

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
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SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Tabled - February 9, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED (In Senate, February, 9, 1988, READ A SECOND TIME.)

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-313) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended. Sent down for concurrence.

Off Record Remarks

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator ERWIN of Oxford, ADJOURNED until Wednesday, February 10, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
21st Legislative Day
Wednesday, February 10, 1988

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

Prayer by Father Renald LaBarre, St. Philip's Catholic Church, Auburn.

The Journal of Tuesday, February 9, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 853)
JOINT RESOLUTION TO GOVERNOR JOHN R. MCKERNAN, JR., AND THE MEMBERS OF THE MAINE CONGRESSIONAL DELEGATION EXPRESSING CONCERN AND REQUESTING AN OPPORTUNITY TO BE HEARD ON THE UNITED STATES NAVY PROPOSAL TO TEST MISSILES OVER THE STATE OF MAINE

WHEREAS, the United States Navy has announced plans to test ground-hugging Tomahawk cruise missiles over the State of Maine; and

WHEREAS, the Navy has filed with the Federal Aviation Administration for a new instrument route for missiles that intersect existing flight paths; and

WHEREAS, approximately 6 unarmed Tomahawks a year are planned to be launched during fall and winter from ships and submarines in the Atlantic Ocean; and

WHEREAS, these missiles will follow along a 10-mile wide corridor from the Atlantic to a recovery area in Rangeley escorted by a chase plane; and

WHEREAS, a great deal of concern has been expressed over the proposed testing of such unmanned craft over populated areas of the State and the threat to existing flights and facilities in the vicinity; now, therefore, be it

RESOLVED: That We, the members of the 113th Legislature of the State of Maine now assembled in Second Regular Session, express our concern for the public safety in testing missiles over populated areas of the State and respectfully request Governor John R. McKernan, Jr., and the members of the Maine Congressional Delegation to use the powers of their respective offices to fully inform the members of the Legislature and the general public of the details of this proposal and to provide full opportunity to debate this plan and to respond before any authorization is given; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor of Maine, and to each member of the Maine Congressional Delegation as notice of our deep concern and our desire for an opportunity to be heard and our request to be informed.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Establish an Interagency Task Force on Affordable Housing" (S.P. 849) (L.D. 2215)

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

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Require Commercial Trucks to Stay in the Right Lane Except for Passing" (S.P. 850) (L.D. 2216)

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Relating to Unlawful Passing of School Buses" (S.P. 758) (L.D. 2009)

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

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act Relating to the Use of Unoccupied Interment Spaces" (S.P. 774) (L.D. 2031).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-313).

Report was read and accepted, the bill read once.

Senate Amendment "A" (S-313) was read by the Clerk and adopted and the Bill assigned for second reading, Thursday, February 11, 1988.

COMMUNICATIONS

The following Communication: (S.P. 851)
113TH MAINE LEGISLATURE
February 8, 1988

Senator John M. Kerry
Representative Harry L. Vose
Chairpersons
Joint Standing Committee on Utilities
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn the nomination of Lewis Perl of Scarsdale, New York for appointment as Chairman of the Public Utilities Commission.

Pursuant to Title 35, M.R.S.A. Section 1, this nomination is currently pending before the Joint Standing Committee on Utilities.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Utilities.

Was Read and Referred to the Committee on Utilities in concurrence.

The following Communication: (S.P. 852)
113TH MAINE LEGISLATURE
February 8, 1988

Senator John M. Kerry
Representative Harry L. Vose
Chairpersons
Joint Standing Committee on Utilities
113th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Lewis Perl of Scarsdale, New York

for appointment as Chairman of the Public Utilities Commission.

Pursuant to Title 35, M.R.S.A. Section 1, this nomination will require review by the Joint Standing Committee on Utilities and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Utilities.

Was Read and Referred to the Committee on Utilities in concurrence.

The following Communication:
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333

February 4, 1988

TO: Honorable Charles Pray, President of the Senate
Honorable John Martin, Speaker of the House
FROM: S/Rollin Ives, Commissioner
Department of Human Services
SUBJECT: Alcohol and Drug Abuse Planning
Committee's Annual Report

In accordance with P.L. 1983, Chapter 464, the Alcohol and Drug Planning Committee is required to submit to the Legislature an annual report. The purpose of this report is to prevent the legislature both the past and present substance abuse prevention, education, treatment and research activities throughout the State.

The report is now in final draft and will be sent out shortly to the Departments of Mental Health and Mental Retardation, Corrections, and Educational and Cultural Services for final review and comment. Once this step is completed, the report will be printed and sent to the Legislature without hesitation. I therefore respectfully request that the legislative leadership extend the presentation date for this report. We anticipate the submission of this report to be the last week of February.

Thank you for your consideration in this matter.
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Aging, Retirement and Veterans

RESOLVE, to Provide Beatrice Adams of Gardiner Spousal Benefits Based on her Former Husband's Maine State Retirement System Benefits (H.P. 1626) (L.D. 2221) (Presented by Representative REEVES of Pittston) (Cosponsors: Senator DOW of Kennebec and Representative DELLERT of Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Establish and Appropriate Funds for the Advisory Committee on Staff Salary Parity and Nonresidential Services in Sheltered Group Homes for Girls" (H.P. 1627) (L.D. 2222) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representatives

POULIOT of Lewiston, DIAMOND of Bangor, and Senator KERRY of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Limit the Availability of Diet Drugs to Minors" (H.P. 1628) (L.D. 2223) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senator GILL of Cumberland, Representatives ROTONDI of Athens and LACROIX of Oakland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

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

On motion of Representative Allen of Washington, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

Economic Development

Bill "An Act to Create the Economic Corridor Action Grant Program" (H.P. 1625) (L.D. 2220) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsors: Senator EMERSON of Penobscot and Representative BAILEY of Farmington)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Require Monitoring of Environmental Impacts by Persons who Spray Forestry Herbicides" (H.P. 1632) (L.D. 2227) (Presented by Representative GOULD of Greenville) (Cosponsor: Representative TRACY of Rome) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Concerning Storage of Radioactive Material" (H.P. 1634) (L.D. 2229) (Presented by Representative NORTON of Winthrop) (Cosponsors: Senators BUSTIN of Kennebec, KANY of Kennebec and Representative PARADIS of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Ensure Proper Payment of Fringe Benefit Contributions for Construction Workers" (H.P. 1631) (L.D. 2226) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Representatives CONLEY of Portland, JOSEPH of Waterville and Senator DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Limit Elected County Officials to Commissioners, Sheriffs and Probate Officers" (H.P. 1629) (L.D. 2224) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Representatives WEBSTER of Cape Elizabeth, BROWN of Gorham and REED of Falmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Transportation

Bill "An Act to Permit the Department of Transportation to Exempt Certain Railroad Crossings from Requirements to Stop" (H.P. 1624) (L.D. 2219) (Presented by Representative McPHERSON of Eliot) (Cosponsors: Senator DOW of Kennebec, Representatives MACOMBER of South Portland and SOUCY of Kittery) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Increase the Effectiveness of the Public Utilities Commission through Computerization and to Provide Certain Exceptions from the Annual Regulatory Fund Assessment and from Filing Annual Reports and Certain Other Changes" (H.P. 1630) (L.D. 2225) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator KERRY of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Establishing Rights-of-Way for Utilities in Existing Rights-of-Way for Egress and Ingress" (H.P. 1633) (L.D. 2228) (Presented by Representative MOHOLLAND of Princetown) (Cosponsor: Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative FARREN from the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit Hunting, Trapping, Molesting or Harassing of Bear near Dumps" (H.P. 1426) (L.D. 1937) reporting "Ought to Pass" in New Draft (H.P. 1635) (L.D. 2234)

Report was read and accepted, the New Draft read once and assigned for second reading, Thursday, February 11, 1988.

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

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-446) on Bill "An Act to Improve Retraining Opportunities for Dislocated Workers" (H.P. 1585) (L.D. 2163)

Signed:

Senators:

COLLINS of Aroostook
DUTREMBLE of York
ANDREWS of Cumberland
ZIRNKILTON of Mt. Desert
HEPBURN of Skowhegan
McHENRY of Madawaska
RAND of Portland
TAMMARO of Baileyville
HALE of Sanford
RUHLIN of Brewer
JOSEPH of Waterville

Representatives:

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

Signed:
 Representatives: BEGLEY of Waldoboro
 WILLEY of Hampden

Reports were read.

On motion of Representative McHenry of Madawaska, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-446) was read by the Clerk and adopted.

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

Representative Willey of Hampden requested a roll call on passage to be engrossed as amended.

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Require Full State Funding of any Legislative Mandate" (H.P. 877) (L.D. 1178)

Signed:
 Senators: PEARSON of Penobscot
 EMERSON of Penobscot
 Representatives: NADEAU of Lewiston
 RIDLEY of Shapleigh
 CHONKO of Topsham
 LISNIK of Presque Isle
 CARTER of Winslow
 MCGOWAN of Canaan

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 1623) (L.D. 2218) on same Bill.

Signed:
 Senator: BERUBE of Androscoggin
 Representatives: DAVIS of Monmouth
 FOSS of Yarmouth
 FOSTER of Ellsworth
 HIGGINS of Scarborough

Reports were read.

Representative Carter of Winslow moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative FOSS: Mr. Speaker, Men and Women of the House: I hope you will vote against the pending motion so that we can go on to vote the Minority "Ought to Pass" Report.

L.D. 2218 is a New Draft of L.D. 1178, which is the bill before you and it is an honest, simple, straightforward bill. Quoting a colleague from the Appropriations Committee -- it is a "put your money where your mouth is" bill.

It says that if we are going to mandate that school systems teach CPR, ecology, economic development or the numerous other ideas that legislators have, or if we want to tell school systems what they must pay their teachers in the future and thereby circumvent the collective bargaining laws, we should be willing to pay the costs of our wisdom.

L.D. 2218 requires the state to pay 100 percent of the costs of any legislative mandate for education that causes added expenses from local revenues. This full-funding is required for mandates enacted after July 1st of this year. I want to make it clear that this bill does not affect the Education Reform Act of 1984. The full state funding would continue for two years and then state dollars would be folded into the school funding formula.

Some who oppose this bill argue that towns will object when the full funding ends after two years. This argument strains credibility when you consider the alternatives. If we enact a mandate without this funding, which we have been doing, we are in effect giving no immediate state aid because of the lag time in the formula. The reality is clear -- every time we enact a mandate without the proper funding, we raise property taxes. Isn't it more fair to provide the funding for two years and thereby give our school districts time to plan for financing their portion of the mandate in the third year?

The President of Maine Municipal Association is quoted in the January issue of Maine Townsman as saying, "Municipal officials are very concerned with the cost of education mandates and are looking to the state to fund these costs from state resources."

Property tax relief has become a buzz word for this legislature. There is a great deal of discussion and political posturing about the need for relief at the local level. However, there is almost no discussion about the fact that the legislature itself created the need for property tax relief. It is very interesting to watch the very people who supported underfunded mandates despite testimony that an unfair burden would fall on the property tax, now trying to take credit for relieving the municipalities of that burden. It is a sham and municipal officials will know it when this roll call is taken. If you are willing to pay more than lip service to property tax relief, you will support this bill. The fiscal note accurately reflects that if (and only if) the legislature enacts a mandate after July 1st, it will have to consider the significant future costs.

L.D. 2218, the Minority Report, represents a strong philosophical statement -- if the legislature wants to set school policy and impact local spending, it should pay for it. It is not a statement about the rightness or wrongness of any particular mandate, it simply reflects a political reality, it is too easy to pass laws that require someone else to pay the bill.

I would request a roll call, Mr. Speaker.

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

Representative CARTER: Mr. Speaker, Men and Women of the House: The gentlelady from Yarmouth, Representative Foss, tells us that municipal officials are very concerned about this document. Now, I can assure her that I share their concerns, I happen to be a charter member of the Town Council in the town of Winslow. I have been serving for, not quite as long as I have served in this honorable body, but I have served for quite a number of years. We are very much, indeed, concerned about mandates coming down from Augusta but the problem with this bill is that it gives people false hope.

We are dealing here with an issue of equity. In the true sense, you can only make this bill operational if the state were to pick up the entire educational tab, which we know we don't have enough resources to do that with.

Under the proposed bill, even the Minority Report, which would call for funding for two years, what you are in fact doing is passing this bill because we have communities now that don't receive any state aid. Putting this bill in place would allow those communities to receive funds and that would take away from the communities that don't receive enough to begin with. It is simply a question of equity. Furthermore, if you pass the proposed Minority Report, it could serve to encourage mandation, let alone defeat it, because you could

say, for two years, you are going to get 100 percent state funding but, after two years, they are going to roll it into the formula, then these poor communities are going to be saddled with more expenditures and less state funding.

The only thing that we can do with this bill is give it the deep six.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: I am just curious, I don't see how this bill could possibly encourage any more state mandates, we seem to have enough already. The problem is they are attempting to be passed without adequate funding but I think more importantly this just deals with the cost of those mandates if they are passed. I think a majority of the legislature has, hopefully, in the past and will continue to oppose the mandates on the grounds that it erodes local control and not just because it is not being adequately funded.

There are two issues here, one, of course, if you support mandates and two, if the legislature does pass those mandates, is it not their responsibility to fund them?

I hope that you will support the Minority Report and vote against the "Ought Not to Pass" Report.

I am sure a great number of you have experienced the same budget shortfalls in your local district as we have in my town. The Education Reform Act of 1984 and the Teacher Compensation package of 1985, which were both well intended pieces of legislation, were underfunded. I think the feeling by the then Governor and some legislators was, pass it now and worry about the funding later. Well, we passed it and we are still worrying about the funding.

My towns people came to me and said that if the state mandates something, they should pay for it. Obviously, we didn't and even if we put in all the money requested by the locals this year, we still have three years of underfunded budgets, which increase town tax rates and, in some cases, very significantly.

Many of you have come to me as a member of the Education Committee and asked, "Why weren't we told that such high tax increases to the local property taxpayers would be necessary when we passed the bill? The legislature was warned but it was the opponents of the bill who gave them warning and not the department or the Legislative Office of Fiscal Review so many chose to ignore the statistics and we went in with our eyes only half open.

This bill will not change the legislature's ability to pass out education mandates or defeat them but it does say that if you mandate a program, you pay for it up front, you cannot put the burden of the cost upon the towns or the legislature. After two years, the 100 percent up front costs will go into the formula. By then, the unit will receive a greater state share because of the 2 year old cost method of sending money back to the towns.

The towns will have two years of up front money until the formula kicks in to pick up the added costs of the mandates. Those of you who are not experiencing sharp increases in your school budgets can vote against this and face the voters back home but if your districts are like mine and you have had to lose local programs to pay for state mandates and you have had to raise property taxes to pay for state mandates, then I think your voters will want to know if you support full funding state mandated programs. If not, why?

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

Representative LISNIK: Mr. Speaker, Men and Women of the House: The problem with this bill is the title and I think as everybody looks at this title, it is something that everybody just naturally wants to support. But I think you have to look at the body of the bill and I think the good Representative from Bath, Representative Small, probably hit the nail right on the head when she said, "Your voters are going to want to know." So, you ought to be clear about what this bill does if you are going to vote with the Majority "Ought Not to Pass" Report so you can explain the issue back home. I suspect that this is one of those issues that is going to show up on your doorstep come election time.

You would think last year during this crisis we went through on funding of programs that our committee room would have been absolutely full of people supporting this piece of legislation -- there was not one superintendent there. Your superintendent wasn't there and my superintendent wasn't there -- not one in this whole state was there in support of this bill.

Maine School Management was not there in support of this bill. I talked with Dan Calderwood yesterday about this and he said, "Well of course, we support this, we support the principle." I am sure the superintendents support the principle of the title and I am sure that Maine School Management supports the principle of the title but do they support the body of the bill? They were not there to testify. He said, "Well, you know that we are against it so we are on record and, therefore, we are opposed." It is a novel way to lobby around here. Just put yourself on record and then, from that point on, everybody around here is supposed to know that you are in favor of the title of the bill.

The Department of Education was not there in support of the bill. As a matter of fact, they didn't even come over to the Committee Room -- remember this was a holdover bill from last year -- did not come to the Committee Room until Democrats in the committee insisted they come over to clean this bill up. When they did come over, they did put some language in the bill that number one, defines a mandate because it doesn't even define that in the original bill and eliminated federal funding and a variety of other things. Does the Department still support the 100 percent in the first two years? No, they do not support that. This Administration is not in support of this.

I think we have got to ask ourselves what is wrong with this bill and why doesn't the Administration support it and why are some people on the Appropriations Committee, who are obviously very concerned with property tax reform, concerned with mandates -- believe me, I have had several meetings with superintendents in my county on this issue that have turned into absolute brawls. I understand what the superintendents back home want, I understand what the people want, they do not want us to send out these mandates. I do understand that but this doesn't get to it. What we have got to do is adjust the formula and if that is what we want to do, then the appropriate committee or select committee should do that. I have no problem with that and if it is equitable, I am certainly going to support it. This doesn't do it. This doesn't take into account equity, it does away with the formula and it does not take into account a community's ability to pay. What it assumes is that we have tremendous resources just for education and we don't. We have finite resources

and if you are giving to communities that can afford it, then you have got to take away the communities that can't.

I urge your support for the Majority "Ought Not to Pass" Report.

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

Representative FOSS: Mr. Speaker, Men and Women of the House: I would like to respond to two points made by the previous speaker. First of all, I would like to read from the Legislative Bulletin sent out to all Maine School Board Directors, Legislative contact people and superintendent's of schools from the Maine Superintendents' Association on Monday and I will quote where he defines the language in this bill and says, (this is from Dan Calderwood) "As it stands now, the Legislature can enact laws which have financial impact on local schools without any costs accruing to this state for two years. This is due to the fact that school subsidies are based on two year old costs. This legislation would require the Legislature to raise sufficient funds from state sources to pay for mandated programs and services. Presently, legislative mandates have the effect of raising local property taxes." I will also quote, "MSBA and MSSA have been in support of this legislation; however, there has been no strong effort to convince legislators that they should enact this or legislation similar to it. Now is an appropriate time to show strong, local support for this initiative."

The second point was the disagreement between the Administration and this bill -- the Governor does support the intent of this bill but, as Representative Lisnik said, he does disagree with the level of funding. He would support it if state dollars went into the formula immediately. However, he wasn't here in 1985 during the debate over minimum teachers' salaries when many of us tried to convince the legislature that not enough money was being set aside to fund changes, that there would not be enough money for the teachers in the top steps to be compensated once the money was spent for beginning teachers. We told this chamber that local school budgets would be impacted significantly; however, the majority of legislators chose to ignore those warnings and now must respond to cries for property tax relief.

Also, it is my opinion that the formula is not fair to those towns and cities in southern Maine and along the coast that have seen large valuation increases and lower state subsidies. The ability to pay is not included in the formula; therefore, the Governor's approach would not help those towns and cities.

I would just ask you to ask the city officials of Portland, for example, about how their increased valuation and declining state subsidy affects their citizens, most of whom are no more able today to afford high property tax than they were five years ago.

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

Representative LISNIK: Mr. Speaker, Men and Women of the House: I find it interesting that Mr. Calderwood has issued this statement because when I talked with him, either yesterday or the day before, there was no action taken on this. He didn't inform me that this letter was going out. It just seems sort of interesting after I reamed him out for not being there and not trying to help work a bill through this legislature that now this report is coming out. I don't know when it was issued and I

really don't recall (I think I talked with him yesterday morning but I am not sure) -- I just find that rather interesting.

I think the bulletin says, "Now is the time to show your strong support." I am just looking around here and no one came up to me this morning and said, "My phone has been ringing off the hook in response to this."

The other thing that I just want to comment on is that I really think it is too bad to try to pit Portland and other areas on this issue. This is a statewide issue and it is really too bad to compare and sort of throw names around and say that this community is going to win and this community is going to lose and pit one community against another when we are really talking about education that is good for the whole state.

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

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

As I read the title -- does this bill pertain to all mandated programs or just education?

The SPEAKER: The Representative from Island Falls, Representative Smith, has posed a question through the Chair to Representative from Presque Isle, Representative Lisnik, who may respond if he so desires.

The Chair recognizes that Representative.

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: Education.

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 Portland, Representative Rand.

Representative RAND: Mr. Speaker, Men and Women of the House: As a Representative from Portland, I have been in communication with the Assistant City Manager and, when all the aspects of the bill were explained to him, his concern was that the formula is not addressed with this bill. He is concerned about what happens at the end of the two years and he has advised that I vote with the Majority "Ought Not to Pass" Report.

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

Representative HIGGINS: Mr. Speaker, Men and Women of the House: First, I would have to say that I am a little amazed that the Representative from Presque Isle, Representative Lisnik, would be concerned that the Administration is not supporting this piece of legislation. I would look forward to his continued interest in the Administration's position on other pieces of legislation that might come before this body.

Having said that, I want to make it clear that I perceive this as a different issue altogether than the funding formula itself. I represent, as well as the Representative from Yarmouth, Representative Foss, an area of the state which is growing very, very rapidly and property values having increased, we are in a constant state of losing state dollars. That is a separate issue altogether, in my opinion.

That is an issue that I hope is addressed by this legislature or a future one very, very soon.

However, the issue that is before us now is, if this legislature mandates a program in education, shall it fund it at a 100 percent level for the first two years? I think the answer is, yes.

We have seen fit to pass program after program back to the local level and not pay for the funding and, when we do, we pay for it two years later at 55, 57 or 60 percent of the cost. This bill says if you are going to pass something and you are going to make the local property taxpayer pay it, you ought to think twice and you ought to put your money where your mouth is.

I don't think that this is going to encourage mandated programs. It seems incomprehensible that that would happen. On the contrary, an issue was brought up that the state has finite resources -- somehow that doesn't seem like an argument to vote against this bill. It seems like it ought to be the other way around because all I hear is, that the local districts are the ones that have finite resources as well. The trouble is they don't have a control over their destiny. If we pass a program, they have to pay for it, right up front, not us. They have just as finite resources as we do here and I think it is unfortunate for them. I think they ought to be treated, in this sense, as any other state agency. If we tell the Department of Labor to provide a training program for IP workers in Jay, we pay for it. If we tell the Department of Marine Resources that we want to do some additional testing of shellfish, we pay for it.

It seems to me that if we tell the local districts that they ought to run a program on CPR or whatever the case might be, we ought to pay for it.

Sometime ago, a person was quoted as saying "Everybody talks about the weather, but no one is willing to do anything about it." Everybody here talks about local control and mandated state programs without state funding. This is a bill that gives you the opportunity to do something more than talk about it.

I hope you will vote against the pending motion in favor of the legislation.

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

Representative CARTER: Mr. Speaker, Men and Women of the House: I would like very much to agree with my good friend from Scarborough, Representative Higgins, but I just can't find myself on the same wave length. He feels that if we mandate a program, it is going to be funded under this proposed legislation. That is true for two years and, from where I sit, this would encourage mandation. Following two years, it is going to be rolled into the formula. The communities that can't afford mandation now are going to be able to afford it even less a few years down the road but they are going to be faced with the entire tab except for what they receive from the state. I think that is extending false hope to these communities to think that two year funding is the answer.

The only answer to solve the question that has been brought before this body is for the state to pick up the tab a 100 percent, all of it, not just mandated programs, all of it. We know that that is not going to happen, not today, not tomorrow, maybe in years to come when we have enough resources. Until we reach that point, it behooves us to work the formula. We now have one in place, and we discovered the formula debating this bill in committee that the formula is not perfect -- there is a question of

earned income in communities that should be addressed along with assets of the community. We ignore that now. We should deal with that issue and not try to undermine the formula that we now have in place.

I would urge you to support the "Ought Not to Pass" Report.

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

Representative HIGGINS: Mr. Speaker, Men and Women of the House: Very briefly in response to the Representative from Winslow, Representative Carter, he mentioned the issue of false hope and I have to respond by saying that it seems to me there are two chances here -- there is either false hope or no hope at all. Under the current law, they don't have any hope at all of ever getting anything. At least, under this bill, they get, and maybe it is false hope, something for two years and I think that is far better than the current law that is on the books now.

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

Representative DAVIS: Mr. Speaker, Men and Women of the House: I see this bill as a bill which might say "Put your money where your mouth is." If you are going to pass these things, pay for them.

Secondly, as far as being responsible legislators -- if we are responsible legislators, this will certainly not encourage us to pass mandation. We are going to know where our resources are coming from before we pass these bills.

I certainly hope that you will defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I took a long time to think about this bill because I will tell you the problem of Maine is to Maine. One section of Maine is paying the bills for the other sections and it creates animosity. I truly believe that this two year period would give us the time to look at restructuring the formula. It will force us to do this and come up with something that is fair and equitable to all.

There are poor people living in rich communities that cannot live there any longer. This is very sad but, moreover, I believe that the people that pay the bills for the people that don't have is a legitimate reason to ask for a two year reprieve.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I guess like my good friend, Representative Lisnik, I am concerned about the Governor's position on this and I am glad that Representative Higgins finds that humorous. I think I agree with the Governor's position as stated by Representative Foss that I would agree with this bill in principle. The problem is that this bill doesn't really put my money where my mouth is. It might put my money where Representative Davis' mouth is or vice versa but it certainly doesn't put it where we might want it to go.

The money, after two years, is distributed through the funding formula. Representative Foss and Representative Small are absolutely right when they say we passed a bill in 1984 and didn't properly fund it and a lot of us did know that at the time and a lot of us did say so. I served on the Taxation Committee at that time and I voted against the tax bill that funded it because I felt it was underfunded. It is still underfunded.

I put a bill in at the beginning of this session to move the funding formula to 60 percent

to try to bring it up to full funding. That bill is still in the Education Committee for a very important reason -- that the formula needs to be addressed.

The problem with this bill is that it doesn't address it and the reason I say it might not put my money where my mouth is is because the money that we allocate to pay for a mandate will not be distributed adequately or equitably. There are cities and towns in this state that currently receive nothing in education funding so I put in a bill to raise the funding formula to 60 percent of the cost to \$22 million. I had Representatives in this body who represent towns who currently receive no education money come up to me and say, "Why is it you want to pay for the mandate in Old Town or whatever town but you don't want to pay for it in my town? We don't get any money." This is the same situation -- if you pass this bill, you are going to pay for a mandated service and you are going to allocate x-number of dollars and the money is going to be distributed inequitably.

The crux of the problem is that the formula needs to be addressed and I know the Education Committee is working on that. That is certainly a much better approach to funding mandated services in education than this bill is. That is why I will support the motion on the floor.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: As anyone knows who has ever dealt with it, the school funding formula is extremely complicated and yes, it has problems. Yes, it has to be addressed. Yes, we all know that that addressing takes time. We have some problems in our towns with funding the costs of the School Reform Act and Teacher Certification and all the rest of it and the towns don't have time.

I have been listening to the debate and some of it I have understood and some of it I haven't. Something I learned a long time ago, it is real easy to make something complicated and real hard to make it simple so I am going to try to simplify this a little bit -- at least the way I look at things and try to clear some of the smoke, at least for me.

I look at my towns in a lot of ways like a starving man -- what I hear people opposed to this bill saying is, yes, we recognize we have a bunch of starving people out here and here we have the capability of giving them food for two years but let's not do it because, two years from now, they may be forced into starving again. Because they may be forced to be starving, let's let them get used to starving right now and let them starve for two more years. That doesn't make any sense.

Aside from the issue that we should pay for what we force people to do and aside from the issue of the school funding formula (I don't even want to get involved in that one anymore than I already have) we all know that a formula that was set up a number of years ago because of the drastic increases in property values and not equitable incoming increases in these communities has created some real problems and some real hardships and we have got to look at this very deeply. There is an opportunity to do something now and I don't see any reason for keeping the starving man starving because of the fact that we can't say in two years we can prevent it. Keep a

man alive by feeding them, it is that simple. Here's a chance to feed them, let's do it.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I intend to support the Minority Report. I made my position clear in the caucus, I think I will repeat it. I don't talk about the big picture because perhaps I don't know about the big picture but I know what goes on in my city. Those are the people I am here to represent. In the last years, under the present formula in state grants, my city has lost over half a million dollars. Last year, my tax rate went up \$3.00 a thousand. This month, the valuation on our property came out and South Portland is the second city in the State of Maine to go to a valuation of over a billion dollars. That may sound wonderful to go to a billion dollars but what it means to my city is an additional tax rate of \$3.00 a thousand and I certainly don't intend to stand here and support something like that.

Representative Carter speaks about two years down the road -- at the rate we are losing money through the formula now, we have nothing to worry about -- in two years, we won't have anything. I just can't believe when you say the title sounds good -- I think the whole concept sounds good and I intend to support it.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I am going to borrow from my colleague from St. George's analogy about the starving man. As far as I can see, this legislation simply will not give any additional food for that starving man but would "if" there was a new mandate only give him enough to stay where he is. That is why I will not support this legislation. I think it is, like my other colleagues have stated, providing false hopes.

I have heard this bill referred to as property tax relief, I heard those words mentioned, and this is clearly not property tax relief. There are no new revenues going to relieve the property tax burden -- we are only talking about mandation. If we don't mandate anything, this bill will do nothing; if we do mandate something, it will only hold those towns where they are at the same place -- that is not property tax relief.

I urge this body to wait and look at the other proposals that are coming from my committee and other committees before it jumps to this proposal which I don't think addresses any problem appropriately.

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

Representative NICHOLSON: Mr. Speaker and Members of the House: I am not going to reiterate but I will say I support the words of my friend and colleague from South Portland, I hear exactly the same thing, "What about us?" At the same time, I heard the words well expressed from the Representative from Ellsworth and I agree with that but, as I look at it, I try to think of Maine as one. As we regionalize our state and work together, whether it is education, business or any other matter, I think it is very important for us to think as units in this area as we develop economics and education. They go hand and hand and I urge you to support this bill, L.D. 2218.

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

Representative BOST: Mr. Speaker, Men and Women of the House: I would urge members today to be very cautious about this bill and be aware of the implications of the bill before you vote. As has been stated a number of times by members of the Appropriations Committee and others, the bill's title is very attractive but remember that we don't pass titles, we pass laws, and those laws have many implications.

I would like to raise a few points that I have not heard yet today, just for your own information before you vote.

The bill before you is clearly constitutional but, by the same token, it runs contrary to some of the objectives that are implicit in the Constitution. I refer to Article VIII, section I of the Maine Constitution with regard to support of public schools and the duty of the legislature. "A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature is authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools." Now, that is what the Constitution says.

This legislature has clearly taken liberties with that and justifiably so. We have seen the increased burden placed on municipalities as a result of some of the measures that we have passed here in this House, many of which we did not fully realize their implications. I think we have taken dramatic steps over the last few years to begin to address the issue, the shortfall. One of them has been alluded to a number of times here in this debate and that is the issue of increasing the state's share of the School Finance Formula to 60 percent by 1989 and to 65 percent by 1991. That is one very tangible, very effective way that we can address the issue that is brought forth in this bill without carrying with it the baggage that this bill has.

The Legislature authorized a study on this very issue, (I have not heard it referred to in floor debate today) and they released its findings to the Legislature this January. It is the report of the Joint Standing Committee on State and Local Government on State Mandates, December 1987. I would like to quote from that report just very briefly.

Under the assessment of the impact of a program such as this, "There is strong evidence to suggest that a program of mandate reimbursement may not result in actual reimbursement." Secondly, a quote which reflects some of the concerns of Representative Carter, "The cost of administering a mandate program combining a fiscal note and reimbursement could run in the neighborhood of \$700,000 per year and the fiscal note program alone of about \$300,000." Now, consider if you will the implications of that statement. That means that to administer this bill it would cost the people of the State of Maine \$1 million annually and perhaps that is even a conservative figure.

One of the recommendations from the report indicates that the majority of the committee felt it desirable that all mandate bills passed for engrossment be referred to the Committee on State and Local Government for review and recommendation

based on the total fiscal impact of mandate legislation for that session.

This study committee also took testimony from people in other states who have had experience with similar programs such as the one we are considering today. A couple of the comments from Massachusetts, "The voters who initiated mandate reimbursement didn't know what they were getting into. A legislature which adopts such a requirement should be completely aware of what it is getting itself into. Reimbursement is a very cumbersome procedure, all it generally accomplishes is to improve the quality of the debate (none of us can argue that point here). The division of local mandates in Massachusetts now employs 29 people and has an annual budget of \$800,000."

From New York State, The Legislative Commission on Expenditure Review says, "Mandates do cost money, but we don't recommend an attempt to cost them out individually, to do so would result in a mire of cost quantification and legislative intent, there are other solutions to this problem."

Finally from Illinois, this I think is very interesting, "Five years after passage of a reimbursement requirement, Illinois has never paid a reimbursement to local governments."

There is considerable talk here this morning about equity within the School Finance Formula. I had the pleasure of serving on a task force which completed its findings in October of this past year, commissioned by the Department of Education which looked into the equity issue within the School Funding Formula and it basically emerged from that study recognizing that generally (there are exceptions) there is basic equity within the School Funding Formula. However, recognizing that there are flaws, it did recommend to this Legislature (and there will be a bill presented to the Education Committee shortly which will address some of those inequities). Among them, the task force adopted the approach that the method to provide greater additional funds to local school units was through minimum allocation provisions shortening the time lag, subsidy stability, the use of income-related considerations and incentives. The income consideration was alluded to earlier in this debate.

So, before we act hastily on this bill, we need to consider these implications, they are very serious. We are all aware that back home the issue is ripe, people are very concerned about this state passing on costs of its own mandated programs to the locals but we have got to address that problem in a proper fashion and this bill is not the way to do it.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of points. If we do go to 60 percent or even 65 percent in the future and we pass more mandates, we are right back where we started. I would make a prediction (unfortunately a lot of my predictions that I make are coming true with more and more frequency and they are usually dire predictions) that if we do go to 60 percent or to 65 percent, we will be seeing more mandates coming through and they will expect that the formula will take care of the cost of those mandates. But as we have seen, it is never enough and often times, it is not evenly enough distributed.

As far as going to 100 percent funding and so many of us seem entirely incredulous that we could even think of doing this but, if you recall when we passed the teacher compensation package and we passed the block grants, that is exactly what we were supposed to be doing. For the first couple of years, the state was going to be picking up the entire cost of going to the minimum salaries. Unfortunately, the state did not do enough research into that to find out what exactly the entire cost was. I also think the way the block grants were distributed on a per teacher basis instead of per student, when you go into the formula on the final year, you have a lot of inequity there. We did do 100 percent financing and many of you voted for it when you voted for the block grants. So, that is not a totally new concept. Perhaps we stole that from the former administration, but it is nothing new and untried and perhaps if it were improved on and worked out better, it could actually be successful.

When you talk about this bill creating more mandates instead of less, if you had a bill in now to require Russian taught in every class in the state, you will get a fiscal note of what it will cost the state and, if that fiscal note is \$5.5 million, you can assume, although it is not on there, that it is going to cost your locals \$4.5 million but that is not taken into account. We decide whether we can raise that \$4.5 million when it comes back in the formula and if we can, we pass it, or if we go along with the mandated Russian. We don't look back at our towns and say, what will this do to you when you have to pass it? Will you be reimbursed enough by this 55 percent or in some towns the 10 percent that you receive from the state?

This will force legislators to, not only look at what it will cost the state, but what it will cost the locals. Then maybe if you see that it is not a \$5.5 million price tag, it is a \$10 million price tag, and after two years, your locals will be picking up that \$4.5 million, then you might think twice about passing that mandate.

The fiscal note on this bill, I guess, could go that high but if we don't mandate, there will be no fiscal note. Perhaps that will be another incentive for us not to pass mandated bills to the locals.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: There has been a lot of talk in the chamber today about how this is a good title, a good concept, but we don't support titles. This is one legislator that is supporting this bill because of the substance of the bill. It just so happens that the title is in keeping with that substance.

I supported the Education Reform Act of 1985 with members of the Education Committee. I helped write it because I believed that those changes were necessary for education. The people back home, the people I represent, believed that those changes were necessary but since implementation of that act and others, we have been quite disappointed with the follow-through from the state. That has been one area where the state really hasn't kept its share of the bargain.

It has been awfully tough back in Orono to come up with the money for some of those mandates and our town is more fortunate than a lot of others. What I have been hearing in the six years that I have been here is, "Don't pass any mandates without giving us the money." I have been saying, "Yes, I agree with you fully on that concept, I have made my views known whenever the occasions has presented itself." But,

here is a chance today for me to put my money where my mouth is as other Representatives have said today and to support this legislation so that when we go passing mandates, we will think twice and make sure that those are good mandates and we will put the money up to make sure that the state is holding up its end of the bargain. So, I strongly urge you to support this legislation.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I feel very strongly that the best way to address the question of mandate is to increase our own responsibility in this matter. I personally would be very concerned about passing any legislation that would tend to increase mandation. I believe that this bill will reduce the number of mandates that we have. We took an important first step in this and I will say unfortunately it is the only step we have taken so far.

When we amended the Constitution in 1977 with the adoption of Article CXLIX. I would like to read that article to you. It says, "The Legislature shall annually reimburse each municipality from state tax sources for not less than 50 percent of the property tax revenue loss suffered by that municipality during the previous calendar year because of statutory property tax exemptions or credits enacted after April 1, 1978."

Let me ask any member of the Taxation Committee if they can honestly say that there has been an increase in property tax exemptions since that time? I think the answer is a loud, "no." When the legislature has to pay, new mandates dramatically decrease.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to address this subject though it is one that is near and dear to my heart but I couldn't resist it. I haven't met anybody in the towns I represent yet who doesn't go along with the concept of this bill. I intend to support it on that basis because I think it is a concept.

However, I want to tell a very short story about a fact that came into being through statistics we were compiling when I was working with the Department of Education prior to the submission of L.D. 1994. The Uniform Property Tax was brought in on the basis of that bill and the thing that swayed me the most in supporting vigorously that kind of change, I was prompted by two forces. One, a case finding in Texas dealing with equity and putting that state on notice that they would be judged by the courts in terms of providing proper equity among their many towns if they didn't comply with some standard that the Judiciary (I suppose) would have established.

The second thing that prompted me was that I noticed one small town located (I guess I won't go into location, I won't name it either, take my word) it was making a 92 mill tax effort. There was another town that was wealthy by comparative standards that was making less than one mill effort. Since education is a state responsibility, I believe that, at that moment in time, I framed a concept of providing whatever equity that we could possibly breathe into that formula.

I submit to you today that there are two issues associated with this bill. One is a conceptual belief that, if the state mandates something, yes, I think the state should pay for it but I think that payment (and this is the second part of that) has to

be done provisionally through some assessed fact or factor involving your ability to pay. So, I think you have got to separate those two facts.

Equity is not easy because you are judging on the one hand and someone can't pay as well as somebody else. It is tough. I think that the formula needs to be revisited and I think we need to support that broad concept for the good of this state. Yet, it is awfully hard in the second part of this little scenario that I have run to raise your head above your municipality from which you are elected because equity isn't very popular when you are in one of the towns expected to provide it.

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

Representative RACINE: Mr. Speaker, Men and Women of the House: One of the biggest problems or complaints that I encounter from municipal officials back home is the fact that, whenever we mandate state programs, that we do not provide for proper funding. I realize that this bill, as presented, is flawed in that it only provides funding for two years.

I will vote for this bill with the intention of putting an amendment to the bill if it is adopted that would require state funding of all mandated programs indefinitely. As long as the program is in effect, it shall be funded by the state.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Carter of Winslow that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Biddeford, Representative Dutremble.

Representative DUTREMBLE: Mr. Speaker, I wish to pair my vote with Representative Priest of Brunswick. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Carter of Winslow that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 188

YEA - Allen, Baker, Bost, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Crowley, Daggett, Diamond, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Lacroix, Lisnik, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, E.; Nadeau, G. R.; O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Perry, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tammaro, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Callahan, Cote, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Harper, Hepburn, Hichborn, Higgins, Holloway, Kilkelly, Kimball, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Matthews, K.; McPherson, Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Parent, Pines, Pouliot, Racine, Reed, Salsbury, Scarpino, Sheltra, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Anthony, Hanley, Hillock, Hoglund, Jackson, Marsano, Mills, Nadeau, G. G.; Reeves, Rice, Seavey.

PAIRED - Dutremble, L.; Priest.
Yes, 70; No, 68; Absent, 11; Paired, 2; Excused, 0.

70 having voted in the affirmative and 68 in the negative with 11 being absent and 2 paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1496) (L.D. 2046) Bill "An Act to Clarify the Voting Method of Expansion of the Harrison Water District" (Emergency) Committee on Utilities reporting "Ought to Pass"

(H.P. 1547) (L.D. 2107) Bill "An Act to Amend the Charter of the Limestone Water and Sewer District" Committee on Utilities reporting "Ought to Pass"

(S.P. 746) (L.D. 2005) Bill "An Act to Amend the Membership of the Soil and Water Conservation Commission" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-311)

(H.P. 1461) (L.D. 1972) Bill "An Act to Add the Commissioner of Public Safety to the Alcohol and Drug Abuse Planning Committee" Committee on Human Resources reporting "Ought to Pass"

(H.P. 1471) (L.D. 1982) Bill "An Act to Exempt from Labeling Requirements Goods Produced Under Certification issued by the United States Department of Justice Pursuant to the Prison Industries Enhancement Act" Committee on Human Resources reporting "Ought to Pass"

(H.P. 1491) (L.D. 2041) Bill "An Act to Amend Reporting Deadlines under the Therapeutic Pharmaceutical Monitoring Panel" (Emergency) Committee on Business Legislation reporting "Ought to Pass"

(H.P. 1255) (L.D. 1713) Bill "An Act to Amend Laws Relating to Certain Licensing Boards" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-443)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 11, 1988, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 384) (L.D. 506) Bill "An Act to Clarify the Home Rule Authority of Municipalities" (Emergency) (C. "B" H-441)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Make Substantive Corrections in the County and Municipal Laws" (Emergency) (H.P. 35) (L.D. 36) (C. "B" H-442)

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

On motion of Representative Vose of Eastport, the House reconsidered its action whereby Committee Amendment "B" (H-442) was adopted.

The same Representative offered House Amendment "A" (H-444) to Committee Amendment "B" (H-442) and moved its adoption.

House Amendment "A" (H-444) to Committee Amendment "B" (H-442) was read by the Clerk.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I would like to speak to this issue and I would ask for a Division.

I call your attention to this amendment and this addresses the unorganized townships across the state. We have here in this amendment a request to add to the section of "Other Services" to be supplied to the townships under the category of Law Enforcement. Law Enforcement is already included to these townships by their sheriff's department or state police and the funding for the sheriff's department is included under the category of their portion of the county tax. This could open the door to have special funds taken from the overall township accounts for this particular purpose and I call that to your attention. That is the first part of this amendment.

The second part of this amendment deals with the Emergency Management Office within the counties. The new wording would replace the words "political subdivision" which encompasses all municipalities and the county structure by changing the wording to "municipality or interjurisdictional or regional agency of the State of Maine or a county commissioner." Those persons would be eliminated from the authority to act as the director or any of other persons within that department, which would mean that there may be other officials, elected officials, within the county structure that could serve in that capacity.

In checking this out, I find that a federal regulation under FEMA would preclude any county from obtaining one-half reimbursement if any elected official were placed in that capacity. I call that to your attention. This is exactly what could take place and I urge you to defeat the amendment.

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

Representative VOSE: Mr. Speaker, Men and Women of the House: These amendments that I am putting in or hope to put into the present law has a direct effect or may have a direct effect on the Washington County Budget. We have discussed this in committee and the majority of the committee (the delegation) had agreed that this very possibly could be a good move on our part, particularly the second part in which we were to make the sheriff of Washington County the Civil Defense Director. In order to make the sheriff of Washington County the Civil Defense Director, this change had to be made and was pointed out by David Brown. David Brown is also checking into this particular federal rule of reimbursement of salaries. As I understand it in talking with the Attorney General, that as long as that salary was not part of the sheriff's salary -- in other words, if we said the sheriff was going to make \$27,000 a year, part of it being \$4,000, that would be considered part of that salary. However, in our legislation, if we put in his salary as \$22,000 or \$23,000 with his salary being paid for by being a sheriff and then, over and above that, an additional amount of \$4,000, that would then not construed as being part of his

salary. Therefore, this is the reason why the second part of that federal rule would be simply null and void as far as I can see.

As far as the law enforcement part in Part I of this amendment that I am proposing -- we have a situation where the larger cities and towns who have a police force in the county are paying for their own police force and then also paying for 4 deputy sheriff's who are patrolling primarily the towns who do not have a police force of their own and also unorganized territories. I made a suggestion to our delegation that in some way we could possibly have them pay a proper cost of those 4 deputies, either in a contract or by a service fee because, after all, we in the towns that are paying for our own police force have no need for patrolled deputies. You can get back to when the sheriff first was the "good old sheriff days, the good old boy" -- all he used to do was serve warrants and stuff like that and take care of the jail. Now, they are trying to get a whole regime out of it so that is the reason for this.

I called up Joe Plourde, who is, I believe, the Administrator of Unorganized Territories, and questioned whether or not that, at one stage or another, we could charge a service fee to Unorganized Territories for their fair share or the police enforcement that is taking place within the Unorganized Territories. He agreed that this could be done, even under the present law, because if you will notice, it says, "Any other service which a municipality may provide for its inhabitants and which is not provided by the state." He said, "I would really prefer that it be spelled out, if you don't mind." I said, "I certainly had no objection to that." There was no objection, to my knowledge, raised by the other part of the delegation; thus, the words "Law Enforcement" being added in this manner.

That is the reason for this amendment, there are no tricks here, it is cut and dried. One amendment was requested by Joe Plourde, the other was requested and acknowledged by David Brown, the Director of Civil Emergency Preparedness.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I did discuss the Emergency Management issue with Mr. Brown this morning and the information I relayed to you earlier is based on that conversation. I did see the law that was referred to or rather the regulation, I believe it is.

As far as the law enforcement area of this particular issue is concerned, I see this coming down the road and I am basing this on a conversation I had myself with Mr. Plourde that, what this eventually could lead to, is that every single municipality in this state will eventually be required to provide a special appropriation directly for sheriff's departments coverage within their community.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" to Committee Amendment "B." Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Vose of Eastport 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 adoption of House Amendment "A" to Committee Amendment "B." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 189

YEA - Aliberti, Baker, Bost, Boutillier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Conley, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farren, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hussey, Jacques, Jalbert, Joseph, Ketover, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Mitchell, Moholland, Nadeau, G. R.; O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Racine, Rand, Richard, Rolde, Ruhlin, Rydell, Simpson, Smith, Stevens, P.; Swazey, Tamaro, Thistle, Tracy, Vose, Walker, Warren.

NAY - Allen, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Callahan, Coles, Curran, Davis, Dexter, Farnum, Foss, Foster, Garland, Glidden, Greenlaw, Harper, Hepburn, Hichborn, Higgins, Holloway, Holt, Kilkelly, Lawrence, Lebowitz, Look, Lord, MacBride, Matthews, K.; McPherson, Melendy, Michaud, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, Paradis, E.; Pines, Reed, Ridley, Rotondi, Salsbury, Sheltra, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Anthony, Dellert, Hanley, Hillock, Hoglund, Jackson, Kimball, Marsano, Mills, Nadeau, G. G.; Parent, Priest, Reeves, Rice, Scarpino, Seavey, Tardy, The Speaker.

Yes, 69; No, 64; Absent, 18; Paired, 0; Excused, 0.

69 having voted in the affirmative and 64 in the negative with 18 being absent, House Amendment "A" to Committee Amendment "B" was adopted.

Representative Carroll of Gray offered House Amendment "B" (H-445) to Committee Amendment "B" (H-442) and moved its adoption.

House Amendment "B" (H-445) to Committee Amendment "B" (H-442) was read by the Clerk and adopted.

Committee Amendment "B" (H-442) as amended by House Amendment "A" (H-444) and House Amendment "B" (H-445) thereto was adopted.

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

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-446) on Bill "An Act to Improve Retraining Opportunities for Dislocated Workers" (H.P. 1585) (L.D. 2163) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative McHenry of Madawaska offered House Amendment "A" (H-447) and moved its adoption.

House Amendment "A" (H-447) was read by the Clerk and adopted.

The SPEAKER: A roll call has been requested on engrossment. 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 Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: We have a bill before us that will not correct some of the problems that we are facing in a certain region of this state. We have been following events in that section of the state and I think it reminds us of what we see in the Middle East in terms of two warring nations and the bodies piling up.

What this bill is is a recognition that in that part of the state we have had a massive auto accident. When you come upon an accident and, in some cases, people aren't aware that it has occurred. There are two groups of people in that accident, the drivers, who represent the company, and on the other side, union leadership. I don't think either side has distinguished themselves during the last year. My concern is with the riders and not the drivers and this bill begins to address the people that have been in that accident. We care about the families who are paying the costs and we care about the future of that region. Politically, with a small "p", we could probably go along as members of this chamber and take the safe route in terms of what this bill will do and vote against it.

I served for many years on the Education Committee and, as long as there is one elementary child, one high school student, one university student, one worker in this state who needs educational opportunity, needs help, I will turn my light on and vote green. It would be real easy for members of this body, no matter what your views are on the events in that region of the state, to focus on one set of drivers or the other -- today, I am casting my vote in favor of the people who were the riders in those vehicles rather than drivers. I will be voting yes.

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

Representative BICKFORD: Mr. Speaker, Men and Women of the House: I, too, would urge you to support this legislation. As you are well aware, this legislation does address the potential explosive issue in Jay. Let's not view this as pro-striker or anti-striker legislation. Instead, let's look at this as being an opportunity to make a positive impact on people's lives. Their primary need is an opportunity to provide an income for their families. How can this be accomplished? I submit to you that this legislation is an opportunity to provide the necessary retraining, retraining that is necessary for those who need new skills for opportunities in the future. The bottom line is that it is an investment in people, people who need our help now.

I, too, urge your support for the motion on the floor.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I have to admit that I am a little surprised that there is any discussion on this this morning since this issue clearly is not one that should break down along party lines or political lines. Those people who have been supportive of one particular side have joined with those who have been opponents on the overall issue, the one that has been mentioned affecting people in Androscoggin, Oxford and Franklin counties -- in fact, the entire state.

I think it is to this legislature's credit that people who have been on opposite sides, as the three of us who have spoken so far have been, are able to

ask all of you as members of this legislature to recognize that this legislature is concerned with the families and the individuals involved, both in the direct way and in the indirect way, with the strike taking place at International Paper Company.

We have philosophical differences as to who is right and who is wrong or who is more right or who is more wrong but nonetheless we know that we have a fundamental concern for the people over in that region and that is why we are all getting together today and asking for a strong, hopefully unanimous, support for this legislation, that we can get it passed, down to the other body and get it signed.

We may disagree in the future about the direction this issue takes or the direction that the entire strike takes but today let's be united and let's speak with one voice.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I never thought that we would come to an agreement in the Labor Committee on an answer to this problem we have. We had a hotly debated workshop, we had a tremendous hearing and, to and behold, we come to find out that the Commissioner of Labor came before our committee and said we already had in place the law and it was a matter of a period but that he saw in his book where it was a semi-colon. Just a matter of a semi-colon and the prior legislation was not needed and I am very happy to say that I am relieved and I feel a little bit more comfortable although I don't feel a 100 percent toward the bill because of the funding mechanism and all that. The bottom line is, as the good Representative from Kennebec has said, it is what is best for the passengers, it is what is best for the working people and I truly believe that. I hope that we pass this bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be engrossed as amended by Committee Amendment "A" and House Amendment "A." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 190

YEA - Aliberti, Allen, Anderson, Armstrong, Baker, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foster, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Perry, Pines, Pouliot, Racine, Rand, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Wentworth, Weymouth, Zirkilton, The Speaker.

NAY - Bailey, Begley, Davis, Foss, Garland, Look, Stevens, A.; Webster, M.; Whitcomb, Willey.

ABSENT - Anthony, Carter, Dellert, Hanley, Hillock, Hoglund, Jackson, Kimball, Marsano, Mills, Nadeau, G. G.; Parent, Priest, Reeves, Rice, Seavey, Tardy.

Yes, 124; No, 10; Absent, 17; Paired, 0; Excused, 0.

124 having voted in the affirmative and 10 in the negative with 17 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-446) and House Amendment "A" (H-447) and sent up for concurrence.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Authority for Judicial Suspension of Motor Vehicle Licenses (S.P. 656) (L.D. 1879) (S. "A" S-310)

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. 122 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 Postpone the Effective Date for the Use of Biodegradable Escape Panels on Lobster Traps (H.P. 1613) (L.D. 2206)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

PASSED TO BE ENACTED

An Act to Clarify the Offense of Furnishing Liquor to a Minor (S.P. 736) (L.D. 1995)

An Act to Require Basic Written Contracts for Home Construction Work (S.P. 838) (L.D. 2175)

An Act to Clarify the Laws Relating to Notaries Public (S.P. 839) (L.D. 2176)

An Act Relating to Taxation of Trucks (H.P. 1284) (L.D. 1757) (H. "A" H-440)

An Act to Extend the Sunset Review Period for Rate Regulation Reform for Certain Electric Utilities (H.P. 1425) (L.D. 1936) (C. "A" H-438)

An Act Relating to Kents Hill School (H.P. 1437) (L.D. 1953)

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

FINALLY PASSED

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H.P. 1481) (L.D. 2016) (C. "A" H-439)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act Allowing the Town of Island Falls to Annex Township 4, Range 3 WELS in Aroostook County" (H.P. 1017) (L.D. 1370)

- In House, Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-437) on February 4, 1988.

- In Senate, Minority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

TABLED - February 9, 1988 by Representative CARROLL of Gray.

PENDING - Further Consideration.

On motion of Representative Carroll of Gray, retabled pending further consideration and specially assigned for Thursday, February 11, 1988.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve Retraining Opportunities for Dislocated Workers (H.P. 1585) (L.D. 2163) (C. "A" H-446 and H. "A" H-447)

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

Representative Martin of Eagle Lake requested a roll call.

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

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

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I certainly do hope that we are going to pass this piece of legislation although I am not totally satisfied with the funding mechanism of the bill because 85 percent of our employers in this state are paying money to provide money for this program that we are setting up, who have nothing at all to do with unionized places. I realize that it doesn't only deal with unionized places, there are some that aren't unionized and will be utilizing these programs of retraining dislocated workers. That is one difficulty I have with the bill and the other difficulty was that the money was appropriated from the General Fund but the total balance of the bill is what is best for the majority of the people in the State of Maine and that is what we are here for, to represent the majority of the people of the State of Maine. Therefore, I reluctantly will be voting for it.

I also understand the philosophy behind the bill. I can imagine myself being in their shoes and

having to take a retraining program. I know full-well that I will stick by my guns and I will stick to the strike but psychologically, I am not a professor nor a psychologist but psychologically when you take that step for retraining, you are kind of admitting defeat. You know as well as I do that IP has had ads on television offering retraining, offering moving expense -- I had to balance everything in my own mind and heart and I truly feel that it is best that we pass this bill and give those people the opportunity, who do wish retraining, to go ahead with it. I do wish that we will support this bill.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: This bill, L.D. 2163, that we are debating today contains no changes in the eligibility language of the Dislocated Workers' Program. Everyone involved, including the Commissioner of the Department of Labor, agrees that no change in the current law is needed to qualify people involved in extended labor disputes for the program. This bill simply reauthorizes the Dislocated Workers' Program and appropriates additional administrative funds to ensure that this can be delivered to what is expected to be an expanded clientele during the coming year. By avoiding any changes in current eligibility standards, this legislature avoids even the appearance that it is taking sides in the labor dispute at Jay and avoids any potential charges that we are interfering with the collective bargaining negotiations.

The Committee Amendment to the bill deletes language requiring active attendance at training programs to avoid any problem that can be caused by semester breaks or delays between segments of the training program. Essentially, the program reauthorized by this legislation, is the same one that has been in successful operation for the past two years. The Commissioner has the authority to regulate through rulemaking normal attendance requirements for participation in the program if he determines that problems exist with active participation.

This clarifies the language in the amendments of the bill that we are discussing.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of the members elected is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 191

YEA - Aliberti, Allen, Anderson, Armstrong, Baker, Bickford, Bott, Boutillier, Bragg, Brown, Carroll, Carter, Cashman, Chonko, Clark, M.; Coles, Crowley, Curran, Daggett, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hichborn, Hickey, Higgins, Holloway, Holt, Hussey, Jialbert, Joseph, Ketover, Kilkelly, Lacroix, Lawrence, Lebowitz, Lisnik, Look, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Perry, Pines, Pouliot, Racine, Reed, Richard, Ridley, Rolde, Ruhlin, Rydell, Salsbury, Scarpino, Sheltra, Sherburne, Simpson, Small, Smith, Stanley, Stevens, P.; Strout, B.; Strout, D.; Tardy, Taylor, Telow,

Thistle, Tupper, Vose, Wentworth, Weymouth, Zirkilton, The Speaker.

NAY - Bailey, Begley, Davis, Foss, Foster, Garland, Stevens, A.; Webster, M.; Whitcomb, Willey.

ABSENT - Anthony, Bost, Callahan, Clark, H.; Conley, Cote, Hanley, Hepburn, Hillock, Hogle, Jackson, Jacques, Kimball, LaPointe, Lord, Marsano, Nadeau, G. G.; Paradis, P.; Priest, Rand, Reeves, Rice, Rotondi, Seavey, Soucy, Stevenson, Swazey, Tamaro, Tracy, Walker, Warren.

Yes, 110; No, 10; Absent, 31; Paired, 0; Excused, 0.

110 having voted in the affirmative and 10 in the negative with 31 being absent, L.D. 2163 was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Manning of Portland, Adjourned until Thursday, February 11, 1988, at ten o'clock in the morning.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
February 10, 1988

Senate called to Order by the President.

Prayer by Reverend Anthony Lombardi of the South Lewiston Baptist Church in Lewiston.

REVEREND LOMBARDI: Let us bow together in prayer. Our Father, as we approached Your throne of grace, we thank You for the scriptures which tell us that men are always to pray and not to lose heart. Therefore, we come before You asking for these who are our State Senators, that they will have divine wisdom in any decisions or transactions that have to be made. We thank You for the words of Isaac Watts of days of old, who said, "before the hills an order stood, for earth received her frame, from everlasting Thou art God, to end us years the same." Thus, we call upon You seeking Your divine guidance for this day and this Session. We thank You in Jesus' name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Establish the Agent Orange Information Commission"

H.P. 1621 L.D. 2214

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Improve the Potato Marketing Improvement Fund"

H.P. 1618 L.D. 2211

Comes from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

Resolve, Authorizing Philip Wolley of Searsport to Collect Compensation from the State of Maine

H.P. 1615 L.D. 2208

Bill "An Act to Improve the Standard of Living for Maine's Low-Income Children" (Emergency)

H.P. 1619 L.D. 2212

Bill "An Act to Enhance the Provisions of Head Start Services in Maine"

H.P. 1620 L.D. 2213

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.