

MAINE STATE LEGISLATURE

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

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
90th Legislative Day
Wednesday, June 17, 1987

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

Prayer by Honorable Michael E. Carpenter, Houlton. The Journal of Tuesday, June 16, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 644)

**JOINT RESOLUTION IN HONOR OF
 THE BRUNSWICK NAVAL AIR STATION**

WHEREAS, on the blueberry plains of the Town of Brunswick and land once designated for a town common by Pejepsco proprietors in 1719, a United States Naval Air Station was constructed and then commissioned on April 15, 1943; and

WHEREAS, under the motto "Built for Business" it began its historic mission by training Royal Canadian Air Force pilots in gunnery procedures, carrier landings and formation flying for the British Naval Command; and

WHEREAS, following World War II, when it was no longer considered necessary for our national defense, this station was deactivated in 1947, having trained 25 British squadrons and maintained vital patrol missions 24 hours a day; and

WHEREAS, in 1951, after brief control by the State, the United States Navy reactivated the station with a primary mission of antisubmarine warfare by personnel and equipment of Fleet Air Wing Three and later Wing Five; and

WHEREAS, today, the Brunswick Naval Air Station provides facilities, services and material support to 6 antisubmarine warfare patrol squadrons that fly P-3 Orion aircraft and deploy to sites throughout the world; and

WHEREAS, in addition, this important station supports various ships of the United States Atlantic Fleet and over 30 off-station and training activities and operates on approximately \$70,000,000 with 3,500 in military and civilian personnel; and

WHEREAS, the United States Naval Air Station, at Brunswick, has a proud history of achievement from its earliest beginnings and has long played a key note in defense of this country. Its men and women of varied origins in both military and civilian service have built a warm relationship with the citizens of Maine and helped the Brunswick community become the cultural and trading center of a wide area of inland, coastal and resort communities; now, therefore, be it

RESOLVED: That We, the members of the Senate and House of Representatives of this the 113th Legislature of the great and sovereign State of Maine, pause to recognize and commend officials and staff, both military and civilian, of the Brunswick Naval Air Station for their excellent record of achievement and extend to each our sincere hopes and best wishes for continual success in the future; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted for presentation to the Station Commander and the President of World War II Association of Members of Ship's Company Personnel in honor of the very special significance that the station deserves.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Indefinitely Postponed

Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants" (S.P. 642) (L.D. 1870)

Came from the Senate indefinitely postponed. (The Committee on Reference of Bills had suggested reference to the Committee on Labor.)

On motion of Representative Willey of Hampden, the House voted to indefinitely postpone L.D. 1870 in concurrence.

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND THIRTEENTH LEGISLATURE
 JOINT SELECT COMMITTEE ON CORRECTIONS

June 16, 1987

President Pray
 Speaker Martin
 State House
 Augusta, ME 04333

Dear President Pray and Speaker Martin:

The Joint Select Committee on Corrections is pleased to submit its report to the Legislature pursuant to Senate Order, SP 016, which was ratified in both houses of the Maine Legislature on December 3, 1986.

Sincerely,

S/Sen. Beverly Miner Bustin
 Chair

S/Rep. Harlan Baker
 Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES
 SPEAKER'S OFFICE

AUGUSTA, MAINE 04333

June 16, 1987

Honorable Edwin H. Pert
 Clerk of the House
 113th Legislature
 State House
 Augusta, Maine 04333

Dear Clerk Pert:

Pursuant to Maine Revised Statutes Annotated, Title 3, Section 42, I am pleased to appoint you to serve on a full-time basis when the 113th Legislature is not in Regular or Special Session.

Also, pursuant to the same Statute, I am pleased to appoint Deborah Bedard Wood, Assistant Clerk, to serve on a full-time basis when the 113th Legislature is not in Regular or Special Session.

Sincerely,

S/John L. Martin

Speaker of the House

Was read and ordered placed on file.

ORDERS

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

ORDERED, that Representative Stephen M. Zirnkilton of Mount Desert be excused June 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lorraine N. Chonko of Topsham be excused June 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused June 12 and 15 for personal reasons.
Was read and passed.

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" in New Draft under New Title Bill "An Act to Delineate Areas of Economic Distress and to Create Job Opportunity Zones to Alleviate Distress" (H.P. 1312) (L.D. 1790) - Minority (5) "Ought to Pass" in New Draft (H.P. 1313) (L.D. 1791) - Committee on Economic Development on Bill "An Act to Create Job Opportunity Zones" (H.P. 1116) (L.D. 1512) - In House, Minority "Ought to Pass" in New Draft (H.P. 1313) (L.D. 1791) Report of the Committee on Economic Development read and accepted and the New Draft (H.P. 1313) (L.D. 1791) passed to be engrossed on June 9, 1987.

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

TABLED - June 16, 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 Chair laid before the House the second item of Unfinished Business:

RESOLVE, to Establish the Commission on Children in Need of Supervision and Treatment (Emergency) (H.P. 598) (L.D. 809) (H. "A" H-354 to C. "A" H-351) TABLED - June 16, 1987 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Final Passage.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 809 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-351) as amended by House Amendment "A" (H-354) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-354) to Committee Amendment "A" (H-351) was adopted.

On motion of the same Representative, House Amendment "A" (H-354) to Committee Amendment "A" (H-351) was indefinitely postponed.

The same Representative offered House Amendment "C" (H-387) to Committee Amendment "A" (H-351) and moved its adoption.

House Amendment "C" (H-387) to Committee Amendment "A" (H-351) was read by the Clerk and adopted.

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

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

TABLED AND TODAY ASSIGNED

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

RESOLVE, to Establish the Weatherization Services Study Committee (Emergency) (S.P. 640) (L.D. 1866) TABLED - June 16, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be engrossed.

Representative Rolde of York offered House Amendment "B" (H-388) and moved its adoption.

House Amendment "B" (H-388) was read by the Clerk and adopted.

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

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

Bill "An Act to Provide Relief from Property Taxes through a Low-income Credit Circuit Breaker" (H.P. 537) (L.D. 721)

TABLED - June 16, 1987 by Representative DIAMOND of Bangor.

PENDING - Adoption of Committee Amendment "A" (H-346).

On motion of Representative Diamond of Bangor, retabled pending adoption of Committee Amendment "A" (H-346) and later today assigned.

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

Bill "An Act to Prohibit Random or Arbitrary Substance Abuse Testing of Employees" (S.P. 643) (L.D. 1871)

- In Senate, passed to be engrossed without reference to a committee.

(Committee on Labor suggested)

TABLED - June 16, 1987 by Representative DIAMOND of Bangor.

PENDING - Reference.

Under suspension of the rules, without reference to any committee, the Bill was read twice.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I think this morning as we get ready to discuss sending out this bill that involves random testing for the decision for all the people of the State of Maine is entirely appropriate, if we stop for a moment and review where this legislature has been on this issue during this session.

In the veto message on L.D. 1788, which we discussed yesterday, it was impossible to truly discern the Governor's reason (on my part anyway) for a veto. He said he supports written drug testing policies, that was in the bill. He said he supports probable cause testing, that was in the bill. He said he supports reliable testing procedures, that was in the bill. He said he supports confidential treatment of test results, that was in the bill. While the Governor refused to say so, it is my belief

that he vetoed 1788 and brought us to this position today to discuss 1781, because it did not contain a provision for arbitrary or random testing in so-called safety-sensitive positions. Simply stated, this maneuver is nothing but a charade. The safety-sensitive concept embraced by the Governor will allow testing of virtually every Maine employee, the definition was that broad.

Therefore we come to this morning's position of indefinitely postponing a drug bill and now to taking the definition of random testing and send it to the people in referendum. I hope the members of this House will keep in mind that it is the people of this state who are affected by this drug testing. They should — we cannot and we have been unable to find a course that is agreeable to both the Governor and this body. I say, let the people of the State of Maine decide in referendum if they are in favor of random testing. I say random testing but what I am really saying is arbitrary. I deliberately use the term arbitrary to describe the Governor's proposed testing plan because, as he proposed it, it was arbitrary. Employees could be tested arbitrarily at the whim of supervisors as many times a year as somebody thought necessary because somebody has made a judgment that a person works in a safety-sensitive position. That safety-sensitive position, ladies and gentlemen, was that broad, it encompassed 80 percent of the people of this state. That is not random testing, but testing because somebody thinks a person should be tested. It could be used punitively, it could be used to harass the hard working people, rather than improve workplace safety which we all say is what we want.

When the Governor was seeking office, he campaigned as a consensus builder, one who could fashion compromise, bring people together and negotiate solutions. Frankly, his performance on the drug testing issue has hardly been one of a compromiser or a consensus builder.

He entered the process late after all the members of the Labor Committee — when I say all the members of the Labor Committee, I am talking about Republicans and Democrats alike — were on the verge of a unanimous agreement and, in so entering at the eleventh hour, destroyed the consensus that had already been built without his participation. He vetoed a bill that had bipartisan support from the committee, eight Democrats and 2 Republicans, with only 3 Republicans opposed. He resurrected the safety-sensitive concept that the committee had already unanimously agreed was unacceptable. The Governor after that point listed several different objections to the committee's original compromise bill. The committee addressed all but one, all but one, of the objections in the manner the Governor requested. He then vetoed that bill that we sustained yesterday because we had failed to give in on that one remaining issue, random testing and arbitrary testing. This is hardly the behavior characteristic of a consensus builder. He failed to compromise, we tried to compromise. He failed to negotiate, we tried to negotiate. He preferred instead to dictate the terms of surrender to a co-equal branch, that's us, a co-equal branch of state government. Failing to achieve 100 percent of his objectives, the Governor resorted to his veto. This is more typical of someone who is denied exactly what he wants and says, that's it, the game is over, I am going home.

If the Governor wants to leave the Maine work force open to indiscriminate, arbitrary drug testing, then let him say so. Let us now, as members of this body, take this bill and send it to the people and

let him listen to the people if he won't listen to us. It is a sad day for me as a member of the Labor Committee, after we have worked so hard, so many hundreds of hours collectively to bring about a true compromise in behalf of the welfare of the people of the State of Maine. But if we cannot do it, then we will let the people decide and let the courts decide, ultimately. I guess I am going to have to say when we look at this and urge its going to the people, that the Governor won, and the people lost. Now let's put it in the people's court.

I would just like to close with one thing, the comments of a famous Yankee catcher, Yogi Bera, I would just remind everybody its not over until its over.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will join with Representative Willey and myself in indefinitely postponing this piece of legislation.

Once again, the accusations about Governor McKernan continue to fly around. Once again, we will attempt to set the record straight. The Governor has been accused of not compromising. Let me quote to you from the letter that Governor McKernan wrote to the Senate and House Chairs of the Labor Committee on May 28th of this year and the specific negotiations that went on during that period are included in here. On the last page it says, "I have listed above my other specific objections. I would like to reiterate that I consider these concerns to be serious, and accordingly, I am not prepared to accept this current draft as written. I would, however, reiterate my support for the Minority Report of the committee, previously printed as L.D. 1398." That addressed one of the points that was mentioned yesterday, that the Governor had not expressed his support for any bill. Clearly, he has here. The Governor also says specifically, that he would "accept a requirement the Department of Labor classifies as safety-sensitive positions pursuant to the normal rule-making procedure." He would also be "willing to require the use of GCMS testing specified in the committee's draft." In addition, he would "support appropriate statutory language which prohibits employers from using a testing program to harass, coerce, or intimidate employees." So the Governor, too, as well as the committee, has made every effort to compromise, but we have the stalemate at that one specific area of safety-sensitive testing, randomly.

For those of you that are not aware, the United States Congress is at this time considering legislation which would allow random testing for the transportation industry, and specifically railroad workers have been mentioned in news accounts of those activities and, if I am not mistaken, I believe the committee has just put out a report which is overwhelmingly in favor of allowing that testing to go forth. So clearly, the Congress believes the use of some form of random testing for safety-sensitive positions is in the best interests of, not only the employees who must work beside people with whom their very lives and well being depend upon that person not being under the influence of drugs, and indeed, the general public to also be ensured that they too, when

forced to be in the hands of another, will know that that person is at their best at that time.

When we originally had the hearing dealing with these drug testing bills, and somebody can correct me if I am wrong, I believe there were two, perhaps three employees who actually came forth to testify that they felt that the testing procedures being used were discriminatory. I believe those employees were from the Bath Iron Works Corporation. Other than those three, I personally have not been aware of any great outcry on the part of the working people in this state that testing has been abused or that they are subjected to some blatant interference with their rights or their privacy. So it is entirely possible that we are creating this emergency in our own minds.

If, in fact, the problem is as widespread as some would have you believe, then why hasn't there been some kind of an effort to get the signatures necessary to force this issue to a referendum and initiated by the people? This is quite simply an attempt to get around the legislative process. We have not been able to agree with the Executive Branch on how this problem will be dealt with, so now we are going to try and go around the legislative process and take the issue to the people. If we do pass this bill, I feel confident that the vote will be just as my questionnaire told me it would be, somewhere in the area of 80 to 85 percent against banning testing and many of the people with whom I have talked to experienced similar results with their questionnaires.

As far as the comments that the Governor has won and the people have lost, that is hogwash ladies and gentlemen. Yesterday we covered that very same issue. We have had ample opportunity to enact a bill in this session that would have granted protection for the overwhelming majority of the workers of this state, people who do not work in a safety-sensitive position would be protected. They would not, under any circumstances, be subjected to any form of random testing and the only time when they could conceivably be tested would be if probable cause was clear and evident. And for that reason, I say, don't cast the blame on the Governor of this state that we are not enacting some form of legislation. He has compromised in this letter, he has given us every opportunity to put together something that he would be in agreement with. He has been very clear, more than clear, on what he is in agreement with. So let us not accuse him of not acting in the best interests of the people of this state.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we will not go with the pending motion on the floor but to support 1871.

I, too, will address some of the issues that the good Representative from Mt. Desert brought to your attention. Rest assured of one fact, everything, every concern that the Governor of the State of Maine had, we addressed. There was a clear effort. The veto message clearly states what he wants and we clearly refuted yesterday that we did not address his concerns. We certainly addressed random testing, we would not approve random testing -- period. Safety-sensitive, we were concerned with. As a committee, we cannot delineate a safety-sensitive position.

It is certainly not the intent of the Representative from Brewer or myself by speaking for this legislation to circumvent any legislative process or to relinquish any responsibility that we have as Representatives of our people or the people of the State of Maine. But it is quite evident that after working on as many Legislative Documents trying

to address the problems, trying to compromise, and all of the number of weeks that we have worked on it, that there can be no bill presented other than going to the people, that the second floor will sign.

This is why I urge you to support 1871 and not to support the indefinite postponement. Rest assured that your Labor Committee, all of them, are concerned but we also are concerned about the people of the State of Maine. Remember your working force are your people. The small businesses consists of the working force. They are your people, your constituents. They are the taxpayers and they are the people that have to contend with this more so than we do.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add a few comments on this particular issue.

Politically, I would very much like to see this issue go out to referendum because I think the people would speak very resoundingly in favor of the position that many of us have been advocating for a long time, that random testing is a reasonable way to reduce drug use in the workplace. However, I have to ask you to vote against this bill in the interest of good lawmaking because this issue is far, far too complicated to expect the voters to try to hassle out at the ballot box. We are going to ask the voters to do something we here have been unable to do, that the Labor Committee was unable to do, that the House and Senate working with the second floor had been unable to do. I think that is very unrealistic and unreasonable passing of the buck by us if we were to allow that to happen. I don't think that we should expect the average voter in the State of Maine to try to discriminate between Gas Chromatography Mass Spectrometry tests and Thin Layer Chromatography tests, EMIT screen tests, the concept of probable cause and the legal problems there, it is just unfair, it is unworkable. I think we should deal with it here in Augusta rather than expecting the voters to deal with it.

For that reason, I would ask you to support the pending motion.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I rise again today to address some of the remarks made by the good Representative from Skowhegan. He just told you that it is too complicated for the voters to understand but it is not too complicated for them to vote for us, is it? I am sure if they have got enough common sense to vote for a Representative to come to this House, to express their votes and to press their button to express their views, they are certainly capable of understanding a referendum question.

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 Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone on the Labor Committee.

I am very interested in the area of safety-sensitive positions and random drug testing seems to be the stumbling block. Could anybody on

the committee quote me a case study in any state in this country where it has been blatantly abused by management against organized labor?

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

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would point out to the Representative from Gorham that as recently as last week, the High Court of Appeals in New York rendered a decision in a case involving public employees, school teachers, that there was, indeed, unfairness in safety-sensitive measures and in random testing. I feel very confident that given the time the courts in the State of Maine will use that judicial precedence to follow suit. I hope this answers the gentleman's question.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: While there seems to be a court case in New York, I am not aware of that court case but I would like to talk about a federal issue that's concerned with the armed forces in the late seventies. I was appointed the officer in charge of the drug testing program for the 3rd Marine Air Wing which included all of our Pacific forces. If you recall, there was quite a problem with drugs in the military in the late seventies. Random drug testing was instituted and it was done from the computer on a social security number basis to identify random sampling in different units. We had a high level of drug abuse in the Marine Corps at that time. Through random drug testing, we were able to identify a few, just a few, less than one percent, that any action was taken, and that action was rehabilitation. But the remarkable result of that program was a tremendous drop in the use of drugs in the Marine Corps. That was a case study that was used to implement other programs in the military. Granted almost every position involved in the military is safety-sensitive, but here is an example of random testing being used and it wasn't arbitrary.

There seems to be a paranoia here about addressing a problem of drugs in the workplace, a paranoia that some group may be singled out and their rights abused. We are elected here to prioritize the legislative process and address problems that seem to be in our state today. Drugs are a problem in our state today, they are a problem in the workplace, they are a problem in our schools. Every one of us seems to be very willing to expound rhetoric in our campaigns that we are tough on drugs, we are tough on alcohol abuse and all that. When it comes time to do something about it, we seem to fabricate reasons why we are not doing anything about it.

There hasn't been a rampant anti-labor movement across this country to single out organized labor with this tool of random drug testing. This hasn't surfaced. The idea of the last ditch effort to restrict any drug testing legislation by referendum concerns me at this late hour.

I guess the lobby has been working and burning the midnight oil. It seems to me if this was a concern with the rank and file to the extent that people seem to think it is up here, that organized labor within a week could come up with the amount of signatures required for the Secretary of State to have a referendum on this issue. So I think we should look at that, if that is a concern with the rank and file. There are many union people in my

area that tell me about the problems in the mills with drug abuse and they are concerned because their lives are in harms way when other people driving a fork lift truck have to be excused from work because he has a problem with cocaine or whatever and it is just pushed aside. They say they don't want to work with him anymore because he is unstable but there is nothing that can be done about it.

This issue of random drug testing, if it is done in a random way and we already have models of how it can be done, will make a giant step forward in identifying this problem and helping it rehabilitate. It is not a vindictive pursuit of anybody, we want to identify the problem and help rehabilitate these people. There has been no mention that this is a management tool to break labor by any means, but to identify the problem. It can be done and has been done and I have been part of a program that has been successful and I was proud of that and I am proud of that now. I wish that we would look at that. If there is an abuse in any part of this state, it can only be abused for six months because the legislature is going to come around and nothing is sacred while this legislature is in session. I wish you would consider this and indefinitely postpone this.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The prior speaker has talked about the paranoia. Let me put you people in the shoes of the working people by stating -- what if the President of the Senate and the Speaker of the House were to adopt a rule and the House and would agree to that rule that any member of this legislature, any cabinet member, any executive, any elected official in this state, that is found to be using and abusing substances abuse tests and they find a positive test and you allow them to proceed to evict these people from the chamber or the job that they have, how would you feel having these people saying when they are going to test you, how they are going to test you, randomly, that is what you mean. They could start procedures to evict you. How would you like that? I don't think the people would like that very much. I know it is unconstitutional, you could not do it, but, you know if you have to live under that cloud that any day they can come in and test you, especially some people after lunch.

You know when we are talking about abuse of substance, we are not talking only about drugs, we are also talking about liquor. Now in the State of Maine supposedly we have Dirigo, it means we lead. We are no longer leading, we want to follow. Somewhere in the Constitution it says, "for and by the people." We are now at a point where it is for and by the corporations. I certainly hope that we do not indefinitely postpone this and let the people speak.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Just briefly, we are not creating an emergency, we are trying to find something that will pass. If Representative Hepburn from Skowhegan believes that there is any mention of any different kind of a test in this bill, there is not. This talks about any kind of test. All we are asking is that the people of the State of Maine vote on the question, "Shall the State Prohibit Random and Arbitrary Substance Abuse Testing of Employees by their Employers?" I think we are in deep trouble folks when we don't remember that government is "by the people and for the people."

I urge you all, every one of you, to vote in favor of this measure. It does not talk about any of the other conditions that the drug testing bills have talked about in the past. It does mention probable cause. But probable cause described in this particular measure simply says, "that an employee submit to a substance abuse test only if he has probable cause to believe that the employee may be under the influence of substance abuse." Simply that, a very clear and direct issue. I intend to take the high road in this issue today in asking you to vote for this measure. This measure deserves all of your votes in order for the people to speak, and if you have any other determinations in how this is going to be done, yes Representative Hillock we can talk about it the next time we convene.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: The good Representative McHenry has posed a question in terms of members of this House — how would we feel if random testing or even mandatory drug testing was placed upon the members of this House or the other body? We were going to have that type of proposal put before us by Representative Baker of Portland. I had planned on voting for that amendment until it was ruled not germane.

In response to the good Representative from Waterville, candidate McKernan very clearly took his case to the Maine people and he indicated that there was a need, a concern, to attack the problem of drugs, whether it was in the schools or whether it was in the workplace.

We have seen initiatives that have had bipartisan support to get drugs out of the schools and to begin to aggressively go after those who deal in drugs. We have heard in the debate today that the areas of difference is random testing in safety-sensitive areas. There are many of us in this House, and the Governor has indicated with his letter of willingness to cooperate, that he has a very deep concern that the members of the general public need to be protected, that Maine workers have a right to be protected from people in those positions who are impaired or under drugs. It is a very clear issue.

Everyone of us here has sent out questionnaires and I would think probably most of us included a very simplistic question about banning the random testing of drugs. I have looked at the results of those questionnaires that have gone out, including into districts that have a good number of workers who belong to unions, the lowest percentage I saw in terms of the general public was 80 percent. 80 percent was the lowest figure on a questionnaire dealing with the issue of supporting random testing in safety-sensitive areas. The approval rate went as high as 91 or 92 percent.

Now as much as I would like to see maybe certain members of this chamber or people that have been continually bringing the issue from outside of the chamber to this chamber to receive that message from the Maine people, my feeling is that this is still a legislative matter. I think the issue has been defined in one or two areas, I feel very clearly that a majority of the legislature as well as the executive branch can come together on this issue. Therefore, I am going to vote against this bill because I think it is an issue still before the legislature for the legislature to address.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: Lost in the debate this morning is the fact that both this body, the other body, and

the gentleman on the second floor, are at odds over how this issue can be resolved. We could stand here all day and talk about our concern about drug abuse and alcohol abuse in the workplace, drug abuse and alcohol abuse in our private lives, and we are not going to resolve the issue before us and that is whether or not we are going to allow this law or some law dealing with the problem to take effect.

The Labor Committee has worked for months to try to resolve this problem. For a long time, it looked as though there would be a bipartisan proposal that would come forward that all could agree with. Unfortunately, that did not take place.

Contrary to the statement of the gentleman from Skowhegan, Representative Hepburn, few, if any members of the minority party on the Labor Committee, ever have been long-standing proponents of random testing. If you go back and look at the statements made in the press, when the compromise was being hammered out by the committee several months ago, that was not the case. There was a general concern about random testing and that is why it was not in the original bill. Subsequent proposals coming before the legislature dealing with random testing only divided along party lines when the second floor interceded and interceded at the eleventh hour.

As a result, this became a partisan issue. It became one where each side was trying to flex its muscle and it doesn't matter which side of the aisle you are on on this issue, the answer is clear to every one of us, we cannot resolve it without the cooperation of the second floor, they cannot resolve the problem without our cooperation.

I have always been an opponent of sending things to referendum when I think the legislature has an obligation to deal with the problem. I think that this is one of those situations where we have to send it out. The only way we can protect the legitimate rights of those innocent people in Maine from this sort of abuse is to send it out to them and let them decide, once and for all, whether or not it is appropriate to permit random testing. I personally oppose it, the majority of this body opposes random testing. I think it is wrong that this government should allow businesses to treat employees like lab rats. Maybe the public disagrees however and I think if we want to accommodate the legitimate concerns of the gentleman on the second floor, then we should give the people the opportunity to express themselves.

The argument that no compromise has been attempted is a fallacious argument. There were fifteen concerns of the Governor, the committee addressed thirteen of those concerns in the spirit of cooperation. Both sides have to participate in a compromise and unfortunately, the gentleman on the second floor, has not on this issue. We are not going to get anywhere on this issue if we assume that it is one we can resolve ourselves. Unless we have both sides participating and are trying to accommodate the other, then we will never resolve it, we will continue to subject our people to the threat of random testing in the workplace. For that reason, we have no other choice but to send it out to the people and let them deal with it since we have been unable to do so ourselves.

It is a disappointment that government hasn't been able to go to bat for the people of the state. We talked about a policy that, if government tried to implement that policy, we would have calls for revolution and they would be justified. However, we have the proposal that we have been debating for several months now that we give businesses the right that we so much cry about today. If you think it can

be resolved here, you are fooling yourselves and you are trying to fool us.

Let's send it out to the people, let's respect the work of the committee, respect the work of both sides on this issue, and give the people the chance to have their say.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman in the corner has said to you that all members of the Labor Committee were concerned with random testing and he is right, he is exactly right. Some of the members were concerned about the existence of random testing, and other members such as myself, are concerned about the potential of abuse in the area of random testing. Our concern was to make sure that if random testing was going to be done that it was going to be done properly and that it would not be used as a weapon of some kind to intimidate employees by employers, that was our concern, that is what we have tried to address.

Again, we talk about the lack of cooperation on the second floor. I think we have quite adequately demonstrated in the letter and by various accounts in the press and otherwise that the Governor has compromised. Granted, the Labor Committee has compromised as well. The obvious impasse, if you will, is in the area of random testing. Clearly, the majority of the members of this legislature are unwilling to compromise in that area and the Governor of the State of Maine is equally adamant about his unwillingness to compromise in that area. The result, contrary to statements that have been made here, is that we are trying to get around the Governor's objections. The Governor has vetoed two bills which the majority has put forth for his consideration, neither met with his objections and he sent them back to us. Now we are going to try and get around the Governor's objections, we are going to try to send the issue to the people.

I think the Representative from Skowhegan very eloquently addressed the concern about the complexity of this issue and whether or not the people, who have not had an opportunity to sit through months of expert testimony as the members of the Labor Committee have had an opportunity to do, will be any more versed in this complex issue than we are. More than likely, they will not. And for that reason, I say to you, let us not cast our responsibility away when we have all of the tools here to deal with the issue effectively, even if we don't agree on them. We have the expert testimony, we have the information, the facts available to us from which we can make the right decision that acts in the best interest of the people and not get around the process and throw it out for the people to make a decision based on what they feel and not on the facts. But if we do do that, I would again reiterate that I believe they will do what they so far have made very clear to all of us, they will uphold the idea of random testing.

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

Representative BEGLEY: Mr. Speaker, I will be very brief.

Ladies and Gentlemen of the House: There are just three quick points I would like to make as a member of the Labor Committee. I would like to remind this body that we did not see this bill as a committee, we did not ever sit around a table and talk about it and discuss it, so I think that when you are told and we are saying we are going around

the whole committee and legislative process, I think that is so true.

The second point I would like to make is that, it is always my understanding that when we send something out to referendum, it costs us money. I would like to have us think about that a bit. I cannot tell you at this point how much money it would be, but I do believe that it would be costly to have this printed up and sent out to the people. I object to that.

The third point is, when I was elected to come here, I had many constituents say to me, "You make the decisions. We don't always want you sending things back to us." I have no qualms at all about making a decision on this issue. I am sorry, it does not seem to be that we can do it this session. But I certainly hope that you will vote to indefinitely postpone this bill.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Mr. McHenry's remarks. I was fortunate to spend a little hitch in the U.S. Navy and if you think drug testing is a problem, they had a little ceremony every Friday afternoon and it required a little exercise before you could go ashore and come back. I spent 25 years in the South Portland Fire Department and lived under a strict code that you could be inspected at any time they wanted to inspect you. Mr. Speaker, if any member of this House or yourself would like to test me for drugs, I am available.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Hampden, Representative Willey, that L.D. 1871 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 160

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

NAY - Aliberti, Allen, Baker, Bickford, Bost, Boutilier, 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, Hickey, Hogleund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Macomber, Mahany, Manning, Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

ABSENT - Cashman, Farnum, Kimball, Lacroix, Martin, H.

Yes, 62; No, 82; Absent, 5; Vacant, 2; Paired, 0; Excused, 0.

62 having voted in the affirmative and 82 in the negative with 5 being absent and 2 vacant, the motion to indefinitely postpone did not prevail.

Subsequently, the bill was passed to be engrossed in concurrence.

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

PASSED TO BE ENACTED
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$8,300,000 for Sewage Treatment Plant Facilities (H.P. 397) (L.D. 531) (C. "A" H-369)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 112 voted in favor of same and none against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Acquisition of School Buses for Maine Public School Units (H.P. 738) (L.D. 1001) (C. "A" H-367)

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

Representative Bailey of Farmington was granted permission to be excused from voting on this issue because of a potential conflict of interest.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 102 voted in favor of same and 16 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Bond Issue
Later Today Assigned

An Act to Authorize a General Fund Bond Issue in the Amount of \$40,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife (H.P. 764) (L.D. 1027) (C. "A" H-366)

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
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 to Protect Ground Water Quality and Public Health Through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills (H.P. 1009) (L.D. 1356) (C. "A" H-368)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 129 voted in favor of same and none against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for Detection and Removal of Asbestos Hazards in State Facilities and Public Schools (H.P. 1041) (L.D. 1403) (C. "A" H-372)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 121 voted in favor of same and 6 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Removal of Oil Storage Tanks and Related Ground Water Restoration (H.P. 1048) (L.D. 1411) (H. "A" H-377; C. "A" H-371)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 131 voted in favor of same and 2 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Better Accommodate Over-order Milk Pricing (H.P. 1274) (L.D. 1741) (S. "A" S-217 to C. "A" H-342)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Ensure Safe Management, Recycling and Disposal of Solid Waste and to Reorganize the Solid Waste Law (H.P. 1360) (L.D. 1862)

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 Temporarily Allow the Sale of Liquor on Sunday in Restaurants in Certain Municipalities (H.P. 1365) (L.D. 1869)

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

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This is another drug issue and I hope you will vote against it. I would ask for a roll call.

I was always told ignorance of the law is no excuse and you have all probably heard that also. I

cannot believe that we would be rewarding a person or persons for breaking the law, knowingly or not knowingly. When a town has never voted to do so, that is the way it is worded in the bill, we are going to allow the municipal officers the power to vote for the people if this bill passes. There is an item here if the person has only broken the law for less than two years, then he would not be allowed to continue, under this bill. Now this bill would not put anybody out of business, it is only for the Sunday sale, which is a half of a day.

They make reference in the bill of non-residents, not the residents. Suppose a business was fined according to the existing law. How many weeks was he operating — well it is a summer business, suppose it was 26 weeks and they are doing it for the tourists, 26 weeks, that would mean for 15 years, that is 390 Sundays, if he was fined for just one occasion, I am sure there are many on a Sunday, that would be a fine of \$39,000. It is \$100 for each fine. Now, we are going to fine the people for this if this bill passes, we are going to forgive, which I can go along with, but to reward, I think it is outrageous. Ignorance of the law is no excuse. This bill would apply to more than one business, we don't know how many. I think the liquor enforcement should get on the ball and start checking and maybe there should be two licenses, a regular white one for regular sales and a red one posted for Sunday sales, then when the enforcement comes around, they would at least know what they were checking for.

I would hope you would vote against this measure today and the person can get his license through the regular process. Again, I would ask for a roll call.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. I put the bill in for the following reason. I am going to read a letter that I received from the City of Eastport's manager. It is addressed to me and it says, "Dear Harry: The City Council is requesting your assistance in enacting emergency legislation to permit the selling of spirituous and vinous and malt liquor in Class A restaurants on Sundays starting at twelve noon. This will be temporary legislation until a referendum and any other requirements of the state and the Maine Liquor Commission are met. One of our Class A restaurants recently submitted an application to the Liquor Commission for a special event and they discovered that the records of the state indicated that the city had not approved Sunday sales of liquor for consumption on premises. The Class A restaurants, City Council, and apparently the Liquor Commission, were under the assumption that all requirements were met because licenses had been issued for a minimum of at least 15 years that we can confirm. You can understand the emergency of this legislation just when the tourist season is just starting. If not approved, you can understand the terrible burden on these restaurants which have such a short season to operate and make a living. The City Council has already unanimously approved this request for emergency legislation and instructed me to ask for your help."

The particular restaurant that I am talking about is the Cannery Restaurant in Eastport. I came back in 1975 and my wife and I and friends have been going to this restaurant for all of these years. It is a very nice family restaurant. As a matter of fact, people from Calais, Machias, and all over Washington County come into this restaurant because it is a lovely scenic little restaurant sitting on the wharf and overlooking the water.

The people who own and operate this restaurant had no idea whatsoever that the question had not been voted. I can tell you how that can happen. There are two options necessary to sell liquor in a Class A restaurant that has to be voted on. One option is just to get a license for the six days which is a license issued by the Liquor Commission based upon an affirmative vote of the town when they go to referendum, which is required. A petition is submitted and they go to referendum vote and it says that you can serve that liquor.

If you want to serve on Sunday, there is another option question that also has to be voted on that says you can serve that liquor on Sunday. The unfortunate part of it is there aren't two licenses, there is only one license issued by the Liquor Commission.

The restaurant changed hands after five years of operation and the present owners were not aware that there was not a vote taken on Sunday liquor. There has never been an objection by any person in the town for the selling of that liquor on Sunday. Most people I know of, my friends and people that have been down there on Sundays and enjoyed a very very pleasant repast, some people do have a highball or a drink of wine before their dinner and a lot of people don't but it has never been known as a joint or anything, it is a nice restaurant.

This gentleman and his wife who operate this restaurant have started the season. They only open during the summer and 4th of July is coming and 4th of July in Eastport is the big event of the year in Eastport. It is old home week, people come from all over the place and they want to operate this restaurant.

Incidentally, this bill that we are presenting here now authorizes for them to continue to sell liquor on Sunday until August, the 15th. They have already begun the petition process. There will be a referendum vote because there is 42 days required to take the vote. That is the reason August 15th is the one we have aimed at. Now they have started a petition process, there will be a referendum vote held in the City of Eastport and, if they vote that they cannot sell liquor on Sunday, that Sunday license will be terminated on August 15th.

I hope that you will give me an affirmative vote and help these young people in my hometown.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you support my good friend, Representative Vose, from Eastport. This bill was brought to the Legal Affairs Committee because of something that the Liquor Commission found. If anybody is to blame for what happened, it is the Liquor Commission. They have been issuing permits to sell liquor and the permit they issue does not specify six days or seven days. When these people were given the permit to sell, they assumed they could sell on Sunday. Recently, through some quirk, somebody found out that some of these towns had not actually voted to allow the Sunday sale.

Now this particular case of some selling it on Sunday for 15 years, this is not the idea they have been breaking the law like the old fashioned bootlegger we knew years ago. These people were under the assumption that they had been authorized by the Liquor Commission to go ahead. They wish to do what is right but since they found a quirk in the law they now need a little breathing time to be able to go out and get the referendum.

I would hope you support Representative Vose.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I don't think we are talking about the quality or the type of restaurant here at all, that is not the case. We are talking about doing something that is not in accordance with the law. We are talking about only half a day, we are not talking about the other six days. That man is not going to make his living on that half day. I can't believe that the business will go out because of that half day. I cannot, in all good conscience, vote for a person to continue breaking the law. Those council people, they probably should have known what the regulations were to allow the person to continue operating.

I know if a person goes up fishing and they go on the wrong pond or don't know where they are at and it says "fly fishing only" and "two fish," I am sure the warden wouldn't give them 30 days to read the regulations and not fine them for what they have done. I can't see how we can go along with this. I hope you vote against it.

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 all of the members elected to the House being necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 161

YEA - Allen, Anthony, Baker, Bickford, Bost, Bott, Boutilier, Brown, Carroll, Carter, Clark, H.; Coles, Conley, Cote, Crowley, Davis, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Foster, Garland, Gould, R. A.; Gurney, Gwadosky, Hale, Hanley, Harper, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, Macomber, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Reeves, Rice, Richard, Ridley, Rolde, Rotondi, Rydell, Salsbury, Seavey, Sheltra, Simpson, Small, Soucy, Stevens, P.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Willey, Zirkilton.

NAY - Aliberti, Anderson, Armstrong, Bailey, Begley, Bragg, Callahan, Chonko, Clark, M.; Curran, Dexter, Farren, Foss, Greenlaw, Handy, Hepburn, Hillock, Hussey, MacBride, McPherson, Michaud, Parent, Ruhlin, Scarpino, Sherburne, Smith, Stanley, Stevens, A.; Stevenson, Weymouth, Whitcomb.

ABSENT - Cashman, Kimball, Lacroix, Martin, H.; The Speaker.

Yes, 113; No, 31; Absent, 5; Vacant, 2; Paired, 0; Excused, 0.

113 having voted in the affirmative and 31 in the negative with 5 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

AS AMENDED

An Act Establishing the Maine Commission on Outdoor Recreation (S.P. 427) (L.D. 1307) (S. "B" S-222 to C. "A" S-186)

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby L.D. 1307 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-186) was adopted.

On further motion of the same Representative, the House reconsidered its action whereby Senate Amendment "B" (S-222) to Committee Amendment "A" was adopted.

On further motion of the same Representative, the House voted to indefinitely postpone Senate Amendment "B" (S-222) to Committee Amendment "A" (S-186).

The same Representative offered House Amendment "A" (H-385) to Committee Amendment "A" (S-186) and moved its adoption.

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

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

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

PASSED TO BE ENACTED

An Act to Amend the State Retirement Laws (S.P. 617) (L.D. 1818) (S. "A" S-220 to S. "A" S-184)

An Act to Promote Equity in Determining Medical Eligibility for Institutionalized Care (H.P. 313) (L.D. 412) (H. "A" H-374 to C. "A" H-307)

Were reported by the Committee on Engrossed Bill 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 Change the Basis of Telecommunication Taxation (H.P. 1352) (L.D. 1846) (H. "A" H-364)

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

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

Representative MAYO: Mr. Speaker, Men and Women of the House: We are about to enact a major change in the telecommunications law and I would like to read a statement into the Record, a very brief statement. "All telecommunications companies are presently required to maintain uniform records of net book value of their property. This legislation the State Tax Assessor will use the net book value for assessing telecommunication companies to determine the value of their personal property." I urge this House to pass this legislation.

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

PASSED TO BE ENACTED

An Act Relating to Boards and Commissions (H.P. 959) (L.D. 1288) (H. "C" H-365; C. "A" H-295)

An Act to Prohibit Initial Service Charges by Public Utilities (H.P. 1290) (L.D. 1768)

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.

Later Today Assigned

An Act Creating the Maine Low-Level Radioactive Waste Authority (S.P. 639) (L.D. 1865) (S. "A" S-218; S. "B" S-221; H. "A" H-382)

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

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

PASSED TO BE ENACTED

An Act to Authorize Kennebec County to Raise up to \$9,500,000 for Construction and Improvement of Jail Facilities for Kennebec County (S.P. 614) (L.D. 1809) (C. "A" S-227)

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

Representative Joseph of Waterville moved that the House recommit the Bill to the Committee on State and Local Government.

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

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This bill came to us on Friday, we had the hearing on Monday, and it deals with the Kennebec County construction to the new jail or the expansion to their existing facility.

The committee had a lot of mixed feelings about it. We asked the county delegation in Kennebec to take a vote to figure out what they wanted to do, that vote came back 15 to 5 in favor of sending this issue out. The committee honored those wishes and hence the Majority Report, "Ought to Pass." I would think at this late date if it came back to our committee, it would sit there for an extended period of time or we would have to wait for the council to approve it to be held over. I don't think we have the time to deal with the problems of it.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Kennebec County does need a new jail. I have no intention of killing this bond issue. My only intention is to act responsibly.

Some of those 15 persons on the delegation who voted in favor of this jail and five persons were opposed. I believe that we as a delegation need to be unified on this issue in order to go out and sell this issue to the Kennebec County residents. After all, this is a property tax increase.

The questions have not been answered. We have asked, are you going to build a new jail? The question was not answered, that is plan C. We have asked, are you going to renovate the old jail and expand the old jail? That is plan B. We have asked, how much of a staff increase would it take to operate the new 130 or 140 bed facility and we have been told a percentage figure founded by the National Institute on Corrections of 63 percent more staff persons. We do need a new jail but we also need to know how the taxpayers money is going to be spent.

This particular piece of legislation was brought to us for \$11 million. When we asked those questions, we complained about the seemingly high number and in a days time, it was reduced to \$9.5 million. My concern is, if we continue to complain or ask questions, will it then be reduced to \$6 million, \$7 million or \$8 million?

Please do not misunderstand me, we do need a new jail. This jail was built to house 50 inmates. The average population is 60 inmates. So, nobody can deny that we need a new jail. All we are asking for is information, figures.

On motion of Representative Vose, the House reconsidered its action whereby An Act to Prohibit Initial Service Charges by Public Utilities (H.P. 1290) (L.D. 1768) was passed to be enacted.

On motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same Representative offered House Amendment "A" (H-390) and moved its adoption.

House Amendment "A" (H-390) was read by the Clerk.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is putting an emergency preamble on this bill. The reason for doing that is, since this bill prohibits initial service charges by public utilities, affectionately known by this body as the hookup charge, then there is no need for the hookup charges to be charged any longer because it would have to be refunded in September when this bill became law. Therefore, the emergency preamble would make the law immediate.

Subsequently, House Amendment "A" was adopted.

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

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

SENATE PAPER

The following Communication:
The Senate of Maine
Augusta

June 16, 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 indefinitely postponed Bill "An Act to Alter the Fee on the Registration of Underground Tanks" (H.P. 1306) (L.D. 1785).

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

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Transportation

Bill "An Act to Extend the Time for the Transfer of Authority to Adjudicate Traffic Infractions to the Secretary of State" (H.P. 1366) (L.D. 1872) (Presented by Representative PARADIS of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

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

ENACTOR
Emergency Measure

The commissioners did act yesterday to hire an architectural firm in order to provide us with some of those figures. Those figures will not be available for four to six weeks.

I believe that we should recommit this bill to the State and Local Government Committee in order to have those figures, in order to propose those figures to the Kennebec County residents. A property tax increase is not something we want to do arbitrarily or blindly. I would support this measure if it were \$20 million, if it were \$2,000, if it were \$2 million, if it were \$3 million, if I knew how the money was going to spent and for what.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Our situation in Augusta is very acute. Our jail was built in 1853 and it has serious problems. It has been faced with condemnation several times by the state and they have always given us the latitude of trying to rectify it -- hopefully that we would do something to remedy the situation.

We had several meetings on this and my understanding of the agreement was that we would work toward rectifying any problems that existed within this bill before it was presented to the public.

I am opposed to tabling the bill at the present time.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Joseph of Waterville that L.D. 1809 be recommitted to the Committee on State and Local Government. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having vote in the affirmative and 95 in the negative, the motion to recommit did not prevail.

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

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Amend the Laws Administered by the Department of Environmental Protection (S.P. 641) (L.D. 1868) (H. "B" H-383)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR
First Day

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

(H.P. 962) (L.D. 1291) Bill "An Act to Implement the Recommendations of the Driver Education Evaluation Program Study" (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-389)

There being objections, was removed from Consent Calendar First Day.

Report was read and accepted.

Committee Amendment "B" (H-389) was read by the Clerk.

On motion of Representative Gwadsky of Fairfield, tabled pending adoption of Committee Amendment "B" and later today assigned.

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

SENATE PAPER

The following Joint Order: (S.P. 645)

ORDERED, the House concurring, that Bill "An Act to Authorize the State Bureau of Identification to Charge Fees to Nongovernmental Agencies for Services" (S.P. 631) (L.D. 1852), be recalled from the Governor's Desk to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,750,000 for Acquisition and Development of State Parks, Historic and River Access Sites" (S.P. 296) (L.D. 846)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Promote Technology Development, Product Development, Research and Innovation for Maine Industry" (S.P. 353) (L.D. 1045)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Acquisition of Public Lands" (S.P. 465) (L.D. 1422)

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

Representative Holt of Bath was granted unanimous consent to address the House.

Representative HOLT: Mr. Speaker, Men and Women of the House: Thank you for allowing me to correct for the Record an inadvertent error made in this chamber on June 16th in reference to L.D. 1863, "An Act to Make Changes in the Laws Governing Public Utilities." I have the gracious permission of my good committee chairman, the Honorable Representative from Eastport, Representative Vose, to do so.

It was stated that a sentence from Section 3331 of Title 35 was deleted because the committee considered it to be meaningless. Actually, it was suggested it be deleted because it is in error. Others consented to its deletion believing it meaningless. I did not believe it meaningless, nor did other committee members.

The sentence avowed that there is no firm evidence that nuclear power plant emissions do or do not present a genetic or long-term health risk.

One important piece of firm evidence - and there are others - exists in a Nuclear Regulatory Commission document of 1976 in which the small number of bone cancer deaths, benign and malignant thyroid nodules, thyroid cancer deaths, lung cancer deaths, specific genetic defects and defects with complex etiology it expected from 1975 to the year 2000 from the light water nuclear reactor program is laid out for the public to see.

This document is NUREG - 0002 of the Nuclear Regulatory Commission, 1976.

Thank you for your kindness, ladies and gentlemen.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1987, June 30, 1988, and June 30, 1989 (H.P. 1364) (L.D. 1867)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

SENATE PAPER

The following Joint Order: (S.P. 549)

ORDERED, the House concurring, that there is established the Joint Select Committee on Interscholastic Athletics. The committee shall study the feasibility of creating the Interscholastic Athletic Board within the Department of Educational and Cultural Services. If created, the board will:

1. Formulate and carry into effect policies and plans for improving secondary school interscholastic athletic conditions;
2. Make continuing studies of the relationship of sports to the overall program of secondary schools;
3. Develop, promulgate and make uniform suitable rules and interpretations governing secondary school interscholastic athletic competition and provide programs and training for the administration of that competition; and
4. Develop, promulgate and make uniform suitable rules governing:

- A. Eligibility to participate in secondary school interscholastic athletic competition;
 - B. Athletic safety and protection; and
 - C. Other matters relating to secondary school interscholastic athletics and its participants;
- and be it further

ORDERED, that the committee shall consist of 9 members as follows: Five members of the House of Representatives to be appointed by the Speaker of the

House and 4 members of the Senate to be appointed by the President of the Senate. The President of the Senate and the Speaker of the House shall be ex officio members of the committee. The appointing authorities shall make the appointments within 30 days following passage of this order and shall notify the Legislative Council in writing of their selections. The chairman of the Legislative Council shall call the first meeting of the committee and the committee shall select a chairman from among its members; and be it further

ORDERED, that the committee shall present in accordance with the Joint Rules its findings, together with any necessary recommended legislation, to the Second Regular Session of the 113th Legislature; and be it further

ORDERED, that legislative members of the committee shall receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at committee meetings. If the committee meets on a day when the Legislature is in session, legislative members shall receive only one legislative per diem on that day, but may be reimbursed for all necessary expenses upon application to the Executive Director of the Legislative Council; and be it further

ORDERED, that the commission may request staff assistance from the Legislative Council. All agencies and departments of State Government shall cooperate with the committee and shall expeditiously provide the committee with the information and materials that it needs to carry out the purposes of this order.

Came from the Senate, read and passed.

Was read.

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

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

This Resolution would set up a study for an Interscholastic Athletic Board within the Department of Education and take it out of the hands of the Secondary School Principals Association. Ten years ago, the superintendents did a study of interscholastic sports and they concluded it was best left where it was, in the hands of the Secondary School Principals Association.

Currently the way it is done, each school has an equal voice in its fate and all schools are members of the association. I feel if it was left with the department, this might not be the case.

Another point is, who would run the tournaments and the other events which are supported by this association? If this is going to be under the purview of the department, are we then going to have department personnel running these events or are they still going to expect the schools to devote the thousands of hours of volunteer time which are now given, in order that these functions may go on.

Who would pay for the non-profit making events that are now currently supported by these functions? This bill speaks only to athletic events but what about the events that are supported by the proceeds that come from the tournaments and the other money making events. These are events such as student council, science fair, speech and debate, one-act plays and cheerleading. For these reasons and particularly because this never had a hearing before the Education Committee, I hope you will vote for indefinite postponement.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Bath, Representative Small,

that S.P. 549 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Strout of Corinth 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 the Representative from Bath, Representative Small that S.P. 549 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 162

YEA - Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Bragg, Brown, Callahan, Clark, M.; Curran, Davis, Dellert, Dexter, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Harper, Hichborn, Higgins, Hillock, Holloway, Hussey, Ingraham, Jackson, Jalbert, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Manning, Marsano, Matthews, K.; McGowan, McPherson, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Parent, Pines, Racine, Reed, Reeves, Rice, Richard, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Taylor, Tracy, Tupper, Walker, Warren, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

NAY - Aliberti, Allen, Baker, Boutilier, Carroll, Carter, Cashman, Clark, H.; Coles, Conley, Diamond, Dore, Duffy, Gwadosky, Handy, Hepburn, Hickey, Hoglund, Holt, Jacques, Ketover, Kilkelly, Lacroix, Lisnik, Mahany, Martin, H.; Mayo, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Ridley, Rolde, Rotondi, Rydell, Simpson, Strout, D.; Swazey, Tardy, Telow, Vose.

ABSENT - Chonko, Cote, Crowley, Hale, Hanley, Joseph, Kimball, McHenry, O'Gara, Priest, Rand, Ruhlin, Tammaro, Thistle, Weymouth, The Speaker.

Yes, 85; No, 48; Absent, 16; Vacant, 2; Paired, 0; Excused, 0.

85 having voted in the affirmative and 48 in the negative with 16 being absent and 2 vacant, the motion to indefinitely postpone did prevail. Sent up for concurrence.

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

SENATE PAPER

The following Communication:

The Senate of Maine
Augusta

June 17, 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 passed to be engrossed as amended in non-concurrence Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection" (H.P. 1251) (L.D. 1709).

Sincerely,

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

Was read and ordered placed on file.

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

RESOLVE, to Extend the Existence of the Office of Bicentennial of the United States Constitution and the Reporting Deadline of the Maine Commission to Commemorate the Bicentennial of the United States Constitution (H.P. 1368) (L.D. 1873) (Presented by Representative PARADIS of Frenchville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on State and Local Government had been suggested.)

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

(At Ease to the Gong)

The House was called to order by the Speaker.

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

ORDERS

On motion of Representative JOSEPH of Waterville, the following Joint Resolution: (H.P. 1367) (Cosponsors: President PRAY of Penobscot, Senator DUTREMBLE of York, and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING

THE CONGRESS OF THE UNITED STATES

TO ENACT AN INCREASE IN THE MINIMUM WAGE

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 Congress of the United States; as follows:

WHEREAS, the most basic of all human rights is the right to survival in a dignified manner; and

WHEREAS, the federal minimum wage was last increased to its present level of \$3.35 an hour in 1981; and

WHEREAS, there are millions of individuals currently working for minimum wage in this country, with the great majority of these individuals being women, many of whom are heads of households working to provide a dignified living for their children; and

WHEREAS, studies have shown that these individuals and their families are being forced to live a life of poverty despite having the initiative and determination to seek and hold employment; and

WHEREAS, it should be the policy of this nation, which extolls and encourages the virtues exhibited by these individuals, to reward their efforts in an appropriate manner and not to force them to request public assistance from the government; and

WHEREAS, the value of the contributions made by these individuals cannot be measured by mere application of the economic law of supply and demand and requires more suitable compensation than a rate of pay which has been severely eroded by inflation; and

WHEREAS, increasing the minimum wage would provide the accompanying benefits of stimulating the

nation's economy by putting more money in the hands of the people who need it the most and would also reduce the dependence upon the country's public assistance programs; and

WHEREAS, experience in the State of Maine has shown that increasing the minimum wage does not carry with it any adverse economic effects, but to the contrary, since enacting its own increase in its minimum wage, the State of Maine has experienced the greatest economic activity in its history; now, therefore, be it

RESOLVED: That We your Memorialists, respectfully, urge and petition the 100th Congress of the United States to enact the legislation now pending in that body, namely the Kennedy-Hawkins bill, S-837, HR-1834, to increase the federal minimum wage; and be it further

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

Was read and adopted and sent up for concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 646)

ORDERED, the House concurring, that Bill "An Act to Amend the Maine Vocational-Technical Institute System Laws" (Emergency) (H.P. 1185) (L.D. 1615), be recalled from the Engrossing Department to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Non-Concurrent Matter

Bill "An Act to Extend the Time for the Transfer of Authority to Adjudicate Traffic Infractions to the Secretary of State" (H.P. 1366) (L.D. 1872) which was referred to the Committee on Transportation in the House on June 17, 1987.

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

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

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

- In House, passed to be enacted on June 15, 1987.

- In Senate, passed to be enacted on June 15, 1987 in concurrence.

- Recalled from the Governor's Desk pursuant to Joint Order (S.P. 645)

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-230) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Concerning the Taking of Fingerprints and Submission to the State Bureau of Identification (S.P. 587) (L.D. 1739) which was passed to be enacted in the House on June 9, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-231) in non-concurrence.

The House voted to recede and concur.

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

ORDERS

n Motion of Representative PARADIS of Augusta, the following Order:

ORDERED, that the Clerk of the House is authorized to issue to each member of the House and the Indian Representatives 100 22¢ postage stamps.

Was read and passed.

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

COMMUNICATIONS

The following Communication: (H.P. 1369)

MAINE STATE LEGISLATURE

Augusta, Maine 04333

COMPENSATION COMMISSION

June 4, 1987

Honorable Charles P. Pray, President of the Senate

Honorable John L. Martin, Speaker of the House

113th Maine Legislature

State House

Augusta, Maine 04333

Dear Senator Pray and Representative Martin:

Pursuant to its Interim Report, which was submitted to the Legislature on April 30, the State Compensation Commission is pleased to present its findings and recommendations regarding the compensation of the Secretary of the Senate, the Clerk of the House and their assistants.

We would be happy to answer any questions you may have regarding our recommendations.

Sincerely,

S/Stephen R. Crockett

Chairman

Was read and with accompanying papers ordered placed on file and sent up for concurrence.

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

ORDERS

On motion of Representative CARTER of Winslow, the following Joint Order: (H.P. 1370)

Ordered, the Senate concurring, that 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" S.P. 537, L.D. 1623, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

SENATE PAPER

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-228) on Bill "An Act to Authorize Androscoggin County to Raise up to \$8,900,000 to Renovate and Expand Jail Facilities for Androscoggin County" (S.P. 623) (L.D. 1830)

Signed:

Senators:

TUTTLE of York

BALDACCI of Penobscot

GOULD of Waldo

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

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

Signed:

Representative: WENTWORTH of Wells

Representative HUSSEY of Milo - of the House -
 abstained.

Came from the Senate with the Majority "Ought to
 Pass" as amended Report read and accepted and the
 Bill passed to be engrossed as amended by Committee
 Amendment "A" (S-228) as amended by Senate Amendment
 "B" (S-232) thereto.

Reports were read.

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

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

Representative HANDY: Mr. Speaker, Members of
 the House: You have before you L.D. 1830 which is
 "An Act to Authorize Androscoggin County to Raise up
 to \$8.9 Million Dollars" for the purposes of
 improving and constructing jail facilities in
 Androscoggin County. Myself and some other members
 of our delegation have some concerns that we have
 raised with our delegation that I would like to
 present to you for the Record.

It seems there has been a serious breakdown in
 the process involved with the jail committee and our
 county commissioners with our legislative
 delegation. One week ago, we received a four page
 fact sheet, not more than a handful of paragraphs in
 that fact sheet included some specifics of a
 proposal. I don't think that can be termed anything
 more than an outline.

No one in the county building attempted to get in
 touch with me and others until these last few days of
 the legislative session pertaining to this issue.
 One meeting was scheduled during the past week and
 because of our legislative schedule, as you all know,
 we were not able to attend that meeting because of
 our long days here. The county commissioners and the
 jail committee did not, I believe, attempt to get
 information out on a one-to-one basis having seen
 that that meeting had failed. The only information
 that we received, as I indicated, was a brief fact
 sheet, four pages in length.

Some members of our delegation evidently feel
 that they either are comfortable with the information
 on the outline or they feel comfortable that the
 specifics will be forthcoming from a meeting that is
 scheduled with the county commissioners within thirty
 days of the adjournment of this legislature.
 However, I feel that I must have the facts on this
 multi-million dollar spending issue before I can make
 a decision. However, today I will cast a yes vote
 for two reasons. One, for the sake of comity with
 the Androscoggin County legislative delegation and I
 will reluctantly vote yes to allow the voters of our
 county to pass judgment on this bond issue. However,
 I, in no way, want my vote today to be construed as
 an endorsement of this bond issue of \$8.9 million as
 such an endorsement cannot be made today because of
 lack of factual information. It is critical to act
 deliberately to address the serious situation which
 exists at the Androscoggin County Jail. Somehow my
 position on this issue has either gotten lost by some
 or others have simply chosen to ignore it.

I have taken the position that this bill should
 be held over to a subsequent session of the
 legislature and I expressed that to the State and
 Local Government Committee. I suggested this
 approach for the following reasons. One, to have
 adequate time to obtain the specifics regarding this
 proposal.

Two, to provide for ample opportunity to study
 the specifics and understand them.

Three, and most importantly, to be able to draw
 attention to the need for addressing the deplorable
 conditions at the county jail and garner the
 necessary public support for this bond issue. Part
 of the responsibility to sell this issue to the
 voters rests upon supporters of this bond issue
 within the county delegation. By rushing to get this
 to the voters this fall, we are risking the entire
 bond issue. The costs involved by losing the bond
 issue are far greater in my estimation than those
 which may be associated with taking a cautious,
 responsible and prudent approach -- that of delaying
 this until a later legislative session.

I have no quarrel with the jail committee and the
 commissioners and the development of this proposal.
 I am sure that they have worked hard to come up with
 this, all that I am seeking are the specifics, the
 facts and their rationale and how they have come to
 their decisions.

As I indicated, I want, in no way, my vote today
 to be construed as endorsement of the bond issue. I
 will be voting yes.

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

Representative WENTWORTH: Mr. Speaker, Members
 of the House: I would like to explain that my
 objection to this bill is the same as the previous
 bill today was in agreement entirely with
 Representative Handy. They have no final figures, no
 final plans, no approval of the federal or state
 government, nothing is finalized yet and I did not
 feel that enough had been prepared to put out a bond
 issue.

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

Representative JALBERT: Mr. Speaker, Ladies and
 Gentlemen of the House: I am a member of the
 Androscoggin County delegation. I, like
 Representative Handy, feel very uneasy about putting
 an endorsement on this issue. We didn't receive any
 material until a week ago. There are many unanswered
 questions, but one of the biggest unanswered
 questions in my mind is that the original figure
 given by the architect to the building committee was
 in the vicinity of \$12 million, now we are down to \$8
 million. My biggest question is what has been
 removed from the original proposal and what essential
 part has been removed that you will need and will
 have to come back later and borrow more money to
 finish it? Will we end up with a shell of a building?

I will not ask you to vote either one way or
 another, because it will eventually be determined by
 the voters of Androscoggin County. But I would say
 that I cannot, in good faith, tell my constituents
 that this is enough for you to vote on.

Probably we will meet in thirty days with the
 committee and county commissioners. That committee
 has been in existence for almost a year. Why have
 they not made an attempt to do something to meet with
 us? The county commissioners came up last week, they
 know the pace that we were going last week and they
 went back and said that we wouldn't meet with them.

I will not ask you to vote yes or no. I will not
 vote because I cannot, in good conscience, say that I
 can support this at this time.

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

Representative TELOW: Mr. Speaker, Ladies and Gentlemen of the House: Very seldom do I rise but on this occasion as a member of the Androscoggin delegation I wanted to kind of voice my thoughts and opinions in regards to this issue.

I agree with Representative Handy in what he said, I won't repeat those. There are too many unknowns, it is almost like I signed a blank check with my name and said, here go ahead, what am I getting for my money? I will vote for it, I have had the experience in this. I remember when I was on the City Council in Lewiston, we had the police department come up at that time and they had been working on this for fifty years. At that time, we were able to ask the questions and get the answers. We knew what we were getting.

In all sincerity, I just don't know yet what this may cost the taxpayers in the long run. The cost of the bond, when you talk about that amount plus the interest, how much it will cost them each year? Also, what other money will be needed to finish some things that are not being mentioned in the bond, but at the same time, I feel we need the jail. We are having problems, we are being sued, we are overcrowded.

I will vote for the bill but when the meeting comes up, then I will voice my objections at that time.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I feel the same way as the previous speakers on this particular item but I will be voting for the bond issue because in our area we do have a problem with our jail and I know it has to be attended to.

But I would like to go on Record as saying -- the towns of Durham, Greene, Wales, Lisbon, Sabattus, Leeds, Turner, Livermore, Poland, Minot and Livermore Falls had no one on the committee. Most of the members were in the Twin Cities.

Representative Handy of Lewiston requested a Division.

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

A vote of the House was taken.

85 having voted in the affirmative and 12 in the negative, the motion to accept the Majority "Ought to Pass" Report did prevail, the bill read once.

Committee Amendment "A" (S-228) was read by the Clerk.

Senate Amendment "B" (S-232) to Committee Amendment "A" (S-228) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "B" thereto was adopted.

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

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

ENACTOR

Later Today Assigned

An Act to Prohibit Random or Arbitrary Substance Abuse Testing of Employees (S.P. 643) (L.D. 1871)

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

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

PASSED TO BE ENACTED

An Act to Fight Illegal Drug Use (H.P. 1052) (L.D. 1415) (H. "A" H-234)

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

ENACTOR

Later Today Assigned

An Act to 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) (H. "A" H-386; S. "B" S-201)

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

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

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

ORDERS

On motion of Representative DAVIS of Monmouth, the following Joint Resolution: (H.P. 1371) (Cosponsors: Senator DOW of Kennebec, Speaker MARTIN of Eagle Lake, and President PRAY of Penobscot)

JOINT RESOLUTION IN HONOR OF
BRIAN K. BLAISDELL OF MONMOUTH

WHEREAS, "The crowning fortune of a man is to be born to some pursuit which finds him employment and happiness, whether it be to make baskets, or broadswords, or canals, statues or songs;" and

WHEREAS, during this legislative session, Brian K. Blaisdell of Monmouth, Deputy Revisor of Statutes for the Maine Legislature, has been unjustly deprived from the joy of his pursuits due to serious illness; and

WHEREAS, this gallant worker has served with great distinction for the past decade as a brilliant attorney and skillful draftsman which has earned for him the respect, trust and affection of his colleagues and all those he serves; and

WHEREAS, all of us tend to rise or fall together and if any of us falters the whole Legislature sags a little; now, therefore, be it

RESOLVED: that We, the Members of the Senate and House of Representatives of the 113th Legislature of the State of Maine take this opportunity at the close of the First Regular Session to honor Brian K. Blaisdell of Monmouth and to recognize his distinguished service even in times of adversity and express our hopes and prayers for his return to the pursuits he so dearly loves; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to our dear friend Brian in token of our respect, affection and gratitude.

Was Read.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: We have a person among us who has served us well for many years. Currently, he is struggling with an illness many of us are well acquainted with, having relatives and friends who have been confronted with the same problem. He has

given us service above and beyond the call of duty, day in and day out. Hopefully tonight or when we do finally adjourn for this session, I hope that we remember and give to our friend Brian K. Blaisdell, the best that we have in our wishes and luck that he will overcome the problem he has and be back with us in the next session.

Was passed and sent up for concurrence.

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

(At Ease to 6:00 p.m.)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: (H.P. 962) (L.D. 1291) Bill "An Act to Implement the Recommendations of the Driver Education Evaluation Program Study" (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-389) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "B."

Representative Manning of Portland offered House Amendment "A" (H-393) to Committee Amendment "B" (H-389) and moved its adoption.

House Amendment "A" (H-393) to Committee Amendment "B" (H-389) was read by the Clerk.

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

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

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

The Chair laid before the House the following matter: 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) (H. "A" H-386; S. "B" S-201) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Crowley of Stockton Spring, the House reconsidered its action whereby L.D. 1808 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-392) and moved its adoption.

House Amendment "B" (H-392) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "B" (S-201) and House Amendment "B" (H-392) in non-concurrence and sent up for concurrence.

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

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Remove a Certain Sunset Provision in the Judiciary Laws" (Emergency) (H.P. 1372) (L.D. 1874) (Presented by Representative CARTER of Winslow) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot, and Senator PEARSON of Penobscot) (Introduced under suspension of the Joint Rules)

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

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

FINALLY PASSED
Emergency Measure

RESOLVE, to Establish the Commission on Children in Need of Supervision and Treatment (H.P. 598) (L.D. 809) (H. "C" H-387 to C. "A" H-351)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 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 Weatherization Services Study Committee (S.P. 640) (L.D. 1866) (H. "B" H-388)

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.

FINALLY PASSED

RESOLVE, to Extend the Existence of the Office of Bicentennial of the United States Constitution and the Reporting Deadline of the Maine Commission to Commemorate the Bicentennial of the United States Constitution (H.P. 1368) (L.D. 1873)

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

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

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

As I understand it, the intent of this bill is to extend the life of the Commission for four more years. First of all, I would like to know what the necessity of this is and secondly, does this require additional funding to do so?

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

The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: The federal commission is due to go another four years and Maine was expiring in December so to be in line with the other states, this is why we need to do this.

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

The Chair laid before the House the following matter: An Act to Prohibit Random or Arbitrary Substance Abuse Testing of Employees (S.P. 643) (L.D. 1871) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Representative Zirnkilton of Mt. Desert requested a roll call.

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

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

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

ROLL CALL NO. 163

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

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

ABSENT - Dexter, Kimball, Martin, H.; McPherson, Parent, Pouliot, Priest, Racine, Ridley, Thistle, Weymouth.

Yes, 80; No, 58; Absent, 11; Vacant, 2; Paired, 0; Excused, 0.

80 having voted in the affirmative and 58 in the negative with 11 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(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: An Act to Authorize a General Fund Bond Issue in the Amount of \$40,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife (H.P. 764) (L.D. 1027) (C. "A" H-366) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative McGowan of Canaan, under suspension of the rules, the House reconsidered its action whereby L.D. 1027 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-366) was adopted.

On motion of the same Representative, the House voted to indefinitely postpone Committee Amendment "A".

The same Representative offered House Amendment "A" (H-394) and moved its adoption.

House Amendment "A" (H-394) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-394) in non-concurrence and sent up concurrence.

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

COMMUNICATIONS

The following Communication:

MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

June 17, 1987

Honorable Joy J. O'Brien, Secretary of the Senate
Honorable Edwin H. Pert, Clerk of the House
113th Legislature

Augusta, Maine

Dear Madame Secretary and Clerk Pert:

Enclosed are revised final letters from the following Joint Standing Committees: Aging, Retirement and Veterans; Education; and Fisheries and Wildlife.

The original revisions of these letters appeared on both Senate and House Calendars last week. Revised copies are necessary to reflect additional bills referred and/or recommitted to these committees since the date of the original letter and the committees' disposition of same.

I would be happy to answer any questions you have about these revised letters.

Sincerely,
S/Sally Diamond
Executive Director
Legislature Council

Was read and ordered placed on file.

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	40
Unanimous reports	38
Leave to Withdraw	14
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 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	66
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	7
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	64
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	1
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 AGRICULTURE
June 17, 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 Agriculture 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	34
Leave to Withdraw	12
Ought to Pass	5
Ought Not to Pass	2
Ought to Pass as Amended	9
Ought to Pass in New Draft	6
Divided reports	2
Carry Overs	3

Respectfully submitted,
S/Sen. Zachary Matthews S/Rep. Robert J. Tardy
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
June 16, 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 Appropriations and Financial Affairs 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	192
Unanimous reports	179
Leave to Withdraw	83
Ought to Pass	16
Ought Not to Pass	24
Ought to Pass as Amended	41
Ought to Pass in New Draft	15
Divided reports	0
Carry Overs	9
Re-referred	4

Respectfully submitted,
S/Michael D. Pearson S/Donald V. Carter
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
June 15, 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 Banking and Insurance 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	81
Unanimous reports	65
Leave to Withdraw	25
Ought to Pass	9
Ought Not to Pass	5
Ought to Pass as Amended	12
Ought to Pass in New Draft	14
Divided reports	3

LEGISLATIVE RECORD - HOUSE, JUNE 17, 1987

Carry Overs 12
 Re-referred 1
 Respectfully submitted,
 S/Sen. Raynold Theriault S/Rep. Charlene B. Rydell
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON BUSINESS LEGISLATION
 June 16, 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 Business Legislation 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	55
Leave to Withdraw	20
Ought to Pass	5
Ought Not to Pass	13
Ought to Pass as Amended	7
Ought to Pass in New Draft	10
Divided reports	5
Carry Overs	4
Re-referred	1

Respectfully submitted,
 S/Sen. John E. Baldacci S/Rep. Carol M. Allen
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 June 16, 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 Energy and Natural Resources 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	94
Unanimous reports	88
Leave to Withdraw	21
Ought to Pass	7
Ought Not to Pass	23
Ought to Pass as Amended	18
Ought to Pass in New Draft	19
Divided reports	2
Carry Overs	3
Re-referred	1

Respectfully submitted,
 S/Sen. Ronald E. Usher S/Rep. Michael H. Michaud
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON HUMAN RESOURCES
 June 17, 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 Human Resources 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	99
Unanimous reports	85
Leave to Withdraw	33
Ought to Pass	12
Ought Not to Pass	1
Ought to Pass as Amended	26
Ought to Pass in New Draft	13
Divided reports	3
Carry Overs	6
Re-referred	5

Respectfully submitted,
 S/Sen. Paul Gauvreau S/Rep. Peter Manning
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON JUDICIARY
 June 15, 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 Judiciary 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	174
Unanimous reports	143
Leave to Withdraw	64
Ought to Pass	28
Ought Not to Pass	3
Ought to Pass as Amended	20
Ought to Pass in New Draft	28
Divided reports	5
Carry Overs	21
Re-referred	5

Respectfully submitted,
 S/Sen. Joseph C. Brannigan S/Rep. Patrick E. Paradis
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON LEGAL AFFAIRS
 June 16, 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 Legal Affairs 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	122
Unanimous reports	107
Leave to Withdraw	46
Ought to Pass	6
Ought Not to Pass	11

Ought to Pass as Amended	15
Ought to Pass in New Draft	29
Divided reports	10
Carry Overs	5

Respectfully submitted,
 S/Sen. Judy C. Kany S/Rep. Charles R. Priest
 Senate Chair House Chair
 Was read and ordered placed on file.

ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON TAXATION
 June 17, 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 Taxation 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	110
Unanimous reports	89
Leave to Withdraw	51
Ought to Pass	3
Ought Not to Pass	11
Ought to Pass as Amended	14
Ought to Pass in New Draft	10
Divided reports	11
Carry Overs	10

Respectfully submitted,
 S/Sen. R. Donald Twitchell S/Rep. John A. Cashman
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES
 June 16, 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 Marine Resources 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	30
Unanimous reports	24
Leave to Withdraw	7
Ought to Pass	1
Ought Not to Pass	5
Ought to Pass as Amended	2
Ought to Pass in New Draft	9
Divided reports	5
Carry Overs	1
Re-referred	0

Respectfully submitted,
 S/Sen. Zachary Matthews S/Rep. James Mitchell
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON STATE AND LOCAL GOVERNMENT
 June 17, 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 State and Local Government 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	126
Unanimous reports	85
Leave to Withdraw	21
Ought to Pass	14
Ought Not to Pass	3
Ought to Pass as Amended	26
Ought to Pass in New Draft	21
Divided reports	15
Carry Overs	8
Re-referred	3
1 Committee Bill Pursuant to Joint Order H.P. 23	
14 County Budgets	

Respectfully submitted,
 S/Sen. John L. Tuttle S/Rep. Donnell P. Carroll
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON TRANSPORTATION
 June 16, 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 Transportation 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	98
Unanimous reports	85
Leave to Withdraw	28
Ought to Pass	15
Ought Not to Pass	19
Ought to Pass as Amended	15
Ought to Pass in New Draft	8
Divided reports	13
Carry Overs	0

Respectfully submitted,
 S/Charles G. Dow S/Fred W. Moholland
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON UTILITIES
 June 17, 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 Utilities 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	56
Unanimous reports	49
Leave to Withdraw	24
Ought to Pass	3

The following Communication:
 STATE OF MAINE

Ought Not to Pass	0
Ought to Pass as Amended	9
Ought to Pass in New Draft	13
Divided reports	3
Carry Overs	4

Respectfully submitted,
 S/Sen. John M. Kerry S/Rep. Harry L. Vose
 Senate Chair House Chair
 Was read and ordered placed on file.

The following items appearing on Supplement No. 22 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Capital Repairs and Improvements to State Facilities and for the Removal of Asbestos from State Facilities (H.P. 1037) (L.D. 1395) (C. "A" H-373)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 111 voted in favor of same and 8 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act Establishing the Maine Commission on Outdoor Recreation (S.P. 427) (L.D. 1307) (H. "A" H-385 to C. "A" S-186)

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. 115 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 Prohibit Initial Service Charges by Public Utilities (H.P. 1290) (L.D. 1768) (H. "A" H-390)

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

PASSED TO BE ENACTED

An Act to Authorize the State Bureau of Identification to Charge Fees to Nongovernmental Agencies for Services (S.P. 631) (L.D. 1852) (S. "A" S-230)

An Act to Extend the Time for the Transfer of Authority to Adjudicate Traffic Infractions to the Secretary of State (H.P. 1366) (L.D. 1872)

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

The following items appearing on Supplement No. 23 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$3,100,000 for Pier Reconstruction at the Maine Maritime Academy (H.P. 1036) (L.D. 1394) (C. "A" H-370)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 111 voted in favor of same and 11 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Concerning the Taking of Fingerprints and Submission to the State Bureau of Identification (S.P. 587) (L.D. 1739) (S. "A" S-231)

An Act to Authorize Androscoggin County to Raise up to \$8,900,000 to Improve and Construct Jail Facilities for Androscoggin County (S.P. 623) (L.D. 1830) (S. "B" S-232 to C. "A" S-228)

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

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code" (H.P. 1332) (L.D. 1822) have had the same under consideration and ask leave to report: That the House Recede from Passage to be Engrossed; Read and Adopt Committee of Conference Amendment "A" (H-399) and Pass the Bill be be Engrossed as Amended by Committee of Conference Amendment "A" (H-399) in non-concurrence.

That the Senate Recede and Concur with the House.
 (Signed) Representatives BOST of Orono, GWADOSKY of Fairfield and MARSANO of Belfast - of the House.

Senators GAUVREAU of Androscoggin, BRANNIGAN of Cumberland and CLARK of Cumberland - of the Senate.

Committee of Conference Report was read and accepted.

House receded from passage to be engrossed. Committee of Conference Amendment "A" (H-399) was read by the Clerk and adopted.

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

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

An Act to Amend the Duties of the Commissioner of Labor (H.P. 1199) (L.D. 1634)

TABLED - June 3, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, under suspension of the rules, the House reconsidered its action whereby L.D. 1634 was passed to be engrossed.

Representative Crowley of Stockton Springs offered House Amendment "A" (H-398) and moved its adoption.

House Amendment "A" (H-398) was read by the Clerk.

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

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

Could we have an explanation from the Chairman as to the substance of the amendment, please?

The SPEAKER: The Representative from Kennebunk, Representative Murphy, has posed a question through the Chair to the Chairman who may respond if he so desires.

The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment amends the duties of the Commissioner of Labor as provided in Title 26, Section 1401 by deleting all references to the Maine Job Training Council to reflect the rescission of the executive order #9, fiscal year 1982-83 and establishes a new Title 26, Section 2004 which creates a 30 member Human Resources Development Council as directed by executive order #16, fiscal year 1986-87. The Maine Human Resources Development Council will be responsible for the implementation of the comprehensive statewide Human Resources Development plan integrating all state and federal employment and training resources.

In addition, this amendment creates a new Title 26, Section 2005 which is identical to the former Section 2004.

Subsequently, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter: An Act Creating the Maine Low-level Radioactive Waste Authority (S.P. 639) (L.D. 1865) (S. "A" S-218; S. "B" S-221; H. "A" H-382) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Coles of Harpswell, the House reconsidered its action whereby L.D. 1865 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-396) and moved its adoption.

House Amendment "B" (H-396) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" (S-218), Senate Amendment "B" (S-221), House Amendment "A" (H-382) and House Amendment "B" (H-396) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Provide Relief from Property Taxes through the Low-income Credit Circuit Breaker" (H.P. 537) (L.D. 721) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A."

Representative Cashman of Old Town offered House Amendment "D" (H-397) to Committee Amendment "A" (H-346) and moved its adoption.

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

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: What this amendment does is it makes some needed technical changes in the bill. It also provides for a sunset provision on the circuit breaker program. This sunset provision, I understand, is a compromise reached in my absence.

The Governor would like to have some participation from his own tax study committee and his office in the forming of the escalating of this program.

The bill, as it stands before this amendment, starts out with a \$2.7 million funding level and then progresses by a table that is set up in the bill. My understanding is that the executive branch would like, rather than have that escalation in the bill at this time, to have the tax mix study committee look at that and then, next year, formulate some type of long-range plans for the circuit breaker program.

I offer this amendment to embody that sunset provision and make the technical changes that are necessary.

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

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

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

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

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 650)

Ordered, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 113th Legislature shall be extended in accordance with the provisions of said section.

Came from the Senate, read and passed.

Was read and a two-thirds vote taken, was passed in concurrence.

(Off Record Remarks)

On motion of Representative Clark of Brunswick, Adjourned until Thursday, June 18, 1987, at ten o'clock in the morning.