial picture.

So I certainly would hope that you would vote to enact this bill.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: A few minutes ago, I got a note with an amendment that creates a technical problem with this bill. I would appreciate it if someone could table it to later. It has been signed, it is in the process of being printed.

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

PASSED TO BE ENACTED

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 (H.P. 1050) (L.D. 1413) (C. "A" H-330)

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

PASSED TO BE ENGROSSED

As Amended

An Act to Clarify the Organizational Status of the Bureau of Lottery within the Department of Finance (H.P. 1256) (L.D. 1714) (C. "A" H-312)

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

On motion of Representative Priest of Brunswick, under suspension of the rules, the House reconsidered its action whereby L.D. 1714 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-312) was adopted.

The same Representative offered House Amendment "A" (H-356) to Committee Amendment "A" (H-312) and moved its adoption.

House Amendment "A" (H-356) to Committee Amendment "A" (H-312) was read by the Clerk.

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

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: This is simply to add a transitional provision to ensure that with the partial reorganization of the lottery that there are no difficulties with existing contracts, existing appointments, and existing rules. That is all this is. It is strictly a technical amendment.

Subsequently, House Amendment "A" to Committee Amendment "A" was adopted.

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

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

PASSED TO BE ENACTED

An Act to Clarify Certain Sections of the Motor Vehicle Laws (H.P. 1164) (L.D. 1590) (C. "A" H-310)

An Act to Revise the Harassment Law (H.P. 1309) (L.D. 1787) (S "C" S-188)

An Act Concerning the Use of Tributyltin as an Antifouling Agent (H.P. 1335) (L.D. 1825) (H. "A" H-326)

An Act to Revise the Laws Concerning Transportation by Water in Casco Bay and to Study Related Issues (H.P. 1336) (L.D. 1826) (H. "A" H-327)

An Act to Create an Agricultural Market Research and Development Fund Program (H.P. 1337) (L.D. 1827)

An Act to Provide for the Inventory of State-owned Land for Various Uses (H.P. 1344) (L.D. 1838)

An Act to Amend the Aquaculture Leasing Statutes (H.P. 1346) (L.D. 1840)

An Act Relating to Independent Contractors under the Workers' Compensation Act (H.P. 1350) (L.D. 1844)

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 to Change the Basis of Telecommunication Taxation (H.P. 1352) (L.D. 1846)

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

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities (S.P. 610) (L.D. 1800) (S. "A" S-165; H. "B" H-337)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide a Mechanism for Allocations of the State Ceiling on Private-activity Bonds (S.P. 618) (L.D. 1819) (H. "A" H-333)

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. 124 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act 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 (H.P. 1340) (L.D. 1832)

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

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make a motion on this bill, I would just like to put a few remarks into the Record.

In this bill, which is the allocations for the Alcohol Prevention, Education and Research Fund, is a provision for a study of the funding of our alcoholism programs in the state to be done by the Appropriations Committee. This rose partly out of a bill that was put in the legislature earlier in this year to undedicate the alcohol premium fund. As somebody who was quite concerned about that bill and worked in these programs for many years, I would just like to say that I really welcome the opportunity that the Appropriations Committee will have to study the needs of our alcoholism programs in the state. I think that they will find certain facts, for example the fact that the only additional funds that we have had over the last six or seven years have come from the premium fund, that there probably is a lack of enough funding for a corrections program; that they will find some problems in the funding in the DEAP program, which is another dedicated account, that there will be a need for integration of some of the drug funds that have come from the federal government. I think they will get quite a good education similar to what we had on the special Select Committee on Alcoholism Services. So, I obviously support this but I just did want to put that into the Record.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1987, June 30, 1988 and June 30, 1989 (H.P. 1342) (L.D. 1834)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Law (S.P. 624) (L.D. 1836)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine (S.P. 576) (L.D. 1717) (S. "A" S-152; S. "C" S-155; S. "D" S-164; S. "E" S-167; S. "F" S-168 to C. "A" S-147)

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. 108 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (S.P. 590) (L.D. 1743) (H. "A" H-291; S. "A" S-166)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Tabled and Later Assigned

An Act to Enhance the Maine Job Training Partnership Program (S.P. 417) (L.D. 1275) (C. "A" S-175)

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

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

PASSED TO BE ENACTED

An Act Establishing the Maine Commission on Outdoor Recreation (S.P. 427) (L.D. 1307) (C. "A" S-186)

An Act to Amend Certain Motor Vehicle Laws (H.P. 150) (L.D. 191) (S. "A" S-156 to C. "A" H-275; S. "A" S-157)

An Act to Clarify the Authority of Municipalities to Construct Sewer Systems or Sewage Disposal Systems (H.P. 1355) (L.D. 1854)

An Act to Amend the Law Relating to Group Life and Health Insurance (H.P. 1351) (L.D. 1845)

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

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

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

On motion of Representative Dellert of Gardiner, was set aside.

ENACTOR

An Act to Transfer Administrative Authority over Traffic Infractions to the Secretary of State (H.P. 1343) (L.D. 1835)

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

On motion of Representative McPherson of Eliot, was set aside.

ENACTOR

An Act to Amend the Teacher Certification Law (H.P. 1345) (L.D. 1839)

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

On motion of Representative Small of Bath, was set aside.

PASSED TO BE ENACTED

An Act Concerning Public Violations at the Capitol Complex (H.P. 1347) (L.D. 1841) (S. "A" S-200)

An Act to Improve the Ability of the Department of Agriculture, Food and Rural Resources to Respond Constructively to Complaints of Insect Infestation (S.P. 514) (L.D. 1557) (C. "A" S-207)

An Act to Continue Insurance Coverage for Mental Health, Alcohol and Substance Abuse Treatment Services for Maine Citizens (S.P. 561) (L.D. 1674) (S. "A" S-204)

An Act to Provide for a Comprehensive Study of the Feasibility of Providing Detention Facility Services for Aroostook County by Private Contract (S.P. 607) (L.D. 1797) (S. "A" S-198 to H. "A" H-321)

An Act to Clarify the Conditions Under Which a Juvenile may be Detained (S.P. 619) (L.D. 1820)

An Act Dealing with the Authority of Harbor Masters (H.P. 1315) (L.D. 1794) (H. "A" H-288; H. "B" H-334)

An Act Concerning the Harrison Water District (H.P. 1349) (L.D. 1843)

An Act to Implement Certain Recommendations of the Judicial Council's Committee on the Collection of Fines (S.P. 397) (L.D. 1216) (C. "A" S-205)

An Act to Establish the Bureau of Intergovernmental Drug Enforcement within the Department of Public Safety (S.P. 626) (L.D. 1837)

An Act to Enhance Educational Opportunity for Disabled Students (S.P. 629) (L.D. 1850)

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

An Act to Extend the Period of Anticipatory Borrowing by Municipalities (S.P. 633) (L.D. 1855)

An Act to Amend the Maine Product Liability Risk Retention Act (S.P. 635) (L.D. 1858)

An Act to Afford Consumer Protection in Retirement Communities which Offer Continuing Care (S.P. 636) (L.D. 1859)

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

An Act Relating to Boards and Commissions (H.P. 959) (L.D. 1288) (S. "A" S-212 to H. "A" H-336; C. "A" H-295)

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

On motion of Representative Carroll of Gray, was set aside.

PASSED TO BE ENACTED

An Act to Make Substantive Changes in the Liquor Laws (H.P. 1348) (L.D. 1842) (S. "B" S-210)

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

ENACTOR

An Act Providing for Administrative Changes in Maine Tax Laws (S.P. 512) (L.D. 1536) (C. "A" S-193)

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

On motion of Representative Mayo of Thomaston, was set aside.

PASSED TO BE ENACTED

An Act to Correct, Amend and Improve the Laws Relating to Education (S.P. 552) (L.D. 1658) (C. "A" S-192)

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

FINALLY PASSED

RESOLVE, Establishing the Maine Commission of Forest Land Taxation (S.P. 632) (L.D. 1853)

RESOLVE, to Develop a Plan for the Administration of Workers' Compensation Claims of State Employees (S.P. 634) (L.D. 1856)

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Increase the Minimum Wage" (H.P. 869) (L.D. 1170) (S. "A" S-115) (Governor's Veto) which was tabled earlier in the day and later today assigned pending further consideration.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I hope that this body will vote today to override the veto of Governor McKernan and I hope we do so in light of our previous action and our concerns that have been expressed about the status of Maine people, the need for balance in economic

development, the need to care for growth in this state and also the people who make that growth possible.

The Governor has expressed a lot of concern about this issue since it first surfaced several months ago. At that time, he indicated a concern about his willingness to support this. He said that he was afraid to that this would send, "A bad message to those who were looking at Maine as a possible place for expansion of their businesses." The Governor, since that time, has reiterated that message, again expressing concern that others are going to perceive Maine as being something that he and we do not want it to be. I respect that and I appreciate the fact that he has that sensitivity, although I think with this action combined with the previous action, he has sent some very negative messages to the rest of the people of Maine and, as a result, are poorer for it.

The Governor is concerned that an increase in the minimum wage by ten cents an hour for the next three years is going to have a detrimental impact on those people who want to come to Maine to expand their businesses, but the message that he is sending to the people of Maine is something that is very difficult to accept, especially in light of some of the double standards that seem to exist when we talk about that concern for perception. There are a number of messages we can send and that we do send everyday. With every law that we pass, we send a message to somebody or some thing. We express ourselves in a way that we hope is going to make Maine a better place.

But we have to be sensitive to those messages and I think that the Governor himself has to be sensitive to some of the very messages he has been sending. Most of you know that not too long ago a mild flap occurred around here when it was released that the Governor was paying some of his people salaries far greater than those of their more experienced predecessors. I know a lot of people were surprised, some people were outraged. Some of those salaries were almost double the salaries of those people who had held those positions before them. The Governor defended his position at the time by saying, "You get what you pay for." I ask you, what kind of message is the Governor sending to the people of Maine, especially those minimum wage workers, when he denies them a ten cent an hour increase in their pay? What kind of respect does that show for those people, when on one hand he can be lavish with his financial support of those that surround him immediately, but then on the other hand, cast aside the concerns of those people who struggle to get by on minimum wage, denying them what would amount to at most a four dollar a week increase?

What kind of message do people get when they read in the paper about the tennis court that is being built across the way? Yes, that tennis court is being built with private money, but you can be sure though that those people earning minimum wage are unlikely to contribute to the construction of that tennis facility. It may be true that their employers have the ability to do so, but they certainly are not going to be able to handle that. What kind of message are they receiving when they see their employers helping out and being willing to be so generous to our Governor, but then when that Governor turns around and vetoes the minimum wage put before them?

Anybody who has been on the second floor recently also knows that there has been an expense taking place downstairs that some could question, the installation of several hundred feet of new carpeting at a cost to the taxpayers of thousands of dollars.

You can still smell it up on the third floor. They are still working on it. Maybe the rug that had been there before was not good enough for Governor McKernan but I will tell you the minimum wage workers of the state don't have time to worry about putting carpet on the floor, they are having a hard enough time putting food on the table. What kind of message are we sending to them when they hear and read about that carpet and the money being spent on it by this Governor and then they read also that this Governor is denying them a ten cent an hour increase in their wage?

What do they think when they pick up the Sunday Telegram and read an article by Bill Caldwell written not too long ago? That article talked about a lunch he had with Governor McKernan, it was in the Sunday paper a week ago yesterday. I would like to quote from that. It says "Today McKernan seems comfortably relaxed at the head of the dining table in the elegant family dining room where a waitress serves an elegant Maine luncheon of scallops, chowder, cold lobster, asparagus and strawberry pie." I don't expect the Governor of this state to eat peanut butter and jelly sandwiches every day, although some people have to, but I do expect the Governor of this state to be more sensitive to the needs of those people who are struggling to get by when he is presented a bill that asks for a meager increase in the state's minimum wage.

Negative messages are being sent to the 70,000 people in this state who work for minimum wage, both to them and their families. The Governor, through his actions, is sending more messages than Western Union, but I think that he is not alone, in all fairness. We send some pretty strong messages ourselves. Last year we voted, at least a number of us voted, to increase our salaries. We accept on a regular basis the \$60 a day in compensation for meals and lodging here. We go on trips, some of us. But the one difference between what we do and what takes place on the second floor is that we are attempting to do something for those people at the bottom of the economic ladder.

This body overwhelmingly supported an increase in that state minimum wage that is before us. We have acknowledged that a double standard does exist and that we have got to do something about it, no matter how small. At least we are moving in the right direction. We are trying to do something to help those people to better themselves and to make life a little more comfortable for them.

I ask today that you support the override of this veto. We spoke strongly before, I think we spoke very well.

The history of this increase from three years ago has shown us that it has not had a detrimental effect on the State of Maine. The economy of this state has not been stronger in recent times.

I think that we owe it to the people of Maine to acknowledge our concern for them, to let them know that we, this legislature, respect their work, respect them as individuals, and respect the fact that they deserve a fair wage for their work. I ask you to support the override today and to do it on behalf of those 70,000 people of Maine and their families.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Several things first -- I think the good gentleman from Bangor, if in the future when he refers to members of this House as collectively we, in terms of salary increases and expense account increases, that it did not include all of us, so we

should modify that we. I think also what is before us is the minimum wage rather than a personal attack upon the Governor. I will keep my comments to that issue.

Traditionally, the minimum wage is either an entry level or a training wage. It sometimes, most often is paid to teenagers and, in some cases, to highly unskilled workers in marginal industries. That is the way it is in the rest of New England, including our neighboring State of New Hampshire, which has the fastest growing economy in New England. But when we look closely at Maine, those three categories in terms of the minimum wage being a temporary or entry level wage, we see that the experience here in Maine is quite different, that many Maine workers are paid the minimum wage and remain on the minimum wage. It is a signal that something is desperately wrong, something is not working here in the State of Maine. To simply raise the minimum wage another ten cents a year isn't going to correct the problem we now face.

It is a fact, for those of us that were here at that time, we were in the economic cellar of New England and now, after three raises in the minimum wage, our workers still remain in that economic cellar in terms of per capita income.

I think to understand the direction in which we need to be moving, we need to take a closer look at the regional economies here in Maine. If we look at the southern part of the state, if we look at the coast, it is very difficult to find a worker who is on minimum wage. We even have fast food businesses who are starting workers at \$5.00 an hour, a \$1.35 an hour above our present minimum wage. If you read the newspaper, you will see because of that job pool shortage or worker shortage, some of the fast food businesses are even offering bonuses and fringe benefits, something that was unheard of years back. But in southern Maine, as they begin to compete for workers in a tight market, the wages have gone up, the benefits have gone up.

It is also a fact that when we look at the other sections of the state, northern and eastern Maine, as the unemployment rate climbs, the per capita income drops. We begin seeing on a map of this state that the minimum wage jobs are concentrated in northern and eastern Maine to the point where the unemployment rate in some sections of this state in April was at 15 and 16 percent. That doesn't include the individuals who only had seasonal employment in April and not year-round employment. So what we need to be doing is looking beyond this one particular issue and begin looking toward developing or strengthening job opportunities in all sections of the state.

I know that there are those and hopefully none of them are in this policy making body or chamber who define economic development solely as minimum wage increases and mandated benefits and stop at that point. I am afraid that if, as the Record shows in terms of our previous history, that we raise the minimum wage and then stop there and do nothing else, we are ignoring the problem. The problem is that the jobs are leaving northern and eastern Maine. Your children are coming to our end of the state and in some cases, they are passing through to points south, they are looking for jobs. We have a difficult expensive route to go, my fellow Representatives, in terms of the long term direction we should begin to move if we are going to reopen the door of opportunity. We simply cannot sit in this chamber and wish prosperity for all of our citizens. It will take actions, some of it very difficult, some of it very, much to our credit, that we have taken already. We have strengthened the VTI's, we have

strengthened local education with increased state funding, greater accountability through testing, broader curriculum and we have improved the certification process to improve the profession of teaching.

The Governor and this legislature are streamlining the regulatory process and for the first time, at least in my recent memory, in those areas of the state where there is very little opportunity, both in terms of jobs or the level of compensation for those that have jobs, we see representation on the boards that govern the future of those regions, the DEP and LURC, we see citizens from those regions sitting on those boards now, nominated by the Governor and confirmed by this legislature. So, in northern and eastern Maine, there are new voices on the boards that will impact the future economic direction in northern and eastern Maine.

Together, through the tax conformity bill, the Governor and this legislature have removed 120,000 Mainer's from the state income tax rolls. We have on the second floor, who has indicated to leaders of both parties and to people throughout this state that he is going to aggressively go wherever he needs to go to bring jobs to Maine, jobs to all sections.

During the next few days, rather than just taking one step and then stepping away from the problem, together as partners, we can take steps before we go home to pass a real job opportunity zone to help those citizens in northern and eastern Maine. We can work together to pass increased funding for the University of Maine system and the VTI's, we can relieve the property tax burden, we can pass child care credit proposals, we can pass employment training and retraining programs. We can pass the tourism program and we can create an independent or a new structured Department of Economic Development. When we return in January, together the study commissions will be back making recommendations and legislation for the development of an economic development program for all sections of this state with recommendations and legislation looking at our tax mix to make it more equitable and to reduce the burden upon Maine people.

So, on both sides of this issue, there is agreement that all of us share the same goals. We want wages that will allow Maine working people to actually be able to enjoy the quality of life here in Maine. We want dignity for our workers, the dignity they deserve because of their unmatched work ethic and quality. We want wages that allow Maine working people to look beyond the work day to a reopening door of opportunity.

I would hope that we could sustain the Governor's veto this evening and then together begin to take real action, real action to reopen the door of opportunity for northern and eastern Maine in this legislature.

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I have read the Governor's veto message and I understand what he is saying and that this would send a negative message outside the State of Maine. I listened to Representative Diamond explain that, in his opinion, this House has already taken action to help these people.

But for the life of me, I just listened to the Representative from Kennebunk explain what his position is and I would like to pose a question through the Chair -- could he tell me if he feels that raising the minimum wage would either help or hurt the Maine economy?

The SPEAKER: Representative Simpson of Casco has posed a question through the Chair to Representative Murphy of Kennebunk who may respond if he so desires.

The Chair recognizes that Representative.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would be more than happy to respond. My position is that I am willing to, through our budget and through initiatives that are bipartisan, begin to take some real action towards improving wages in this state.

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I guess the answer that I heard is that it will not affect the Maine economy and I urge you to support this measure to override the Governor's veto.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The issue is whether or not it is going to help or hurt Maine people, that it is intended to help, not whether it is going to help or hurt the Maine economy. I want to thank the good Majority Leader for pointing that Governor McKernan's staff is paid more money than their counterparts of a few years ago because, in doing so, he has presented me with an analogy that is far superior to one that I could have thought of on my own. The fact of the matter is that Governor McKernan does pay his people more than the people who served under Governor Brennan a couple of years ago and he does so by hiring fewer people than worked for our past Governor. That ladies and gentlemen is exactly what is going to happen to the folks who are trying to get jobs in this state if you pass this bill, fewer jobs will become available, more money for those that are privileged enough to have the jobs and be working, fewer jobs for those who are unable to find work.

With regard to the message that it sends out, the issue is not whether or not we are trying to attract companies to come here and hire people at minimum wage, the issue is whether we are going to send out a message that says the Maine Legislature will, at any time it feels like it, go ahead and pass increases in minimum wage, pass increases in other sorts of taxes. They are looking for stability, not necessarily for the minimum wage, they are looking for a legislature that will act in a stable manner that business can, at least for the most part, depend upon and this is the kind of message that, once again, ensures that they cannot depend upon what this legislature will or will not do. For those and many other reasons, I urge you to sustain the Governor's veto.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: Insisting that a job pay a decent wage is the economic right of all the working citizens. To those full-time workers who must support families the right to take a home a decent paycheck that will stay above the poverty level should be inherent. When we examine this issue, I hope we will consider that the structure of Maine's economy is rapidly changing. We are moving from a manufacturing base economy to a trade and services economy. It is estimated that 85 percent of all the new jobs to be created in the next ten years will be in the trade and services industry. The vast majority of people who will be employed in these new jobs to be created are women. Increasingly, these women that we are discussing are heads of

households. In the past, a woman's income was often considered to be a supplement to her husband's income. Today, more and more, a woman is now the single head of a household and she is totally dependent upon that money.

Most often when you have a low paying minimum wage job, you do not have the side benefits that other jobs have. These are the types of jobs that will be preponderate in the trade and service industry.

Right now throughout this nation, 65 percent of all the women who are heads of households are on minimum wage. I feel that is wrong. I feel that is a feminization of poverty, not only in this country, but in this state. I think that these women (and not just the women -- I just happen to mention that fact that there are going to be more and more of those in that particular field) I think when they do the day's work, a full week's work, they should have the right to live above the poverty level.

I think as we look at this social economic situation in this state and in this country, we must grapple with some compelling human situations. We are being asked to look at the children of those households, who are living in deprivation, while their parent or parents simply cannot make enough money to properly support them, either at or above the poverty level.

I ask you to examine the enormous social damage that is being done through the system that allows these people to live in this condition. These are the same people who will be determining our future. What will they have for standards to judge by if we allow this to continue?

If this legislature fails to override, we will pay increasing costs for welfare, food stamps, and subsidy money. This is a fundamental public policy question that the state must address and needs to address and we need to address here today. Do we as representatives of the taxpayers believe it is our responsibility to subsidize private industry by providing public funds to offset this poverty situation, to aid those workers whose wages are not adequate to cover the costs of the minimal standards of life? It is a sad comment on our priorities when we tell the working poor of our state that we would rather have them become dependent upon a welfare system rather than pay a decent wage for gainful employment.

In his veto message, the Governor outlined other methods of improving the quality of life for our working poor such as day care service, employment in training and retraining opportunities, increased support to education, increased support of economic development efforts and human resource development. These are laudable, they are needed, and they are justified. Unfortunately in his message, I think he took an either/or approach. We need not have today an either/or choice in the situation.

When companies look to expand or relocate in economic efforts, they base their decisions on the quality and morale of the workers in the work force and its availability. Then they do so on the minimum wage.

I want to use as an example the case of General Motors going to Tennessee. Many states competed for General Motors, it was one of the economic development cues in many a year when Tennessee was awarded or received that development. Why did Tennessee receive that development? Because Tennessee, while competing with other states, did not go in and say we will give you less taxes, we will give you this, we will give you that -- no, General Motors' final decision said, Tennessee had shown that

it cared for its people ahead of time, it cared for its future ahead of time by making a sizable investment two years before in education. Those companies who want to expand look at things like that more than they do the minimum wage. When people look at Maine and see that Maine cares for its workers, it may have one of the lowest levels of per capita incomes in the nation and that is because we have more people, more percentages on the minimum wage, but we have sent an economic development message to the people that we do care for our workers. That is a tool that can be used along with support for education, increasing the infrastructure of this state and they are doing all the other items that the Governor mentioned in his veto message. So, let's not take an either/or, let him do both and prove to the people of the State of Maine that we can make a better state and, in doing so, we can care for our workers in the process. I hope you will vote with me today to override the Governor's veto.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I want to call your attention one more time to the study done by the University of Maine last year which we got copies of in January. It said very clearly in that study the biggest problem the business had about doing business in the State of Maine was the cost of workers' compensation.

Second to that was the attitude of the legislature towards business in this state. Number one, we certainly haven't done anything to make workers' compensation any more palatable to business in this state or to those that might be considering coming to the state. If we have done anything to indicate that the attitude of the legislature has changed towards business, it had to be on the day that I wasn't here because I haven't seen it since I have been sitting here hearing about it.

Economic development -- we have had a great big push for the last year or so about increasing economic development in this state. Great bunches of us go to seminars and meetings all over the place, we get aboard buses and we visit the businesses in all areas of the state. We come in here and do absolutely nothing about increasing the attitude, enhancing the attitude of economic development in this state. We not only don't do that, we insist on the highest minimum wage in the country and want to increase it even further. That is like throwing mud in their faces. To me, that is a double standard which was mentioned earlier.

If the high minimum wage is so good for our economy, then how come there are three other states in the New England States that have a better economic development in the last three years than we have? Right now, New Hampshire has one-half the unemployment rate the State of Maine does and yet you would think, to hear every politician talk, that a higher minimum wage is a panacea of economic development and was going to cure all our ills. The only thing that is going to cure our unemployment ills is for economic development because that is the only darn thing that is going to increase the amount of employment and increase the wage scale, pensions, benefits and all others, we have to have economic development. We can't do that if we are going to continue to discourage business for doing business in this state and trying our best to prevent other businesses from coming to the state. I certainly hope that you will vote to support the Governor's veto.

Representative Joseph of Waterville requested a roll call.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I learned early that, whenever you want to kill something, all you have to do is put in a mandate or mention workers' compensation. We are not talking about workers' compensation, we are talking about increasing the minimum wage. We wanted to increase the minimum wage 30 cents a year but we compromised a few years back to 10 cents a year.

We hear the message -- the little boy takes out his tom-tom and sends out a message here, we keep hearing it, we are sending out messages, messages. In the June 5th issue of the New York Times, it says "Numbers that Work." This was put out by the State of Maine in the New York Times. I have been told that it costs the taxpayers of the State of Maine about \$5,000. Now, we keep hearing how expensive it is for workers' compensation, minimum wage, we have the highest minimum wage -- why is it that they put an ad in the New York Times, and when you consider that Maine labor costs are far below those of the northeastern states, now how can that be? We keep hearing here that we are awfully expensive, the labor force is awfully expensive and yet we, the State of Maine, advertise in the Wall Street Journal that we are the cheapest in New England, the cheapest labor force. I believe that because we are next to slavery. At least when you were a slave, you were assured housing, you were assured food, you were assured that your children would be well taken care of because your employer wanted you to work. Today's employer, sends out a message of use them, abuse them, and get rid of them. That is what the State of Maine is sending out. That is the message I hear.

We hear about teenage pregnancy -- well, if a young girl is looking for a job, most of the jobs that are available are for minimum wage. She is better off being pregnant, having a kid or two, she will get more money that way than working. Are we serious, do we really want to work to help these young people? Where are the young people today? They moved out of the state, that is why we are having a shortage of the work force. It isn't because we are paying good wages, it isn't because we have good jobs, because we do not. If we were to pay them reasonable wages -- I don't believe that 10 cents a year is enough myself because I would not ask a person to work for less.

I had a worker come into my house to install linoleum, he installed the linoleum, I was paying him \$10 an hour and I felt that was quite a bit of money. I came back from work, there he was sitting and chatting with my wife, drinking tea. I went upstairs to take a shower and shave and when I came back down, he is still sitting there chatting with my wife. Inside, I was really angry. I didn't like it. That man had been sitting there well over half an hour and I am paying this man \$10 an hour. I was angry. I sat down and said, whoa, I will put myself in his shoes. I looked, he had maybe \$500 or \$600 worth of tools, he has a family. I didn't have to pay his life insurance, I didn't have to pay his unemployment, I didn't have to pay his workers' compensation. After a while I said to myself, if I were in his shoes and I heard a person say what I was thinking, I would have gotten right out of that house, because the man is worth \$10 an hour. He was worth more than that but if we take the time to put ourselves in their shoes and really look at it the

way it is not the way that our selfish selves look at it, I assure you the next day I stopped him from working and said, come on, sit down and have a beer. When he finished the job -- what did he do, he turned around and charged me \$9 and said, you are a good egg, I like you. Any time I need that man, he will be there but, if I had said what I thought, that gentleman would never have stepped into my home again and I wouldn't blame him.

If we treat people with respect, we will get respect and if we don't, we will not get respect. If we refuse to pay our people a living wage -- we are not even paying them a living wage and we are always harping on how it is costing business, it isn't costing business. Greed, it is greed. The Governor of the State of Maine is earning ten times more than anybody on minimum wage, ten times as much if he were working 40 hours a week. I hope you people will vote to override this veto.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I was very interested to hear the comments of the Minority Floor Leader, Representative Murphy, considering that he talked about rhetoric a little while ago. When I listened to his speech, it reminded me much of what I have been doing to my three year old niece a lot of nights and his story reminded me of some stories that are very familiar to her. One is called "Snow White and the Seven Dwarfs" and one is called, "The Three Bears." It was a fairy tale, ladies and gentlemen of this House, a complete fairy tale.

You have heard mention of the \$5 an hour paid for these fast food businesses, but what the Representative didn't tell you is, they work you 8, 12, 14 and 20 hours so they don't have to pay you the benefits and you still don't make a decent wage and you still have to go get another job to make up the difference.

Now, Representative Willey said we are sending a negative feeling to the businesses out there, a negative message. Do you know what he was talking about ladies and gentlemen of the House? Do you know what negative message the State of Maine sends to businesses -- this is from the experience I have had in nine years on the Energy and Natural Resources Committee -- the negative message we send is, no, we will not let you foul up our air, we will not let you foul up our water, we will not let you degrade our land quality to locate your business here. We will not allow you to destroy fish in the streams, we will not allow you to ruin the rivers for the salmon, we will not allow you to build more dams without fishways, that is the negative message we send to these businesses. That is the message that they were talking about in this report.

The other negative message is, no, we will not allow our workers be maimed and crippled without some form of compensation. When the legislature tried to deal with workers' compensation, the insurance companies gave us the runaround anyway and made us all look like fools because no money is saved and the insurance companies are still making huge profits and nobody is doing a thing about it because nobody wants to take on insurance companies. If they do, it is the same rhetoric that Representative Murphy talked about.

Now, let me tell you, you can appoint all the women commissioners you want, but it doesn't help the women of this state. Representative Ruhlin is exactly right, a large percentage of these people on minimum wage are women and it is no longer a

secondary need of employment, it is their primary and only means, because we won't do anything else to help them out.

One last point I think should be made, I find it extremely ironic that a gentleman who coined the phrase, "you pay for what you get," when he gave \$10,000, \$12,000 and \$14,000 raises with the taxpayers money, would begrudge 10,000 working men and women of this state \$4 a week.

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

Representative BEGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of Governor McKernan's veto of the Minimum Wage Bill. Some areas of our state are actively seeking economic development. Since we now have the second highest minimum wage in our country and much higher workers' compensation costs than many other states, I ask you, if you were making the economic decision of where to start a new business, would you consider these encouraging signals to receive? For our state to keep the basic costs of doing business higher than most of the other states does not help make us as competitive as we can and should be.

Many times we ask ourselves, how can we help the workers in our state? I submit to you the very best way to help workers is to provide them with jobs. We in this state can help our business climate in the northern and eastern parts of the state, particularly, by this vote. I urge you to vote to sustain the veto.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to much rhetoric here today but I think what we have to think about today is that the message that we are sending out to 69,000 people in this state is a very important message. We are talking about 69,000 minimum wage workers of this state. Personally, I am not about to talk about economic development, service jobs, and other measures in which we all support on the backs of these 69,000 minimum wage workers.

The override is an extremely important issue to these people. This override of this particular veto is an override which they are watching. I am asking you, men and women of this House to do what is right, remembering colleagues, that the only times those poor who work in our state get a raise is when we, the legislature, give it to them. We did give them a raise but the Governor took it away.

The Governor says that it has been agonizingly difficult for him. May I tell him that he has not suffered alone. Four years ago, I agonized over this issue and I agonized and I agonized and I heard the same debate. I agonized to the point where I believed that we would be sending the wrong signal to the businesses of this state and to those that we hoped would expand and to those that we hoped would come to the State of Maine to do business. I agonized to the point where I voted against the minimum wage increase and it hurt and it hurt badly. Because of that experience, I sat in the Labor Committee a month ago and I listened to the testimony of the proponents and I listened to the testimony of the opponents. And to each person who testified before the Labor Committee, I asked, how is it going to affect the business in our state? What are the effects of raising the minimum wage? Give me data, give me facts, give me some evidence that what we did was harmful.

May I tell you colleagues that the proponents gave me many more good reasons to sign that report "Ought to Pass." The proponents assured me that

these people needed the money, which I already knew, and that these people don't deserve to work for minimum wage jobs, that these people do deserve a ten cents a year increase in 1988 to \$3.75 an hour, that those poor who work deserve \$3.85 an hour in 1989; that these poor who work in our state do deserve \$3.95 in 1990. Yes, I hope that you will override this veto because the message is so important to so many people.

We have talked about the Governor's salaries to his staff but I wonder if he agonized as much when he gave them \$20,000 increases saying that you get what you pay for. I think the working poor in the State of Maine deserve more and I intend to vote to override.

I wonder if the Governor understands the agony of parents whose children ask about the food that they are going to have for supper -- is there enough and what is it going to be? These children and their families do not have the luxury of agonizing over where the family tennis court is going to be located or where the backyard basketball backboard is going to be located or how they are going to be kept busy for the summer -- all they want to do is eat and perhaps get a pair of tennis shoes or sneakers thrown in on the side.

I urge you folks to grant the raise to those poor who work in the state today and we will continue all of our efforts to improve the business climate in this state. We will continue to look for more jobs for more people and Representative Jacques is right on target, those people who work for minimum wage do not get benefits beyond that wage. Please, support to override this veto. This is getting to be a very bad habit.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I represent the district in this state that has the largest number of minimum wage workers anywhere in the State of Maine. Four years ago, I was one of the very few members of my party who voted against raising the minimum wage. I felt that I was representing my district, I felt that it would do more harm than it would do good. I found out in the ensuing four years that my vote was entirely wrong, it didn't work out that way at all.

We have an unemployment rate in my particular district that is something like one or two percent, but it doesn't really tell you the whole story. Once the minimum wage raise went into effect four years ago, people did not go into my district and go to the Maine Mall and stores of this type and get 40 hour a week jobs. That isn't the way it worked out at all. They hired a lot of people and it made the figures look very good, but those people are all working 20 hours a week. They get no retirement benefits, they get no medical benefits, and as somebody else said, they have to go out and get another job to survive. Even then they are on the very, very fringe of being destitute, very frankly. It is hard to believe that a district such as mine with the Maine Mall and all the business it represents has as many people that it does who are just struggling very, very hard to get along. Four years ago as I said, I was one of the few members of my party that voted against raising the minimum wage, I do not intend to make that mistake again.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: When the minimum wage increase was passed three years ago, I listened very

carefully to the arguments of the business interests, that an increase in Maine's minimum wage would harm our economy, stifle the growth, and send the wrong signal to businesses around the country about Maine's business climate. I heard that same message here today. I carefully weighed those arguments and tried to balance them against the short term needs of the people I represent in Lewiston. I believed what I was told by the business lobbyists and tried to vote in good faith using the information available to me. I voted against the minimum wage increase three years ago at every stage of the process until the final enactment. At that time, I provided the final vote needed to enact the increase. In the time that has come and gone since I cast that deciding vote, I have not regretted it for one moment. In fact, I now wish that I had been an advocate for the minimum wage increase from the onset, instead of reluctant support at enactment. I only wish today I could be the final vote to override the Governor's veto.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, was here when we voted on the minimum wage and it was a very difficult decision for all of us. I took a lot of flack from my constituents, probably today they don't even vote for me, but I think they realize that it was something that we had to do.

Senator Kennedy is trying also, as of last week in Congress, to pass an increase in the minimum wage, but as we know, that is going to take a very long time. Not having an increase in the minimum wage could have a detrimental effect on the whole country and, for that reason, Congress is trying to institute the minimum wage. The entire country gains by the beneficial rippling results from a fair wage, a fair wage for one's economic independence, self-esteem, productivity and work ethics. The drop in the value of the minimum wage since the last increase in 1981 has so reduced actual purchasing power that a rise to less than \$5.00 per hour would merely return workers' wages to the 1981 level, let alone increase the standard of living. Our wages in this state and in the country have not kept up with inflation, a minimum hourly wage reflecting today's standard of living. Once we bring the wages up to a fair value, we must work to ensure that, once and for all, the minimum wage keeps pace with the cost of living, to raise the minimum wage to a minimum standard of decency.

We must continue working towards these goals in order to safeguard the minimum protection for the most vulnerable. The increase provided for in this bill is gradual, over ten years, allowing businesses adequate time to make adjustments and accommodations as necessary.

This veto, ladies and gentlemen, will be sending the wrong message to all the working people and the businesses in Maine. I hope you will vote to override the Governor's veto.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to override the Governor's veto. I ask you to send a message to the workers of this state -- yes, you are worth \$150 a week -- gross. Yes, we are willing to give you that \$4.00 a week.

Unemployment rates -- I will address some of the things the Representative from Hampden addressed. The unemployment rates do not truly reflect the unemployment of the jobless people that are out in our cities from the southern part of the state to the

northern part of the state. Do not be misled and think that, if you come to the south which is York County I am assuming, that they would have boundless jobs. They do not exist. They are temporary part-time positions. There are people looking daily for full-time employment. They are utilizing the same tactics -- two jobs -- as anywhere in the state, whether it be in Aroostook County, Washington County, Lincoln County, or Androscoggin County. We all have the same problems.

As far as workers' compensation being detrimental to a working climate, this again was brought up. I would like to address that. In 1985, we implemented a workers' compensation reform. It was a good reform, I didn't like it, but it was good, it was fair to everyone. We all paid, the workers and the management. Many times we hear the people in the Labor Committee -- they say management, management.

I asked one person that was in management if he was part of a management team or if he owned the business. He was part of the management team. I asked how long he had been on board, because everybody seems to be boarding the ships, he told me the number of years. I said, "I hope you realize that the laws that we are implementing here in this committee, or trying to implement, also protect your rights as well as the people in manufacturing and make no mistake about that."

We learned one thing this year about workers' compensation, perhaps it was a mitigating fact or two -- the rising cost. They did not have enough agents to investigate claims, now that is not the fault of the worker. That is the fault of the insurance company. Banking and Insurance has addressed some of these problems this year through legislation.

It is our job as legislators to provide a fighting poverty tool, as so expressed in the Governor's veto. In addition to training programs, increased day care services, which they can't afford, secondary and post-secondary education, and our university system, which most people will never use that are in the work force today, I say 50 percent that are in the lower-middle age bracket and up. They will never, ever use it, but they can use the ten cents an hour. I don't think with our reputation of our work force and our work ethics that we are certainly sending a message of deterring businesses from developing here in the State of Maine and I urge you to override the veto.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I have only a couple of points I want to add to what has already been said today but I think they are very important. What is under consideration today is whether we will grant to our lowest paid workers a small increment in each of the next three years, whether we will guarantee that they will have a little bit more. I believe that a vote against this increase is not only grossly unfair but it would also be morally reprehensible. How can we deny this increase to earners of the minimum wage while the rest of society has enjoyed at least small increases and there has been a virtual explosion of wealth at the upper end of the income scale in our state?

The argument has been made that raising the minimum wage escalator would greatly increase labor costs to Maine businesses. That can only happen because higher paid employees and their employers are not willing to make the moral decision to give a little more to those at the lowest end of the scale and be satisfied not to have to have something more for themselves at the same time. I believe that we

must follow our conscience today and we must recognize that it is those workers at the lower end of the scale who suffer constant anxiety, stress and a feeling of degradation because the fruits of their labor, their full-time labor, does not yield enough to support themselves and their families. We have to send them the message that we understand this and we are taking steps to correct it. We must vote to override this veto.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: During this term, all of us have received letters -- I have received letters and calls that said just about everything that you can imagine, optometrists, health clinics, speed limit, drug testing, cats, etcetera, etcetera. I can honestly tell you that, in spite of what I consider to be reasonably good visibility in the city of Westbrook, go home everyday attending activities that I do, I received absolutely no communication, even to the effect of playing golf recently with two employers of a great number of people and there was no discussion at all on the impact that this minimum wage was going to have.

In my judgment, the Governor has sent very negative messages with previous vetoes, but perhaps none as negative as this one. The Governor, in my judgment, is obviously out of touch with the average Maine citizen if he thinks that this is an action that they would take if they had the opportunity.

I don't very often mention Westbrook, but in my ten years as Westbrook's Chief Executive Officer, I had the good fortune of assisting many new industries and new businesses to relocate or expand in the city of Westbrook and wages were never a factor. Quality of life, the quality of our worker, availability of housing and good education were always factors. The minimum wage never came up. I urge you, please do not misjudge the fairness of the citizens of this state. I urge you to override this veto.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: We have all been through lengthy litanies of experiences or perceived attitudes towards this. All I can say is the polarization that we have seen today of an attitude on this subject is never going to render a good solution to those that we all at least purport to help make their lives better. I look at minimum wage as entry level positions, those that are either teenagers or trying to enter the work force, that do jobs that perhaps are not in the most dire need of being done. I have heard figures thrown all over the floor here, from 10,000 to 70,000 families being supported by minimum wage. I would like to have someone send me the reference on exactly where they come from.

I guess I agree with the former mayor of Westbrook, Representative O'Gara, that the businesses that were brought into that community, minimum wage was not a factor. It is true that industry has been brought into this state -- that minimum wage has not been a factor. The factor really is that a lot of negotiations with labor are a multiple of minimum wage. To what degree, I cannot really say. For those industries that come into the state and we do all agree, evidently, that minimum isn't a factor. We need to have those people involved in those jobs. We are going through a renaissance in the work place in Maine where new jobs are available and those are not minimum wage jobs.

The unfortunate thing is that we are maintaining a lot of inefficient work force in skills that are being outdated. We don't have to look far to see our shoe factories where I guess minimum wage has applied as a substitute for piece work. It has been used to get through periods of business inactivity.

All I can say is that we don't have to go to another state like New Hampshire. This is really not an issue, they have a thriving economy, and we are looking to try to make Maine that way. It is not going to sell out our natural resources as one Representative said. No one here is going to do that to compromise our standard of living in Maine. We have got to be more imaginative here. It is just that we are one of the top three states in the country with minimum wage. We are not going to lift people up by mandating things.

Workers' compensation was mentioned -- gee, we spent the 112th Legislature working on that. I was on the committee that drafted the bill and I was in that back room in the Speaker's Office when that bill was gutted. There was no reform there, and we were held hostage that day of -- any reform or no reform. So don't let this happen to us here today.

We all get up and beat our chests but the problem is much deeper than this, and when we are out in front leading on any issue nationally, we have to tread carefully. We are still out there and I don't think we are sending a message that is going to be well received if we increase the minimum wage again.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't be on my feet unless I could add something to the deliberations here. Representative Hillock reminded me of something, that industry is going through a renaissance and it certainly is. I was fortunate to belong to an age group whereby a man could retire honorably with a decent pension. Today, industry is doing away with the pensions. They are hiring part-time help whenever possible, so consequently, the new people that are coming into industry haven't got much to look forward to and unless we give them some kind of a base whereby they can establish some kind of a savings plan, they are going to be in deep trouble. So I certainly agree with going with the minimum wage, adding to it. Believe me, it is still a low figure in comparison to what management is making.

The SPEAKER: The pending question before the House is, Shall this bill "An Act to Increase the Minimum Wage" (H.P. 869) (L.D. 1170) (S."A" S-115) become a law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL NO. 151V

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutillier, Brown, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kotlover, Kilkelly, Lacroix, LaPointe, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino,

Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

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

ABSENT - Cashman, Lisnik.

Yes, 86; No, 61; Absent, 2; Vacant, 2; Paired, 0; Excused, 0.

86 having voted in the affirmative and 61 in the negative with 2 being absent and 2 vacant, the Governor's veto was sustained.

The Chair laid before the House the following item on Supplement No. 9, which was set aside earlier in the day:

PASSED TO BE ENACTED

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

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

Representative DELLERT: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of L.D. 1828.

I am deeply concerned about this bill and I regret that the amendment was not passed last week. Steroids can affect people in many different ways. I am further concerned about protections for the monitoring panels. In this section it says, "All optometrists and ophthalmologists shall report to the panel each instance in which a patient administered a therapeutic pharmaceutical experience, experiences a clinically significant drug-induced side effect. This panel shall report each such instance to either the Board of Registration of Medicine if the instance involved an ophthalmologist or to the State Board of Optometry."

It is difficult for doctors to report cases of negligence on each other and then what about the person experiencing the drug-induced side effects? I serve on a hospital board and know of acute problems with liability insurance also. I would think that the optometrists would be very concerned about their liability insurance now.

I urge indefinite postponement and ask for a roll call.

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

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

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: Because the other body has so far approved this bill I, too, would like you to vote for indefinite postponement.

The SPEAKER: The Chair would inform the Representative that she is not to refer to the action of the other body.

Representative MELENDY: I am sorry. Voting for indefinite postponement would put us in a non-concurrent situation and a Committee of Conference could be established on a sensitive, delicate, and technical issue.

I have often thought of what Representative Aliberti stated last week. He said that one side of the issue was not well represented at the committee meeting. Did he or any of you happen to think that doctors don't know the legislative process any better than we know how to perform surgery? They hired a lobbying firm without realizing the importance of their own input.

I spoke to one of the doctors this weekend who had been attending all of the committee's work sessions. He said he had planned on attending the last work session scheduled by the committee on the issue, but later learned that the meeting was held in his absence, four days earlier than scheduled. It was at that time that he discovered he had missed the meeting and he was also informed that a compromise had already been struck, that only one member of his profession was present at the time of the final compromise.

I don't fault the committee, they did what they had to do in these last days of the session. When leadership says, get all the bills out of committee, they mean get all bills out of committee and that is exactly what the committee did. They accepted what they thought was a compromise by both groups.

However, I submit to you ladies and gentlemen of the House, health and medicine, life and death, are not issues that we should be compromising in this legislature. Let us know and admit our limitations and let us call on the medical experts to decide what can be prescribed and by whom.

If we are erring by voting on indefinite postponement and helping to bring this bill to a Committee of Conference, at least we are erring on the side of safety. I believe that one of the most difficult things that we must sometimes do as a Representative is to vote against a unanimous committee report. However, when one learns that there is a potential problem with a piece of legislation, we owe it to ourselves and to the people of this state to consider new information before casting our vote.

Although I didn't get many votes in support of my amendment last week, I believe it is imperative for me to use this last opportunity to try to get the legislation in a position to be amended in order to prevent a few dangerous medications in the legislation from being prescribed by someone other than a physician.

I urge you to vote for indefinite postponement.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I rise only to answer a question from a number of callers that asked if I had spoken with the ophthalmologist in my area, Dr. Robert Vigue. I spoke with him today. Topical medicinal diagnostic therapeutic, etcetera, which is on page 2. In fact, I read the bill, I told him what had transpired and he is in full, total, agreement. So if there is anyone from the area that knows Dr. Vigue, knows his reputation, then they should have no qualms in voting for this. I urge you to vote for passage.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Rockland, Representative Melendy, that L.D. 1828 and all its accompanying

papers be indefinitely postponed. Those in favor will vote yes; opposed will vote no.

ROLL CALL NO. 152

YEA - Begley, Bott, Clark, M.; Cote, Dellert, Foster, Joseph, Kilkelly, Look, Mayo, Melendy, Nicholson, Racine, Rice, Richard, Seavey, Stevens, P.; Stevenson, Strout, B.; Tupper, Wentworth, Willey.

NAY - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Bickford, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Chonko, Clark, H.; Coles, Conley, Curran, Davis, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoglund, Holloway, Holt, Hussey, Ingraham, Jackson, Jacques, Jalbert, Ketover, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest, Rand, Reed, Reeves, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Warren, Webster, M.; Whitcomb, Zirkilton, The Speaker.

ABSENT - Bost, Cashman, Crowley, Lisnik, Mahany, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Pines, Weymouth.

Yes, 22; No, 117; Absent, 10; Vacant, 2; Paired, 0; Excused, 0.

22 having voted in the affirmative and 117 in the negative with 10 being absent and 2 vacant, the motion did not prevail.

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

The Chair laid before the House the following item on Supplement No. 9, which was set aside earlier in the day:

ENACTOR

Indefinitely Postponed

An Act to Transfer Administrative Authority over Traffic Infractions to the Secretary of State (H.P. 1343) (L.D. 1835)

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

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: This L.D. has kind of been drifting along in the process, and as near as I can tell, there really hasn't been that much support generated for it. The enthusiasm just hasn't been there with the Judiciary people that I have talked to, the Appropriations people really don't want to fund it, and neither does the Transportation Committee as near as I can tell. It creates nine new positions in the Department of Motor Vehicles funded from the Highway Fund and brings in not one cent to the Highway Fund.

Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I am really quite surprised at the remarks of my friend, the Representative from Eliot, when he says that this bill doesn't have broad-based support. I can quote to you chapter and verse and I am not going to do it very long this afternoon because of the hour. A number of people

have testified in favor of this legislation. I will quote to you from the Deputy Chief Judge of the District Court, Judge Alan Pease, who testified not once, but about twelve times, in favor of this bill. I could really call him the parent of this bill in that he shepherded this legislation through.

We had a commission established by the 112th Legislature to look into this very issue and it met in conjunction and cooperation with the Judiciary Committee on the collection of fines because we know that the system that we presently have in place is not efficient in collecting fines. People are not paying the fines ordered by the court. Judge Alan Pease said this to us on April 13th, of this year, "My theory is to have all traffic infraction trials held in the same district court division as they are at present, but to have all traffic infraction complaints filed with the Secretary of State. The Department of Motor Vehicle will send to court for trial those cases in which the accused wishes a trial. This bill merely permits what is now not permitted under law for those who wish to waive their rights to go for a trial in a traffic infraction to pay the Secretary of State." They need not go to court and lose a day's work or a morning's work, overburden the court. What happens if I were stopped for speeding tonight and I wanted to plead guilty, I would have to go through the court system. The court system would merely take the money, take the complaint and file it with the Secretary of State. What this bill does is eliminate that process and you go directly to the Secretary of State.

The gentleman from Eliot says that this would appear to have no positive impact on the Highway Fund, I suspect that he hasn't read the fiscal note. Let me read to you from the fiscal note, "It is anticipated that with the enactment of this New Draft, the general Highway Fund will receive an increase in revenue from the license reinstatement fee of approximately \$180,000 annually. This is due to the reduction in the amount of court ordered suspensions for failure to appear, the failure to pay fines and an increase by the Secretary of State." So instead of the courts receiving this type of money on failure to appear, the Secretary of State's Motor Vehicle Division, which we are going to fund a couple of positions, is going to get this money, going to have a positive impact on the Highway Fund. We are not taking money from the courts, we are not taking money from the Secretary of State from the Highway Fund, we are permitting them to recover those losses very very easily.

The Division of Motor Vehicle's came and supported this legislation, worked diligently with this committee. This is the only bill which the Secretary of State has ever testified on before the Judiciary Committee. He personally came and presented this bill to us last Spring. This is the only bill I can remember in memory that Mr. Quinn has come and asked the legislature to pass because he said it would have a positive impact, it is much needed, everybody and every section that handles this legislation says that it is needed. Even the Juvenile Justice Advisory group, let me quote what they said: "The due process rights of Maine citizens would not be jeopardized and their convenience would be served by assigning decisions on routine traffic matters to administrative authority while reserving scarce and more costly judicial resources for those matters which more substantially and seriously effect the rights of Maine citizens."

Every year it seems we are asked to provide more judges for our court system. In every year that I have been a member of this body, we have had to add

either one District Court judge or one Superior Court judge. If we can lessen the number of cases that they have to have before them for routine matters and let them do the trials which we pay them for, which they have the expertise for, let's do it. This is an opportunity for us to say, routine traffic matters that the person pleads guilty to, let them go to an administrative officer.

So, I really don't understand why at this hour that my friend from Eliot would say that this doesn't have a positive impact and that no one really testified in favor of it.

I hope that he could see fit to either clarify his remarks to us this afternoon or support this type of legislation.

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

Representative MCPHERSON: Mr. Speaker, Men and Women of the House: In responding to the gentleman from Augusta, Mr. Paradis, I would just say that we were aware a couple of years ago on the Transportation Committee of this legislation. I think most anybody would agree with the concept of it to speed up the process and unclog the court system. That is not the problem. The problem is the funding. If I were Judge Pease, yes, I would want to get rid of some of the work in my court and pass it on to somebody else. I think it can be done through the Secretary of State's Office but I would remind you to take a look in the L.D. itself on page 12 where it mentions fiscal note, "This New Draft keeps all five revenues in the General Fund." I don't see anywhere in there where it says that any money will be returning to the Highway Fund. The balance in the Highway Fund, after funding the L.D.'s current services and whatnot that have already gone through, will be somewhere around \$96,000, under \$100,000. That doesn't fund some of the other L.D.'s that are already on the table and you want to put another one on there for \$168,000? There just isn't that much money.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Just very briefly to answer my friend. I was reading and quoting directly from the fiscal note that was prepared by the Office of Fiscal Analysis and it has a positive impact of \$180,000. The bill is asking for \$168,000 to start up for those positions in order to cover what the actions would be doing. We have to hire some people in order to take care of the infractions that are going to be sent directly to the Division of Motor Vehicle of the Secretary of State's Office. The bill, in the same vein, would add \$180,000 annually to the Highway Fund guarded by the Committee on Transportation, guarded very well I might say. So, I really think it is kind of a wash. They are asking for \$168,000 and they are also saying you are going to receive \$180,000 based on past performance. I don't think that there is going to be any negative impact on a fund that I might say produces about \$140 million annually in revenues.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask my good friend, Representative Paradis, a question through the Chair.

You mentioned that you have to go to court to pay your fine. You don't have to go to court to pay your fine, all you have to do is call in and you can send your fine in. So, I don't see any advantage of the

Secretary of State taking over all of these fines. I hope you would defeat this bill today and all its accompanying papers.

The SPEAKER: Representative Moholland of Princeton has posed a question through the Chair to Representative Paradis of Augusta who may respond if he so desires.

The Chair recognizes that Representative.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I would like to answer my good friend from Princeton and say that you don't have to personally appear in court, the court has to handle all the paperwork. They are inundated, they are bogged down with the type of paperwork that doesn't really have any real function before the court system because they merely take all this paperwork and hand it over to the Secretary of State's Office for processing because they actually take care of your license. They need to know if you have had any points judged to your license or if you have had any suspensions judged against your license. What they are saying and the Deputy Chief Judge is asking on behalf of the entire court family, please eliminate us in that first step, do it completely with the motor vehicle section, where it ought to be done, where everybody agrees it ought to be done. The lawyers have handled that, the Committee on Judicial Responsibility for the Collection of Fines say, yes, we agree with that. The Secretary of State says, yes, we are more than pleased to take it because we don't have to work in conjunction with the courts, we will know immediately, immediately, what ought to be done.

I think the general public out there very much supports this type of legislation.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps some of you are familiar with the original bill that came before the legislature very early this year. The Judiciary Committee considered that bill and decided we didn't like it because we felt that the Secretary of State really wanted to handle all phases of traffic infractions. We felt the adjudication of traffic infractions should be handled by the court system. If you had to have a hearing, it really should be done by the judges and that the people were entitled to have that privilege so we decided to give that bill a "Leave to Withdraw." Before we did however, as has been stated, the court system was interested in this bill, they worked with the Secretary of State's Office and came forth with this procedure. If you have a traffic infraction, you either go to the Secretary of State's Office or the Motor Vehicle Office near you or you mail in your fine and that is that. If you contest the judgment, then you go to court just as you always have and that whole process is handled by the court system.

The committee considered that strongly and finally decided that it really did have a good many pluses. We were concerned about the fiscal note, there is no doubt about that, there were some of us who were very much concerned about it. I was one of them because I am always concerned about a fiscal note. However, in spite of that, we decided that this procedure would really perhaps help unclog the court and we felt it certainly was worth a try. So, we did bring this bill before you today and did recommend it to you.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The concern I have with this piece of legislation is it centers around the fact that the bill does not take effect until January of 1989. The funding that was mentioned earlier is for nine new positions at a cost of \$168,000. While I know I am not supposed to be protective of the Highway Fund, I see here some fiscal implication that we have seen in our committee and that is to start a program in the last half of the second fiscal year. This program costs \$168,000 for the last six months of the two year biennium. That means, if this plan is adopted, the next time this legislature meets, it is going to cost probably four times that much or \$600,000 or \$800,000 to implement this plan. I have a concern about that and I think the members of the Transportation Committee do as well.

The second point that I would make is simply this, that if the Judicial Department is going to give us some responsibilities here to the Secretary of State's Office and ask the Highway Fund to pay for it, it would seem to me the Judiciary ought to be willing to give up some positions to help fund it. Supposedly, those people who are currently doing this work now ought to be free to do something else or there ought to be some deletion of positions within the Judiciary Department to help free up some General Fund money.

I hope today you would go along with the gentleman from Eliot, Mr. McPherson, and vote to indefinitely postpone this. If we want to, we can bring the bill back next year. They will still have a year before they can implement it and perhaps they will have a better plan with a better fiscal implication for all people involved.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: One point that hasn't been mentioned is the fact that, if this new plan is implemented, it will mean that people who wish to have a trial of an action will no longer have to go to court on two occasions in order to accomplish that. Instead, they will indicate to the Secretary of State on a uniform traffic situation that they wish to have a hearing and the court will notify them of the hearing date, thereby saving people from having to go to court for what is called arraignment and coming back at another time for trial. That was one of the big benefits that appeared from the bill.

Some members of the Judiciary Committee were concerned about giving any kind of power to the Secretary of State but, in the final analysis, it seemed right to do that. It is my understanding that essentially \$5 million is raised each year from fines that are charged and it simply is a question of which coffers that they go into.

I think the Representative from Augusta, Representative Paradis, made the point that, instead of burdening the court further, we are simply not being required at this juncture to address a need to add new court personnel to deal with what is already an increasing burden for the court.

Representative Martin of Eagle Lake 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 Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I think I made a little mistake. After reviewing this, I see that they are going to get their money back. So, I am sorry if I said something to sway you people one way or the other.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: About three months ago, I was sort of assigned by the Transportation Committee to track this particular bill. I talked to many people on the Judiciary Committee, I went to the meeting with Judge Pease. I guess now we are talking about \$160,000 or \$170,000. At that time, we were talking about \$950,000 coming out of the Highway Fund. I really think that Highway Fund money is generally gasoline tax money which goes to roads and bridges. I don't believe it was ever intended to fund something along this nature. If, as the gentleman from Augusta says, it is such a fine program and it is a money maker, we would be glad to let the General Fund have it and also let them take the revenue.

The SPEAKER: The pending question before the House is the motion of Representative McPherson of Eliot that L.D. 1835 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 153

YEA - Anderson, Bailey, Baker, Bickford, Bost, Bott, Bragg, Brown, Callahan, Chonko, Clark, M.; Conley, Cote, Dellert, Dexter, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Garland, Greenlaw, Hale, Harper, Hepburn, Hichborn, Higgins, Hillock, Hoglund, Holloway, Holt, Ingraham, Jackson, Jalbert, Ketover, Kimball, Lacroix, LaPointe, Lawrence, Lebowitz, Look, Lord, Macomber, Mahany, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Garra, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Perry, Pines, Pouliot, Rand, Reed, Reeves, Rice, Ridley, Rotondi, Ruhlin, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Tracy, Tupper, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Aliberti, Allen, Anthony, Armstrong, Begley, Boutilier, Carroll, Clark, H.; Coles, Crowley, Curran, Davis, Diamond, Foster, Gould, R. A.; Gurney, Gwadosky, Handy, Hanley, Hussey, Jacques, Kilkelly, MacBride, Manning, Marsano, Mitchell, Paul, Priest, Racine, Richard, Rolde, Rydell, Simpson, Stevens, P.; Taylor, Vose, Warren.

ABSENT - Carter, Cashman, Joseph, Lisnik, Nadeau, G. G.; Thistle, The Speaker.

Yes, 105; No, 37; Absent, 7; Vacant, 2; Paired, 0; Excused, 0.

105 having voted in the affirmative and 37 in the negative with 7 being absent and 2 vacant, the motion to indefinitely postpone did prevail. Sent up for concurrence.

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

The Chair laid before the House the following matter: An Act to Allow the Treasurer of State to Vote on Certain State Boards (H.P. 902) (L.D. 1203) (C. "A" H-313) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 15, 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 Energy and Natural Resources, the Governor's nomination of Edward S. Rendall, M.D. of Blue Hill for appointment to the Board of Environmental Protection.

Edward S. Rendall, M.D. is replacing Edward Laverty.

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

Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection" (H.P. 1251) (L.D. 1709) which was passed to be engrossed as amended by Committee Amendment "A" (H-311) and House Amendment "A" (H-328) in the House on June 12, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-311) as amended by Senate Amendment "A" (S-182) thereto and House Amendment "A" (H-328) in non-concurrence.

On motion of Representative Michaud of East Millinocket, the House voted to adhere.

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

ORDERS

On motion of Representative HOLT of Bath, the following Joint Resolution: (H.P. 1363) (Cosponsors: Senators ANDREWS of Cumberland, KANY of Kennebec, and Representative SIMPSON of Casco) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING CONGRESS TO AMEND THE PRICE-ANDERSON ACT

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

WHEREAS, one commercial nuclear reactor is currently licensed to operate in the State of Maine; and

WHEREAS, accidents at both commercial and federal nuclear facilities, and in the transportation of nuclear materials, may result in serious injury to or

loss of property, personal injury or death, damage to the public health, environment or economic well-being and substantial expenditure of state and local funds for emergency response, cleanup and other similar expenses; and

WHEREAS, government studies have shown that damages from severe nuclear accidents at commercial nuclear power plants could well exceed tens of billions of dollars; and

WHEREAS, the United States Department of Energy has not determined the extent of loss which may occur from accidents involving the transportation, storage or disposal of high-level nuclear waste under the Nuclear Waste Policy Act; and

WHEREAS, the Price-Anderson Act limits liability to approximately \$665,000,000 for accidents at commercial nuclear reactors and to \$500,000,000 for accidents at the United States Department of Energy nuclear facilities; and

WHEREAS, the Federal Government maintains that liability for accidents involving the transportation, storage and disposal of nuclear waste is also covered by the Price-Anderson Act and is limited to \$500,000,000; and

WHEREAS, individuals, states and localities are prohibited from suing members of the nuclear industry, the United States Department of Energy, federal contractors or any other responsible party for damages in excess of the liability limits, even if the accident was caused by recklessness or negligence; and

WHEREAS, no insurance company in the world, including Lloyd's of London, will insure homes, businesses or property against the risks of nuclear accidents; and

WHEREAS, there is no assurance that victims of any severe nuclear accident would be fully and promptly compensated for their injuries and losses; and

WHEREAS, Congress is now considering amendments to the Price-Anderson Act; now, therefore, be it

RESOLVED: That We, your Memorialists urge Congress to enact legislation that amends the Price-Anderson Act according to the following principles.

1. Full and timely compensation for all parties injured by any nuclear accident and full reimbursement for federal, state and local government expenditures incurred as a result of any nuclear accident should be provided for.

2. Companies that transport nuclear materials and design, build and operate commercial nuclear power plants should be held accountable for any damages they cause to the public.

3. The Federal Government should be fully and strictly liable for any losses resulting from the activities of the United States Department of Energy or its contractors, including the transportation, storage and disposal of high-level nuclear waste and spent fuel. The Federal Government should be required to recover its losses from any contractor who causes the accident through negligence.

4. Payment of damages resulting from accidents involving the transportation, storage and disposal of high-level nuclear waste and spent fuel should be paid from the Nuclear Waste Fund created by the Nuclear Waste Policy Act of 1982, Public Law 97-425.

5. State, local and tribal governments and officials should be held harmless from any damage claims arising from accidents involving the transportation, storage and disposal of high-level nuclear waste and spent fuel.

6. The time period for filing damage claims should be 5 years from the point of discovery; and be if further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to each member of Congress from the State of Maine, each chairman of congressional committees with jurisdiction over Price-Anderson legislation, the United States Department of Energy and the United States Nuclear Regulatory Commission.

Was read and adopted and sent up for concurrence.

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds to Local School Administrative Units and to the Department of Educational and Cultural Services to Implement and Meet the Requirements of the Teacher and Administrator Certification Laws" (Emergency) (H.P. 1193) (L.D. 1625) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(S.P. 365) (L.D. 1100) Bill "An Act to Register Acupuncturists" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-214)

(H.P. 1185) (L.D. 1615) Bill "An Act to Amend the Maine Vocational-Technical Institute System Laws" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-361)

(H.P. 995) (L.D. 1341) Bill "An Act to Establish the Maine Recreation and Natural Heritage Fund" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-362)

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

The following item was taken up out of order by unanimous consent:

Reference is made to (H.P. 1332) (L.D. 1822) Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code"

In reference to the action of the House on Friday, June 12, 1987, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

- Representative BOST of Orono
- Representative GWADOSKY
- Representative MARSANO of Belfast

The Chair laid before the House the following

item on Supplement No. 9, which was set aside earlier in the day:

PASSED TO BE ENACTED

An Act to Amend the Teacher Certification Law (H.P. 1345) (L.D. 1839)

Representative Small of Bath 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 enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 154

YEA - Aliberti, Allen, Anthony, Baker, Begley, Bost, Boutilier, Carroll, Carter, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Handy, Hickey, Hoglund, Holt, Hussey, Jackson, Jalbert, Ketover, Kilkelly, Lacroix, LaPointe, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest, Rand, Reeves, Rice, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Telow, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

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

ABSENT - Cashman, Hale, Jacques, Joseph, Lisnik, McGowan, Nadeau, G. G.; Tardy, Weymouth.

Yes, 83; No, 57; Absent, 9; Vacant, 2; Paired, 0; Excused, 0.

83 having voted in the affirmative and 57 in the negative with 9 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item on Supplement No. 9, which was set aside earlier in the day:

ENACTOR

Later Today Assigned

An Act Relating to Boards and Commissions (H.P. 959) (L.D. 1288) (S. "A" S-212 to H. "A" H-336; C. "A" H-295)

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

The Chair laid before the House the following item on Supplement No. 9, which was set aside earlier in the day:

ENACTOR

Later Today Assigned

An Act Providing for Administrative Changes in Maine Tax Laws (S.P. 512) (L.D. 1536) (C. "A" S-193)
 On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and later today assigned.

The Chair laid before the House the following item "An Act to Change the Basis of Telecommunication Taxation (H.P. 1352) (L.D. 1846) which was tabled earlier in the day pending passage to be enacted and later today assigned.

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

(H.P. 598) (L.D. 809) RESOLVE, to Establish the Commission on Children in Need of Supervision and Treatment (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-351)

On motion of Representative Anthony of South Portland, the House reconsidered its action whereby L.D. 809 was passed to be engrossed as amended, the bill read once.

Committee Amendment "A" (H-351) was read by the Clerk.

Representative Anthony of South Portland offered House Amendment "A" (H-354) to Committee Amendment "A" (H-351) and moved its adoption.

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

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

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Enhance the Maine Job Training Partnership Program (S.P. 417) (L.D. 1275) (C. "A" S-175) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

UNASSIGNED

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

Bill "An Act to Establish a Compliance Schedule for Owners and Operators of Salt Storage Areas" (H.P. 1278) (L.D. 1749)

TABLED - June 5, 1987 by Representative Diamond of Bangor.

PENDING - Passage to be Engrossed
 Representative Michaud of East Millinocket offered House Amendment "A" (H-357) and moved its adoption.

House Amendment "A" (H-357) was read by the Clerk and adopted.

The Bill passed to be engrossed as amended by House Amendment "A" 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.

At this point the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem for the remainder of today's session and Tuesday, June 16, 1987.

(At Ease)

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

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-358) on Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property" (H.P. 485) (L.D. 652)

Signed:

- Senators: TWITCHELL of Oxford
 DOW of Kennebec
 SEWALL of Lincoln
 Representatives: MAYO of Thomaston
 SWAZEY of Bucksport
 NADEAU of Saco
 DORE of Auburn
 DUFFY of Bangor

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

Signed:

- Representatives: JACKSON of Harrison
 INGRAHAM of Houlton
 SEAVEY of Kennebunkport
 ZIRNKILTON of Mount Desert

Reports were read.

Representative Mayo of Thomaston moved that the House accept the Majority "Ought to Pass" Report.

Representative Zirnkilton of Mt. Desert requested a roll call vote.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: As the Representative of Augusta, we are proud to be Maine's capitol city. For many years, we were able to provide all the city services to the state without too much effect on our budget. However, starting in 1952, we saw the beginning of a drastic change, the development of the capitol complex caused 78 homes to be taken by eminent domain and 6 city streets to be eliminated. It was a crucial blow to our tax base. However, we do have to commend the state for the excellent job they did in developing the complex. Since that time, there has been a further encroachment upon the land acquisition of the city, like the Transportation

Building, which eliminated the lower part of Capitol Street, all of Charles Street and part of Gage Street. All of this additional property was necessary to provide the parking for the employees working at the Transportation Building.

The different actions the state has taken since 1952 have resulted in acquiring 183 pieces of local property. With 34 percent of the land in Augusta utilized by the federal, the state, and county, it leaves 66 percent of the property owners paying 100 percent of the cost of the city's operation. For many years, we have provided city services to the state with no reimbursement. This has been expensive to both our fire and police department. Any fire at any state property requires a response by every piece of local fire equipment, and certainly our police department is confronted many times per month with AMHI problems. It does seem appropriate to assume that the state should assume responsibility for the cost they develop to our community.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: For those very reasons that the good gentleman from Augusta cited were the reasons that I opposed this report. This report, I feel, doesn't go far enough. The report addresses only new construction for correctional facilities in this state. It does not address the needs of the other communities throughout the state that have state-owned, tax-exempt properties. It does not take into consideration future purchases or construction for state-owned facilities throughout the state.

As many of you know, we have the possibility of a bond issue that will be coming before the people in November and I understand that could be as high as \$40 million for public land acquisition. That is \$40 million worth of property that is going to be removed from the tax rolls of some municipalities throughout this state but with no thought or no effort to reimburse those communities for those lost taxes due to those purchases. That is the primary reason that I oppose this piece of legislation. I don't think that it is good government, not good tax policy, and it is not consistent.

So therefore, I would hope that you would vote against the pending motion.

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

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: The bill that you are voting on now is a far cry from the original printed bill we had earlier. The bill you are voting on now is really a Committee Amendment, which as Representative Jackson said, would have the government enter into a contract with a town and negotiate a fee for services, for new constructions that are developed after October 1, 1987.

I want to commend the good Representative from Thomaston for taking care of his constituents but I am surprised -- this isn't a private and special act. I think perhaps it should be.

I would like to ask the gentleman from Thomaston though -- what would happen if a fee cannot be negotiated? That is a point I think should be addressed.

We already defeated earlier this session a tax-exempt proposal. Again, I think this really just benefits one particular community and I don't think we should pass this.

The SPEAKER PRO TEM: The Representative from Kennebunkport, Representative Seavey has posed a

question through the Chair to the Representative from Thomaston, Representative Mayo.

The Chair recognizes that Representative.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the question posed by the gentleman from Kennebunkport, Representative Seavey. He asked if a fee could not be negotiated with the Commissioner on Corrections what would happen. I would submit, if the negotiations broke down and could not occur, that in fact, no fee would be in place. This is simply enabling legislation that allows the Commissioner of Corrections to negotiate with not just one town, but actually four towns, the towns of Windham, Thomaston, Warren and Charlestown.

This legislation is before you today in this form because provisions that were included in the Corrections Bond Bill that was a 12 to 1 Report from the Corrections Committee were ruled not germane to that bill. This vehicle was left in committee and was used to bring out that language that would be germane to that title. As I said, this language is identical to the language that came out of the Corrections Committee on a 12 to 1 vote.

As to the comments by Representative Jackson about it not being consistent or does not go far enough, I sometimes am in a quandary when I hear people say they don't want to vote for a bill because it doesn't go far enough and yet they bring out a bill that says "Ought Not to Pass." If it did not go far enough, I don't know why the Minority Report was not a bill that, in fact, went to the distance that that gentleman and the signers of the Minority Report thought it should go.

What you have before you today is a bill that acts prospectively with the question of state-owned property and the costs that they place upon municipalities throughout the state. For four years in this state, we had a program that provided for payments to tax municipalities for state-owned buildings only. That program was phased out by the Appropriations Committee with the sentiment that too much of the money was going to one particular city and that the economic impact of the structures that were in that facility were not negative to the community. Many members of the Appropriations Committee said that they sympathized with municipalities that have correctional facilities within them and felt they quite appropriately deserved some support from the state and they recommended that I bring back legislation next session that did that.

In seeing and observing what I thought to be the feeling of this House and the feelings of what we could fund, I asked the Taxation Committee to vote out the legislation that you see before you. As I said before, that is the same language that was in the 12 to 1 Report that was adopted by this House on a vote of 131 to 12. I do not feel it is bad tax policy, I think it is appropriate tax policy for this state to take care of municipalities in which they place correctional facilities. I could go on for hours about the costs involved to municipalities associated with these prisons. I do not think it is inconsistent. In my mind, it would be very appropriate for this legislature to adopt similar language on every bond issue that goes out of this House, that calls for the similar taking of land, similar construction of structures, that have adverse impacts on communities. The idea is to set up a policy for this House to adopt language in the future. It is not meant to go backwards because the funds are not there to do it. I would urge this House to accept the Majority Report.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to begin my comments by asking a kind of rhetorical question. The question would be -- how many times have we in this body, individually or collectively, tried to get a whole loaf on some proposal and ended up getting something less or at least it was a step. That is exactly what we have with this bill.

I believe the 13 members of the Taxation Committee would have liked to have a bill which would have applied to all state buildings and properties and somehow take care of the municipalities that way. We did look at a fiscal note and said, gee, this thing will never fly. So we are taking that one step. Hopefully, next year or the year beyond that, we can take further steps toward the progression along this line.

I would like to comment on what the gentleman from Thomaston said when he alluded to the fact that why didn't the signers of the Minority Report put out their own Report "A" or Report "B" which would have said essentially what the gentleman from Harrison was mentioning. Why didn't they go that extra step? For these reasons, I urge you to accept the Report which is presently on the floor.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I believe that Representative Mayo overlooked one of the towns to be considered and that is the town of Machiasport, where the Bucks Harbor facility is. I wish to pose a question through the Chair, Mr. Speaker.

I would ask what the anticipated cost of this planned reimbursement might be?

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

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: In response to the Representative from Jonesboro, Representative Look -- the fiscal note on this legislation will read "future costs." It is not effective until after this biannual budget we are going to adopt. It allows the Commissioner of Corrections time to negotiate with the four towns that are mentioned. I will state it is just the four towns because it is the four towns included in the past bond issue that was allocated. Bucks Harbor was not included in that bond issue. That was a prior bond issue and will not be included. Although I would be happy to sponsor legislation next year for the good gentlewoman to adopt that for Bucks Harbor as I think that is appropriate as well there. I concur with the statements of the Representative from Saco, Representative Nadeau. The fiscal note will say, as I said, future costs.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to the two previous speakers as to reasons why I didn't issue a Minority Report that included all state properties. I believe one of the previous speakers spoke of the tremendous cost that was associated with this piece of legislation and it was felt by myself, and I am sure it was felt by the majority members of the Taxation Committee when they

first gave this bill a Leave to Withdraw, that it was just too costly to fund during this biennium.

I believe that any issue that we pass here dealing with reimbursement for state-owned properties, when we are talking about the loaf, irregardless of how big it is, that every one of those communities that have state-owned properties within their boundaries should receive a piece of that loaf. I think that if we are trying to attempt to resolve a situation for one community in this state through this process, that we are not dealing with a full deck. All the communities which have state-owned properties in them all have costs associated with maintaining those properties and maintaining services for those properties which we all use in one way or another. So therefore, I just believe that when we deal with a piece of legislation that concerns state-owned property throughout the state and reimbursement for services in lieu of taxes for those properties, that all towns should be treated equally.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask Representative Mayo a question.

The original bill, which the committee had, I spoke on it because we were included in it and I would like to ask him a question. Is AMHI considered a correctional institution?

The SPEAKER PRO TEM: The Representative from Augusta, Representative Hickey, has posed a question through the Chair to the Representative from Thomaston, Representative Mayo, who may respond if he desires.

The Chair recognizes that Representative. Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: When the Department of Corrections and the Department of Mental Health were separated, I would have answered the question by saying no. AMHI is not included in this bill nor is any other facility within the city of Augusta. My hope is that any future expansion of state-owned property in Augusta shall have this language adopted to it to properly treat Augusta in the future. As has been stated before, funds were not there to do the whole thing. As Representative Hickey knows, we fought, he and I together, to try to save this legislation before and we failed in that attempt. I would urge this House again to adopt the Majority Report.

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

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

We have just been hearing the negative side. I am sure that having the State House and all of these other buildings here in Augusta must have some positive side to it for the people that live in the area because they work here, the restaurants, the clothing stores. Has anyone looked into that aspect of it as to just how much of an advantage, if it is one, for all the revenue that is generated by the mere fact that all these state facilities are in the city of Augusta?

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

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: According to the latest

statistics, we have 19,800 jobs in Augusta, 7,000 of those jobs are held by people from the city of Augusta.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: To clarify to Representative Ridley, this bill does not deal with the city of Augusta. It only deals with correctional facilities and the four correctional facilities, as I stated before, are in the Allocation Act that we allocated this session. It deals only, and I repeat, it is not just the town of Thomaston, it is primarily the town of Warren, the site of a new maximum security 100 bed prison for the most harsh criminals in the State of Maine. It deals with the town of Charleston where there is going to be an expansion to the Charleston Center. It deals with the town of Windham where there is going to be an expansion to the Maine Correctional Center and it also deals with the town of Thomaston where there is going to be an expansion to the Maine State Prison.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: The item that is before this House is an item that is very near and dear to my heart. However, it fell short. I had a bill in front of the Taxation Committee which tried to do just exactly what the Minority Report wanted to do. The problem with that is we didn't have the money. We wanted to fund programs or reimburse communities that had state-owned property. The price tag on that originally was ten and a half million dollars. After working with it for a while, we whittled it down to a meager three and a half million dollars, that is substantial. It does not help me at all in my area at this point in time. Depending upon what the Joint Select Committee is going to do, maybe someday in the future this piece of legislation will. I think it is a step in the right direction, I think it is positive, it is progressive. If they can do it for corrections, then I am sure within the very near future, there will be some other legislation in here dealing with Mental Health and Mental Retardation and other state-owned properties.

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

Representative SEAVEY: Mr. Speaker, Men and Women of the House: The comments of Representative Nadeau from Saco and Representative Carroll of Gray are exactly the reason that I opposed the bill, not support it because really it is a half a loaf, it is an attempt to get the foot in the door. Once we pass this measure this year, next year they will come back and want all state property to pay service fees. We had a bill in here earlier that dealt with that and we killed it.

There is nothing in this bill for the city of Augusta, city of Gray, city of Orono, or any of the other towns that have vast lands of tax-exempt property. So the fact that it is a foot in the door approach and the fact that there can be no estimate of future costs is sort of scary in itself. I know it is unfortunate, when late in the session, many times you have these divided reports along party lines which otherwise might be unanimous committee reports. It is unfortunate that it comes at the end of the session. I hope you defeat the measure.

Representative Mayo of Thomaston was granted permission to address the House a third time.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: In response to the good

gentleman from Kennebunkport he said the word scary, and that calls something up in my mind. Ladies and gentlemen of this House, what we are talking about are people and towns in Maine that have to deal on a daily basis with the problems that go along with a correctional facility. I live in a house on Gleason Street in Thomaston, Maine. Across the street from my house is a house where a fellow resident of the town of Thomaston lived and was kidnapped by an inmate who escaped from the Maine State Prison. That's scary. That is very scary, that is something that I live with every day. That is something that I live with and other people in this state who live near correctional facilities live with. When the warden and superintendent of those facilities call us to say that they have just released an inmate that has been inside that facility for 20 years and he is now on the front steps of the Maine State Prison and they are following him because they don't know what he will do, that's scary. You know what else is scary? Last summer, when the sewer line that went from the State Prison in Thomaston to the Thomaston-run and paid-for sewer plant broke, and I couldn't even get the state to give us an easement to fix that sewer line, and my constituents and Representative Scarpino's constituents, who earn their living from that river, were out of work because the Marine Resources Department closed down the clam flats. That's scary. I realize that this bill does not help every city throughout the state, but I think it takes care of those cities who need it the most and deserve it the most. I would ask you to adopt the Majority Report.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: The other day I tried to point out the bad features of the allocation bill, and this is the bad feature that many of you overlooked because of the way I presented it.

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

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: As a former tax assessor, this is a bad bill. It is inequitable according to the laws of the State of Maine with regard to property taxation. We should be reimbursing all state-owned properties in all towns if we want to do it equitably.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge you to vote yes for the Majority Report. I will tell you why. I don't think we are going to have a jail in downtown Bangor, especially a corrections facility, but I do know if it did happen, that I would hate to see the taxpayers in Bangor have to increase their taxes to pay for a facility that might or might not be shoved down their throat. Although I don't think the facilities are quite as scary as some might, I still would be apprehensive of having it in my community. I do believe that the communities that are going to get it are going to probably be rural. And if they are rural, that means some substantial updating of services to maintain whatever they want to put in that area. I think we have to talk about substantial fairness when we think about this bill. I do think it is something that we have to contemplate and that we have to think about the fairness of it. I urge you to support the Majority "Ought to Pass" Report.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill is very discriminatory and if we cannot do it for all communities based on where we have state property, I don't think we should be voting on this. This will only benefit four different municipalities and, if we cannot afford to do it for all, I don't think we should do it for four.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to get up until Representative Racine talked about this. I was on the Majority Report for the corrections bill which is the same type of language. But I would just like to remind this legislature that I probably have as many non-profit, tax-exempt and state-owned buildings in the city of Portland as anybody. But I also know that mine are the University of Maine and I don't have people who are locked up because they have committed crimes at the University of Maine. I think that is the difference that we are looking at right now. This particular piece of legislation is going to help those communities because there are going to be times, ladies and gentlemen, when the towns are going to need to assist the communities of Charleston, Windham, Bucks Harbor, Thomaston, and Warren somewhere down the road.

In Warren, we are going to be building a brand new facility and we will probably need to have that road either paved or they will most likely have to have it plowed a lot more than they are plowing it now, and those are the things that I think we should be looking at.

Jails are an important part of state government because that is where we have to put the people who have disobeyed our rules and regulations. I think it is only fitting that we start with the small amount of money to help out these communities who are willing to take these places on. I know everybody said, let's stick it up in Aroostook County. We would probably love to put more facilities in Aroostook County but it is a long way from Kittery to go to Aroostook County. Most communities that I have talked to about prisons in the last few years don't really want it.

I think Representative Carroll can attest to the outcry that we saw down in the Pineland area last year when we started talking about a prison at Pineland. The community didn't want it, they told us they didn't want it, I think they told the Governor last year they didn't want it, they told the Governor this year they didn't want it. Those communities who have prisons ought to have something in it.

I would like to see some money back in my community. I can tell you the University of Southern Maine in Portland is taking an awfully lot of money away from the taxpayers of Portland and I would like to see more money but I still would like to see this particular piece of legislation passed for those communities that have prisons in them.

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

ROLL CALL NO. 155

YEA - Aliberti, Allen, Anthony, Bost, Boutilier, Carroll, Clark, M.; Conley, Cote, Crowley, Diamond, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Ketover, Kilkelly, Lacroix, LaPointe, Macomber, Mahany, Manning, Martin, H.;

Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Reeves, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tamaro, Taylor, Thistle, Tracy, Vose, Walker, Warren.

NAY - Anderson, Bailey, Begley, Bickford, Bott, Bragg, Callahan, Carter, Chonko, Clark, H.; Coles, Curran, Davis, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hale, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Ingraham, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Racine, Rice, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Baker, Brown, Cashman, Dellert, Dexter, Dore, Hillock, Jalbert, Joseph, Kimball, Lisnik, Marsano, Nadeau, G. G.; Parent, Pines, Reed, Richard, Ridley, Strout, B.; Weymouth, The Speaker.

Yes, 68; No, 59; Absent, 22; Vacant, 2; Paired, 0; Excused, 0.

68 having voted in the affirmative and 59 in the negative with 22 being absent and 2 vacant, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-358) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

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

The Chair laid before the House the following matter: An Act Relating to Boards and Commissions (H.P. 959) (L.D. 1288) (S. "A" S-212 to H. "A" H-336; 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.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-336) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-212) to House Amendment "A" (H-336) was adopted.

On motion of the same Representative, Senate Amendment "A" to House Amendment "A" was indefinitely postponed.

On further motion of the same Representative, House Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "C" (H-365) and moved its adoption.

House Amendment "C" (H-365) was read by the Clerk.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I just had this amendment brought to my attention. I wanted to make sure that

it wasn't superfluous to some language that we had put in the budget bill dealing with some additional staff from the Secretary of State's Office. I am not sure exactly what this amendment pertains to so I guess I would pose a question to the gentleman from Gray, Representative Carroll or someone else if they could assure me this wasn't redundant language?

The SPEAKER PRO TEM: Representative Higgins of Scarborough has posed a question through the Chair to Representative Carroll of Gray who may respond if he so desires.

The Chair recognizes that Representative.

Representative CARROLL: Mr. Speaker, Men and Women of the House: This amendment came to my attention, the fiscal note appropriation part, about five-thirty this evening. It is my understanding that Legislative Finance said this had to be put on this bill to clarify the fact that this was a project position and not a regular position. I am not sure if it is in the budget document at all.

Subsequently, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-295) and House Amendment "C" (H-365) in non-concurrence and sent up for concurrence.

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

(Off Record Remarks)

(At Ease to the Gong)

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

The Chair laid before the House the following matter: An Act Providing for Administrative Changes in Maine Tax Laws (S.P. 512) (L.D. 1536) (C. "A" S-193) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent.

SENATE PAPERS

RESOLVE, to Establish the Weatherization Services Study Committee (Emergency) (S.P. 640) (L.D. 1866)

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 Appropriations and Financial Affairs.)

On motion of Representative Gwadosky of Fairfield, tabled pending reference and specially assigned for Tuesday, June 16, 1987.

Non-Concurrent Matter

An Act to Address Productivity and Wage Adjustments for Hospitals, to Sunset the Maine Health Care Finance Commission and to Establish a Blue Ribbon Commission to Study the Regulation of Health Care Expenditures (H.P. 222) (L.D. 290) (C. "A" H-324) which was passed to be enacted in the House on June 15, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-324) as amended

by Senate Amendment "A" (S-203) thereto in non-concurrence.

The House voted to recede and concur.

(Off Record Remarks)

On motion of Representative Hussey of Milo, Adjourned until Tuesday, June 16, 1987, at one-thirty in the afternoon.