

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

**ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
68th Legislative Day
Tuesday, April 19, 1988**

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

Prayer by Father Louis Berube, Holy Family Catholic Church, Sanford.

The Journal of Monday, April 18, 1988, was read and accepted.

Quorum call was held.

(At Ease)

The House was called to order by the Speaker.

Committee of Conference
Later Today Assigned

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501) have had the same under consideration and ask leave to report:

That the Senate recede from passage to be engrossed as amended by Committee Amendment "A" (S-402), recede from adoption of Committee Amendment "A" (S-402), read House Amendment "A" (H-622) to Committee Amendment "A" (S-402) and indefinitely postpone same, indefinitely postpone Committee Amendment "A" (S-402), read and adopt Conference Committee Amendment "A" (S-484) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (S-484) in non-concurrence.

That the House recede and concur with the Senate. (Signed) Senators ESTES of York and KANY of Kennebec - of the Senate.

Representatives O'GARA of Westbrook, KILKELLY of Wiscasset and NORTON of Winthrop - of the House.

Came from the Senate with the Committee of Conference Report read and accepted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (S-484) in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of the Committee of Conference Report and later today assigned.

SENATE PAPERS

The following Joint Resolution: (S.P. 1000)
JOINT RESOLUTION TO THE PRESIDENT AND
BOARD OF TRUSTEES OF THE UNIVERSITY OF MAINE
REGARDING "THE MAINE STEIN SONG"

WHEREAS, it is written that "It takes an endless amount of history to make even a little tradition"; and

WHEREAS, so it is with "The Maine Stein Song," a national hit tune in the early 1930's made famous by Rudy Vallee; and

WHEREAS, "The Maine Stein Song" has long been the University of Maine's official theme song and is proudly hailed as the only college fight song to ever make the top 40; and

WHEREAS, the lyrics of this song are so historically enshrined in the hearts and minds of students, faculty and alumni, one cannot help but proudly rise wherever and whenever heard; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 113th Maine Legislature of the State of Maine, now assembled in

Second Regular Session, are of the opinion that "The Maine Stein Song" as presently written should forever remain the official theme song of the University of Maine and that every effort should be made to keep and preserve this unique legend which brings to mind the happy thoughts and memories of our great state university; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President and Trustees of the University of Maine System in token of our support for this priceless tradition.

Came from the Senate, read and adopted.
Was read and adopted in concurrence.

Non-Concurrent Matter

Bill "An Act to Improve Comprehensive Land Use Planning and Land Use Ordinances to Manage Growth and Development" (H.P. 1830) (L.D. 2506) on which the Minority "Ought to Pass" as amended Report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-738) in the House on April 18, 1988.

Came from the Senate with the Majority "Ought Not to Pass" report of the Committee on Energy and Natural Resources read and accepted in non-concurrence.

The House voted to adhere.

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND THIRTEENTH LEGISLATURE

COMMITTEE ON LEGAL AFFAIRS

April 18, 1988

The Honorable John L. Martin

Speaker of the House

113th Legislature

Dear Speaker Martin:

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

Total number of bills received	37
Unanimous reports	35
Leave to Withdraw	6
Ought to Pass	4
Ought Not to Pass	6
Ought to Pass as Amended	14
Ought to Pass in New Draft	5
Divided reports	2

Respectfully submitted,

S/Judy C. Kany

S/Charles R. Priest

Senate Chair

House Chair

Was read and ordered placed on file.

ORDERS

Later Today Assigned

On motion of Representative CLARK of Millinocket, the following Joint Order: (H.P. 1937)

Ordered, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill, "AN ACT to Ensure Public Access to Lands Regulated by Maine's Tree Growth Tax Law," to the House.

Was read.

On motion of Representative Cashman of Old Town, tabled pending passage and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1907) (L.D. 2604) Bill "An Act to Implement the Recommendations of the Study of the Department of Environmental Protection" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-745)

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

SECOND READER

Later Today Assigned

Bill "An Act to Revise the General Assistance Laws" (H.P. 1249) (L.D. 1705)

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

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

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

SENATE PAPER

Later Today Assigned

The following Joint Order: (S.P. 1001)
ORDERED, the House concurring, that Bill, "AN ACT to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System," H.P. 1612, L.D. 2205, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read.

On motion of Representative Gwadosky of Fairfield, tabled pending passage in concurrence and later today assigned.

Bill "An Act to Improve Comprehensive Land Use Planning and Land Use Ordinances to Manage Growth and Development" (S.P. 941) (L.D. 2485)

Came from the Senate, indefinitely postponed.

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

Was indefinitely postponed in concurrence.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Continue the Driver Education Evaluation Program (S.P. 886) (L.D. 2298) (C. "A" S-475)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and

Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (H.P. 1798) (L.D. 2462) (C. "A" H-726)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides (H.P. 1673) (L.D. 2292) (S. "A" S-470; S. "A" S-421 to C. "A" H-610)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1988 (H.P. 1934) (L.D. 2635)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1988 (H.P. 1936) (L.D. 2636)

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

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

PASSED TO BE ENACTED

An Act Concerning Access Fees (S.P. 297) (L.D. 847) (C. "A" S-476)

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

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

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

Would someone explain this bill and what it does?

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, this bill was originally presented to the legislature last year and it was held over pending a study of access fees in general. It was reported out of the Taxation Committee early this session with a 10 to 3 "Ought Not to Pass" Report. It was recommitted to the Taxation Committee about two weeks ago.

The main bone of contention was that the original bill attempted to address fees that are being charged by some landowners for use of their roads. The study commission that worked on this over the summer suggested that those fees, as they currently exist, are reasonable and that the bill that was originally presented to the legislature wasn't appropriate. An amendment was to be offered here in the House that dealt with leases of large tracts of land, a practice that is being carried on by some large landowners that allows large tracts of land to be leased for the purpose of exclusive hunting and fishing activities. The question is if those leases constitute a change in the use of property so that the land would no longer be available or be able to utilize tree growth tax law because the primary purpose of the land is no longer growing trees.

The Bill that is up for enactment today embodies that amendment pretty much and basically establishes a guideline for when leases become so lucrative that the income from the lease exceeds the income that is available by harvesting trees, then that land is no longer eligible for tree growth tax law and would come out of tree growth.

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

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

Am I to understand that certain acreage that has been leased will now come under tree growth -- only that land that has been leased and it is over 100 acres?

The SPEAKER: Representative Smith of Island Falls has posed an additional question through the Chair to any member who may respond if they so desire.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: That is exactly right. If the revenue generated from the lease exceeds the amount of money that the Taxation Department is currently assessing the tax on, based on a yield on sustained growth, then that land that is covered by the lease and only that land, would come out of tree growth.

The attempt here is, if a company currently leases five acres on Moosehead Lake to me to put a camp on, that five acres comes out of tree growth now because that lease is considered to be a change in the useage of the land. This is an attempt to extend that to leases that are currently being written on large tracts of land and extend that same principle. So, that land and only that land, would come out of tree growth.

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

ENACTOR

Later Today Assigned

An Act to Improve the Quality of Care in Long-term Care Facilities by Establishing

Intermediate Sanctions and Incentives for High Quality Care (S.P. 485) (L.D. 1462) (C. "A" S-478)

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

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

PASSED TO BE ENACTED

An Act to Establish a Resource Protection Law (S.P. 870) (L.D. 2265) (H. "C" H-743 and H. "D" H-746 to C. "A" S-480)

An Act Concerning the Penobscot Tribal Court (S.P. 929) (L.D. 2440) (C. "A" S-482)

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

ENACTOR

Later Today Assigned

An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care (H.P. 313) (L.D. 412)

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

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

PASSED TO BE ENACTED

An Act to Appropriate Funds for Replacement of Real Estate Tax Validation Machines in County Registries of Deeds (H.P. 1638) (L.D. 2237) (C. "B" H-725)

An Act to Make Housing More Affordable to Maine Citizens (H.P. 1659) (L.D. 2269) (H. "A" H-740 to C. "A" H-678)

An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act (H.P. 1687) (L.D. 2316) (S. "B" S-466 and S. "A" S-437 to C. "A" H-641)

An Act to Promote Orderly Economic Growth and Natural Resource Conservation (H.P. 1688) (L.D. 2317) (C. "A" H-727)

An Act to Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People (H.P. 1703) (L.D. 2340) (H. "A" H-730 and S. "A" S-467 to C. "A" H-705)

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

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

PASSED TO BE ENACTED

An Act to Encourage the Efficient Use of Electrical Energy (H.P. 1721) (L.D. 2360) (C. "A" H-736)

An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding (H.P. 1792) (L.D. 2456) (H. "A" H-688 and H. "B" H-741 to C. "A" H-674)

An Act to Authorize the Annexation of Cove Point Township by the Town of Greenville (H.P. 1929) (L.D. 2629) (H. "B" H-731)

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

PASSED TO BE ENACTED

An Act to Authorize Knox County to Raise up to \$4,900,000 to Construct a New Jail and Law Enforcement Facility (H.P. 1932) (L.D. 2633) (H. "A" H-732)

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

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Before we vote to enact this legislation, I felt it appropriate to say a few words for the Record. Many of you have already heard from me that this bill will provide for the fourth correctional facility in my legislative district. Representative Melendy from Rockland has done it again.

I am going to vote for this, to allow the voters in Knox County to decide the issue. There are some issues that I think this legislature needs to be aware of. I am very concerned that the property taxpayer is bearing the burden of correctional facilities. I don't think that is appropriate.

I am very concerned for the taxpayers of Knox County because they haven't finished paying for the last jail that we built and we are being asked to build another one.

We have to, in this legislature, start thinking about alternatives to building more and more jails and more and more prisons. We have to think about the impact that those facilities have upon the municipalities in which they are located.

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

PASSED TO BE ENACTED

An Act to Require Application and Approval for Railroads to Receive Financial Assistance from the State and to Require Notice of Major Modifications in Rail Service (H.P. 1933) (L.D. 2634) (C. "A" H-735)

An Act to Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages (H.P. 1780) (L.D. 2433) (C. "A" H-728)

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 Exchange of Certain Public Reserved Land (S.P. 996) (L.D. 2632)

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

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

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

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

Bill "An Act to Amend the Motor Vehicle Laws and to Allocate Funds to the Division of Motor Vehicles" (Emergency) (H.P. 1930) (L.D. 2630)

TABLED - April 15, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

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

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

HOUSE REPORT - "Ought to Pass" as Amended by Committee Amendment "A" (H-638) - Committee on Transportation on Bill "An Act to Reallocate Funds from the Maine Turnpike Authority for Construction and Maintenance of Secondary Roads" (H.P. 1574) (L.D. 2149)

TABLED - April 15, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Acceptance of the Committee Report.

On motion of Representative Diamond of Bangor, retabled pending acceptance of the Committee Report and later today assigned.

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

An Act to Establish the Strategic Training for Accelerated Reemployment Program (S.P. 946) (L.D. 2494) (Conf. Comm. "A" H-696)

TABLED - April 18, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby L.D. 2494 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee of Conference Amendment "A" (H-696) was adopted.

On motion of the same Representative, Committee of Conference "A" Amendment (H-696) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-750) and moved its adoption.

House Amendment "B" (H-750) was read by the Clerk. The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to replace the STAR program within the Maine Job Training Partnership Act. The amendment stipulates that the funding for this program will be from General Fund Revenues at \$1.9 million. I would urge you to adopt this.

Subsequently, House Amendment "B" was adopted.

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Improve the Quality of Care in Long-term Care Facilities by Establishing

Intermediate Sanctions and Incentives for High Quality Care (S.P. 485) (L.D. 1462) (C. "A" S-478) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care (H.P. 313) (L.D. 412) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Diamond, under suspension of the rules, the House reconsidered its action whereby L.D. 412 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-751) and moved its adoption.

House Amendment "A" (H-751) was read by the Clerk and adopted.

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

(At Ease)

The House was called to order by the Speaker.

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

ORDERS

On motion of Representative CARTER of Winslow, the following Joint Order: (H.P. 1938)

Ordered, the Senate concurring, that Bill, "AN ACT to Require Notice of Major Modifications in Rail Service," H.P. 1752, L.D. 2401, and all its accompanying papers, be recalled from the Governor's desk to the House of Representatives.

Was read and passed and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: The following Joint Order: (S.P. 1001) ORDERED, the House concurring, that Bill, "AN ACT to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System," H.P. 1612, L.D. 2205, and all its accompanying papers, be recalled from the Governor's desk to the Senate, which was tabled earlier in the day and later today assigned pending passage.

The House voted to indefinitely postpone.

Sent up for concurrence.

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

The Chair laid before the House the following matter: Joint Order: (H.P. 1937) Ordered, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill, "AN ACT to Ensure Public Access to Lands Regulated by Maine's Tree Growth Tax Law," which was tabled earlier in the day and later today assigned pending passage.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I would hope that you would all vote against this Order today.

This issue has been in front of the Taxation Committee for a long, long time. The bill that we just enacted that Representative Smith asked me the questions on is really the final result of having a bill presented to us a year and a half ago dealing with access fees. I think it is a rather silly move with two days left in the session to require the Taxation Committee to report out a bill dealing with access fees, an issue we have spent already one and a half years on. We have had a special study commission on this and just passed a bill, not half an hour ago, as a result of all of that work. To follow that up with an Order that the Taxation Committee report out another bill, I think, is rather ridiculous. We have fully dealt with the issue, there is nothing further that is going to be accomplished in one and a half days left of this session. I hope that this House will vote against the Order.

Representative Clark of Millinocket requested a roll call vote.

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

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

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

ROLL CALL NO. 269

YEA - Allen, Brown, Clark, H.; Clark, M.; Coles, Dexter, Erwin, P.; Gould, R. A.; Harper, Holt, Hussey, Kilkelly, Lacroix, Macomber, McGowan, McHenry, Michaud, Mitchell, Norton, Paul, Pouliot, Simpson, Soucy, Strout, D.; Tracy, The Speaker.

NAY - Aliberti, Anderson, Anthony, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Carroll, Carter, Cashman, Chonko, Conley, Cote, Crowley, Curran, Daggett, Davis, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holloway, Jackson, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Marsano, Matthews, K.; Mayo, McPherson, McSweeney, Melendy, Mills, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, P.; Parent, Perry, Pines, Priest, Racine, Rand, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Baker, Callahan, Hillock, Kimball, Mahany, Manning, Martin, H.; Moholland, Paradis, J.; Reeves, Rice.

Yes, 26; No, 113; Absent, 12; Paired, 0; Excused, 0.

26 having voted in the affirmative and 113 in the negative with 12 being absent, the Order failed passage.

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

SENATE PAPERS

The following Joint Order: (S.P. 1004)

ORDERED, the House concurring, that Bill, "AN ACT to Make Interim Adjustments in the Certificate of Need Development Account," S.P. 845, L.D. 2191, and all its accompanying papers, be recalled from Engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Ought to Pass Pursuant to Joint Order (S.P. 973)

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" Pursuant to Joint Order (S.P. 973) on Bill "An Act Concerning Storage Of Radioactive Material in Public Buildings" (S.P. 1003) (L.D. 2637).

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

Report was read and accepted, the Bill read once.

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

CONSENT CALENDAR

First Day

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

(S.P. 916) (L.D. 2392) Bill "An Act to Provide for the Safety of Health Care Workers Involved with the Care and Treatment of AIDS Patients and Clarify the Ability of Hospitals to Recover Increased Costs Resulting from the Adoption of Recommended Treatment Protocols" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-487)

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: . Committee of Conference Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501) which was tabled earlier in the day and later today assigned pending acceptance of the Committee of Conference.

(That the Senate recede from passage to be engrossed as amended by Committee Amendment "A" (S-402), recede from adoption of Committee Amendment "A" (S-402), read House Amendment "A" (H-622) to Committee Amendment "A" (S-402) and indefinitely postpone same, indefinitely postpone Committee Amendment "A" (S-402), read and adopt Conference Committee Amendment "A" (S-484) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (S-484) in non-concurrence.)

Came from the Senate with the Committee of Conference Report read and accepted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (S-484) in non-concurrence.

Representative O'Gara moved that the House accept the Committee of Conference Report.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the Committee Report. I have no illusions as to what will happen on this bill. This House passed what I considered a bad amendment and I am sure they will probably pass an equally bad compromise.

However, I feel that it is very important that we at least state our objections for the Record. As I said, I have no illusions on this bill. I know that it will be decided up or down in the other body but for the Record, I just want you to understand what the Committee of Conference Report does. It does do a number of things.

It will exempt 15,000 Maine teachers from the new certification law until July 1, 1991. Until this date, all current teachers must renew under the old law. Not only will teachers not be certified under the new law until 1991, they will not be subject to local support systems, an aspect of the new law which puts Maine way ahead of the rest of the nation.

Special Education teacher shortages will be exacerbated by this new amendment, keeping the old law prevents the existing categorized certificates such as trainable mentally retarded, educable mentally retarded and emotionally disabled and learning disabled from being collapsed into two general certificate categories under 502. So, instead of making it easier for Special Ed teachers to be certified, we will continue to require teachers to hold multiple certificates.

Under this compromise the principal's administrative certificate will continue to be one of the weakest in the nation. Existing law, which this amendment will preserve until 1991, requires only six hours of graduate study in administration and supervision to be certified as a building principal in Maine. As a result, no state will recognize the Maine principal certificate as part of a reciprocal agreement. Yet, this amendment will delay any changes in the status quo until 1991. Understand that even in 1991, the teacher administrator will have five more years under the old certification rules.

This amendment negates four years of piloting new certification standards, countless public hearings, and thousands of hours of work by the State Board of Education.

Adoption of this amendment will be without benefit of public input, hearing, and assessment of the cost to implement the old law for current teachers and the new law for new teachers simultaneously.

The State Board of Education has committed itself to review the new certification rules by Spring of 1989 at which time recommendations for change can be considered. This will be the time to make corrections in the law and not now before it has had a chance to succeed.

Mr. Speaker, I request a roll call.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't like rebuttals but I do believe that we are locked in a swamp. We were given, instead of a compass, a watch. That watch can

only measure the amount of time we spend in the swamp, it will never show us the way out.

If we are looking to improve our schools, I want you to realize that certification is a very limited focus on that unless you start with teacher training standards in our colleges. That is where this massive exercise should have started. Certification in and of itself is a system which must be in place to give public assurance that teachers meet entry level standards.

Secondly, certification rules must include conditions for personnel to renew their certificates. I want to assure every member of this House that, even under this compromise, these people do have to meet existing recertification rules. They are not grandfathered out of responsibility for that.

Certification cannot accomplish the truly important factors associated with quality in education. Those factors involve careful hiring procedures, provisions for direct supervision and evaluation by the administration and the planning and implementation of a staff development system designed to improve and coordinate the curriculum for the true benefit of youth. We have never been at that point in staff development. We had everything else in place, in my opinion, except a comprehensive, true staff development component.

The new rules allow a teacher with a college degree and no experience to enter the classroom and allow them five years to meet minimum requirements. I believe these same new rules will remove the needed flexibility which allow our small rural schools to function and will serve to drive out our qualified experienced teachers and lead us head long into the worst contrived shortage of teachers in our history. We do not need to repeat the experience of the 1950's and the 1960's and the 1970's but if we go in this direction -- I believe the flag has been waved by a study just completed by the Rand Corporation, which calls attention to the safety valve in all of this change which has come about in the certification system. That safety valve is the blatant use and return of the waiver, office record or whatever other thing you want to call it. In Special Education, it is odd at a time of shortage, we are going for a generic certification under the new rules. And yet, at a time of equal shortage in math, science, English, in business, we are going for heavy, heavy endorsements which can only lead to that use of the waiver that I mentioned.

I won't further go on with this because you have heard this before and I believe your minds are made up. Please don't think that the perception that what we had is all wrong and what we are going to get is so right we can't possibly live without it. I don't believe that for a moment.

However, I find compromise very hard and I want to commend the members of that Conference Committee, who met several times for hours, and finally convinced me and we convinced each other because this truly is not something that I don't own. I owned this compromise from the time I voted on it but I want you to know it wasn't an easy process for any of us. I recommend it to you without hesitation and it will give us time to have the public debate that this important, important decision warrants.

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 Parsonsfield, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: I have been troubled for several months as a member of the Education Committee and in the recent deliberations as to this matter of certification. I am basically troubled because there has been no talk about what benefits come to the children and the young people in the schools of this state.

I remind you that the 1984 Education Reform Act came about because there apparently was dissatisfaction with the schools and the offerings in the schools and the achievement levels of the young people of this state. I remind you that those are the teachers and the professional people who were there then or are here now, most of them. And, if there was that dissatisfaction and there were recommendations for improvements and they came about because there was dissatisfaction which most people seem to think will be remedied by in-service programs. That has been in vogue for a long time, but apparently it has not been effective in the State of Maine. Therefore, they charged the State Board of Education to come up with a direction that would bring about this improvement and you have before you the certification requirements that predicts there will be the improvement as a result of the advanced preparation on the part of the teachers and the administrators.

Those of you who took the time to read one of the reports that was on your desk on the assessment valuations that took place of the young people may recall that in one part of it it pointed out in one specific discipline, mathematics, the young people who did poorly were with teachers who had no preparation in that mathematics, who had very little preparation in mathematics. This certification is an effort to bring people back into preparing themselves for the job that they have been asked to do.

I agree also that leadership and administration has a great deal to do as to whether in-service and improvements will take place. But, certification here addresses itself to the need for the improvement of the administrators. I submit to you, although we have an allegiance to teachers who have been dedicated, we have a greater allegiance to the young people of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you today to look carefully at the recommendation that you have on your desk. It was a compromise that was hammered out with a lot of deliberate action on the part of the Conference Committee. It is a very reasonable compromise. We hear so often that the teacher certification process has been kicking around for four years and so much has been done and how can we wait any longer.

Part of the concern on the part of the committee is that there may have been four years of time gone by but that didn't necessarily mean that there was four years of action and four years of activity in order to make sure that the process that came out of the end of that time was the best that it could possibly be.

What I consider to be one of the strongest points in this recommendation is that it gives the Education Committee of the 114th Legislature a very specific

task, the task of, in January of next year, coming together and understanding as much as they can about the certification process, holding public hearings to talk about the costs. The costs are very, very high. We have not yet determined what the cost is going to be, it certainly is higher than the \$100 per teacher that we are giving to the schools. The costs need to be looked at.

We are also going to be holding a hearing with the University of Maine to find out how they are doing in gearing up to deal with the many, many teachers that would need to return to the classroom for courses.

Going back to some earlier testimony that I had, if you have a rural teacher that has a secondary certificate and did not major in any of the three subjects they may be teaching right now, that person may have to go back for 18 credit hours in each of those, which means it will put a tremendous burden on the university.

At the end of the first year, the information will be gathered, at the end of the second part of the term, the Committee will be presenting legislation and, hopefully, dealing with some of the issues that have been raised. For the third year of this delayed implementation, the department and the State Board of Education would be specifically charged with getting information out into the field so that we don't end up with this crisis situation and this crisis atmosphere that has been constant in teacher certification. It is important that there be time for people to understand what their requirements are. Three years is not too long to wait. Three years is a reasonable amount of time given that there is a very strong plan of action for that three year period. I would urge your consideration and support for this measure.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I hope you vote against the Conference Committee Report. I spoke to you for a minute before when we looked at this issue and I hope you have had time to talk to the teachers back home as I have again, for the second time, and found that in general, the vast, vast majority feel very, very good about the professionalism that has been brought into our system via the certification process. I certainly hope you won't do anything to jeopardize it today.

The SPEAKER: The pending question before the House is the motion of Representative O'Gara of Westbrook that the House accept the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 270

YEA - Aliberti, Anderson, Anthony, Bailey, Begley, Bost, Boutilier, Bragg, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Dexter, Diamond, Dore, Duffy, Erwin, P.; Farnum, Farren, Glidden, Gould, R. A.; Gurney, Gwadnosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Look, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Ridley, Rolde, Rotondi, Ruhlén, Rydell, Scarpino, Sheltra, Simpson, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Warren, Weymouth, The Speaker.

NAY - Allen, Armstrong, Bickford, Bott, Brown, Davis, Dellert, Foss, Foster, Garland, Greenlaw, Harper, Higgins, Holloway, Lawrence, Lebowitz, Lord, Marsano, Murphy, T.; Nicholson, Paradis, E.; Parent, Pines, Racine, Reed, Richard, Salsbury, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Baker, Callahan, Curran, Daggett, Dutremble, L.; Hanley, Hepburn, Hillock, Kimball, McHenry, McPherson, Moholland, Nadeau, G. G.; Paradis, J.; Reeves, Rice, Seavey.

Yes, 93; No, 41; Absent, 17; Paired, 0; Excused, 0.

93 having voted in the affirmative and 41 in the negative with 17 being absent, the Committee of Conference Report was accepted, the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (S-484) in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Revise the General Assistance Laws" (H.P. 1249) (L.D. 1705) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Manning of Portland offered House Amendment "B" (H-749) and moved its adoption.

House Amendment "B" (H-749) was read by the Clerk and adopted.

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

(At Ease)

The House was called to order by the Speaker.

UNASSIGNED

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" - Committee on Labor on Bill "An Act to Prohibit Strikebreaking Activity" (Emergency) (H.P. 1560) (L.D. 2124)

TABLED - March 18, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative McHENRY of Madawaska to accept the Majority "Ought Not to Pass" Report.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I can't remember at this point whether this is strikebreaker number four or five and I don't think it makes a lot of difference. It is obviously the best one of the group since I sponsored it and it is a Governor's bill.

We, I think at this point, have had before us some four or five strikebreaker bills. They have been vetoed, defeated and all sorts of things have happened to them. This is the only one, I think, that would stand any chance of making any sense at this particular time.

This has been on the Table for a long time and I am sure most of you have forgotten what either of these bills are about that we argued some months or so ago.

This one says that, in order for a person to be involved in strikebreaking, that the primary business activity of that organization must be the determining

cause. If you recall, that is quite a bit different than the one that I believe is Tabled Unassigned in the other body at this point and probably we will see it sooner or later.

The difference between the two primarily is what it takes to be called a strikebreaker. This one, as I have just mentioned, has to be the primary business of the activity at the time of that activity within the State of Maine.

The other one says that you have to be involved in a three year period with 100 or more employees anywhere in the world. Of course, it is absolutely impossible to do that because nobody can check all over the world to find out if that person may have been involved in a strikebreaking activity in Siam and whether they have 19 people or 99 people, it is impossible to do it. This one is a very easy thing to do for the very simple reason it is a primary business activity within the state.

We have had problems in this area and I realize that the Governor's bill which I am talking about now, 2124, is not ideal. It is not what everybody would want but we seldom pass anything in this House that you could say that about. It makes some people happy, it makes some people unhappy.

The only thing that I can say is, since this is the Governor's bill, there is every reason to believe that he will pass it, will sign it and the workers will have some protection. There is every reason to believe that the other bill that is Tabled Unassigned in the other body at the moment would not be passed and, indeed, it would be vetoed and the workers would have no protection at all. So, I ask that you vote not to accept the motion that is on the floor, but defeat the motion that is on the floor, so that this bill can go forward.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have made that motion to accept the "Ought Not to Pass" Report for the simple reason that this bill does absolutely nothing to prohibit companies such as BE&K and any other company from doing business in the state of providing professional strikebreakers. That is the bottom line, that is where it is.

Representative Willey of Hampden requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative McHenry of Madawaska 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. 271

YEA - Aliberti, Anthony, Bost, Boutilier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, P.; Paul, Perry, Pouliot,

Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tammaro, Tardy, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Begley, Bickford, Bott, Bragg, Curran, Davis, Dellert, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Higgins, Holloway, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Racine, Reed, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Allen, Armstrong, Bailey, Baker, Callahan, Crowley, Dexter, Hillock, Jackson, Kimball, McPherson, Moholland, Paradis, J.; Reeves, Rice, Rolde.

Yes, 80; No, 55; Absent, 16; Paired, 0; Excused, 0.

80 having voted in the affirmative and 55 in the negative with 16 being absent, the motion to accept the Majority "Ought Not to Pass" Report did prevail. Sent up for concurrence.

On motion of Representative Diamond of Bangor, the following was removed from the Tabled and Unassigned Table.

Bill "An Act To Promote the Prompt and Peaceful Settlement of Labor Disputes" (Emergency) (S.P. 956) (L.D. 2531)

TABLED - March 18, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Zirkilton of Mt. Desert requested a roll call vote.

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

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

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

ROLL CALL NO. 272

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

NAY - Anderson, Begley, Bott, Bragg, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Higgins, Holloway, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Racine, Reed, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout,

B.: Strout, D.: Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Allen, Armstrong, Bailey, Baker, Callahan, Crowley, Hillock, Jackson, Kimball, McPherson, Moholland, Paradis, J.; Reeves, Rice, Rolde.

Yes, 81; No, 55; Absent, 15; Paired, 0; Excused, 0.

81 having voted in the affirmative and 55 in the negative with 15 being absent, the bill was passed to be engrossed in concurrence.

(At Ease)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1926)

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Correct Additional Errors and Inconsistencies in the Laws of Maine" (Emergency) (H.P. 1939) (L.D. 2638) (Submitted by the Joint Standing Committee on Judiciary pursuant to Joint Order H.P. 1926)

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

(At Ease to Gong)

The House was called to order by the Speaker.

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 19, 1988

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

Dear Speaker Martin:

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

Total number of bills received	58
Unanimous reports	54
Leave to Withdraw	10
Ought to Pass	4
Ought Not to Pass	13
Ought to Pass as Amended	21
Ought to Pass in New Draft	6
Divided reports	4

Respectfully submitted,

S/Ronald E. Usher S/Michael H. Michaud
Senate Chair House Chair

Was read and ordered placed on file.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Correct Additional Errors and Inconsistencies in the Laws of Maine" (Emergency) (H.P. 1939) (L.D. 2638)

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

Representative Bost of Orono offered House Amendment "A" (H-755) and moved its adoption.

House Amendment "A" (H-755) was read by the Clerk.

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

Representative MACBRIDE: Mr. Speaker, Men and Women of the House: I just want to call your attention to the fact that this amendment that has just been presented is to the Errors and Inconsistencies Bill and is a substantive amendment. It was brought to the committee yesterday, we researched it and found that it really was substantive, so we refused to let it come into our Errors Bill. I do want you to be informed about that.

I request a Division.

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

Representative BOST: Mr. Speaker, Men and Women of the House: This is, as I understand it, a rather simple amendment to the Errors Bill. It simply states that, after three unexcused absences by a school committee member from regular meetings of the school administrative district or municipal school committee, that there shall be cause to declare a vacancy. Apparently, there are a number of concerns across the state in a number of districts where school board officials have assumed their position on the board and then have declared that they do not intend to serve out their term as an active member.

I must note also that this does not affect cities or towns with charters so I would hope that you would vote in favor of House Amendment "A."

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

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

Who excuses?

The SPEAKER: The Representative from Westbrook, Representative Curran, has posed a question through the chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Orono, Representative Bost.

Representative BOST: Mr. Speaker, Ladies and Gentlemen of the House: I am assuming that it would be the chairperson of the respective school board.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I would seem to me that the local towns involved would make their own ordinances in regard to their own school boards. I would hope that you would vote against it.

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

A vote of the House was taken.

Representative MacBride of Presque Isle 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.

At this point, the Speaker appointed Representative Diamond of Bangor to act as Speaker pro tem.

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

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: The Representative from Presque Isle, Representative MacBride, was very kind when she talked about the offering before the Judiciary Committee. I was the one who presented it to the committee yesterday.

Of course, it is substantive, there is no question about that. It is the result of a problem that developed very recently in a rural area in Maine and I think it is a very simple problem. There are two things that need to be remembered. First of all, the amendment does not apply if a municipality has and is operating under a charter under the Enabling Act of the Constitution.

Second, the municipality cannot adopt an ordinance which deals and violates enabling legislation so there is no way that that can be done unless the law is changed or unless the municipality chooses to have a charter. Most of the communities in the state operate under the regular Enabling Act and that is also true for the counties, I might point out, except for one county that has changed the process or is in the process of changing it.

As I told the Representative from Presque Isle, Representative MacBride yesterday, I probably shouldn't care but I do, since some Republicans are friends of mine, it is a Republican community by about 10 to 1. It is a very strange situation. What happened was, there were three people on a school board, as I remember the details, one person has indicated that he has no intention of going back to the school board. It was a three year term, a couple of years left to go, and what happens is it will end up with a 1 to 1 tie. There is no ability to remove that person since the Maine Constitution does have recall and there is no recall provision in the Enabling Act dealing with municipalities. So that person remains, even though that person will not serve.

I guess I am sort of carrying the water for someone else. It does not affect my communities, it does involve me personally, but I do think the issue is such that it ought to be addressed. I do not believe that a public official ought to be elected and simply walk away from his or her duty without having some responsible person being able to deal with that issue or having the ability to remove that person. Otherwise, you can stymie the process of a municipality. The same can be true, I might point out, in other instances as well. It is also true, as I found out yesterday, in a school administrative district in this state, where someone indicated that they are never going to go back to the school board meetings because they happen to be displeased with the superintendent. It is a member of this body who informed me of that in their particular school district. That is really a very simple issue.

By the way, I might point out that, yes, it is substantive, yes, it is a process to put those amendments on because that is the way in which we have sat up that process. As I told the members of the Education Committee when I met with them, I was not interested in this amendment if any member of the

Education Committee was opposed to it. They indicated to me that they had no problem and that is the reason why I asked the Representative from Orono, Representative Bost, to offer it. I guess it is one of those issues where I present it to you but I thought it was fair that you understand how it developed. If the House chooses not to adopt it, you can rest assured that it isn't going to bother me but I do think as a matter of principle, it is something that is right. I don't believe we ought to allow a person to serve if they refuse to go and have made it clear to the press that they have no intention of going back.

What this does is it allows the municipal officers to appoint, until the next election, just like a regular vacancy, if this occurs. I would be more than happy to respond to any other questions anyone might have.

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

Representative STROUT: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Eagle Lake.

When there is a committee of three, who is going to determine the valid excuse?

The SPEAKER PRO TEM: The Representative from Corinth, Representative Strout, has posed a question through the Chair to the Representative from Eagle Lake, Representative Martin, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me just say to you that there is already a section of the law that deals with community districts, the CSD's. It exists right now. When we researched the law this morning, it was contrary to what we went through in the Judiciary Committee. That particular section was dropped in the redrafting of the Education Law about five years ago dealing with school districts and single union districts, single town districts. But it is in the law right now for the CSD's.

The process that would be used, basically, is what is used right now in other instances. Normally, there is still a chairman (and in this instance, there is one) and the chairperson would designate that the person has not called, has not sent a letter indicating that there is any valid excuse. I think what will happen, to be real honest about it, is that the minute that that becomes public it will become clear that the person then will say, I am not going back, and then everyone will know. In this instance that I am aware of, everyone in town knows it. He just says, so what, what are you going to do about it? I think that is flaunting the law and the intent of why it is there.

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

Representative ALIBERTI: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Eagle Lake, Representative Martin.

I was pleased to find out that this did not affect my community. I had concern. Does that absolve me of not being concerned whether it is right or wrong? My concern is, has this been explored from a judiciary point of view as far as the implications or complications that may develop?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Aliberti, has posed a question through the Chair to the Representative from Eagle Lake, Representative Martin, who may respond if he so desires.

The Chair recognizes that Representative.

Representative MARTIN: Mr. Speaker, Members of the House: Let me try to respond in this fashion because I know there is some concern specifically to Lewiston, since Representative Aliberti does serve on the school board in that city. In Article VIII, Part 2 of the Constitution, the municipal Home Rule provision is made clear that the Home Rule charters would apply. They would not be superseded by what we do on that issue here.

Secondly, in reference to the legal aspect of it, that matter, if there were to be a discussion, obviously the final recourse to that would be decided by a judge at some point in the process.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I just wanted to add a point of clarification to what the gentleman from Eagle Lake stated. Last night, the same question was asked that the gentleman from Lewiston asked. Only constitutional officers have a vested right in the term to which they were elected by their constituents. If the office is established by statute, i.e., school board office, that term can be altered by the Maine statutes, by the will of the Legislature. We cannot get into a discussion that we are doing something wrong here.

Years ago, a school board member forfeited his or her seat if that person absented himself or herself more than 90 days from the community. It was an automatic forfeiture. That was changed several years ago. The reason, as was stated earlier, the gentleman from Eagle Lake is presenting his amendment to us tonight is that it is a substantive change. That doesn't mean that it is a bad change, it only means that it is a substantive change that the entire membership should be aware of.

The Errors Bill that was reported out earlier this month and the one today by the Judiciary Committee does not contain those types of changes as this amendment before us. It is up to you people to make the judgment whether you want to go with it or not. What you have heard tonight has been factual information and I trust that you will make the correct judgment.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Speaking as a former member of the Education Committee, who in 1985, had worked with that recodification, there was an implication said on the floor in terms of the CSD's being left in and that that should be expanded to the other communities such as SAD's, single community or single unit SAD's. The reason that was left in was, that on the local level in the community, they can set their own rules as to how it applies. I guess we use that phrase "local control" -- we hadn't invented that back in 1985 but that was our concern.

On a SAD, you have a more formal structure that really doesn't change. You have a set agreement as to what will be the share, whether it is going to be based on valuation or pupil count or a combination of and, as you go down the road each year, each community that is a part of that SAD, meets their commitment of their share. But the CSD is a more fragile relationship and the feeling was that there are regular issues such as tuition, shared costs in terms of schools, that the membership has to be there to make those decisions on a yearly basis. If someone removes themselves from that board or doesn't meet their obligations, in essence, they have disenfranchised their community in terms of tuition agreements or school construction. So, CSD was

specifically left there and should not be used as a reference point of expanding that to the SAD's or the communities. We felt that communities should not be disenfranchised given that unique relationship of CSD's.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Curren.

Representative CURRAN: Mr. Speaker, Men and Women of the House: I have heard it said that this is sort of innocent and also I have heard it said that it applies to a sort of graphic situation that is evidence enough that it should be corrected. Maybe I am a simple soul and perhaps shouldn't see it in such simple terms as I do, but I see it as a much simpler situation and a very dangerous one simply in its simplicity.

The matter of who excuses or refuses to excuse rests, as I understand it, in the hands of the chairman of the school committee. I am dealing now in my mind, not with SAD's, but my own city's school committee as an example, which is a single municipality. The dangers I see here of the subjectivity of it all are very, very subjective, how very, very personal it can be, how much it may be subject to very poor judgment in some cases and how it can even be subject to small-time and backbiting politics. To me, this is a dangerous bill unless, of course, and we are dealing with elected officials here who are responsible for the electorate and the electorate, in a sense, is responsible for that official. The problem that I have is that it really should be drafted in much more detail, if it is to be drafted at all, so there is no question in anyone's mind whatsoever as to who has the right to remove an elected official from office.

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

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

Would this be limited to regular scheduled meetings? I am talking, more or less, about other meetings being called by the chairman. Would this be limited to the regular scheduled meetings?

The SPEAKER PRO TEM: The Representative from Lisbon, Representative Jalbert, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes that the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: It is my understanding that in the CSD's that this deals with regular meetings, not just special adhoc meetings that are called at any given time. We are talking specifically about three regular meetings in a row. It is not an attempt to simply disenfranchise someone who wishes to miss a meeting for whatever reason and it cannot be used where a person simply dislikes someone. It has to be for an obviously stated basis that he or she has no intention of returning to the board.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-755). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 273

YEA - Aliberti, Allen, Bost, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Davis, Diamond, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kilkelly, Lacroix, LaPointe, Lisnik, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Norton,

Nutting, O'Gara, Oliver, Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Ridley, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, A.; Stevens, P.; Swazey, Tamaro, Tardy, Telow, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Curran, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, McPherson, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Parent, Pines, Reed, Richard, Rolde, Salsbury, Seavey, Sherburne, Small, Stanley, Stevenson, M.; Strout, B.; Strout, D.; Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Baker, Callahan, Dutremble, L.; Hillock, Ketover, Kimball, Nadeau, G. G.; Paradis, J.; Rice, Thistle.

Yes, 83; No, 58; Absent, 10; Paired, 0; Excused, 0.

83 having voted in the affirmative and 58 in the negative with 10 being absent, House Amendment "A" was adopted.

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

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

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

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

SENATE PAPERS

The following Communication:
Maine State Senate
Augusta, Maine 04333

April 19, 1988
Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Majority Ought Not to Pass Report on the Bill "An Act to Improve Comprehensive Land Use Planning and Land Use Ordinances to Manage Growth and Development" (H.P. 1830) (L.D. 2506).

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

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication:
STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION
April 18, 1988

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

Dear Speaker Martin:

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

Total number of bills received	37
Unanimous reports	30
Leave to Withdraw	7
Ought to Pass	3
Ought Not to Pass	5
Ought to Pass as Amended	11
Ought to Pass in New Draft	4
Divided reports	7

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

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Strengthen the Site Location of Development Law" (S.P. 846) (L.D. 2202) (H. "A" H-747 and S. "A" S-483 to C. "A" S-477)

TABLED - April 18, 1988 by Representative DEXTER of Kingfield.

PENDING - Passage to be Engrossed.

On motion of Representative Gould of Greenville, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-477) as amended by House Amendment "A" (H-747) and Senate Amendment "A" (S-483) thereto was adopted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-747) to Committee Amendment "A" (S-477) was adopted.

On motion of the same Representative, House Amendment "A" (H-477) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-753) to Committee Amendment "A" (S-477) and move its adoption.

House Amendment "B" (H-753) to Committee Amendment "A" (S-477) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope you would adopt House Amendment "B." The Committee on Energy and Natural Resources met this morning and came out with this amendment unanimously. It is the intent of the committee that, although of this bill is enacted, will not become effective for 90 days after adjournment, that DEP will still proceed with the applications. We do not want a backlog over in DEP and, hopefully, they will start proceeding with the applications.

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

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

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

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

BILL RECALLED FROM GOVERNOR
(Pursuant to Joint Order H.P. 1938)

An Act to Require Notice of Major Modifications in Rail Service (H.P. 1752) (L.D. 2401) (C. "A" H-590)
 - In House, Passed to be Enacted on April 18, 1988.
 - In Senate, Passed to be Enacted on April 18, 1988.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby L.D. 2401 was passed to be enacted.

On motion of the same Representative, the Bill and all its accompanying papers were indefinitely postponed.

Sent up for concurrence.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Study of the Department of Environmental Protection" (Emergency) (H.P. 1907) (L.D. 2604) which was passed to be engrossed as amended by Committee Amendment "A" (H-745) in the House on April 19, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-745) as amended by Senate Amendment "A" (S-488) thereto in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON JUDICIARY

April 19, 1988

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

Dear Speaker Martin:

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

Total number of bills received		61
Unanimous reports	58	
Leave to Withdraw	26	
Ought to Pass	6	
Ought Not to Pass	3	
Ought to Pass as Amended	18	
Ought to Pass in New Draft	4	
Re-referred	1	
Divided reports		3

Respectfully submitted,
 S/Joseph C. Brannigan S/Patrick E. Paradis
 Senate Chair House Chair

Was read and ordered placed on file.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Not Pass" on Bill "An Act to Increase Maine's Sales Tax to 6% and to use the Funds Generated to Support the University of Maine System, the Maine Vocational-Technical Institute System and Immediately Increase the State's Share of Education Funding to 65%" (H.P. 991) (L.D. 1337)

Signed:

Senators: SEWALL of Lincoln
 TWITCHELL of Oxford
 DOW of Kennebec

Representatives: SEAVEY of Kennebunkport
 WHITCOMB of Waldo
 CASHMAN of Old Town
 JACKSON of Harrison
 DUFFY of Bangor
 NADEAU of Saco
 ZIRNKILTON of Mount Desert
 SWAZEY of Bucksport

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-756) on same Bill.

Signed:

Representatives: DORE of Auburn
 MAYO of Thomaston

Reports were read.

Representative Cashman of Old Town moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I stand here amazed because the other night I had heard someone talking about drawing a line in the sand and it appears the tide has come in and out a couple of times in terms of tax increases and someone standing firm against the wave of taxation. I am looking at the report here and I am amazed the tide came in so quickly.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will defeat the Majority "Ought Not to Pass" Report so that we can go on to accept the Minority "Ought to Pass" Report.

This bill as amended raises the sales tax by one cent and earmarks one-sixth of the sales tax raised directly to municipalities for the purpose of lowering the property tax burden caused by an extraordinarily high local share of funding for education. The good State of Maine will send all \$94 million raised back to local municipalities through a block grant program. They know how to do this, they have done block grants on a per pupil or per teacher basis for the last three years. No added staff is needed.

The reason I am bringing this up tonight in the 11th hour is because we seem hell-bent on passing some form of tax increase to pay for an overly ambitious road program. When my constituents talk to me of the needs, they talk of two needs in particular. They talk of a need for (1) serious property tax relief and (2) not just verbally but actually without dollars committing to increasing the state's share of educational funding significantly.

Finally, I would like to say that, sitting on Taxation has given me a first-hand view of income tax exemptions, exceptions and credits for many things that I can now argue are not appropriate and that no longer make income tax the most progressive tax. Already in Maine, we have a very progressive sales tax, we have exemptions for food, prescriptions, heating oil, some electrical use. I would argue that it is going to be a lot harder to make the sales tax unprogressive than it has to make the income tax and the corporate income tax unprogressive.

I would like to talk a little bit about priorities. Some of our priorities that have been funded in the last 72 hours are things that I don't recall any of my constituents talking to me about having a great need for. I am not talking about people's regional needs but some statewide priorities. I don't know where they are coming from. Seemingly, we have run out of money tonight

for educational funding. I do not pretend that this bill can win and, if it did, it wouldn't go anywhere in the other body. If it went anywhere in the other body, I know where it would go downstairs. I can no longer accept the wisdom of some of our choices over schools and over property tax relief. So, I am asking you to support me tonight, not because I am going to win, but so that we can send a message, a message from the citizens of Maine, about our priorities.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I swore to myself I wasn't going to get up and speak tonight but the good Representative from Kennebec has given me the lead-in.

I think the quote that he attributed to me actually belongs to the good Representative from Mt. Desert, Representative Zirkilton, I did not draw any line in the sand and I know the tide has not come in.

I opposed the gas tax increase and I said at the time that I was trying to put the tax raising needs of this state in priority. In my opinion, there is a greater priority to raise the sales tax for property tax relief than there was to raise the gas tax for road repair and that is why I voted against and will continue to vote against the gas tax increase and that is why I have signed and will support this method to reduce property taxes in Maine. It is simply, in my opinion, a question of priorities and I have set the priorities this way.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I also hope you will reject the motion before you so you can accept the Minority "Ought to Pass" Report as amended.

Municipalities all across this state are facing angry and frustrated taxpayers. Taxpayers are so angry that they are organizing in support of tax caps. These caps would limit the amount of property taxes that a municipality could raise in any given year. Tax caps (we have seen them in other states) would limit a municipality to be able to implement many of the laws passed by this legislature. Education reform, for instance, growth management for another instance. Municipal officials are legitimately frustrated when they face taxpayers angry over property tax increases necessitated to pay for education, to pay for federal cutbacks in revenue sharing and to pay for increased numbers of miles of state roads which have been turned back to the municipalities to maintain.

Before us, we have a chance today to put our money where our mouth is. This last weekend the Appropriations Committee rejected an alternative developed by the Education Committee to increase the state's share of local education costs above the fine start that was presented by the Governor. This House can correct that unfortunate action by passing this measure.

We always expect our municipalities to do more and better with less and less. Towns have been criticized for improperly managing growth but, when push came to shove, this legislature killed the tools they needed to implement good comprehensive plans. Landbanks were killed by the other body. A bond issue to help finance capital improvements necessary to channel growth in appropriate locations was also killed in the Appropriations Committee. A land speculation tax was also killed.

It is time to deliver. As long as we continue to fund local education costs by increasing amounts of property taxes year after year, I maintain our

educational system is in trouble. In Maine, I really feel we have blinders on when we continue to be paying for our local education costs primarily through just the property tax. Other states have changed and do it differently, they have had to. It is time for Maine to also look at other alternatives, to shift the burden from the property tax to other taxes.

My school board chairmen in my two SAD's favor this. I have put it on my questionnaire both years, 70 plus percent of the respondents favor this. Every single selectman that I have talked to in my district (and that is all but one) favor this.

I have to remember when I went door to door in my campaign and heard homeowner after homeowner complain about high property taxes. I remember this one elderly gentleman who was out working in his garden one Fall when I happened to get there, and he was a little bit bent over, just because of his age and probably the amount of work he had done in his life. He looked up at me and he said something I will always remember. He said, "Young man, we are paying our educational burden and I don't mind paying it but we are paying for it by a once a year painful payment plan." He was referring to the once a year property tax bill he receives. He said, "We need to look at other alternatives." He said he doesn't mind paying the same amount of money but it would be a lot easier for him to support education if he had a chance to pay for it a little bit at a time.

In closing, I would also remind this body that the students graduating from our high schools in Maine aren't competing. The students in Kennebec aren't competing against the students in Turner or Lewiston for jobs, they are competing against high school graduating students from Boston, New York, really all over the United States, for jobs.

So, I really feel that the answer to cutting back on property taxes is not to cut back on our education. We have got to at least go the other way on that.

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

Representative DUFFY: Mr. Speaker, Men and Women of the House: I, for one, am going to be consistent with my vote. I was consistent when I voted with the Majority "Ought Not to Pass" and I am not going to vote for any gas tax increase or any sales tax increase. I am not going to vote for the crystal ball compromise and I am not going to vote for the sales tax hike because I believe that we really don't know what our incomes are and we can't project that far. I am not going to go home and tell my constituents that most of our time was taken up in this legislature trying to figure out a way to raise taxes.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know, I just can't believe this. The only thing you are going to do with this one percent sales tax, as far as my district is concerned, is to take away our tax base. So, whatever you give us back for property tax relief, will not do us one bit of good. What few small businesses we have will just be going out of business as did most of our businesses when we put in the sales tax. You think now that you are going to start collecting from us down here what we buy in New Hampshire, well you might as well add a few more because you will have to go over there to buy everything. Now we have to go over to buy our food if we want to eat or else drive 20 miles in Maine. What do you think, will we have to go over there and

buy our gas also? We will have to go over there and buy everything else we want, our hardware, everything, because there will be no businesses there on the border. From downtown center, my community is only 40 feet from the center of a community in New Hampshire. That is how far we go, 40 feet across that river. It is just a bridge and that is all it is.

One of the things that my constituents say is, "Can't you do something about the sales tax so that we can have some businesses in our town?" They do not come into Maine and start because of the sales tax, it is too close to the border. If you want to ruin our tax base, pass this 6 percent sales tax.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I guess I can't believe it either. This proposal borders on the absurd. What I have been hearing is, okay, we have got constituents that are upset about the property taxes, so what are we going to do, we are going raise another tax to take care of the other tax. Now, if you think your constituents are mad about property taxes now, wait until they find out that you just passed yet another tax placed on their backs.

We have a supplemental budget right now that could be the largest in the history of the state as was pointed out by the good gentleman from Old Town, a \$110 million supplemental budget. We also have a proposal before us to raise the gas tax, a proposal that I support. We have also had extensive coverage in the media of the surplus that this state enjoys. What are the people back home going to think? They are going to think we are made of money down here, made of their money. I hope we really won't give this proposal any serious consideration. I hope we kill this thing.

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

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I have been waiting for about four years to talk about a bill like this. Unfortunately, I didn't have the time to prepare because I think I could talk for the next ten hours. If you want to talk about property tax relief -- let's take Portland -- big deal, you have got \$600,000 on the \$33 million property tax relief. Well, this bill will give you \$3.6 million for property tax relief.

All the people in Washington County -- you will get back more money than you pay in on a one cent increase in the tax for educational subsidy. I haven't figured it for other counties but I suspect there are probably five other counties that will get more money back than what they would pay in for educational subsidy.

In my opinion, the \$33 million that we passed for property tax relief is a joke. I calculated it for my town, that \$33 million made a decrease of 36 cents on my property tax which resulted in \$28.20. This bill would at least give us \$1.43 in the reduction of that, four times the amount of reduction.

I would hope that you would defeat the pending motion.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Yes, believe it. Believe it, this is a good tax right here. Let me tell you why. I am going by my own hometown. I can walk back in Eastport, Maine and I can say, (if this bill passes) your property tax this year is going to be decreased by six mills. Now, under any of the tax

relief that has been on this floor -- can anyone say that now? Can anyone say their taxes are going to be decreased by one, two, three, four, five or six mills? This will do it. The tourists are going to help us pay for it. I think that is very nice of them. All summer long, they will be paying their pennies.

Recently, wherever I have gone into stores or restaurants or whatever the case may be, whenever I paid my bill, there is a jar sitting there. If I have three cents, four cents, five cents, six cents, whatever the case may be, (in pennies) I put it in there just in case somebody else doesn't have the odd penny so he can make it up with those pennies from those jars. I think you will probably find a lot of that going on, at least I have in Washington County.

Representative Nutting is right when he says the selectmen, the councilmen and those that have had to fight taxes each year, have supported this bill. It is a shift, that is what it is. In addition to tourist money coming in, something we didn't have before, one cent sales tax that is what we are talking about.

I had a bill in that was an optional sales tax for the counties. I put out a flier to show you what it could do for each one of your counties. This is a slightly different view. As a matter of fact, I like it even better because it does a lot for our towns.

I am a realist, I read these reports, I see three persons from the other body on this bill on the other side and I realize probably where it is going but I want to be on Record that I support this. I support this because I believe wholeheartedly that this is a true, true property tax relief. I think if you will check, you will find that MMA supports it too.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to speak on this bill but now that I am up....

I voted for the gas tax increase but you have to draw the line somewhere. I just want to rebut a few of the comments that have been made this evening. The Representative from Auburn, Representative Dore, has told you that serious property tax relief is in need, which it is. I, like many of you, represent an area that has experienced a massive amount of added property tax burden as a result of the increases in the valuations. She has pointed out that one-sixth of the money, which will be derived from this increase, will be going back to the towns. If I say I need serious property tax relief and you say, okay, you give me a dollar out of your one pocket and I will give you roughly 17 cents back into your other pocket, are you going to feel as though you have given serious property tax relief? I don't think so.

I think the fundamental problem with the property tax is not in needing to continually pump money back into the formula the way it now is but to rather address the formula as it exists, which many have tried to do for a long time. Hopefully someday, we will be able to do that.

The problem is in the formula and by attaching it so closely to the valuation that is what has so heavily penalized the property tax and its support of our educational system.

If we increase this, we penalize those who can least afford it, those who rent their houses (don't own them) but who go out and spend sales tax just like the rest of us. They have to have a car, (if they can afford it) they have to have clothes. In the State of Maine, we don't exempt clothes from the sales tax and all of us need to have clothes. They

have to pay sales tax on their basic appliances (if they have them) and most of the basic consumer goods that we all purchase, we pay a sales tax on.

I would hope that this evening we would not pass a tax increase on to all of Maine's people, many of whom cannot afford it, in the name of property tax relief.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Representative Murphy has given you a good example in terms of those of us who live along the border, the reality of a Maine sales tax. All you have to do is stand on the bridge over at the Turnpike any given Saturday or Sunday and watch Maine working people in their vehicles heading for New Hampshire. They are taking Maine dollars with them, they are taking Maine jobs with them. You can't sell a cash and carry appliance 10 or 15 miles from that border. You can't sell paint, you can't sell small equipment, small engine items. Mainer's, because of that differential, that five cents against zero in New Hampshire, we are helping strengthen the New Hampshire economy.

What you are looking at here in terms of this report, at least the Minority Report, is a 20 percent increase in Maine sales tax. I think a comment was made during debate by one of the proponents of this tax that we should put our money where our mouth is. I think the good Representative has indicated that Maine people are pretty smart and, when you go home and tell them I lowered your property taxes, their question is going to be, where did you get the money? Well, I raised your sales tax so I could lower your property tax.

I have heard pitches like that when I go to the York County fair and I go down the midway. There are people on each side that are going to give you a pretty good deal and that is the kind of deal this is. I am going to take it out of one pocket and put in the other and, gee, don't you feel good. So, that statement that was made on the floor about putting our money where our mouths are should be modified in terms of putting the taxpayers money where our mouths are.

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

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

I would like to pose a question to the proponents of this bill. If this is enacted, will there be any mechanism in this bill which would roll back the tax rates in each and every town and city or would it be used to get additional spending for the schools?

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

The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: This was drafted by people from the Maine Municipal Association. On the back side of the amendment it says, "provide for funds to local municipalities to fund educational budgets prorated on a per pupil basis and shall be used solely for the purpose of reducing the property tax bills." Again I would remind you on the second line it says, "to fund educational budgets." So, it can't be used for roads or fire engines or other things like that.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I don't believe I got the proper

answer to the question that I asked. I am not asking about the holdback on the cost of education, what I am asking is, will the towns and cities be mandated? Say you have a 25 mill tax rate and the state will say, now you must hold it back because you are going to get three mills more, you must roll it back to 23, not just use it and say we will not raise anymore money for education, that is what I want to know.

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

The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: Again, my understanding in talking with the people that helped draft this and the people at the Revisors Office is, -- say when your school budget is finalized, it is \$3 million. Then say if you are the town of Mexico, you would be getting under this an additional \$264,000 back from the state, that \$264,000 would be deducted from the million dollars needed to be raised for educational burden. So, the property taxpayers would end up paying a little over \$700,000 rather than the million dollars for their educational burden.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Just a few brief comments. While most of the debate here is revolved around property tax relief and local education, if we look at the title of the bill, it says "to use the funds generated to support the University of Maine System, the Maine Voc-Tech Institute System and the state's share of funding to local education." So, this is a little broader than what people would have you say or what the debate has brought to your mind.

Obviously, it is not going to be anywhere near a direct return to local municipalities. But something my good friend from Eastport said, Representative Vose, that struck a bell with me -- and Mr. Vose being from Eastport I know has stepped down to wharfs and talked with the fishermen and is familiar with those types of people that populate our coast and I know if I walked down on my wharf and went up to Charlie and said, "Hey, Charlie, I got a good tax for you, this is a good tax." After I filtered through the varying comments on my genetic background and the origin of my species, I would have gotten the statement that went something like, "Capt'n, there ain't no such thing as a good tax, there are some necessary ones but there ain't none of them that are good." I think this one falls in that category, it is not a good one.

I have been standing here for six years and every time we get a tax bill I hear, look, all the tourists will be coming in whether it is the gas tax or the sales tax or the real estate transfer tax, the tourists will pay for it and we will love to have their money. By golly, I can't figure out why I have got to pay state taxes because by now the tourists should be paying for all of it. Look at this -- it would be wonderful if I happened to have one of those towns that get a six mill decrease, I don't. It would be wonderful if we could find a way to reduce the property tax burden. It would be wonderful if we could find a way to fund education more fully and better. It would also be wonderful if we could find a sharing formula that really worked and was equitable. My feeling is, yes, while I support more funding for education, no, I don't support this bill. Yes, while I support more funding for education, I am not going to support any more funding

to it until we get a sharing formula that is good and reasonable and equitable, not the one that we have now. So, while I am in support of the concept, I have real difficulty with the vehicle and would ask your support of the current motion.

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

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to a couple of comments that the Representative from Kennebunk made. Kittery is on the border between Maine and New Hampshire. Since 1982 when the Malls came in to Kittery, I would just like to recite what the sales have been. 1982 was \$31 million and it has proceeded every year and to December of 1987, it was \$103 million. It is rather interesting that the largest Mall in Portsmouth, New Hampshire went belly-up a year and a half ago. It went bankrupt.

Most of the people who come into Kittery, and some of you have experienced it, come on down on a Saturday or a Sunday and see the traffic, see anywhere from 15 to 25 tour buses in there every single weekend.

Now, why do those people come if we have such a heavy burden on sales tax? Why don't they stop across the river? I suspect it is probably because of the concept of our Malls. If you haven't been there and you want to buy something from the Waterford Crystal Outlet, it is probably the only outlet in the United States. If you want to buy Lenox China, I believe there is only one other outlet in the United States and, in my opinion, that type of concept is the reason those malls are successful and people come from all over the eastern United States to buy their goods there.

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

Representative ZIRNKILTON: Mr. Speaker, I would like to pose a question to the Representative from Kittery.

I just wonder if your speech is in hopes that passage of this bill might help to alleviate the traffic congestion you seem to be experiencing in Kittery and perhaps help some of the financially floundering Malls in the New Hampshire area?

The SPEAKER: Representative Zirkilton of Mt. Desert has posed a question through the Chair to Representative Soucy of Kittery who may respond if he so desires.

The Chair recognizes that Representative.

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think his question is worth answering.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I really didn't realize this bill was coming up. I thought all those bills had died.

I am concerned though. I am concerned that if something isn't done -- Representative Zirkilton talked about how tough it was down there. Well, Representative Zirkilton, I don't know your district but I would tend to say a good percentage of those people who live in your area, who pay for a lot of those services, don't live there year-round. The people in my community do. The people in my community are ready to revolt. The people in South Portland are ready to revolt. There are people in this city here, if memory serves me right, have something on the ballot either in May or June asking for a tax cap. This is the headlines of April 6th, 1988. "South Portland Budget Triggers Revolt."

"Windham Council Dumps Budget Exceeding 9.4 Limits of Increases." This has been going on for the last three of four weeks in the Portland papers.

\$3.6 million means a lot to my community if Representative Soucy is right. I am not sure how I am going to vote on this. I am telling you that there is a problem out there and I don't see any of the bills that we are passing in this legislature really addressing this, especially to my community. My community is experiencing a general assistance budget where 50 percent of the people who are walking through the doors for general assistance do not come from the State of Maine, not from outside of the city of Portland, but do not come from the State of Maine. We have a budget of probably \$4 million to \$5 million in the next year or so.

I think it is a serious problem. There has been a lot of snickering going on around here but my concern is this, if something isn't done and there is a cap put on in a lot of places or it is a statewide cap that we, the legislature, next year, and I say we because I am assuming that a lot of us will be back next year, we will have to look at that and probably have to vote either to send it out to referendum or to pass it. You know what referendums are like when somebody says, do you want to cut down on your property tax? You know if that goes through what is going to happen locally. It is either going to be your police, your fire, your public works or it is going to be education.

I was never really that big a proponent of education until I came to the Maine Legislature and realized how well the systems work in this state. But it is dying, it is dying fast. It is so important to have a good educational background because if you sit in front of my committee you understand that, you understand that when you see how many people we are putting in Thomaston. You understand that when you see the amount of people who get sick because they are not that well educated and the cost is borne by all of us through Medicare and Medicaid. Education is so important that we need to do something about it and my real fears, and I think they will come true if money isn't available this year, my real fear is that there will be a tax cap and it will be a tax cap statewide. So, if it is at three percent in Portland, it will be three percent in northern Maine.

So, what I am saying is, if this isn't the answer, then what is the answer? I don't see it in any of the budgets or any of the proposals that came up this year. You look at what is happening in Portland, it is no different now in South Portland, it is no different in some of the other major cities. We are being strangled. Something has got to give and I will tell you if it isn't this, it is the tax cap. It is coming, mark my words.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Thistle.

Representative THISTLE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, I wasn't here earlier to hear this stimulating debate. It has caused me some concern to hear it mentioned by Representative Manning that there are some snickers in this room however. This bill and this issue are very serious. The issue has been around for two years, perhaps the issue has been around a lot longer than two years, this bill has been around for two years.

The good Representative to my left, Representative Nutting and I introduced this bill last year. We were counseled to abide awhile, wait, let's see what education and taxation and some of the

other people in this legislature could come up with to deal with one of the most serious problems in the state right now, property taxation being heavily burdened funding local education. As you can see, it has been around for two years and here we are, the next to the last day of the Second Session of the 113th Legislature and it has now come to the floor, it is time to deal with it. I certainly would be amazed if there were any in this room that really were snickering at the concept.

If you aren't in touch with your local communities, you ought to be. Property taxation is a serious concern. Funding local education is a serious business. In my community and I suspect in yours, too many people are overburdened. Too many people, elderly people, people who may be land rich but money poor are footing the bill to too great an extent on local education.

I have spoken in my community with every member of the school board, with the superintendent of schools, with people on the board of selectmen, with the town managers and to a person, they support this proposal. Something has to be done and this is a good approach.

If you have noticed the Committee Amendment, it is on your desk now -- it is a change from the original bill which we introduced last year. Committee Amendment "A" takes out the funding that we had applied to the University of Maine, it is no longer available to the University of Maine. It takes out money that we had budgeted in this bill to fund the vocational-technical institutes.

The bill that you have now with Committee Amendment "A" strictly speaks to attending to the property tax burden of the local taxpayer in your community and in mine. The figures are astounding. The formula that we developed with the Department of Education and worked out was on a per pupil basis. We suspect that is a very equitable formula.

We give a grant to each town, the money goes to the community, not to the school department, it goes to the community so the money can be deducted from the total property tax burden before the property tax bills are sent out but the money is earmarked for educational expenses. So, the town fathers in their good judgment cannot simply go out and apply it elsewhere nor can the school boards of the state merely increase their budget. It still has to be approved at district budget meetings if you have an SAD as I do.

The total this one cent increase will accumulate, \$90 million approximately, breaks down into \$434 per student in each of the communities. It doesn't sound like a lot of money but it adds up very quickly. Some of you, I am sure, have been exposed to the figures that Representative Nutting and others and I have had and that we have shared with you. Well, I hope you will give that some serious thought.

Last year many of you toured with us throughout the state on the Economic Development Tours. At each of our stops, we were given little pieces of paper to fill out with our business partners or those community leaders in the communities we visited to identify if we could what the most serious and pressing problems of the State of Maine were. What were some of those problems? Certainly infrastructure was there, tourism, economic development, but in almost every place we visited, the number one concern was education and educational funding. This bill addresses that. I think it does so wisely and I encourage you to give it serious thought here this evening. Remember what the Governor said to us and has said on a number of occasions. As you know I am one to quote the

Governor, this I think we ought to bear in mind and listen to. Governor McKernan reminded us through the media, "Leadership is not easy, no one ever said leadership was easy." We are called on to be leaders in this state, this is a good proposal and you all ought to think about it seriously.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I think I can make this presentation being a first-term legislator here. It was brought up by all the proponents that yes, property tax relief has to be addressed. The question is, why is property tax increasing at such a rapid rate?

I, too, have spoken to the community leaders, to the people in my town, it is the innumerable state legislative mandates that we -- I take that back, the past legislatures have passed down to our local people. That is what it is. Why don't we have the courage to say, hey, it's these legislative mandates that we have passed down without funding that have increased our property tax burden. Why doesn't someone have the courage to stand up and say yes, we passed these down, we didn't have the funding and we didn't have the courage to provide the funding, so now the towns are going to bear the burden?

You can look for all the quick-fixes you would like but let's look at the past history of the thing and look for answers there.

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

Representative HøGLUND: Mr. Speaker, Men and Women of the House: I, too, right this very moment, do not know how I am going to vote except that I can tell you I don't know what you are asking of us -- raise a little bit and get a little bit back -- whether on the gas tax or on the sales tax. In the sales tax, you are asking us to raise a little over \$6 million and we are going to get \$3.2 back. Yes, we can use that, we have 7,753 students, we definitely can use that in our educational costs. Raise a lot, get a little bit back. You have asked us to do that in both the gas and the sales tax.

If you really truly want to see property tax relief -- on my questionnaire when I sent it out, my constituents said, I don't mind paying more property tax if we could use that property tax for our own educational purposes. I don't mind paying that excess tax as long as we can keep it and pay for our education at that rate. If you truly want to give us educational relief, I would suggest that you give us the local option on our sales tax and property tax.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Portland, Representative Manning, told you that I had a high concentration of summer residents and I do. Many of you here do as well. I suppose those of us who have those concentrations of summer residents should be pleased that the House is today considering passing tax relief for our summer residents in their property tax. I cannot be happy with that because the people I represent, the people who are there year-round do not want to pay higher taxes to subsidize our summer residents and their property taxes. I don't think any of you who represent your people, who also have summer residents, are desirous of having your constituents subsidize your summer residents and their property taxes either.

A majority of the members of the committee, an overwhelming majority I might add, agreed that this

bill was not in the best interest of Maine tax policy or of Maine people.

My good friend, the Representative from Dover-Foxcroft, told you that we have many who are land rich and money poor and that is true. What we are asking those people to do today is to be subsidized by the poor poor who have no land who will pay the higher sales tax and they have no rich land with which to fall back upon.

I would just ask you to consider the people who really can't afford to pay these higher taxes. We have all talked about drawing the line somewhere at one point or another and taxes just keep spiraling upward. It seems no matter what we do, we really can't get a handle on it. The money just goes up, the people keep paying more, we keep passing mandates, as has been pointed out, and ends up costing our people at home more money. Then we try and figure out how we are going to help them out. Then when we try and help them out, we take it out of one pocket and put it back in the other and tell them everything ought to be all right for a little while. That probably is not going to do it.

I just hope you won't pass this tax increase on to those who cannot afford it, Maine people who aren't land rich, Maine people who don't have summer homes, Maine people who pay the sales tax on all of our consumer goods, Maine's working poor.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: It is so nice tonight to be arguing on the high ground about our tax policy, whether you agree with me or disagree, it is so nice to be arguing on the high ground, where our tax policy is and where it is going.

Representative Bott made a statement earlier that he hopes we go along with the Majority "Ought Not to Pass" motion. I have to tell you Representative Bott that I know that we cannot pass this. A vote for this is a vote that says it is time to consider how we pay for education and how we fund our mandates.

I am one of those people in this body tonight that does not believe all of our surplus has been wisely spent. Maybe I am wrong, but my constituents wanted to see it spent on tax relief and on education funding. Approximately a third of this money is from out-of-staters. They love this state, they are going to come here, they are going to spend their money while they are here because they are on vacation and I love to go to Montreal and when I am in Montreal, I spend my money because I love to be on vacation and that is what happens when you are on vacation, you spend a little money. I will be happy to take it from those good out-of-staters who are enjoying our beautiful state.

Representative Zirkilton, I have to thank you because I know that you are as deeply concerned about the poor as I am, I know that is where you are coming from in your heart. I have to thank you because I want you to know that, should we by some miracle pass this bill tonight, I have an amendment in David Silsby's office now that would address that very real concern. If you defeat the pending motion and pass the Minority Report tonight, I promise you and I will keep that promise that I will add that amendment and it will allow on all sales tax, not just the one cent, but on the entire six cents, a rebate to people so that they can buy some of their basic necessities and that will add to the progressivism of what is an already preprogressive sales tax compared to other states.

He who fears dies a thousand deaths. Some of you are frightened that tonight we let the genie out of

the bottle and we actually talked about tax policy in this room. I can't wait to go home and talk to my constituents about it. I am going to go door to door as I usually do and I am going to say, hey, folks, I am here to see you and I have been up here for two years and I love this job and I hope you will send me back. I voted for a six cent sales tax. Now, I would like to talk to you about my vote and I am going to get it out and I am going to say, now, would you please get out your property tax bill and let's sit down and just talk about your vote, my vote, and what we are going to do with our votes. I think the good people of Auburn are going to send me back. If I am wrong, I guess I won't see you next year, but I don't expect I am wrong.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: On the surface, this bill seems terrific for my community. All the estate owners along the waterfront in York will get their property tax relief and the poor in my town and the lower income in my town on whom this bill will fall, and in most Maine communities will, because of our location go to New Hampshire to buy their clothes, their appliances and other high ticket items.

I guess what has bothered me a little bit about the way the debate has gone is people are talking as if this legislature has just done nothing for the municipalities. Yet, in this very legislature, the state's share of education has gone to 58 percent. Over 50 percent of our entire state budget goes back to the cities and towns. I believe it is now up to five percent of the income tax and the sales tax, right off the top and it goes to the municipalities.

We have heard from the gentleman from Portland, the problems in Portland. In some respects, at least in regard to education, they are some of the problems that my town of York has known because of increases in valuation. I have to wonder as I wonder in my own town if the local authorities have captured the full value of that increase in valuation. Kittery is an example. The people in Kittery (I represent part of Kittery) believe that all those stores that the gentleman from Kittery talked to you about were given some sort of tax break and that the town of Kittery is not reaping the property tax it should get from those stores. In my town, people complain about the taxes, those same people who have waterfront estates, are paying. My own assessor has admitted publicly that they are undervalued. I don't know that the local officials have done their homework but, whether they have or not, this bill bails them out and puts us on the hook.

I would have to ask the question, what happens if you pass this sales tax increase and the property taxes in your town don't go down? Frankly, I don't believe they will. What I don't like to see is Maine going back to a regressive tax policy, one that we abandoned almost 20 years ago when we stopped raising the sales tax a penny every few years.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to follow up on the comments that the good gentleman from York just stated, Representative Rolde. What this legislature has done for property tax relief this last session -- and I am a little concerned that we would even consider going back 20 years to the regressiveness of the sales tax to fund education. Ladies and gentlemen, this legislature last session passed a circuit breaker bill. We have increased that circuit breaker bill this year by about \$5.4

million. We have expanded that circuit breaker program to assist moderate and middle income Mainer's with their property tax bills.

The administration, the Appropriations Committee, along with this legislature, I understand, has incorporated in the budget an increase of \$23.5 million for education, approximately 17 percent this session. Last session, the legislature increased a percentage to go back through revenue sharing to the communities from 4.75 percent to 5.1 percent. I was just looking at my latest revenue statements that we received on our desks approximately the 13th or 14th of this month. Looking at what share of sales tax and income tax is going back to the communities, in the first nine months, it is approximately \$39 million. almost \$40 million, if the revenues keep the pace, it is going to exceed \$50 million in revenue sharing to the communities. That is going to be about \$7 million more than we had budgeted for property tax relief through revenue sharing.

I am concerned and I think that it is no secret amongst my caucus and probably not many of the members of this body that I am concerned about education financing, the formula for funding that cost. I would like to see more dollars in the education budget. I don't think that \$23.5 million is enough but I don't think that we ought to ask Maine citizens for an additional \$90 million out of their pockets to fund this program through the most regressive tax that we have on the books here in our state.

I think that we have to take a real hard look, a real long look, and I am sure that as the legislature goes forth, we will be looking at prioritizing. I think this legislature here has been responsible. I think they have attempted and they have addressed priorities. I think in the next years that they will even be stronger. I think that a vote for this proposal this evening would be irresponsible, I think it is a step backwards and I don't believe it will accomplish what the sponsors or the supporters of this proposal want to do. I would encourage the members of this body to vote for the pending motion.

Representative Murphy of Kennebunk was granted permission to address the House a third time.

Representative MURPHY: Mr. Speaker, Men and Women of the House: Sometimes as we get to the closing days of the session, we tend to maybe not realize what we have accomplished. I think the two preceding speakers have drawn attention to the bipartisan accomplishments of this legislature. Last year we provided.....

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

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

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: In our last budget, we raised the state's share of education 8.2 percent. In the budget that hopefully we will see here this evening, the Governor and this legislature, hopefully, will have increased the state's share of education \$63.1 million up to \$430 million. So, when we talk about how this surplus has been used, the comment was made earlier that they are not pleased with how the

surplus has been used. Well, it is getting directed toward education and that translates that if we support that budget as it moves through here, we will have increased the state's share of education this year 17.2 percent. Also, if we approve that budget, we will have taken an important first step toward reforming that school finance act in terms of a three part reform, we will have put a new engine in the Maine School Finance Formula that will get money back in a more equitable manner, in a more prompt manner, back to the Maine communities.

I think through the debate on those bills the other day, we all realized that with the passage of that bill, instead of taxpayers sitting on their money for two years before they are eligible for reimbursement, with that reform package that will have that bipartisan support, it will be one year, there will be an inflationary update. So, we will be able to go home if we pass that budget with a 17.2 percent increase in terms of the state's share of education funding in this state.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I couldn't let this debate go on without standing up to say that I, too, used to think that the sales tax was a very regressive tax. That was before I lived in a place for almost seven years where the sales tax wasn't six percent and it wasn't five percent and it wasn't eight percent, but it was all the way up to 18 percent. I also lived in a community that did not have much of any property tax and where people with very modest incomes could afford to buy into a cooperative housing area and could own the home that they lived in.

I now know that the sales tax is a very progressive tax. In fact, the only tax that would be more progressive would be a tax based on general wealth.

What the sales tax does, it says to us, if you buy something, you pay a tax. If you have the money to buy it, you pay the tax. If you don't have the money to buy it, you don't pay the tax. In a year when your income is high, you buy more consumer goods, you pay more tax. In a year when your income goes down, when you may be ill, laid off or on strike and you cut back on your consumer goods, you are also cutting back on the tax that you pay. The property tax doesn't do any of that. My property tax bill comes due on the 15th of May and the 15th of November and yours may be the first of the month or the end of the month but when that tax comes due, nobody asks you if you have been out of work, nobody asks you if your income has gone down or if you have had to spend the money on something else, you have to pay that tax. It has no ability to distinguish between this year and last year. It expects you to pay whatever is on that bill.

I think we have to really consider that if we want to have a progressive tax system, then that tax system has to be based on the wealth of the individuals in it. Property used to be a measure of wealth but it isn't any more. We have many people living in this state with tremendous amounts of wealth but they choose, for one reason or another, not to put it into property or their tax assessors choose not to assess their property for what it is really worth. But, that doesn't happen when you go to the store and purchase a large ticket item. That large ticket item costs the same, no matter who purchases it. The person who has the money to purchase a fur coat, a Corvette or a whole house full of new furniture is going to pay that sales tax.

I think we have to really think it over that this

property tax that we are all dealing with is not just regressive, it really is cruel and it is time that we took some very drastic steps to change that.

I believe like Representative Dore does that we do need an amendment that will allow for some additional support to those people who are low income and for all of us who need to purchase basic necessities. We also need to tax people according to their wealth. We probably need to sit down and work out a wealth tax but until we do, we need to take an interim step and this is a good interim step. I hope you will vote against the pending motion.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I feel very privileged tonight to be one of the first to hear Representative Murphy's reelection speech. I am afraid I have to disagree with it. He has told us all the good things that are happening and Mr. Jackson has told us all the good things that are happening to me, I guess my only question is, why has my school funding gone down over a half a million dollars in the last two years? Somehow all these statements don't seem to be tied together. Ever since I have been here, eight years now, we have all realized that the problem with the school funding is the formula but I haven't seen anyone make any great effort to change the formula as yet.

I intend to vote for this particular bill just to try to help out some of my people.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to think back a day or two when the gas tax was voted on. Many of the delegates from York County voted a five percent increase, although they did not want to. I went home thinking I would have to defend my vote for it and everybody said I hope you voted for the five cent tax. I said, why? They said, well we don't need it but the rest of the state does. So, they are willing to give that up. But, now you are asking too much, you are asking York County and Cumberland County, who supply most of your sales tax, to give their money to the rest of the state because they get very little of it back.

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

Representative BOTT: Mr. Speaker, I wish to pose a question through the Chair.

I would like to ask the good Representative from Brunswick, Representative Rydell, which town and which country was she referring to in her remarks?

The SPEAKER PRO TEM: Representative Bott of Orono has posed a question through the Chair to Representative Rydell of Brunswick who may respond if she so desires.

The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Since the good lady is not in her seat, I believe it was Norway that she was talking about.

While I am on my feet, I would like to respond to the gentlelady from Brunswick. I am really surprised at the argument that she is giving you. Some of the things we do have sales tax on are clothes, appliances, automobiles, building materials, telephone, I am not sure but I think electricity has a sales tax on it -- you can go without those things, but I don't think most people in Maine want to go without them or can go without them. Obviously in

that regard, they are going to have to go to the store and they are going to have to buy those things under certain circumstances.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have also been here eight years and every year that I have been here I have heard, we are going to have property tax relief. Well, I haven't seen that much of it.

I have heard two Governor's state -- we gave the pledge we are not going to raise taxes, and that was again this year, but we have a gas tax here.

I was told when this bill came about, it was a young turk's bill, well I am the cosponsor so I will let you make the decision on that.

We talk about the poor people that are going to pay this tax. I just don't believe it. If they are not making the money, how can they pay the tax? They just cannot do it, it is those people that are making big money that are going to pay this tax when they buy new autos every year or two or three autos a year, household furniture and what not.

I think if you really want to pass a relief of tax for property tax, then the sales tax is it.

Last year, a gentleman who is not here now, I don't think he would mind if I used his name, Representative Callahan and I talked that, if we come back, we were going to present a bill to increase the sales tax by one percent. Well, Representative Callahan talked to the Governor and the Governor told him he would veto it. So Representative Callahan decided he didn't want to go along with the bill with me.

My constituents have favored an increase in the sales tax if, if it was earmarked for education. That is what this bill will do, mark it for education.

I think it is time for tax relief and this will shift it. It is an increase in tax in one sense but it shifts it from the property tax to the sales tax. If you haven't got any money to spend, you are not going to be spending or paying any taxes. I think it is a good bill. I don't believe it is going very far but it is here and if you want tax relief, then I believe this is it.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I think we have forgotten one of the things this legislature has done. We have raised the cost of education to our towns. You remember two years ago and so on, you remember we raised the cost of it and we were assured here in this House by the commissioner that the state was going to take care of that. Now, the only thing that I know about all of this glowing arguments and all this glowing talk about all of this tax relief that we are going to have is only just letting us keep up with it. You name me your towns, you tell me that you believe that what this legislature is doing right now is actually going to lower the mill rate of your town and I will believe you. I do know one thing, the figures I have here are real. For example, if this bill passes, Augusta would receive \$1,346,485 for tax relief. Bangor, \$1,856,165. Calais, \$309,324. Eastport \$171,485. Kittery, \$573,498. Orono, \$342,753 and on and on. Let's go to York, \$783,188, that is to reduce property taxes. That is a true property tax relief.

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

Representative JACQUES: Mr. Speaker, Ladies and

Gentlemen of the House: I have been bored right out of my mind for the last three hours because we took care of growth management and there hasn't been any issue that I could really get excited about and this isn't one of them either but I want to get up and talk anyway because I am probably the only one in the House who won't when this is all over with.

You know in the ten years I have been here -- since I guess we have got to say how long we have been here before we start this whole thing off -- we have heard about property tax relief and it is an awfully slippery eel. I didn't vote for the Education Reform Act so I don't feel guilty about that at all because I thought when the legislature said we would pick up the cost, it was a lot of bunk and it has turned out to be a lot of bunk and I didn't vote for it, so I sleep real good at night.

The only thing that concerns me is that I have yet to see, in my town, anyone get up and say, look, we understand the property taxes are high, do not give us any services, save the money to reduce the property tax in this town. They just don't do it.

I would say that in Waterville, had we not even passed the Education Reform Act, we still would be spending the same amount of money that we do on education because the people in Waterville want the best in education. I am not saying that spending a lot of money gives you the best but it is just naturally assumed that, if you do spend money you should be getting a Cadillac and not a Volkswagen.

But, until the people who get the services realize that no matter what service you want, whether it be better fire protection, more 911 ambulances, your street's being plowed three times a day instead of two, sand, trash pickup, schools, whatever the case may be, until the people realize it, every time you require that service, it does not come from heaven, money does not grow on cranberry bushes and somebody has got to pay for it.

When you are in a town and you have very few big businesses that pick up the large brunt -- in Waterville, I can tell you we have lost some big businesses that used to pay a large part of that tax now has gone to the homeowner. In Waterville, we have gone from \$20,000 down to \$17,000 and it is going to get smaller all the time because we now have a mill rate of 24 mills. It is going to be two more when our illustrious mayor, who is also a member of the other body, gets done. It is nothing against her because, traditionally over the last ten or twelve years, each mayor, no matter what party they are, have raised the taxes about two mills each time they get a chance. I went to the budget hearings and people want this and people want that and people want this, fine and dandy, as long as you ask, somebody has got to pay for it. And, when it gets to the point people can't, they sell their houses, they start moving out of the city of Waterville and you have got to pay more to pick up the slack. That is what is happening.

Passing another cent increase on the sales tax -- I mean, we talked about cars, Cadillacs and fur coats, how about toilet paper and soap and clothes and shoes and boots and all these other things that my constituents have to buy that are going to be affected? But, nobody is going to say, don't give me these services, save the money and help property tax relief.

I will make a prediction to you, pass this bill, have the other body pass this bill and if Governor McKernan, in all his good judgment, signs it into law, you are going to be back here two years or four years down the line with the same problem because people still want more for their money. Every time

somebody moves here from the bigger city, they want the same services in my town that they had in the big city and they get people all stirred up and say, gee, you don't have this in your town? We had it in Boston. You don't have this in your town? We had it in New York City. The first thing you know, the people are asking for those services. The money is going to come from the property taxpayer.

In Waterville, if they don't get enough that way, they send our little assessor around and he reassesses you so they double dip you. He did it two years ago and he is going to do it again. If I really thought that raising the sales tax one cent would solve any of these problems, I would vote for it in a minute. I don't think it is going to. It is not even going to make a dent, I don't think it is absurd, I think it is a serious attempt on some people's part to deal with a problem that has been here since I have been here and I would say will be here a long time after we are gone. I think the ultimate result will be just like the Education Reform Act, the state didn't pick up the tab then and this bill is not going to help us pick up the tab now.

That is why I am voting that way -- you know -- I just didn't have anything else to say, I was getting bored so, thank you very much.

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

Representative WILLEY: Mr. Speaker, Men and Women of the House: I, too, am getting bored and just for the Record, I have been here seven years now.

I don't think the property taxes are really regressive in a general way, they are regressive to a few people but not to a lot of people. If they were that regressive, there would not be a line of people at every real estate office waiting in line to buy every available piece of property that there is. That is exactly what is happening.

I have been around here long enough so that I can remember when the income tax went into effect. The income tax went into effect with the idea it was going to reduce property taxes. That was sold up and down the line from one end of the state to the other. Well that very idea, we are going to have an income tax that is not a regressive tax and that it is going to take care of the problem of the property taxes and education and all this sort of thing. Did it? I know in my town it did for about one year. The city fathers did just exactly what Representative Jacques said they would do, they found some way to spend the money. I have been on the City Council in my town for ten years and that is exactly what happened. People come in in small groups, one after the other, all year long for little things that they want and the town council sits there in their infinite wisdom and says, yes. Then, when they get the property tax bill at the end of the year, they are there in droves complaining about the increase in taxes. That goes on year in and year out. If you think that raising any sort of a tax to subsidize that sort of thing is going to do any long-term good, you are simply mistaken.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Thistle.

Representative THISTLE: Mr. Speaker, Men and Women of the House: Representative Jackson, I am pleased to say -- and I do understand he does have a sincere concern about educational funding -- I think he spent long and hard hours to try to do something about it. Many of the rest of you have also.

In my community, 75 to 80 percent of what we pay in property taxes goes to fund local education. Now, if we think property taxation is heavily burdened, if

we think it is a problem, we have to do something about that. Doing something about that means we have to address where most of the property taxes are going.

Education is important. Our local schools need the money, what we have to do is find another way to come up with the money and not just say, gee, I don't know where we are going to get it or it is too big a problem, let's put it off until the next session of the legislature.

Let's not argue against this bill because we are afraid of what local autonomous boards of selectmen and town councils are going to do a year or two from now. I think that is highly inappropriate for us. Debate this issue on its own merits. Those local autonomous boards of selectmen and women throughout this state, yes, they can say, gee, we have got this extra money from the state and it is going to help us reduce the educational costs so, yes, we can go buy a new grader. They are going to take that to a budget meeting, it is going to have to be approved by local taxpayers, local citizens, voting at town meetings. That is their business, not ours.

In response to the dilemma faced by Representative Zirkilton, who has a lot of well-to-do people in his district, summer residents I suppose from out of state and yes, this may help them to some degree but just to reiterate again, of the \$90 million this one cent will raise, a third of that comes from people out of state. Out-of-stater's pay a third of the money that our sales taxes raised. So, they are going to be helping us fund our local education and I think that is appropriate. This is a sincere effort at addressing a statewide concern about property taxation. It is an alternative to what we are now using. I think it deserves your serious consideration.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Brunswick, Representative Clark.

Representative CLARK: Mr. Speaker, I request permission to pair my vote with Representative Chonko of Topsham. If she were present and voting, she would be voting yea and I would be voting nay.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town 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. 274

YEA - Allen, Anderson, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutillier, Bragg, Carroll, Carter, Cashman, Clark, H.; Coles, Conley, Cote, Crowley, Curran, Davis, Dellert, Dexter, Duffy, Erwin, P.; Farnum, Farren, Foss, Foster, Garland,

Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hognlund, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Ketover, Lacroix, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Oliver, Paradis, E.; Paradis, P.; Parent, Paul, Pines, Pouliot, Priest, Racine, Rand, Reed, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Tracy, Tupper, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Aliberti, Anthony, Daggett, Diamond, Dore, Handy, Joseph, Kilkelly, Macomber, Mayo, Mitchell, Moholland, Nutting, Perry, Rydell, Smith, Soucy, Thistle, Vose.

ABSENT - Baker, Brown, Callahan, Dutremble, L.; Hillock, Kimball, Paradis, J.; Rice.

PAIRED - Chonko, Clark, M.
Yes, 122; No, 19; Absent, 8; Paired, 2; Excused, 0.

122 having voted in the affirmative, 19 in the negative with 8 being absent and 2 having paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The fourth matter of Unfinished Business was taken up out of order by unanimous consent:

An Act to Revise the Energy Building Standards Act (S.P. 958) (L.D. 2539) (S. "B" S-352)

TABLED - April 18, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: That camel has got his nose under the side of the tent. He is on his knees, he is about to get up. If you ever watched a camel get up especially with his nose under the side of the tent, you can imagine what is going to happen.

I say, let's grab this club and forestall this. Not only that, we have the insulation police surrounding us. They are not going to get paid. They are not getting paid now and if this bill should pass, heaven forbid, they are not going to get paid then because there is no money there.

I don't know, this poor old cad has been kicked around and mangled and breathed a little bit of life in it and let's do the humane thing right now.

I move the indefinite postponement of this bill and all its accompanying papers.

I ask for a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Members of the House: You remember last week I said this bill was flawed. I expected after this bill was reconsidered that I might have a chance to talk on it but the bill flew out of here so fast, I don't think a jetliner could catch up with it. So, now I am forced to go ahead and make my speech at this late hour.

The flaws are as follows, and please remember, when the proponents of this bill were talking, they said we have got to save energy, we have got to save energy. It is going to cost us more in years to come, so we have got to save energy. Energy costs are going up, we need more energy. All right, the number one flaw is we have exempted log homes -- now we saw a display of log homes out here a couple of weeks ago and I asked the young fellow out there, what was the R-factor of the walls? He said, R-11.

Under the bill, you are telling the people to build their homes with two by fours that they have got to have an R-factor of R-19. Well, with the two by four and the three and a half inches of insulation, you have got better than an R-11 but still you are telling the people that are building those home they have got to go R-19. Is this fair? Is this fair? Are you saving energy? You are seeing more and more of these log homes, there are about 25 that have gone up in my town in the last couple of years. You are going to see more because they are going to be cheaper. Is this going to be saving energy? That is number one.

Number two, who is going to administer this thing? Is it going to be the Office of Energy Resources? They haven't got the people. We know they haven't got the people. They haven't got the money to hire people so how are they going to enforce it? It says in the bill, the enforcement of these standards must be through this department. How are you going to enforce it? They can't do it.

Number three, the person building a home has got to have a certificate of energy efficiency that is given to them by this agency -- they haven't got any people to enforce it. What are they going to use to enforce it to give them that certificate? What are they going to use for a basis? They have no basis at all to really guarantee that that house has been done.

Number four, and this is a dilly, this takes the cake -- after January 1, 1989 any person who has bought a home that has not been constructed under these rules and regulations, the owner, not the one who builds it or the developer, but the owner can be sued by the state up to five percent of the total cost of the building. If some young couple should buy a home and it wasn't insulated, is it fair to go ahead and sue them and charge them a penalty of five percent of the cost? Of course it isn't. Or, some old people should buy the home and they are going to be the ones to pay the penalty. These things are going to go on according to this bill. To me, this is ridiculous. As I said before, it is time to put this baby to rest and let us come back next year and come up with a bill that everybody can live with and we can enforce. I hope you will go along with my good friend, Ed Dexter, and kill this thing once and for all.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for this

bill and I want to tell you why. About five years ago, I received a telephone call from our electrical inspector in Biddeford concerning what he foresaw as a problem on a contractor that was converting an old parochial school into apartments in the city of Biddeford. The old school was St. Joseph's Grammar School that is located on Birch Street. He was very concerned that, when he went down to inspect the wiring, there were no provisions to put any insulation in the walls. His concern was that anyone that would occupy one of those units would be paying through the nose because the building -- the heat was being provided by electrical means, electrical heaters. This is when I got interested in trying to find if there were some energy standards established by the State of Maine. Looking into this, there were none.

I contacted the Hud office in Manchester, New Hampshire to see if there was some way that we could force the contractor to put some insulation on the outside walls and there were none because the building was considered an historical building. Therefore, the energy standards that come under the Section 8 program did not apply. As a result of this building being constructed with practically no insulation on the outside walls, they are experiencing a tremendous turnover in tenants because, once they get in there and they get their first electrical bill, they then realize that they cannot afford to stay there.

So, for this reason I am going to vote for this bill.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: After hearing considerable testimony on the energy that we will save by insulating, I feel compelled to make just a few remarks.

For several years, I was responsible for energy conservation in a large school system. I wrote federal grants totaling to more than a quarter of a million dollars for windows, insulation, boilers, lighting and so forth. After the projects were completed, I kept records of the savings, but the savings were not as much as we anticipated or projected. Upon checking the reason from my maintenance people, I found that we were putting ice cubes on thermostats and wetting cloths on thermostats and we were leaving windows open and unhooking hoses to univents. So, instead of using insulation police in that respect, we used a thermostat cop. But, what we were doing is looking at why we weren't saving. So, at that point, I installed low setting equipment, demand meters and computer controls but more importantly (I guess) was an energy conservation program, an education program. Once we started that, we found that we had an immediate savings of nearly half a million dollars in four years.

My point being, unless the people living in the homes are educated to conservation standards, you will not realize the energy savings that has been discussed in these debates.

One of the most serious problems is attitude. This state and the federal government, we have cried wolf too many times and the people really feel that we don't have an energy crisis and the only way that we will really address this problem is through cost or education and this will determine how much energy we are going to save.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I don't intend to prolong this debate. I think most of you have your mind made up, unlike the previous issue we dealt with for hours. This bill hasn't changed a bit since we dealt with it last (I believe a couple of weeks ago). It does exempt owner-built homes, it does exempt log homes. It is a good bill. It applies, basically, to new construction. Over the lifetime of these buildings, it is estimated that they can save anywhere from \$30 million to \$60 million.

I would hope you would vote no on the pending motion.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the Representative from East Millinocket that this is a good bill. I also have to disagree that we should exempt log homes from insulation standards when logs are not on the roof so we don't have to insulate the roof and we don't have to insulate under the floors in the basement because it is a log home, but you do with a stick-built but I can't understand why the heat wouldn't go out the top of the roof any differently than one or the other.

I would also like to comment on what I have heard about Maine being the only state in New England that doesn't have an insulation code. That is true but Maine is also the only state in New England that doesn't have a state building code. How did the other states put in effect their insulation codes? They put it in with their well-established state building codes. So, what I am really trying to say to you is, we are trying to put the horse before the cart again because there is no effective way to mandate these people to do it, enforce them to do it and then when we do go out there and haphazardly try to enforce this law, we are probably going to fine somebody up to \$5,000 that probably can't afford it and might have been ignorant of the law.

I really find that this is not the right way to do this law. I do find that energy standards and savings is a good thing to do but I just hope that you won't vote for this bill and maybe we will get a state building code in the future and we will be able to enact this the correct way.

The SPEAKER: The pending question before the House is the motion of Representative Dexter of Kingfield that this bill and all accompanying papers be indefinitely postponed.

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

Representative STROUT: Mr. Speaker, I request permission to pair my vote with the Representative from Topsham, Representative Chonko. If she were here and voting, she would be voting nay and I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, I request permission to pair my vote with the Representative from Frenchville, Representative Paradis. If she were present and voting, she would be voting nay and I would be voting yea.

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

ROLL CALL NO. 275

YEA - Anderson, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Bragg, Clark, H.; Davis, Dellert, Dexter, Duffy, Farnum, Farren, Foss, Foster,

Garland, Glidden, Gould, R. A.; Greenlaw, Hale, Hanley, Harper, Hepburn, Hichborn, Higgins, Hussey, Jackson, Jalbert, Lawrence, Lebowitz, Look, Lord, MacBride, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Parent, Paul, Pines, Reed, Ridley, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Tracy, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Aliberti, Allen, Anthony, Boutilier, Carroll, Carter, Cashman, Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Diamond, Dore, Erwin, P.; Gwadosky, Handy, Hickey, Hoglund, Holloway, Holt, Jacques, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Marsano, Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, P.; Perry, Pouliot, Priest, Racine, Rand, Reeves, Richard, Rolde, Ruhlin, Rydell, Simpson, Stevens, P.; Swazey, Tammaro, Tardy, Telow, Vose, Walker, Warren, The Speaker.

ABSENT - Baker, Brown, Callahan, Dutremble, L.; Gurney, Hillock, Kimball, Martin, H.; Rice, Taylor, Thistle.

PAIRED - Chonko, Paradis, J.; Rotondi, Strout, D..
Yes, 66; No, 70; Absent, 11; Paired, 4;
Excused, 0.

66 having voted in the affirmative, 70 in the negative with 11 being absent and 4 having paired, the motion to indefinitely postpone did not prevail.

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

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

MATTER PENDING RULING

Bill "An Act to Strengthen Penalties for Persons Piloting Boats Under the Influence of Alcohol" (H.P. 1424) (L.D. 1935)

TABLED - April 15, 1988 by Speaker MARTIN of Eagle Lake.

PENDING - Ruling of the Chair.

The SPEAKER: The Chair would rule that Committee Amendment "A" (S-477) is not germane.

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

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 1935 was passed to be engrossed.

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

Representative ANTHONY: Mr. Speaker, I present House Amendment — but it is to Committee Amendment "A" and that has been ruled not germane, is that correct?

The SPEAKER: The matter is no longer before the body.

Subsequently, the Bill and all its accompanying papers were indefinitely postponed.

Sent up for concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1489)

Representative CARROLL from the Committee on

State and Local Government on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H.P. 1941) (L.D. 2639) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1489)

Report was read and accepted, the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(H.P. 1883) (L.D. 2575) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Sewerage Facilities Construction" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-758)

(H.P. 1902) (L.D. 2598) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 to Investigate, Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites, Solid Waste Landfills and Abandoned Underground Oil Storage Tanks" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-759)

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

By unanimous consent, were ordered sent forthwith to the Senate.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Establish an Enhanced 9-1-1 System" (H.P. 1911) (L.D. 2608)

Signed:

Senators: EMERSON of Penobscot
PEARSON of Penobscot
Representatives: FOSTER of Ellsworth
DAVIS of Monmouth
HIGGINS of Scarborough
RIDLEY of Shapleigh
FOSS of Yarmouth

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-761) on same Bill.

Signed:

Senator: BERUBE of Androscoggin
Representatives: NADEAU of Lewiston
LISNIK of Presque Isle
MCGOWAN of Canaan
CHONKO of Topsham
CARTER of Winslow

Reports were read.

On motion of Representative Carter of Winslow, the House accepted the Minority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-761) was read by the Clerk and adopted.

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

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

SENATE PAPER

The following Joint Order: (S.P. 1005)

ORDERED, the House concurring, that Bill, "AN ACT to Amend the Maine Business Corporation Act in Relation to Petitioning the Court for the Removal of Directors," H.P. 1802, L.D. 2466, and all its accompanying papers, be recalled from the Legislative files to the Senate.

Came from the Senate, read and passed.

Was read.

Representative Murphy of Kennebunk requested a roll call vote.

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

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

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

ROLL CALL NO. 276

YEA - Aliberti, Allen, Anthony, Bost, Boutilier, Carroll, Carter, Clark, H.; Clark, M.; Coles, Conley, Daggett, Diamond, Dore, Erwin, P.; Gould, R. A.; Gwadosky, Hale, Handy, Heglund, Holt, Joseph, Ketover, Kilkelly, LaPointe, Mahany, Manning, Mayo, McHenry, McSweeney, Melendy, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Oliver, Paradis, P.; Pouliot, Priest, Rand, Rydell, Simpson, Stevens, P.; Tamarro, Tardy, Telow, Tracy, Vose, Walker, Warren.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Cashman, Cote, Crowley, Curran, Davis, Dellert, Dexter, Duffy, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gurney, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Holloway, Hussey, Jacques, Jalbert, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Martin, H.; Matthews, K.; McGowan, McPherson, Michaud, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Parent, Paul, Perry, Pines, Racine, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlin, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey.

ABSENT - Baker, Brown, Callahan, Chonko, Dutremble, L.; Hillock, Jackson, Kimball, Lacroix, Paradis, J.; Reeves, Rice, Thistle, Zirkilton, The Speaker.

Yes, 51; No, 85; Absent, 15; Paired, 0; Excused, 0.

51 having voted in the affirmative and 85 in the negative with 15 being absent, the Joint Order failed of final passage. Sent up for concurrence in non-concurrence.

(At Ease)

The House was called to order by the Speaker.

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency) (H.P. 1799) (L.D. 2463) have had the same under consideration and ask leave to report: that the House recede from passage to be engrossed, Indefinitely Postpone Senate Amendment "B" (S-417) to Committee Amendment "A" (H-588); Indefinitely Postpone House Amendment "D" (H-643) to Committee Amendment "A" (H-588); Indefinitely Postpone Conference Amendment "A" (H-588); Read and Adopt Conference Committee Amendment "A" (H-762) and pass the Bill to be Engrossed as amended by Conference Committee Amendment "A" (H-762) in non-concurrence.

That the Senate recede and concur.

(Signed) Representatives LISNIK of Presque Isle, DIAMOND of Bangor and CASHMAN of Old Town - of the House.

Senators DOW of Kennebec, THERIAULT of Aroostook and BLACK of Cumberland.

Report was read.

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

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Committee of Conference Report.

I think that both caucuses have had a briefing on this but let me just say that, when the Committee of Conference met, members on the House side went to advocate the House's position and we did that. We went prepared to be responsible and we did that. We went prepared fully aware that we may have to compromise and we did compromise. But, it was not just our compromise, it was a compromise on the House side, it was a compromise on the upper body's side and a compromise on the Executive Branch's side.

We did not go to second-guess the Transportation Committee on the question of highway need. I personally feel that the committee did an excellent job as well as the commissioner in outlining the needs for the highways. We did go convinced that, at the very least, that we could provide for an alternative for the loss of federal funds and, at the most, fund the entire package in a way that would save the consumers millions of dollars and we did.

This compromise will fund the entire long-term plan and will save the consumer millions of dollars.

I will briefly outline the proposal. As I said when I started, I know this has been debated on both sides but essentially what the Committee of Conference came out with was a two cent gas tax that would take effect May 1st. A diesel differential of three cents would take place on July 1st. We also would utilize the \$2.00 registration plate fee. We

also would pump in \$13,200,000 out of the Rainy Day Fund surplus monies that are available, we would also take surplus monies out of the highway fund.

In the second year, if the federal monies do not come back, we will raise an additional one cent on the gas tax and again, the three cent differential.

Additionally, we would again use the \$1.7 million for the plates and then the other key component of this is to share in the funding of the State Police. We currently share 25 percent of the funding of the State Police and the Transportation Department, DOT, shares the other 75 percent, we would make that a funding on a 50/50 basis, which essentially is a penny on the gas tax.

There is another side issue which was the funding of the motor vehicle division building. It is the intent of the Committee of Conference that this be taken out of the Rainy Day Fund next year. The Transportation Committee has worked long and hard on this one-stop shopping and they felt there was a tremendous need there for it and it is our intent and I believe the Executive Branch's intent to fund that building out of Rainy Day monies in the next year.

There are more specifics and there are other people on the Committee of Conference who would like to speak on the issue.

I hope you will accept the Committee of Conference Report.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: Tonight I rise, not in objection to the program, I rise tonight to explain to you the reason why I can't support this Committee of Conference Report.

The problem I have with this Report is the differential in the two cent gas tax and the five cent diesel. This Report, in my opinion, does not pass the straight-faced test.

I support the program but the funding does not meet my approval. In my opinion, increasing the diesel tax will drastically reduce the amount of fuel sold in the State of Maine. The truckers world revolves around cash and for that reason, there will be a strong incentive to buy diesel fuel in New Hampshire where no road tax is included in the price. If you increase diesel by five cents, a lot of truckers will not buy in the State of Maine. Tank capacity of 300 gallons with a 19 cent per gallon tax translates into a cost of \$57 extra dollars to fuel in Maine. In Maine, they will pay at the pump, whereas if they buy in New Hampshire, they will pay quarterly based on the number of miles traveled.

Road taxes are payable essentially on the honor system. Each taxpayer is asked to write down the number of miles traveled each quarter and the number of gallons used. He computes the number of miles per gallon, the number of miles traveled in a given state to arrive at his tax. If less miles were recorded, it only proves to me that his total bill would be less.

One of the questions I have is, what is the compliance on this in the State of Maine? I speak tonight as I fully understand and appreciate the need for road improvement and maintenance in this state, but to increase the state's tax on diesel by five cents would, in my opinion, be a costly mistake. Diesel trucks with a range of up to 1500 miles can and will travel in and out of Maine without buying fuel in this state. Diesel will be purchased elsewhere and with that will go the accompanying sales of parts, repairs and clothing.

Road tax compliance will reach, in my opinion, an all time low.

Another factor that should be considered is that this five cents per gallon translates into approximately a one cent per mile increase in operating costs to the truckers. One cent may seem insignificant but the extra costs will ultimately be passed on to the consumer which will, in fact, raise the cost of all goods purchased.

Another concern I have is, I see a possibility, I repeat, I see a possibility of loss of registration fees by truckers in the State of Maine registering out of state. When they do this, I see a loss of excise tax to the municipalities.

Another concern I have in this L.D. that we had in our original program is that the local road assistance program is only going to be funded by a one-time bonus. I just got a copy of the report and I thumbed through it quickly and what I found is a one-time stipend, "In the fiscal year 1989, a one-time stipend payment shall be distributed to municipalities and counties as follows."

When we passed the original program, it was our intent there would be a bonus of 22 percent which would cost \$3.5 million with the assurance that this would be built-in to the next program to increase the local road program from \$15.7 million to \$19.2 million.

As I stand before you tonight, I want to repeat again, in no way, am I standing before this House opposing this program because I believe the State of Maine needs it. But, my major concern is the differential between the two cent gas and the five cent diesel.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: Obviously, this bill has taken many shapes and forms since it was first proposed by the Governor several months ago. It has been an issue that has been before us and debated as much as any other issue to come before this legislature in 1988.

I think we have to look at where we have gone and where we are going with this bill as we decide how we are going to handle the Report from the Committee of Conference. We have gone beyond the arguments dealing with bandaid approaches. I thought (until I heard the gentleman from Corinth speak) that we had gone beyond the discussion of straight-faced test and I am sure that we have gotten beyond the argument dealing with rattling teeth. Overall, I think we have even gone beyond the Shakespeare question that was posed not too long ago, to tax or not to tax. Well, that was the question a week and a half ago when we debated, it no longer is. In all, I think we have disposed of a lot of arguments that came up on this floor. Some were excessive, some were irresponsible, some were impractical, some were outright ridiculous.

When this legislature, this body in particular, asked for a Committee of Conference, we realized that all the issues had to go on the table. We looked at what was discussed in this legislature and in this House in particular and decided that we had to advocate those positions reflecting the majority viewpoint. There was no doubt in my mind at the time that the question was not simply one of taxation but was one of putting together an affordable highway program, one that was funded with those people who benefit paying their fair share.

The gentleman from Corinth a minute ago made reference to one part that he is offended by or at least bothered with and that is the so-called diesel differential. He expressed concern that this is going to place an unfair burden, an unnecessary

burden on the truckers and the diesel fuel consumers of the state and that, as a result, all kinds of problems will result that will affect the consumers who purchase goods from those truckers, would impact the businesses that are dependent upon those truckers and obviously expressed other concerns as well.

I found it hard to accept his justification for taking that position and, while I respect him for expressing his opinion, I find it difficult to understand how his position could have changed in just a week and a half. The provision that we are dealing with right now, this five cent tax on diesel fuel, is exactly what was proposed by Governor McKernan, exactly what came out of the Committee on Transportation and is exactly what the gentleman from Corinth voted for in committee. It is exactly what he and other supporters of the five cent fuel tax supported on the floor of this House, a five cent a gallon diesel increase was something that was in the original proposal and was something that went with us downstairs when we decided to deliberate in the Committee of Conference.

The discrepancy here is that, while we left the diesel fuel tax at five cents as proposed by the Governor, we decided to pare back the gasoline tax increase that was suggested in the Governor's bill and by the Committee on Transportation and went back to two cents. The reason we did that was because other sources of revenue existed to make that kind of an increase unnecessary for the consumer and because it was the feeling of members of the Committee of Conference that there was indeed justification for having and establishing a differential.

A lot of the debate that took place last week centered on this so-called cost allocation survey. That, to refresh your memories, was a survey that many people wanted to see in place before any gas tax or fuel tax was proposed. It is a survey to determine what that tax mix should be, what percentage of a tax increase should be paid for by gasoline purchasers and consumers and what percentage should be handled or accepted by those who purchase diesel fuel. We didn't have that on which to base a judgment or a decision. We had to set an arbitrary differential if any differential was going to exist. What we did was we went back and looked at what previous cost allocations surveys had put together to give us some basis for making a rational and justifiable decision. What we found was that previous reports, previous cost allocation surveys, had recommended a diesel differential. In Maine, we haven't been able to adopt it, mainly because of political problems in accepting it a few years ago. At the federal level, they have accepted it and that is why we have a six cent differential at the federal level. While we can't at this point pinpoint exactly what that differential should be, it became clear to those of us on the Conference Committee that a diesel differential was appropriate in order to fairly distribute the cost of highway and bridge maintenance. With that in mind, we implemented or we suggested the implementation of the diesel differential contained within this bill.

Now, just in case anybody thinks we are going to leave it at this and assume that it is an arbitrary number or something that is going to be put into cement, be assured that one of the provisions of this bill is to fund a cost allocation plan that would tell us whether or not our judgment is correct or incorrect. That is coming in the very next session of this legislature. The Governor will be charged with coming in with legislation to correct any inequities that this cost allocation survey discovers. I think that is only fair. The best way

that we can handle the problem in light of the fact that we don't have any hard documentation to support it already, is something those of us who supported the so-called Lisnik Amendment called for and it was something that the Transportation Committee members, including Representative Strout, felt was not necessary at this time. I believe we dealt with this issue in the most responsible way possible and that justifies establishing the so-called diesel differential.

Overall, I think the plan you have before you today is probably the best that we can come up with, not the best that we can come up with 48 hours before we adjourn, but the best that can be put together, all things considered. We deal with the reality that the highway money is limited, we deal with the reality that something has to be done and we deal with the reality that there have been some inequities that have been allowed in the law and that we have to address them in order to correct them as best as possible. We are in a position now to adopt a plan that is indeed ambitious, it funds for the most part, almost to the penny, the highway proposal that most people in here felt and feel needs to be adopted. But, what it does do is, it funds that program without the necessity of an additional \$17 million in taxes levied upon the gasoline consumers of this state. We feel that is a responsible position to take. We have in many ways the best of both worlds. We get our ambitious highway program, yet we do so at a considerably less cost to the consumer. Overall, I think it is something that this legislature should feel comfortable with, it is something that the members of the Conference Committee are comfortable with and hopefully, it is something that you can embrace as well.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I am very pleased to see that in the closing days of this legislature my friend from Bangor and I can come together in bipartisan agreement on what will probably be one of the most important initiatives in terms of the future of this state.

The Governor had sent to this body for its consideration a two part proposal, a very comprehensive long-term plan in terms of roads and bridges in terms of Maine's future, and the second part, the funding proposal. Last week, we had before us two choices, one was for a full user/payer proposal in terms of five cents on the gas tax. Then, a second alternative brought to us through the Taxation Committee that, not to repeat the rhetoric of that evening, but I think all of us in hindsight realize, would not have done the job, that it was a temporary solution. It was a step forward but it wouldn't have taken us into the future that Maine needs and what people in this state want.

My first concern was to make sure that the program was intact. Everything that the Governor brought to us in terms of a very ambitious long-term road and bridge program is there. The salt and sand buildings are there. The bonus is there in terms of municipalities, in terms of the block grant monies and then also the State Police formula. So, the program is there.

We have a third source of funding before us. I have to admit, I do have some concerns with it because we have gone from the user paying the full cost to now where we have moved toward income and sales tax. Whereas last week, when I went to the medicine cabinet, I found that there was only half a bandaid now, while I might have some heartburn about

this, I can live with that. I don't need an antacid to live with this bill.

The most important concern is that there are new jobs coming to this state, we have to have the roads to move the raw materials, we have to have the roads that, when Maine people craft the finished product in the manufacturing sphere, that that finished product can be moved. Most importantly, the working people in this state can get to those new jobs. So, I am going to support this proposal. I feel it meets the Governor's long-term objectives. If we fail to act in these closing days and pass this proposal, I think the people of the State of Maine, the workers of the future as well as the workers of the present, will hold us responsible.

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

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clear up one issue that Representative Strout addressed, which was on local road assistance. The \$3.5 million contribution is an ongoing obligation to the communities. The difference is that there is a study in the Report to study that formula and the formula may change because apparently members of the Transportation Committee felt that there is some inequity in the formula. But, it is an ongoing obligation but what we didn't want to do was send a message that you could absolutely count on this particular percentage as ongoing. The percentages may change but it is an ongoing commitment.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: As the third member of the Conference Committee to get up, I guess I don't have much ground to cover, it has been covered fairly well by Representatives Lisnik and Diamond. I did want to point out one different perspective that I think hasn't been touched on.

As this Conference Committee met, I think all of the other issues aside of whether you transfer some of the responsibilities for funding the State Police to the General Fund or whether you have a diesel differential or all of the other aspects of this proposal aside, the bottom line is, do you think the highway program needs to be funded? That is the question we had to ask ourselves, that is the question this House has to ask itself tonight. If we had decided, the House conferees decided, that the Red Book and the Blue Book and whatever other books were down there need not be funded, then all of this other stuff is moot, there is no point discussing it because we don't need a highway program, we don't pass one, we don't even talk about funding.

I think the first decision we made, the three of us, as we met with the Senate, and it was very obvious that the conferees from the other body were very concerned with having this program funded just as it had been presented, that we had to make the first decision, do we want it funded? I think the bottom line is that we did. The reason for that is because it is important to the State of Maine for all the reasons that have been brought out in this floor debate in week's past, it is important to the State of Maine that it be funded.

My main concern with the original proposal was, as Representative Diamond has pointed out, it was being done in advance of a cost allocation study. That is the first time, to my knowledge, that the state has ever recommended that. If you are going to do something in terms of a gas tax increase in advance of a study, then you are being asked to

increase a tax by making certain assumptions. The five cents across the board made the assumption that the cost of improving the highway system should be shared equally between trucks and cars. I didn't like that assumption.

The last cost allocation study we did said that there should be a differential. The last cost allocation study done by the federal government said there should be a differential. We are coming back to you now with a proposal to fund the exact package that came out of the Transportation Committee. We didn't touch the local road program, as Representative Lisnik pointed out, we didn't touch any of the aspects that that committee worked very hard on for five weeks. What we did touch was the funding mechanism. We changed the assumption so that it coincides with the last two cost allocations studies that have been done.

If the next one, which I happen to serve on and will report to the Governor in October, decides that the assumptions that we have made aren't correct, then we can correct them in the next session of the legislature. But whatever you do, five cents across the board or a differential, that distinction is going to have to be made in the cost allocation study and corrective measures taken next session.

I think that this is the soundest plan by which to fund this program if it is going to be funded this year. I think it is important for us to fund it and I hope that this House will vote to adopt this Conference Committee Report.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I would like to preface my remarks today by publicly admitting on the floor of this House that I made a mistake earlier today. Representative Murphy from Kennebunk made a speech and he convinced me that I was wrong when I voted to increase the sales tax. He spoke very eloquently about the flight of business to New Hampshire, the fact that people in Kittery, along the border, can't buy paint, can't buy hardware, can't buy appliances in Maine, you are going to add one more thing to the list, the diesel distributors are going to move across the border because there is going to be a large differential in the tax price of that product.

Representative Murphy was right when he spoke against the sales tax this afternoon and he should be right when he votes again for this plan tonight.

Nothing has changed, ladies and gentlemen, from what we originally rejected. It is the same amount of money, it is just raised differently. The same questions are still nagging at me -- where is the cost allocation study? People who opposed this tax before and are now supporting it are talking about the cost allocation study as the reason why they were against it. I haven't seen the cost allocation study. There hasn't been a study as to the way we support local roads, that was also talked about, and that hasn't been forthcoming. He also talked about impending federal action, that federal action is still impending.

This Conference Committee Report took a bad idea and made it worse, in my opinion. A typical point in that would be to look at that \$1.7 million that we are keeping. We raised the plate fee by \$2.00 to take care of the license plate fee transition. \$1.7 million, we are going to keep that now. That was suppose to sunset, we are going to take it back.

We passed a highway program a year or so ago and, what has been dubbed Lisnik I, kept that Red Book funded. I liked Lisnik I because it kept the store open, the way we were. Again, we are going beyond

that spending additional dollars and raising additional taxes.

Before we take action on this report, I would remind this House that this Report, when it is fully implemented, calls for a gas tax of 26 cents a gallon, diesel tax of 35 cents a gallon, a very hefty tax on a commodity.

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

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I rise tonight to support the three members of the Conference Committee in their recommendations to this body. Each of us can find something in this Report that we don't like but again tonight, we hear the speakers, time after time, support the highway program. So, I ask the members of the House to separate and focus on the important issue tonight and that is, the goals of the highway program.

There are no smiling faces tonight, which may be a sign of a good compromise. All of us are, in one sense, a little unhappy with what we have. We can all take potshots at the funding or some other mechanism but it does allow Commissioner Conners to proceed with the necessary highway and bridge programs. It renews our commitment to the major corridors, it renews our commitment to the extraordinary bridges, it renews our commitment to local roads and begins the commitment for sand/salt storage.

So I rise and ask and reenforce the statements that the Representative from Old Town made, that the important part of this Report is that we can continue this very worthy program that Commissioner Dana Conners has put before us. I ask your support for this Report.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I just wanted to get up tonight and agree with my seatmate, Representative Mayo, he is right, he was wrong earlier tonight and he is wrong again right now.

As far as this bill and this proposal that is before us at this time, I would like to remind this body that before the original committee bill which we reported out, this compromise bill at this point, still has \$3.5 million going back to the local roads, it is still has a 22 percent bonus going back the first year and it still has all the Red Book proposals and still has all the Blue Book proposals for the new roads.

As was mentioned earlier tonight, the biggest difference is that this proposal will approximately save \$17 million in tax money because we will be using existing funds. I think that is a good proposal and I am glad to see it come to this point and I think it is a good bill at this point.

I would also like to mention that some people have gotten up and mentioned the diesel differential. As I mentioned in caucus the other day, I think it is justified. Every time the Transportation Committee has gotten up in the last few days to speak on truck bills, the big argument used against us is that trucks are causing more harm to roads and we should make them pay more for the roads. It is the same differential process that has been used in other states, the same differential process that was used by the federal government and I think it is important that we have it in this state and I hope you will support the bill.

I would also like to say that there is one other

ingredient in this bill that is better than the Transportation Committee's and better than the Governor's proposal and that is the salt/sand money. This bill guarantees that that money will be coming. Before we didn't have that guarantee in either one of those proposals, it was hoped that we would find the money but it wasn't guaranteed. This one does guarantee that money going back to the towns. I hope you will support the bill as it is with the conference report.

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

Representative RACINE: Mr. Speaker, Men and Women of the House: I rise tonight in opposition to the Committee of Conference Report and I want to explain to you the reasons why I am opposed to the bill.

There is one reason that has not been mentioned and I don't think it will ever be mentioned unless I bring it up because when we had our caucus on this, for some reason or other, people failed to realize the impact that was created by requiring that the Maine Turnpike Authority increase its contribution by an additional \$4 million to support the access roads leading into the turnpike. I am totally, totally opposed to that concept. Basically, the people that use the Maine Turnpike are being asked to support the construction and the maintenance of the other roads in the state and I don't think that is fair. This is double taxation. If we don't stop this now, what is to prevent future administrations from raiding the Maine Turnpike Authority and keep raiding. You will probably hear people say that these are excess funds, funds that are not needed. That is horse manure, that is not the truth. If we have excess funds on the Maine Turnpike, then the tolls should be reduced. It is as simple as that.

We in the southern part of the state, our only egress is using the Maine Turnpike. Let's take Route I as an example, from Kittery to South Portland, there are a total of 38 traffic lights -- you can imagine what that causes to the flow of traffic, you just can't move. Route I should be expanded, should be widened to provide an additional access.

What do we have in the proposed construction? If you will take a look at the pamphlet here, it is called, "Corridors of Statewide Significance" and it indicates that Route I, running from Kittery all the way up to Van Buren and Fort Kent (I don't know what the distance of that road is, it is probably 450 miles, your guess is just as good as mine) and you take a look at the proposed supplemental program for FY '88-91 and you add the total number of miles that will be reconstructed, it comes up to 13 lousy, miserable miles. Are we increasing the access or corridors for economic development? Is this what we are doing, permitting trucks to carry raw materials to the factory and the mills? Is this what we are attempting to do, to carry finished products off to the market where we are reconstructing 13 miles? This is a document that was prepared and presented to us.

Now to get back to York County, here is what we are going to do. We are going to reconstruct 1.85 miles from Ogunquit south -- will this help economic development? What we should do is expand the turnpike and I know that I am dreaming but what I am trying to convey to you is the economic necessity that we have been badgered with. I don't believe that we have that problem. Certainly we have a bottle neck on Route I and this is caused primarily by the fact that you have a two-lane highway that is controlled by approximately 36 traffic lights. What has to be done on that highway is to expand it to at

least three lanes to have a passing lane so the traffic can move. In the Summer, it is a nightmare and this certainly does not do it.

Let's talk about the bridge in Biddeford that is in Phase II. We have a traffic problem in Biddeford on Route I, just like everybody else has a traffic problem on Route I so the mayor of Biddeford mentioned that, hey, maybe we should have a third bridge to expedite the flow of traffic. This is probably the reason that this came under the Phase II program and I believe that the estimated cost on that bridge is \$30 million so the question is, once that bridge is designed and constructed and the traffic flows from Biddeford to Saco or from Saco to Biddeford, where does it go after it gets back on Route I? Are you solving a congestion problem? No, you are not. What I am trying to say is that not much thought has been placed on these extraordinary bridges that have to be built and these corridors of statewide significance. We are being asked to take an additional \$4 million out of the Maine Turnpike to support access roads.

I want to go back to access roads and I want to refresh the memories of those legislators that were here in 1981. In 1981, we had a bill which was "An Act to Continue the Maine Turnpike Authority." That bill called for a transfer of \$4.7 million for the construction and reconstruction of access roads. The definition in that bill was that an access road was contained within a corridor of 10 miles. I remember standing in the back of this hallway being lobbied to support that bill on the basis that part of that \$4.7 million was going to be used to construct an additional access from Route I to the Maine Turnpike and if I didn't support this, that spur would not be built. I did, I voted for it because I felt that the city of Biddeford needed an additional spur leading on to the Maine Turnpike. The bill passed this House with flying colors, went to the other body, was passed by that body, went to the Governor for signature and that's the last I heard about it until I started to do some research when I presented a bill to the Transportation Committee to transfer the Maine Turnpike Authority to the DOT.

At that time, I asked a question, where was the \$4.7 million spent? I wanted to know where the money went. I was told that the \$4.7 million went into the General Fund of the Department of Transportation and that surprised me because I didn't think they could do that. Questioning the people, I was informed that the reason it went into the General Fund was based on their interpretation that any road within the State of Maine would ultimately lead a vehicle to the Maine Turnpike so looking into the definition of an access road, I then found out that the bill was recalled from the Governor's desk in 1981 by the Senate, was indefinitely postponed and all of the items that were contained within that bill, were placed into the Highway Allocation Act and, at that time, the definition of an access road was changed. I bet a lot of people don't know that but this is exactly what happened.

Getting back to the Biddeford Bridge and getting back to York County, I am told that this is just a start. It is like a commencement, we are commencing an action and that it may take us 20 years to accomplish this. Let me go back again to something else about promises that are made but are not kept. Let's go back to the Maine Turnpike Authority -- in 1941, the Maine Turnpike Authority was established to provide a toll highway in the southern part of the state leading up to northern Maine. It stipulated that upon payment of the bonds, that highway would be a free road. This was later reaffirmed by other

legislatures up until 1978 and, at that time, they said, hey this is a revenue producing activity. We are not going to let that go, we are going to keep it as a toll highway. However, the funds that are generated will be used to support and maintain the Maine Turnpike Authority and we did this up until 1981. I am definitely opposed to taking any funds, even the \$4.7 million, and I had an amendment to rescind that portion which I was going to attach to an L.D. and now I am told that I cannot amend the Committee of Conference Report. I don't think the amendment would have gone far but I would have certainly proved a point. As long as we permit people to raid the Maine Turnpike, it will never stop. If we have any excess money, that should go towards the widening of the Maine Turnpike and less bonding would have to be acquired to pay for those renovations. If we have excess money, then the toll should be reduced.

You heard Representative Scarpino mention about the fact the tourists pay for everything, they pay the sales tax -- one thing that he failed to mention was the fact that tourists pay 50 percent of the tolls on the highway but how about the rest of us that pay the other 50 percent? What break do we get? We are being asked to pay an increased toll on the Maine Turnpike to support highway programs within the state and you talk about fairness, you talk about being square? If this is what we are going to talk about, let's start practicing what we are preaching and let's defeat this bill.

Representative Lisnik of Presque Isle was granted permission to speak a third time.

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a quick response to the gentleman from Biddeford. It makes no difference whether you voted for the Governor's bill or for the amendment that I proposed, the language was identical.

I would like to read from the bill relative to the monies that we may receive in addition to the \$4.7 million for highways. It says "any funds received by the Department under this provision in excess of the \$4.7 million shall be expended for highway and bridge improvements within counties which contain turnpike mileage."

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

Representative RACINE: Mr. Speaker, Men and Women of the House: The original Lisnik amendment, as was explained to me, was that it was borrowing \$4 million. This Committee Amendment is not a borrow, you have to comply with that whether or not the funds are being used in counties. I don't believe that is fair and equitable. If I am going to be driving on the Maine Turnpike and paying a toll, I don't think the funds that are being generated there should be used to pave the road in Fryeburg, which is in York County.

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

Representative TAMMARO: Mr. Speaker, Men and Women of the House: It is not easy to support a tax increase but I favor this increase in the fuel tax. I believe we need this increase in funding for our highways and bridges in the State of Maine, all of the State of Maine. We know that Maine is losing millions of dollars by not having good, safe roads. I believe the Committee of Conference came up with a fair solution, one that meets our needs and the only way Maine can continue to move ahead and improve our economic situation is to approve this plan.

I would like to say something in regards to what

Representative Racine just said a little while ago, he was telling us about his problems in York County -- well, sweet Christopher Columbus, if I must say so, he doesn't know what a problem is when it comes to roads unless he has come to Washington County. I suppose some others will feel the same way, it is all right for you fellows to have three and four lane highways but we will just take a bicycle path -- well I've got news for him, if he doesn't know what the roads are in my area, I suggest he take a ride down that way and he wouldn't be rebuilding York County with three or four lane highways. I guess I had better not say anymore, ladies and gentlemen.

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

Representative FOSTER: Mr. Speaker, Men and Women of the House: I am going to speak to four points on this bill because I believe that this is taxing Maine people and letting the tourists off.

One, the registration fees are being paid by Maine people.

Two, Rainy Day Fund money comes from Maine tax dollars.

Three, truckers -- who is going to be paying this 5 cent diesel tax? They are going to be Maine truckers, short-haul Maine truckers because the long-haul truckers are going to fill up out of state and roar over these roads loaded with fuel oil.

Four, 2 cents a gallon -- what does that bring in? \$14 million, one-third paid by the tourists? \$4.7 million -- under the 5 cent gas tax, tourists would have been paying \$11.7 million. I see a difference of \$7 million right there that the Maine people are going to have to pick up and, for \$7 million, that is \$7.00 for every person in this state. If someone can explain that better, I would like to hear it, because I really believe that this form of a gas tax is put on the backs of the people that live in Maine.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Those of us who oppose the proposal that is before us tonight, I want it understood that we are committed to a responsible highway program as well. We recognize the needs of this state and the needs of highways. We are not going to second-guess the Department of Transportation and their proposed plans. We commend the Conference Committee for a very serious attempt to find a solution in what seemed to be an impasse. My question to myself and probably expressed verbally is, have the facts changed in the past two weeks?

On April 5th we heard, it is the first time to my knowledge that we have ever passed a gas tax increase in advance of a cost allocation study. I think when we pass a gas tax increase of any kind in this legislature, we do so after all the questions have been answered. We heard that Washington has embezzled money paid in by our Maine taxpayers. I am pleased to hear that the Conference Committee gave consideration to what the majority of the members of this body were concerned about but I thought we had found a compromise. Seventy-seven members of this body voted for a compromise measure, 60 members were in opposition of a compromise measure. Why are we ignoring a responsible compromise that was proposed to us by Representative Lisnik? The facts are the same -- we are punishing the Maine taxpayers. The facts are the same, timing of this tax is inappropriate.

We heard about questionnaires, that 80 percent of the constituents of some members were opposed and said no to a gas tax. We heard in November we passed

a \$26.5 million bond issue. We heard, "when is enough, enough." We all know that 23 cents tax on each gallon of gas presently exists. This is ill-timed. We are not being unreasonable but we voted for a reasonable compromise that bought us time -- when we could see the results of a cost allocation study, when we could deal with a new administration in Washington and seek our \$20 million, the taxpayers dollars, to fund highways. We have an ingenious plan to fund the highways and the needs of the Department, short-term granted, but we were willing to come back and discuss the issue when the facts were before us and questions were answered.

We talk about our constituents when it is convenient but when do we really listen to our constituents who have said to us, no tax increase?

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 South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief but I do have a few comments I would like to make.

As you know, I served on the Transportation Committee for the past eight years, I was one of the signers of the 12 to 1 report on the five cent gas tax. I voted for it then, I thought it was a proper way for the users of the highways to pay for the highways.

I would just like to mention a couple of comments on some of the remarks that have been made. One gentleman on the Conference Committee said that this was the same sort of bill that came out of the Transportation Committee, that is not quite correct. The Transportation Committee bill, the 12 to 1 report, had no differential at all.

Another thing that concerns me a little bit is one member of the Conference Committee who arose on the floor to tell us that he could not vote for a five cent gas tax without having the allocation figures -- the moment he was on the Conference Committee, he turned around and he voted for the increase even though the last allocation act was in 1982, six years ago.

I think another thing that bothers me is, this morning I went down and talked to some of the people in finance and I pointed out the fact to them that because we are members of the Tri-State Pact with New Hampshire and Vermont, it would not be possible to raise the diesel fuel tax May 1st. I hope they have taken care of that. I am sure they were informed.

I think one thing that bothers me a little bit is that the Committee of Conference was chosen, I have no problem with that, I do have a problem that none of the ten House members on Transportation, who worked very diligently on this bill, were never asked for any input by any members of that committee. I realize that to be appointed to the committee you had to be a member of the prevailing vote and I understand that. But, I still think after we had worked on the bill for most of the session, off and on, that it might have been wise for somebody to come to us (10 members who worked very hard on this) and asked for a little input. I think that would have been greatly appreciated by members of our committee.

I am not quite sure -- I have changed my mind

about five times today on how I was going to vote on this bill. For those of you who know me, that is not really my style, usually I make up my mind and that is it.

I think some of the comments that have been made here tonight perhaps have changed my mind.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: In addition to the comments that were made by my colleague, Representative Racine, who mostly dealt with the past, my great concern lies with the future. Here we are about to impose a substantial gas tax on our constituencies, when on the other hand, whoever the next President of the United States might be, you can rest assured that we are going to have an oncoming federal increase in our gas tax of some 15 cents per gallon. In addition to this, you can rest assured that OPEC in the interim is going to raise their prices on crude oil. You can just imagine -- you put all these facts together plus a plausible recession which a lot of good columnists talk about -- I listen to the stock reports, I keep abreast of the news as much as possible and, believe you me, a healthy recession isn't far off. I am being pessimistic but I think I am being also a realist and the people in Maine will suffer most because we are the farthest away from the goods that are needed and the gasoline that we need to maintain our jobs and our economy. This is one of the main reasons I am against the gas tax.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I have been setting here listening to all this debate. I would like to tell you now that the truckers in Maine are going to pay 90 percent of this fuel tax. There is no way out of it. I will tell you the reason why. The trucks are coming in here now, this state is deregulated. It has put the railroad out of business. They blamed the truckers for it. It is not the truckers that put the railroad out of business, it is the high cost of fuel and nummys that run it, I am speaking of Maine Central.

I would like to tell you that anybody that is coming into the State of Maine, going into Fort Kent and Madawaska, Machias or anywhere in the state, they fill that old truck up with 300 gallons of fuel, they make the round turn and they don't buy one penny worth of fuel in the State of Maine. You are going to have a lot more of that if we put this five cent fuel tax on trucks. You are going to lose a lot of your trucks registering here because in New Jersey it only costs you \$950 total. All your towns are going to lose your excise taxes, you are going to lose your sales tax on your new equipment. Also you are not going to get enough trucks in here to haul your commodities.

Let me give you a little example. Some of the trucks are hauling paper out of the State of Maine. They are getting \$1.20 a mile to haul this paper. You have got trucks coming in that I can show you that don't buy any fuel in the State of Maine. I can show you the rates if you want, hauling for 86 cents a mile to Ohio and beyond for the simple reason that these big trucking companies are getting rid of all of their trucks now, they are leasing them to owner/operators that don't have to report the fuel taxes, they might report two trips out of ten. So, you can see very clearly why 90 percent of the trucks are going to pay for this fuel tax.

Your sand and gravel crews don't care, where are

they? They aren't around. They bid on a contract, they will put the five cents a gallon in the contract. They don't have to worry. It is the trucker, the small trucker with the pulp loader on the truck that is paying the \$580 highway use tax and not even going out of state, working around town. People digging ditches with little small payloaders, they are going to pay the fuel tax. All your truckers coming in out of the state, hundreds and thousands of them out of New Brunswick, Quebec, you name it, they are going to pay for about one-third of the fuel they use.

I would hope you would take a close look, ladies and gentlemen, before you vote for this bill.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: It surprises me that the arguments about the pain that will be inflicted upon the truckers and other consumers of diesel fuel is so great and that it is being expressed now at the last minute. I respect those people who have shared their concerns with us on the floor this evening but I think we have to keep one thing in mind. What we are proposing here is not a penny more than what the Committee on Transportation recommended. It is not a penny more than what the Governor recommended. It is not a penny more than those 60 people supported who were in the minority when this bill first came through.

When this issue first came before the legislature or was first suggested, I and a number of you, received phone calls from people back in our home districts expressing support for the Governor's proposal. Many of those expressions of support came from truckers who said, yes, we realize that there is a nickel a gallon fuel tax increase in here for us but it is worth it because the repairs to the roads and bridges of Maine are going to save us additional repairs to our own vehicles. For that reason, they came to the legislature and said, please support this highway program.

We, as members of the Committee of Conference, have not heard from a single trucker from outside of the legislature who has expressed a concern about this. I think the reason is they realized that the proposal that we are giving back to this body affects them exactly as the previous proposals did. I think it is a fallacious argument to present to this body concern for the impact on diesel fuel consumers because they are not being impacted to any degree greater than what the original proposal presented.

I think we have to understand that it took a lot of work to put this together. The Representative from Presque Isle, Representative Lisnik, Representative Cashman, Representative McGowan and I, two weeks ago, when we originally opposed this bill, felt we had an obligation to present some alternative and, through John Lisnik's amendment, we presented that. It is for that reason that three of the group of four were put on the Committee of Conference because we represented the prevailing side on that issue. We feel we have an obligation to present a highway package that is fair, that is equitable and that does not put the burden on those who do the most damage to the roads, and those who have expressed concern to us. For that reason, we are asking for your support. We believe that there are enough mechanisms in place here to provide a correction when and if that proves necessary and that this legislature will have the opportunity to decide whether or not those corrections should be adopted in our 1989 session. The big question is, we do realize now that we have a highway program that has to be

adopted and it has to be adopted this year. If we go with the plan before us, we can be assured that that package will be put into place with plenty of time to make the corrections necessary if they prove necessary. I ask that you support the position of the Committee of Conference.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I did want to bring to your attention one thing that I had neglected to mention before. If you look at the statement of legislative intent — just to explain, there was in the process a one-stop facility for motor vehicles. Right at the present time, if a trucker comes into Maine to get the necessary permits and things of this nature, he has to go to four different buildings. What we were proposing to do was to have a one-stop facility. Well, the money for that facility has not been, as of yet, but I understand there will be an amendment to lift the financing which was \$1.7 million from the bill, but I just wish you would remember (those of us who might come back here) the letter of intent. It says, "The \$6 million to be allocated from the Rainy Day Fund in the fiscal year 1989-90 for construction of a new building."

I have talked to the Governor, the Governor has assured me that he will support this. I have talked to members of leadership who have assured me that they will support this. I hope we all remember it if we come back again.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Lisnik of Presque Isle that the House accept the Committee of Conference Report.

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

Representative ANTHONY: Mr. Speaker, I request permission to pair my vote with the Representative from Dover-Foxcroft, Representative Thistle. If he were present and voting, he would be voting nay and I would be voting yea.

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

Representative CARROLL: Mr. Speaker, I wish to pair my vote with Representative Nadeau of Lewiston. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of Representative Lisnik of Presque Isle that the House accept the Committee of Conference Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 277

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Boutilier, Bragg, Carter, Cashman, Cote, Crowley, Curran, Daggett, Davis, Dellert, Diamond, Farnum, Farren, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Hickey, Holloway, Jackson, Jalbert, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Mahany, Marsano, Martin, H.; Matthews, K.; McGowan, McPherson, Melendy, Mills, Murphy, T.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Parent, Paul, Pines, Pouliot, Priest, Reed, Richard, Ruhlin, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Tammaro, Tardy, Taylor, Telow, Tupper, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Allen, Bost, Chonko, Clark, H.; Clark, M.; Coles, Conley, Dexter, Dore, Duffy, Erwin, P.; Foss,

Foster, Garland, Glidden, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Higgins, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Look, Manning, Mayo, McHenry, McSweeney, Michaud, Mitchell, Moholland, Murphy, E.; Nadeau, G. R.; Oliver, Paradis, P.; Perry, Racine, Rand, Ridley, Rolde, Rotondi, Rydell, Scarpino, Sheltra, Simpson, Smith, Strout, D.; Swazey, Tracy, Warren.

ABSENT - Baker, Brown, Callahan, Dutremble, L.; Hillock, Kimball, Lacroix, Paradis, J.; Reeves, Rice.

PAIRED - Anthony, Carroll, Nadeau, G. G.; Thistle. Yes, 81; No, 56; Absent, 10; Paired, 4; Excused, 0.

81 having voted in the affirmative, 56 in the negative with 10 being absent and 4 having paired, the Committee of Conference Report was accepted.

The Bill was passed to be engrossed as amended by Conference of Committee Amendment "A" (H-762) in non-concurrence and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Increase the State Funding of Educational Costs (Emergency) (H.P. 272) (L.D. 355) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-701))

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-701) and Senate Amendment "A" (S-492) in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Correct Additional Errors and Inconsistencies in the Laws of Maine" (Emergency) (H.P. 1939) (L.D. 2638) which was Passed to be Engrossed as amended by House Amendment "A" (H-755) in the House on April 19, 1988.

Came from the Senate Passed to be Engrossed in non-concurrence.

The House voted to adhere.

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

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-763) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$31,800,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System" (H.P. 1884) (L.D. 2576)

Signed:

Senators: PEARSON of Penobscot
BERUBE of Androscoggin

Representatives: NADEAU of Lewiston

LISNIK of Presque Isle
McGOWAN of Canaan
RIDLEY of Shapleigh
CARTER of Winslow
CHONKO of Topsham

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-764) on same Bill.

Signed:

Senator: EMERSON of Penobscot

Representatives: FOSTER of Ellsworth

DAVIS of Monmouth

HIGGINS of Scarborough

FOSS of Yarmouth

Reports were read.

Representative Carter of Winslow moved that the House accept the Majority "Ought to Pass" Report.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I want to tell you that, obviously, the University of Maine has come under a great deal of scrutiny over the last three or four months especially in our committee. The issue that you see here before you tonight is the issue of a bond issue and the differences between the two reports are quite simple. The Minority Report is the original bill as presented of \$31.8 million. The Majority Report is an additional \$1.8 million for a total of \$33.6 million. The additional money would go to a new facility (as yet to be determined, I guess) at the University of Maine in Farmington.

I think the philosophy of those of us who signed the Minority Report is quite simple. That is that the Board of Trustees submitted a plan, at one point was \$60 million. I think they got the feeling, the very distinct feeling, from most of the members of the legislature and even the Governor's office that \$60 million simply wasn't palatable, it would not pass. They went back to their board and made a decision that they would cut out approximately half of that and come back with another package of \$31.8 million.

There were some people who didn't want to support anything and there were some people who wanted to do a lot more. My feeling was that we ought to stick with what that package was. There are a lot of other needs out there that many of us could identify with. To simply stick on one additional bond issue or another project for one particular campus seemed unfair to me because, if we are going to do that, then I would hope that perhaps tomorrow, if we accept the Majority plan, we ought to consider adding additional projects at additional campuses. Since the University Board of Trustees has already said they need \$60 million and the bill before us is \$31.8 million or \$31.6 million, I just felt that it was unfair to add one more project because I, from the southern part of the state, would like to add some additional money for a parking garage or some of the other things that are needed in southern Maine. I am sure that Presque Isle has some other needs, the University of Maine at Orono has some other needs and we should have the opportunity to address those tomorrow if they accept the Majority Report. I feel uncomfortable in doing that.

I felt a package was worked out, a recommendation was brought to us through the Governor's office from the Board of Trustees and I felt like we should stay with that. It should either be at \$31.8 million or we ought to be at \$60 million but anywhere in between that to me smacked of pork barreling, of a christmas tree effect, and I simply did not want to be part of

that.

I would hope you would vote against the pending motion so we might accept the original bill.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Higgins was correct in the fact that the University of Maine is in desperate need. But, for him to come to this body and say that he may want to come back and bring in another amendment for the University of Southern Maine, I would bring to the rest of you members of the House that the University of Southern Maine and the University of Maine at Orono are already being taken care of very well. Seventy-nine percent of the allocation of the capital needs of that bond issue will go to the University of Maine at Orono and the University of Southern Maine.

He makes reference to the amendment that was proposed by the majority members of the Appropriations Committee as being a pork barrel. Well, if you would read the legislation and the bond issue that is before you, you will find that nowhere in that bond issue or the law says that a specific project will be done. It does, in fact, does allocate money for capital needs to the University of Maine.

Our position was that we would just increase that amount of money to the needs of the University of Maine System. From my position as a member of that committee, I thought that the University of Maine at Farmington was under-served, being a rural college in the University of Maine System that services needs of the educationally mentally retarded, emotionally disturbed and children of first, second, and third grades early elementary programs that have been awarded national recognition in this country. To say to the people of the State of Maine that we have a system up there in Farmington or in western Maine that has buildings and capital needs of, not six and seven years old, Representative Higgins, like Southern Maine has, but 125 years old, Ladies and gentlemen of the House. Then I would say that to give these two campuses, Orono and Southern Maine, 79 percent of that bond request, is totally unfair.

You can say there are needs elsewhere and I agree with you, there are needs elsewhere. I hope that we can come back and address those needs at another time.

I think this is a fair proposal that we have sent up to you today. It is not pork barrel, it is trying to meet a need of our educational system and I would urge this House to go along with it.

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

A vote of the House was taken.

Representative Higgins of Scarborough requested a roll call vote.

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

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

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

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

I am just curious to find out if there is enough money in here for the library at the University of Southern Maine?

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

The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentlewoman's question, there is enough money in the bond issue request for the library at the University of Southern Maine.

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

Representative FOSTER: Mr. Speaker, Men and Women of the House: I wanted to tack a little amendment on this bill myself because Washington County, the University of Maine down there, gets less than a million dollars, they always get less. \$750,000. I would like to put on for a performing arts center, I would have liked to have had a day care center but I knew the minute I tacked one on, another would go on -- they need this, they need that. So I called the University of Maine to find out if this was equitable, the way they arrived at the \$31.8 million and they said, it was so I didn't think any more about amending the bill.

I want this to pass for the people. I think that we should reject this Majority Report so that we can accept the Minority Report and get it out in the Fall.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to further respond to the question that was raised earlier about the library in Portland. The answer to that is yes, the library is there but unfortunately, because of the cut-back from \$60 million to \$31.8, the parking garage that goes along with it, which the planning board and the City of Portland has said is needed, is no longer part of the library. That is the sort of determination that the Board of Trustees had to make to get to the \$31.8 million, everybody loses something. Either everybody loses something or nobody loses anything at all. I think we are going too far out on a limb. We are trying to play the Board of Trustees on a bond issue and I think that is unfortunate.

I think it is fair to do the package they brought before us and to continue on, I think, would be a bad precedent.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The parking lot will affect this gentleman, this Representative, it is my legislative district. If the trustees decided not to fund it, I will go along with it. I certainly don't want to sit here though and have a Portland versus the rest of the state, fight. I would hope that we would go along with the Majority Report. The last thing I want to do as a Representative from that legislative district is see that go down the tubes the next time around. I would hope that you would go along with it.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the Representative from Canaan that the mission at Farmington is exemplary. I think that we have to realize that the system is run by a Board of Trustees

which is responsible for the entire university. I think our action on the Majority Report undermines the cohesiveness of the system by inserting parochial concerns. I hope you will vote against the Majority Report.

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

ROLL CALL NO. 278

YEA - Aliberti, Allen, Anthony, Bailey, Bickford, Bost, Boutillier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hogleund, Holt, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tardy, Tracy, Vose, Walker, Warren, The Speaker.

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

ABSENT - Baker, Brown, Callahan, Dutremble, L.; Hillock, Kimball, Lacroix, LaPointe, Nadeau, G. G.; Paradis, J.; Reeves, Rice, Ruhlin, Salsbury, Thistle. Yes, 75; No, 61; Absent, 15; Paired, 0; Excused, 0.

75 having voted in the affirmative and 61 in the negative with 15 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-763) was read by the Clerk and adopted and the Bill assigned for Second Reading later in today's session.

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

REPORTS OF COMMITTEES
Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-760) on Bill "An Act to Authorize a Bond Issue to Provide Funds to Create an Adaptive Equipment Loan Program" (H.P. 1686) (L.D. 2315)

Signed:

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

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

Signed:

Senator: EMERSON of Penobscot
Representatives: FOSTER of Ellsworth
DAVIS of Monmouth
HIGGINS of Scarborough

FOSS of Yarmouth

Reports were read.

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

Committee Amendment "A" (H-760) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" (H-760) and sent up for concurrence.

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

SENATE PAPER
Ought to Pass as Amended

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-489) on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (S.P. 831) (L.D. 2156).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-489).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-489) was read by the Clerk.

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

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

It is a two part question and it is to anyone on Appropriations that can answer it. On Page 89 of this budget, there is a personal services amount of \$480,000. My question is how this figure was arrived upon. It also states that this amount of money would provide funds for approximately 15 percent of the other special revenues budgeted for biologists and related activities in the Department? The other part of my question is, could somebody explain that to me please?

The SPEAKER: Representative Jacques of Waterville has posed a question through the Chair to any member of the Appropriations Committee who may respond if they so desire.

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Men and Women of the House: In answer to my good friend from Waterville's question, let me just say that the figure that is quoted on Page 89, 15 percent is the figure on which the Committee on Appropriations felt was about the amount of work that was being conducted by the Department that could logically be charged to the General Fund.

The second part of his question I believe he wanted to know, if I understood the question correctly, how those funds could be utilized and according to the way I interpret the language, the funds allocated can be expended for biologists and related activities within that Department.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I do not intend to vote against this budget because this is included. I think the language is extremely poor and I am very concerned

that nobody on the committee was ever approached before this language was written.

Considering that over the years, the biologists have wasted, abused and misused funds in that Department, I find it most distressing that we would put this language in there when we have a law enforcement division that is approximately one half of our budget, that because of the Garcia Decision has been faced with many restrictions on what they can and cannot do and how they do it and where, almost one-third of their entire budget, is spent on non-fish and non-game related issues that should come directly from the General Fund and that we would choose to put this language in there because I think it sets a very bad precedent. It is not where the General Fund money should have gone. I think it is an affront to the Warden Service and to the services they provide but I guess we shouldn't look a gift horse in the mouth or whatever side that you are looking at him on this issue.

I am concerned that Appropriations did this. I guess what they thought was a helpful thing without coming to the Department, without at least coming to the members of this committee, and finding out where that money should go.

The original proposal put forth by the Representative from Standish, Representative Greenlaw, was to get some General Fund money to be put in the Warden Service which would have alleviated part of that almost \$8 million that we spent. By doing this, what they are going to do is fill some biologist positions that we have kept open because they are unnecessary, they will fill those positions and they will spend the money studying the yellow throated thrush, the fisher and the fox, that we spent a lot of money studying already.

I just wanted to make this point very clear and I think this is going to come back to haunt us and I am sorry it happened.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I don't wish to prolong the debate on this budget but I think there is one item that I would like to call to your attention because I do not feel that it should be included in a budget item.

On Page 246, there is a section regarding shellfish conservation ordinance -- this particular section deals with the provision of licenses for non-residents of a municipality. It affects my municipality and it affects my district. I call it to your attention because I think it is an example of a way that we should not be using the budgetary process.

To my knowledge, there is no fiscal note, no amount attached to this particular section. However, there is language which will change an ordinance that we have in Brunswick and a policy that we have developed in Brunswick. If there is a problem with that policy, I think it should be dealt with and the Brunswick Delegation should have been told about it and we could have dealt with it in another way.

I call it to your attention and I would ask that, in the future, perhaps we might consider not using our budgetary process for this kind of an inclusion. I feel that it will not affect Brunswick this year because we already have what we call a lottery to deal with non-residents. There may be other municipalities, however, that will be affected by this and I think it is important to call this to the attention of all persons who live along the coast and who have people involved in shellfish conservation.

The SPEAKER: The Chair recognizes the

Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I want to briefly respond to the Representative from Brunswick's concerns on the issue and just try to outline to you the position that I took on this issue.

I don't know how much background that the House cares to be involved with and perhaps there isn't any but I do feel that, in this particular situation, since it was brought to the attention of the House that there is what I consider a defensible position.

All the towns that have their own municipal shellfish ordinances must give 10 percent of the licenses to non-resident diggers that they give to their own resident diggers. There is a situation that does exist in Brunswick now which is a new situation where, instead of issuing the licenses on a first-come, first-serve basis, they decided to institute a lottery. Rather than getting involved in a plus and minus situation or the hardships that it entails for some of the clam diggers, the potential exists for people who are residents to ask friends, relatives, neighbors or whatever from other communities to submit their names to the lottery so those constituents of mine, who happen to want to dig clams and they dig clams for a living and depend on that for their sustenance, would not become eligible for those licenses. There are only eight licenses that are offered in Brunswick and there were 34 or 35 people, as I understand it, who applied for those licenses. It seems unfair to me that, up until now, it had been offered on a first-come, first-serve basis -- that seems to me to be infinitely fair.

There is no profession, occupation or whatever that requires you to be part of a lottery in order to get a license. If someone wants a license to dig clams and they are willing to sit in their car for two days to get that license, they ought to get it if they are first in line. I think that is fair.

I can appreciate the Representative's concern about this being in the budget but I did check with a couple of people who gave me the impression that there was no other vehicle around to attach the bill to. I did check with several members of the committee on both sides of the aisle who indicated to me at that time, about three weeks ago, that they didn't feel that it was a problem. I did check with the Commissioner.

So, perhaps I will apologize for the way in which it was handled but I think the issue is one that needs to be resolved and addressed before all the communities along the coast decide that they want to institute a lottery and those people who want to make an honest living, who want to do it day after day after day, are not put into a situation of having to depend on a lottery for their living and the potential abuse of someone coming in from outside the community and trying to flood it with a number of people who are not really interested in becoming clam diggers.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: It is unclear to me whether Representative Rydell's point was heard. This is an Appropriations Bill and this matter put in here is not clearly a matter which has anything to do with an appropriation. It is certainly somewhat controversial and deserves a public hearing. I think her complaint was (and a justified complaint as far as I am concerned) that the matter was not handled in a different manner and in a different bill.

I don't know who was contacted -- certainly I was

not and I don't know if anyone else in the Brunswick Delegation was ever contacted on this matter. I think it is inappropriate for inclusion in this bill.

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

Representative COLES: Mr. Speaker, Men and Women of the House: Very briefly, I agree with the Representative from Brunswick that this is a policy issue, not an appropriation issue. It is a sensitive subject as you may recall from the 2 inch clam debate.

In addition to what I had been told earlier about what was going to be in here, there is another phrase in here which I was not told about. It says that each town and each district in the year after that license is issued, they shall send by mail to the last known address of a non-resident holder for that previous year, giving a clear edge, in fact, to those non-resident license holders over all those people who might want to compete in it. There are a lot of complicated, sensitive issues on this and I don't think the Appropriations Committee is the place to put an amendment on without any discussion by the Marine Resources Committee or a public hearing. This is bad policy to do this.

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 pose a question to Representative Higgins.

Representative Higgins, would you advise me if any member of the Marine Resources Committee was contacted prior to this going in and do you feel free to identify that person at this time? If not, you may say so and I will accept that.

The SPEAKER: Representative Look of Jonesboro has posed a question through the Chair to Representative Higgins of Scarborough who may respond if he so desires.

The Chair recognizes that Representative.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I did contact three members of the committee. I would be happy to tell you that I contacted Representative Mitchell, Representative Crowley and Representative Salsbury.

If I could continue on the issue that was brought up on this by a previous speaker about the notification provisions, I could tell you the abuse that happened, the reason this is in there is because several clam diggers contacted a municipality and asked them when they were going to be issuing their licenses for non-residents and they said (we'll say) March 28th and, when the diggers went to get their licenses, they had issued the licenses on March 26th. That seems unfair.

There is a notification provision in the current law, that is true, but many of the diggers do not get the paper in the area in which they want to work. It seemed to me, if they are going to notify the newspapers that perhaps another way of notifying diggers that don't live in that particular area, would be to send the notification to the previous year's diggers so that at least those people were aware of it and they would have a date certain rather than depending on some clerk who answered the phone to tell them one thing and then for them to get there and find out that something else had happened.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify my involvement, I may have talked with Representative Higgins pertaining to the lottery system used in Brunswick, but in no way would I ever agree with the

second part of this, of mailing to the last known address and give these people an edge on the licenses for the next year.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: On Page 103 of this budget document, 25 positions and \$310,000 deappropriated at Pineland Center -- I guess I have to ask the question and I need a guarantee of the intent of the committee and of this legislature, how many of those positions are currently vacant, whether these positions will be deappropriated prior to any reduction of census at Pineland and somewhere in the budget does this \$310,000 revert back to some community program for the mentally retarded?

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

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer Representative Carroll's question, these positions, some of which were vacant and it is my understanding that they will be vacated based on attrition as it occurs, it is not intended to cut out any personnel.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: I guess my followup question would be to anybody on the Committee, is there some assurance or some intention of the Appropriations Committee and of this legislature that either through attrition or any other way, that these reductions will not take place until the census at Pineland goes down by 30 individuals? I think it is very important -- we have heard for a number of years that the census will go down. I think the census figures at Pineland clearly point out that that census has leveled off at around 275 or 280 and I just don't want to see some reduction in staff take place if that census does not go down, whether it is attrition or any other way.

The SPEAKER: Representative Carroll of Gray has posed an additional question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Again, it is my understanding that the language that we find here on Page 103 was inserted at the request of Representative Carroll and that there are patients that are being moved out of Pineland and a reduction in personnel will take place on an attrition basis.

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

Representative MACOMBER: Mr. Speaker, I would like to pose a question please to the Appropriations Chairman.

On Page 237 of the budget under the heading, "Published Public Safety Department of Office of the State Fire Marshal" -- for many years in South Portland and in other VTI's, we have had a very highly regarded program for fire training. It has always been under the administration of the Maine Vocational System. In the budget, I noticed you have changed the funding so that all money now goes to the State Fire Marshal. If it is not a VTI program, I have heard that there are problems with some of the VTI's that if it is no longer their program, they would prefer to have it somewhere else. I guess my

question would be, what was the reason for taking the money away from the VTI's and giving it to the Fire Marshal to administer?

The SPEAKER: Representative Macomber of South Portland has posed a question through the Chair to the Chairman of the Appropriations Committee who may respond if he so desires.

The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Prior to this, I believe the program that the Representative from South Portland mentioned was funded by numerous accounts, some money from a fire insurance premium tax, some money from the VTI's, some federal money, some money from the Department of Education, I believe. We have now, I think, gone into a situation where we have placed them under the umbrella of the Fire Marshal's Office and hopefully they will be on, if not on complete state money now, it will be close to it. That way the money won't be stopped and they will continue at their present location doing the same things that they have been doing except, instead of being under the umbrella of the VTI system, they will be under the umbrella of the State Fire Marshal's Office.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I guess I go along with the explanation of the gentleman from Scarborough but I still don't think you have answered my question. Why did we take it away from the VTI's and place it under the State Fire Marshal? I don't see any advantage to that at all.

The SPEAKER: Representative Macomber of South Portland has posed another question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question -- the reason that the change has taken place, it was done at the request of the VTI's.

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

Representative JACQUES: Mr. Speaker, I would like to pose one additional question if I may, then I won't say any more.

To any member of Appropriations -- back to Page 89. in the very generous gift that was given to the Fish and Wildlife Department, did Commissioner Vail have any involvement in the way this was drafted? Is he aware of it? Did he have any say in the way it was drafted, the wording?

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

At this point, a quorum call was held. (April 20, 1988 - 12:02 a.m.)

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Men and Women of the House: I am unaware at this point whether the Commissioner was contacted or not, perhaps staff did, I am not aware of it.

Representative Gwadosky of Fairfield offered House Amendment "A" (H-766) to Committee Amendment "A" (S-489) and moved its adoption.

House Amendment "A" (H-766) to Committee Amendment "A" (S-489) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for offering this at this time (12:07 a.m.) on Wednesday, the last day of the session but none of us, I believe, had any anticipation that we would be here at this hour nor did we believe we would be considering the budget at this hour.

So, let me offer this amendment and preface my remarks by saying that, in the ten years that I have been fortunate to be a member of this body, I can't think of too many occasions when we have amended the budget and it is not something that I do lightly or without a great deal of thought. I have tried to share the amendment around but haven't got it to all the members of the committee and I apologize for that.

I have some very close friends on the Appropriations Committee and beyond being close friends, I have a great deal of respect for what they do. As tired as we all feel, you can multiply that by five and you get to feel how the Appropriations members feel at this time.

The purpose of this amendment deals with a specific section of the bill, Page 67, and it deals with the Department of Finance, specifically the purchase of a new computer system. My concern about this is twofold, one deals with the overall cost of this statewide financial system and secondly with the confidentiality of the data basis that is going to be established by this system.

The purpose of this amendment is to delete \$4 million out of the budget, the \$4 million being the cost of the computers for the second year. If we are to delete that out of the budget, we will keep in the budget approximately \$110,000 for two positions that will be assisting the State Controller in developing a contract and developing a design in development for the implementation of this statewide system. We will also be keeping in the budget some \$500,000 (in this year) for computer services.

Now, there is no question in my mind and I think in most people here that this is a worthy goal to computerize some of the services. I know in the personnel system from spending a lot of time with that, these are things that we need to do. I guess the question is, how much do we need to do it and how quickly do we need to do it?

One of my concerns with the Maine State Government Financial and Administrative System plan is the overall plan. We are talking currently in this budget \$500,000 this year, not excluding those positions, \$4 million next year and then it doesn't stop then because there is another \$7 million or \$8 million two more years down the road. One of the things that bothers me is, when I look at the total cost of \$7.5 million to \$11.2 million or up is the breakdown of that total money really is only about \$1 million for software, about \$700,000 for state system staff, and anywhere from \$6.3 million to \$9.5 million for consultants. That \$6.3 million to \$9.5 million for consultants -- now, where I come from that is a heck of a lot of money.

I tried to get the breakdown of what the \$4 million went to in 1989 and I was unable to find where that money is being allocated. There is no question in my mind that there may be a need for that, they may be able to justify that. There is no question in my mind we can also justify more education relief, more property tax relief. We know that the table is some \$80,000 short right now.

Ladies and gentlemen, I am offering this amendment this evening as an opportunity to extract

some money out of this to give us a chance to kind of phase into this. We will still have \$110,000 for two positions, we will still have \$500,000 this year to allow us to phase into this and, at the same time, making sure that we put in the confidentiality that we should be putting in when we are going to create a major financial, a major computerized system in state government. I would urge your support.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment.

We have before us a supplemental budget of tremendous proportions. The Appropriations Committee did a tremendous amount of work in crafting this budget. I can assure you that there are many segments that I do not personally agree with. Nevertheless, they are in the budget. I can assure my good friend from Waterville, Representative Jacques, who seems to be concerned about the funds that were granted to the Fisheries and Wildlife that I did not agree with it but nevertheless, they are in the budget.

The word is compromise. You cannot craft anything in a legislative body such as this unless you sit down, communicate, and compromise. This is what we did as a committee. This is a unanimous report from the Committee on Appropriations and Financial Affairs. There were many hours put into it and many disagreements but we managed to resolve them and come out with a budget in complete unanimity.

My good friend from Fairfield, Representative Gwadosky, has raised a question about confidentiality. I would like to call his attention to the language on Page 67 and I quote, "Provides funds for the design and development and implementation of a statewide financial system, appropriate security safeguards shall be incorporated within the main system and its sub-systems in order to assure confidentiality of the various data bases which are to be maintained." We went even further, "Such safeguards shall be designed to prevent access to employee, client and fiscal data by those not having a genuine need for it in order to carry out their official responsibility." I think that should answer his question in reference to the confidentiality of these records.

I would also like to call his attention to the fact that we are now in an age of high tech and automation and, if we are to cope with the many intricacies of state government, then we must automate. This is what this system attempts to do. It is a beginning -- it is true it is expensive. None of these systems can be put in place unless a substantial sum of money is expended.

I think, in the long run, we will be able to obtain quicker and better services when we as a legislative body request such information from the Executive Branch. I would hope that you would support my motion to indefinitely postpone.

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

Representative DUFFY: Mr. Speaker, I would like to pose a question to any member of the Appropriations Committee.

\$4 million -- can anyone give me an idea if that is for the computer sub-computer base, can they tell me how much would be divided out for the actual consultant fees to set up the system, how much money the actual system will cost and any other miscellaneous fees that would be divided besides that?

The SPEAKER: Representative Duffy of Bangor has posed a series of questions through the Chair to any

member of Appropriations who may respond if they so desire.

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

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I love defending this issue. The majority of this money goes to consultant fees. This was not my priority in this budget. As a matter of fact, of everything in this budget, this would have been the first thing that I would have voted out.

My leadership has put me in the awkward position of defending something that I personally have a hard time defending. On the other hand, this is not my Governor, if it were my Governor who had recommended this, I might have found my way to be more supportive. But this is one of those things that laid dormant until the final days of closing the budget. At that point, the compromise was struck and this particular part was put in the budget. I did not have much of a say in that decision. I am going to support the unanimous Appropriations Committee Report. I think that you are going to set -- and I talked with Representative Gwadosky and he did have the courtesy to come and talk to me about this issue, I also understand where he is coming from, I respect his position on that issue but I have a little bit of trouble with the fact that he has offered the amendment. On the other hand, I can understand that as an individual. I hope he is doing it as an individual and not as the Assistant Majority Leader here.

I think that the problem that we are going to have is, if you accept this amendment to the budget, that you will just simply unravel this budget and future budgets. It is a very, very dangerous precedent and I told him that. So, I do hope that you will accept the unanimous committee supplemental budget.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: Although I believe Representative Lisnik's thoughts are sincere, \$4 million is a lot of money to me and I don't really want to set any precedent either but \$4 million for consultant fees and the contracts that haven't even been sent out, as far as I know, and figures that probably have not come in -- \$4 million to send out for somebody to know exactly what the price is going to be that they are going to be bidding on and set the numbers accordingly for those bids, hopefully, they are going to be bids -- it seems like an open door check right now. I will support this amendment, I will support Representative Gwadosky and I urge for you to vote against the indefinite postponement and accept the amendment.

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

Representative FOSTER: Mr. Speaker, Men and Women of the House: You know when you put a budget together, it is just not the Appropriations Committee that works on the budget, leadership is involved, leadership is involved.

This was a sticky wicket. Other things were put in the budget to please other people so that this item would stay in the budget. We had input, not just from the Appropriations Committee, but from leadership of what would happen. I think that is very important for you all to know.

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

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with my good friend

from Bangor, Representative Duffy, \$4 million is a lot of money. But when we are talking in terms of a budget of over \$2 billion, \$4 million in perspective isn't all that much. Ladies and gentlemen, we are living, as has been stated here before, in a high tech age and if we don't keep our equipment up to date and when you have over 15,000 people working for the State of Maine, it is necessary, very necessary, to bring the information together so that it can be used efficiently. We are always getting complaints from our constituents, well I don't get an answer from this one, I don't get an answer from that one. Ladies and gentlemen, this is not just a simple computer system, this is a management information system. It is something that people use in their businesses every day in the outside world and the private sector to know what is going on in their business. That is one of the biggest problems we have in state government. One person, because of the size of our government, doesn't know what the other one is doing. This is an attempt to bring something together so we will have an efficient operation.

I certainly hope you will go along with our chairman and defeat the amendment.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to comment on the Representative's, whoever sits in front of me, comment regarding the fact (and she emphasized it two or three times) that leadership was involved. Well, that is probably quite appropriate that leadership was involved.

However, I would like to say at this point, at 12:20 in the morning, that I happen to be the individual who brought this amendment to the attention of the Assistant Majority Leader who had virtually no idea that this kind of thing had happened. I guess I would be very cynical in saying which specific leadership was involved and beyond that I would say, even if the aggregate leadership and the Appropriations Committee handed this document out, wouldn't it seem appropriate that the respected Democratic and Republican caucuses would have been briefed on a document of this magnitude?

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

Representative FOSTER: Mr. Speaker, Men and Women of the House: Our caucus has been briefed on this document. I must say there were many things in that document that were unpleasant for them. The members of the committee said, this was a compromise and asked for no amendments to be put on this bill. I cannot say what will happen now but I thought that everything was settled until this amendment arrived tonight.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Just in response to the Representative from Ellsworth, our caucus did not have the opportunity to caucus on the budget and that simply is the reason I have chosen to offer it at this time.

In response to the Representative from Presque Isle, Representative Lisnik, I am certainly without a doubt offering this on behalf of myself, not on behalf of the caucus or any other members.

I would like to remind the members that it is not an easy thing whenever you attempt to amend a bill, particularly a bill that so many people have worked on so long. Those of us who have worked on committees know the give and take, the compromises

that are necessary to produce something that you can really be proud of. My bottom line, I guess, is simply that, in the course of considering the number of items that we have before us, priorities that we have before us, the competing measures that needed to be funded, I think the \$4 million was just a little bit too much to bite this evening. We are still funding two positions for \$110,000. We are still putting in \$500,000 for other services this year. I think that is more than enough. We can come back again next year, implement this on a cautious and thoughtful approach.

I would urge your adoption of this amendment.

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

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

Do you have designs for this \$4 million?

The SPEAKER: Representative Foster of Ellsworth has posed a question through the Chair to Representative Gwadosky of Fairfield, who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the Representative from Ellsworth. The answer is no.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Carter of Winslow that House Amendment "A" (H-766) to Committee Amendment "A" (S-489) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 43 in the negative, the motion did prevail.

Subsequently, Committee Amendment "A" (S-489) was adopted.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Make Interim Adjustments in the Certificate of Need Development Account" (Emergency) (S.P. 845) (L.D. 2191) which was passed to be engrossed as amended by Committee Amendment "A" (S-473) and House Amendment "A" (H-739) in the House on April 18, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-491) in non-concurrence.

On motion of Representative Melendy of Rockland, the House voted to recede.

Senate Amendment "A" (S-491) was read by the Clerk.

Representative Melendy of Rockland offered House Amendment "A" (H-757) to Senate Amendment "A" (S-491) and moved its adoption.

House Amendment "A" (H-757) to Senate Amendment "A" (S-491) was read by the Clerk.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: In my debate on this issue last night, I spoke about the unfairness of passing this bill without giving all hospitals an opportunity to have something existing in the pipeline to be considered within the \$7.4 million giveaway.

Representative Martin understood what I was suggesting and proceeded to address an issue he needed in the northern part of the state for something that he said his area could never expect to get funded through the CON process.

This amendment that I am presenting is to address a need for the mid-coast area. I have had numerous calls from people who have to have dialysis done. What my constituents have to do is drive two plus hours to Portland via Route 1 and if anyone has driven it in the summer they know why I mention it, it is an extremely long, hot tiresome drive or a treacherous one in the winter time to be able to get to a hospital to be put on the dialysis machine for four hours only to return on that same miserable Route 1 to get home and to start all over again 24 hours later. They do have another choice, they can go north on the same miserable Route 1 to get to their treatment in Bangor, such a choice, that is one and a half hours. The dialysis alone is exhausting, not to mention the travel involved, because it can be dangerous for a person receiving treatment to drive in such an exhausted state. Many times families have to quit their jobs at a time when money is most needed because there is no public transportation available and the patient's life depends on the machine every 24 hours.

I would greatly appreciate your support on my amendment to address a severe problem for people whose lives depend on a machine to take over their body functions every 24 hours. I am not asking for these machines to be located in the mid-coast area for convenience sake only. It is medically recommended that patients be within 30 minutes of such a machine when they are receiving such treatment. More of these machines are needed to serve our state. I would urge you to vote yes on the amendment and I thank you for your support.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment.

At this late hour, I am not going to go into a long discussion. We debated this bill a great deal yesterday. This amendment, in my opinion, is a move to kill the bill and I would ask you to vote to indefinitely postpone.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is not a move to kill the bill. I am not for the bill to begin with. However, if the bill is going to pass, and that is the way it seems to be directed, I think that I have to look out for my constituents. The \$7.4 million is there, it is up for grabs, only this little hospital which is not actually in Rockport, it is actually in the Belfast area, is a hospital who doesn't have anything in the pipeline. All I am saying is, give them a fair chance.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: It is very hard to go against my good friend and colleague who was on Human Resources for many years, but I think fair is fair. I think if that is the truth and there are many other good. I am sure, CON's that could be put in to many of the other 42 or 44 different hospitals.

I discussed this today and, quite honestly, there are a number of amendments that we in the greater Portland area could stick on this bill that we would like to see. I am sure that includes every other

hospital in this state. I lost some last night and I am accepting that. I would hope you would go along with the indefinite postponement. I don't agree with the amendment that went on last night but it was inevitable. I think 127 to whatever -- I am a realistic person and I understand that but we have got to have an order, we have got to have a system that every hospital has to play by. If we just sit here as legislators and, I understand the problem, this is like speaking against motherhood and apple pie about some poor person in the mid-coast section who has to drive two hours in the middle of August. I sympathize with them but let's go through a system so that the next hospital feels that they can come in here and throw something in. It is not fair, there is \$17.8 million in the pipeline, there are probably 20 some-odd projects there, those hospitals went through the system and they deserve a fair shot. If the hospital that she is talking about didn't get a chance to put their CON in, they always have next year.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I would like to observe that the very offering of this amendment -- and I don't really understand the motivations all behind it, illustrates to me why we shouldn't be fiddling with the Certificate of Need process in the first place. It seems to me, if the process doesn't work right, we should be fixing the process rather than introducing piecemeal efforts to have this project or that project. I had a few favorite projects on that list, I voted against the bill last night. I don't believe, even though I had some favorite projects on the list, we should be tampering with the process. If the process isn't working right, then let's fix the process. I don't understand why we need to continually do piecemeal, pork barrel approaches to important processes that we put into place.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I called and talked with the Director of the Waldo County General Hospital last evening and he assured me that they really need this dialysis machine and, if someone is going to get some more medical equipment, machinery and so forth, then I think Waldo County should be in line for it. I voted the other way on the bill last night but if we are going to add things, I would surely love to add this for the Waldo County Hospital.

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

Representative PARADIS: Mr. Speaker and Members of the House: We heard where some of this money, and it is already in the bill, is up for grabs. I don't think that that is correct. This money has been earmarked and has been identified for specific projects and I think that is the way it is going to go. In the event that this amendment was to be successful, then there would be people who would have to sit down and make a determination as to who is going to be eliminated from the amount of allocation that is within the bill. I would encourage the indefinite postponement and request your support on that measure.

Representative Taylor of Camden requested a roll call vote.

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

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

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

The SPEAKER: The pending question before the House is the motion of Representative Rolde of York that House Amendment "A" (H-759) to Senate Amendment "A" (S-491) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 279

YEA - Aliberti, Anderson, Anthony, Bailey, Begley, Bickford, Bost, Bott, Bragg, Clark, M.; Coles, Conley, Cote, Curran, Daggett, Davis, Dellert, Dexter, Diamond, Dore, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gwadosky, Handy, Hanley, Harper, Hepburn, Hickey, Higgins, Hoglund, Holloway, Holt, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Macomber, Manning, Martin, H.; Matthews, K.; McHenry, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, O'Gara, Oliver, Paradis, E.; Parent, Pines, Priest, Racine, Reed, Richard, Rolde, Ruhlin, Rydell, Seavey, Sheltra, Sherburne, Small, Smith, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Swazey, Tamaro, Taylor, Telow, Tupper, Walker, Warren, Webster, M.; Wentworth, Weymouth, Zirkilton.

NAY - Allen, Armstrong, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Crowley, Duffy, Erwin, P.; Gould, R. A.; Gurney, Hale, Hichborn, Hussey, Jacques, Joseph, Ketover, Kilkelly, Lisnik, Marsano, Mayo, McGowan, McSweeney, Melendy, Nadeau, G. R.; Nutting, Paradis, P.; Paul, Perry, Pouliot, Rand, Ridley, Rotondi, Scarpino, Simpson, Stevens, P.; Strout, D.; Tardy, Tracy, Vose, Whitcomb.

ABSENT - Baker, Brown, Callahan, Dutremble, L.; Hillock, Jalbert, Kimball, Lacroix, LaPointe, Mahany, McPherson, Nadeau, G. G.; Paradis, J.; Reeves, Rice, Salsbury, Soucy, Thistle, Willey, The Speaker.

Yes, 88; No, 43; Absent, 20; Paired, 0; Excused, 0.

88 having voted in the affirmative and 43 in the negative with 20 being absent, the motion did prevail. Subsequently, the House voted to concur.

An Act to Increase the State Funding of Educational Costs (Emergency) (H.P. 272) (L.D. 355) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-701)

(Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-701) and Senate Amendment "A" (S-492) in non-concurrence.

The House voted to recede and concur on April 19, 1988)

On motion of Representative Bost of Orono, the House reconsidered its action whereby the House voted to recede and concur.

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

On motion of the same Representative, Committee Amendment "A" (H-701) was indefinitely postponed.

Senate Amendment "A" (S-492) was read by the Clerk and adopted.

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

The following item appearing on Supplement No. 26

was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(S.P. 970) (L.D. 2578) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Construction and Renovation of Public Safety Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-494)

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

The following item was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$31,800,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System" (H.P. 1884) (L.D. 2576)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, read a second time and passed to be engrossed as amended and sent up for concurrence.

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

On motion of Representative Telow of Lewiston, Recessed until one o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

Prayer by Honorable Carl B. Smith of Island Falls. The Journal of Tuesday, April 19, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Joint Resolution: (S.P. 1002)

JOINT RESOLUTION COMMEMORATING

THE 75TH ANNIVERSARY OF THE AMERICAN CANCER SOCIETY

WHEREAS, "Ours is a world which brings pain and hardship, suffering and disaster, but then sets in motion ingenious agencies which greatly but steadily repair the damage"; and

WHEREAS, of those ingenious agencies the American Cancer Society is one of the oldest and largest voluntary health agencies in the United States; and

WHEREAS, founded in 1913 by 10 physicians and 5 laymen as the American Society for the Control of Cancer, the Society today is comprised of 2,500,000 Americans united to conquer cancer through balanced programs of research, education, patient service and rehabilitation; and

WHEREAS, this is a special year for the American Cancer Society, for 1988 marks their 75th anniversary, "Commemorating 75 Years of Life"; now, therefore, be it

RESOLVED: That We the Members of the 113th

Legislature of the State of Maine now assembled in the Second Regular Session take this opportunity to commend the American Cancer Society on the occasion of their 75th anniversary and to express a full measure of our gratitude and appreciation for their untiring efforts in the battle against cancer; and be it further

RESOLVED: That a duly attested copy of this resolution be prepared by the Secretary of State and transmitted forthwith to the National Headquarters of the American Cancer Society in honor of this occasion. Came from the Senate, read and adopted. Was read and adopted in concurrence.

Non-Concurrent Matter

Bill "An Act to Establish an Enhanced 9-1-1 System" (H.P. 1911) (L.D. 2608) on which the Minority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-761) in the House on April 19, 1988.

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

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

Non-Concurrent Matter

Joint Order (S.P. 1001) relative to recalling Bill "An Act to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System, H.P. 1612, L.D. 2205 and all its accompanying papers from the Governor's desk to the Senate which was indefinitely postpone in the House on April 19, 1988.

Came from the Senate with that Body having insisted on its former action whereby the Joint Order was read and passed in non-concurrence.

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON TAXATION
April 19, 1988

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

Dear Speaker Martin:

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

Total number of bills received	48
Unanimous reports	39
Leave to Withdraw	15
Ought to Pass	3
Ought Not to Pass	5
Ought to Pass as Amended	14
Ought to Pass in New Draft	2
Divided reports	9

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

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Resolution: (H.P. 1940) (Cosponsor: Senator MATTHEWS of Kennebec)

JOINT RESOLUTION IN HONOR OF
THE 200TH ANNIVERSARY OF
THE TOWN OF FAIRFIELD

WHEREAS, one of the great strengths of this nation is the place that the town has come to occupy in the hearts and minds of New Englanders; and

WHEREAS, characteristic of its name and natural beauty, Fairfield, the 56th town to be incorporated in the District of Maine, is such a place; and

WHEREAS, in a village nestled on the west bank of that great water thoroughfare to the north along the Arnold Trail a dream was realized on the 18th of June 1788, the dream of founding a town; and

WHEREAS, the inhabitants of this southernmost Somerset County town have watched with pride its spread from the shadows of the great willow, old meeting house and Kendalls Mills to a thriving town of many villages within its 42 square miles; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature now assembled in Second Regular Session, pause to honor this historic town on the occasion of its bicentennial anniversary and extend our support and best wishes to the good citizens of Fairfield for continued success and achievement as they look to the future; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to the town officials in honor of this special occasion.

Was read and adopted and sent up for concurrence.

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

ENACTOR

Bond Issue

Later Today Assigned

An Act to Authorize a Bond Issue to Provide Funds to Create an Adaptive Equipment Loan Program for Disabled Maine Citizens (H.P. 1686) (L.D. 2315) (C. "A" H-760)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (S.P. 831) (L.D. 2156) (C. "A" S-489)

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 2 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 Establish the Strategic Training for Accelerated Reemployment Program (S.P. 946) (L.D. 2494) (H. "B" H-750)

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

ENACTOR
Emergency Measure
Later Today Assigned

An Act To Promote the Prompt and Peaceful Settlement of Labor Disputes (S.P. 956) (L.D. 2531)

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

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Implement the Recommendations of the Study of the Department of Environmental Protection (H.P. 1907) (L.D. 2604) (S. "A" S-488 to C. "A" H-745)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

ENACTOR
Emergency Measure
Later Today Assigned

An Act to Revise the Salaries of Certain County Officers (H.P. 1941) (L.D. 2639)

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

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

PASSED TO BE ENACTED

An Act to Amend the Laws Relating to AIDS and Communicable Diseases (S.P. 916) (L.D. 2392) (C. "A" S-487)

An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education (S.P. 947) (L.D. 2501) (Conf. Com. "A" (S-484))

An Act Concerning Storage Of Radioactive Material in Public Buildings (S.P. 1003) (L.D. 2637)

An Act to Promote Equity in Determining Medicaid Eligibility for Institutionalized Care (H.P. 313) (L.D. 412) (H. "A" H-751)

An Act to Revise the General Assistance Laws (H.P. 1249) (L.D. 1705) (H. "B" H-749)

An Act to Make Interim Adjustments in the Certificate of Need Development Account (S.P. 845) (L.D. 2191) (S. "A" S-491)

An Act to Strengthen the Site Location of Development Law (S.P. 846) (L.D. 2202) (S. "A" S-483 and H. "B" H-753 to C. "A" S-477)

An Act to Respond to Health Care Occupation

Shortages in Maine through the Health Occupations Training Project (S.P. 892) (L.D. 2304) (C. "A" S-468)

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.

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

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

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

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Construction and Renovation of Public Safety Facilities (S.P. 970) (L.D. 2578) (C. "A" S-494)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 107 voted in favor of same and 13 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$13,000,000 to Investigate, Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites, Solid Waste Landfills and Underground Oil Storage Tanks (H.P. 1902) (L.D. 2598) (C. "A" H-759)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 117 voted in favor of same and 6 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Sewerage Facilities Construction (H.P. 1883) (L.D. 2575) (C. "A" H-758)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 114 voted in favor of

same and 12 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Bond Issue
FAILED PASSAGE

An Act to Authorize a General Fund Bond Issue in the Amount of \$33,600,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System (H.P. 1884) (L.D. 2576) (C. "A" H-763)

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

Representative Carter of Winslow requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 280

YEA - Aliberti, Allen, Anthony, Baker, Bickford, Bost, Bott, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadnosky, Hale, Handy, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Look, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, Oliver, Paradis, P.; Paul, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Ruhlman, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Telow, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Begley, Bragg, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Lawrence, Lebowitz, Lord, MacBride, Macomber, Marsano, McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Bailey, Brown, Callahan, Hillock, Jackson, Kimball, O'Gara, Paradis, J.; Perry, Reeves, Rice, Stanley, Thistle.

Yes, 84; No, 53; Absent, 14; Paired, 0; Excused, 0.

84 having voted in the affirmative and 53 in the negative with 14 being absent, the Bond Issue failed passage to be enacted.

Sent up for concurrence.

PASSED TO BE ENACTED
Emergency Measure

An Act to Increase the State Funding of Educational Costs (H.P. 272) (L.D. 355) (S. "A" S-492) 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. 134 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Emergency Measure
Later Today Assigned

An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges (H.P. 1799) (L.D. 2463) (Conf. Comm. "A" H-762)

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

Representative Diamond of Bangor 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.

On motion of Representative Diamond of Bangor tabled pending passage to be enacted (Roll Call Ordered) and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Establish an Enhanced 9-1-1 System" (H.P. 1911) (L.D. 2608) on which the Minority "Ought to Pass" as amended Report of the Committee on Appropriations and Financial Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-761) in the House on April 19, 1988. Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Appropriations and Financial Affairs read and accepted in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to Adhere.

The Chair laid before the House the following matter: An Act to Authorize a Bond Issue to Provide Funds to Create an Adaptive Equipment Loan Program for Disabled Maine Citizens (H.P. 1686) (L.D. 2315) (C. "A" H-760) which was tabled earlier in the day and later today assigned pending passage to be enacted.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary.

Representative Anthony of South Portland requested a roll call.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is

necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 281

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Lord, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Oliver, Paradis, P.; Paul, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Curran, Davis, Dexter, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Jackson, Lawrence, Lebowitz, Look, MacBride, Marsano, Matthews, K.; Murphy, E.; Murphy, T.; Paradis, E.; Parent, Pines, Reed, Sherburne, Small, Stevens, A.; Stevenson, M.; Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Brown, Callahan, Hillock, Kimball, Paradis, J.; Perry, Reeves, Rice, Stanley.
Yes, 94; No, 48; Absent, 9; Paired, 0; Excused, 0.

94 having voted in the affirmative and 48 in the negative with 9 being absent, the Bond Issue failed passage to be enacted.

Sent up for concurrence.

The Chair laid before the house the following matter: An Act To Promote the Prompt and Peaceful Settlement of Labor Disputes (S.P. 956) (L.D. 2531) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative McHenry of Madawaska, under suspension of the rules, the House reconsidered its action whereby L.D. 2531 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-777) and moved its adoption.

House Amendment "A" (H-777) was read by the Clerk and adopted.

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

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

SENATE PAPER

Non-Concurrent Matter

An Act to Amend the Laws Relating to AIDS and Communicable Diseases (S.P. 916) (L.D. 2392) (C. "A" S-487) which was passed to be enacted in the House on April 20, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-487) as amended by Senate Amendment "B" (S-498) thereto in non-concurrence.

The House voted to Adhere.

By unanimous consent, all matters having been acted on requiring Senate concurrence was ordered

sent forthwith to the Senate with the exception of those held.

(Off Record Remarks)

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "C" (H-770) on Bill "An Act to Establish the Additional Support for People in Retraining and Education Program" (H.P. 1744) (L.D. 2390)

Signed:
Senators: KERRY of York
GAUVREAU of Androscoggin
MANNING of Portland
BOUTILIER of Lewiston
CLARK of Brunswick
SIMPSON of Casco
LAPOINTE of Auburn
ROLDE of York

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "D" (H-771) on same Bill.

Signed:
Senator: GILL of Cumberland
Representatives: FARNUM of South Berwick
PINES of Limestone
DELLERT of Gardiner
TAYLOR of Camden

Reports were read.

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

Committee Amendment "C" (H-770) was read by the Clerk.

Representative Lacroix offered House Amendment "A" (H-774) to Committee Amendment "C" (H-770) and moved its adoption.

House Amendment "A" (H-774) to Committee Amendment "C" (H-770) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment "A" to Committee Amendment "C" be indefinitely postponed.

Ladies and gentlemen, the Committee on Human Resources looked at this particular amendment and we decided to go along with the compromise of WEET/JTPA split. In going along with it, we were able to get from the administration a number of things that both we, the administration and the Governor liked.

If you turn to Committee Amendment "C" on Page 9, you will see a number of things that we were able to have placed into Committee Amendment "C." Some of these will change with an amendment that will be coming forthwith.

We thought that with these particular reporting amendments coming into this document that we would be able to look at the complete ASPIRE Program in two years, the bill will be sunsetted July 1, 1990. We will be able to take a look at it completely, answer any questions that anybody has concerning the takeover of the WEET Program in certain areas of the state by the JTPA Program.

I will be honest with you, it took a long time for a lot of us to go along with it but we thought the best bet was to go along with it and I hope you

go along with the indefinite postponement.

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

Representative LACROIX: Mr. Speaker, Men and Women of the House: I hope you vote against the pending motion so that we can go on and accept this amendment.

What my amendment does is throw ASPIRE into the WEET Program rather than separating it between WEET and the Job Training Partnership Act, between two different departments, the Department of Human Services and the Department of Labor.

The reason I do this is because the Department of Human Services, the WEET Program, has been working completely and totally with AFDC recipients. The JTPA Program has not focused their attention on these AFDC people. The WEET Program is able to refer these women when they come into the training program to the other supportive services that are necessary and that the Department of Human Services offers.

I want you to know that the program, as it is presently being touted by the administration, is kind of a two-tiered program. They are going to have urban centers and they are going to have rural areas. These urban centers will receive the full WEET service and a true partnership with JTPA. The rural areas including -- and I want you all to listen to the places that are included in rural areas -- will be Biddeford, Bath, Belfast, Skowhegan, Rockland, Norway, Rumford, Millinocket, Farmington, Madawaska, Damariscotta, Dover-Foxcroft and Patten. They will be served only by JTPA. Now, the AFDC recipients have very little faith and credit in JTPA because they have not been given the services that they get from the WEET Program.

To carry this on further, WEET has a full staff in Biddeford and a full-time WEET specialist in Skowhegan, Bath and Rockland. They have staff assigned on a part-time basis in Norway, Farmington, Rumford and Ellsworth. They schedule appointments on a weekly basis to Sanford, Belfast and Madawaska.

In the Committee Amendment "C" the WEET staff will be pulled out of these areas. This will adversely affect the areas because the staff is no longer going to be there and they will be serviced only by the JTPA staff. So, your clients, the clients of the AFDC, are going to be interrupted with the services they are getting and with the staff that they are accustomed to dealing with and being given new staff people. This program is supposed to start in July. I think it is roughly supposed to have between 3,600 and 4,000 people thrown into it July 1st. WEET has a trained, qualified staff ready to go, where the JTPA organization is going to have to gear up, hire staff or contract it out. Now those of you who have heard me in the past years, who served with me on committee, know that I am adamantly opposed to privatization. I believe that if you have got offices in place with people who are doing the job, there is absolutely no reason to go out and contract these services with anybody else to do the job that is being done.

I hope that you will vote with me and defeat the pending motion.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: A couple of things that the gentlelady from Oakland has talked about is that WEET is ready to go in those areas that JTPA isn't. Well, that is not quite true. Our first version had us expanding WEET into the areas that JTPA is currently in now. We would have had to bring in brand new WEET people. If memory serves me right, our first

amendment called for approximately 30 new WEET employees throughout the whole State of Maine. Those 30 WEET employees would have had to be trained. There would be somebody in the department now. They might be in the department but they certainly would not be trained as a case manager that is so vitally needed. So, whether WEET went statewide or JTPA went statewide, with the July 1st date, nobody would have been ready.

I think what will happen is there will be a continuation of WEET in the areas that WEET currently serves now. For instance, Kennebec County would be strictly a WEET area because it is what we call a co-located area and WEET will be the main case manager. If you are worried that this thing is going to be delayed because they don't have the case managers, it would be delayed anyway because you can't just get that many WEET case managers running by July 1st and I would anticipate it would probably take a little longer. That is one of the reasons why we went that way.

Second, all the JTPA case managers that are hired will have the same training as the WEET case managers. There are going to be additional WEET case managers hired under this proposal as well as JTPA hiring their own case managers. Those same case managers whether located in a WEET office or a JTPA office are going to have the same type of training. Therefore, they will be under the same rules and regulations.

We set the program up so that all the case managers must go under the WEET rules and regulations, so whether you are in a JTPA office, you will still be under the WEET rules and regulations and we are now putting those rules and regulations into statute.

I understand some of the concerns and, quite frankly, I have concerns also about privatization. I think a lot of people who serve on corrections with me understand my concern about privatization in corrections. I think this is a plan that has a lot of questions but I think that with the background that the Commissioner of Labor has, coming from one of the better JTPA areas, not only in the State of Maine but probably in the country, probably rated right up there in the top two or three in the country, that the faith that the committee has is that he will be able to get these case managers going and also give them the holistic approach that we feel that WEET had in the past, the JTPA managers will have in the future.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of House Amendment "A" and hope that you will support that amendment also.

The reason is that WEET is an outstanding national program and even the administration or anyone would say that it is anything but a good program. WEET has a proven track record on helping AFDC mothers prepare for and find permanent employment. JTPA, the short-term agency, has no experience dealing with out of work people who have little self-esteem. They do not have meaningful experience with AFDC mothers with their special needs. Most AFDC clients have been referred to JTPA by WEET and WEET case managers will monitor the process clients need, this brokering and ombudsman role.

In the rural areas, JTPA workers will need special training to perform WEET functions. Income maintenance specialists will also need WEET counseling training.

The federal government is headed towards encouraging states to set up and expand the WEET program. Maine's ASPIRE Program heads in the opposite direction. If Maine's contracts for WEET services through JTPA agencies, it will have to obtain a special waiver to receive matching funds and the waiver is not guaranteed, the straight WEET match would be.

WEET has a full staff in Biddeford and a full-time WEET specialist in Skowhegan, Bath and Rockland. You heard my good friend, Representative Lacroix, tell you a lot of other good reasons and she mentioned all of the towns and I am not going to do that. The staff assigned for part-time are to Norway and Farmington and Rumford and Ellsworth. The scheduled appointments in Sanford and Belfast and Madawaska, under the administration's plan, WEET staff will be pulled from these areas entirely. This will adversely affect the staff and their clerical staff who will have to relocate to urban areas. Most importantly, clients will be adversely affected because they will lose the important relationship they have developed with existing WEET staff and will be reassigned to new staff at a JTPA agency. I hope that you will go along with Amendment "A."

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with the motion of the chair of our committee to kill this amendment. Our committee has worked very long and very hard in trying to come to an agreement on this particular, very difficult, bill. Some of us have even mentioned or even spoken the same sort of words you have heard today in respect to this amendment. We have come, finally, to the conclusion that we are willing to accept the so-called partnership experiment that the administration is proposing for a number of reasons. One, while we do have concerns about how it will work out, we have written into the bill what we consider a very strong evaluation procedure as to how it will work. So, our eyes and the eyes of our committee will be very carefully on this experiment.

Second, I think most of the members of the committee, and I am speaking for the Democratic members, have a good deal of faith in Commissioner Fitzsimmons, that he will run this program with the sensitivity that is needed.

We have also come to the conclusion that even if this amendment, which undoes all of our work, were somehow to pass and become law that there is enough leeway in the existing laws and rules and regulations of the WEET Program that the Department could go ahead anyway and contract with the Department of Labor. So for these reasons and because we are also satisfied with other things that we have put into the bill, the amount of medical insurance that these AFDC recipients will have and many other safeguards, we have agreed to agree with the opposite party and this particular amendment, which comes from the Maine State Employees Association, which would totally undo all of our work. Therefore, I ask you to kill the amendment.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Some of you may not know it but in the 111th, I was a member of the Joint Select Committee on JTPA, the oversight committee, when it was created and put into place in this state. I was also a member of the Board of Directors of the CAP agency in Knox County for eight years and many of the

very clients in that CAP agency were also clients of WEET. So, one gains a little experience in the effectiveness of WEET. I am also a small businessman in Knox County and have attempted to use JTPA on a couple of occasions.

When it comes to privatization, when we talk about whether something is union or private or how we do it, my major concern is getting the best service for the dollar, getting the most service for the dollar. What I have seen, at least in my area for the particular people that are involved in this program, is that WEET is a much more effective and efficient provider. It provides a better service at a better price than JTPA is currently providing for the services for which it was designed.

I cannot talk about other contract JTPA providers in other places because I don't know, but I do know my experience with the provider in my area does not meet my standards based on my knowledge as a member of the Joint Select Committee on JTPA and neither does it meet my standards as an employer and a businessman. Common sense tells me to put my money where I get the most for it. In my area, that is WEET. So, I would urge your support of this amendment.

Mr. Speaker, I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to please vote to indefinitely postpone this amendment. WEET has a very strong position in this state and does a very good job. Our committee has worked long and hard. I know you all have your local interests. We are looking at this as a statewide program, not as a local interest.

The three towns, Rockland, Bath and Skowhegan that were mentioned here, the personnel that are working there are home-based in Augusta.

We have a strong management plan, a strong program and we have a unanimous decision from the Human Resources Committee after many, many long hours of work. I feel very strongly this program is going to work, it is a combination of dealing with those people who have been on AFDC rolls. We have had testimony before our committee, 26 percent of the JTPA clients, some of which had been referred by WEET to their services, we had testimony that AFDC mothers are working for JTPA and they are doing an excellent job and we feel firmly and strongly that this program will work. We have a window of opportunity here to help a lot of people, not only helping the adults, but helping the children in this state to be covered by working parents with insurance and we want this committee report to be accepted. I ask you to please vote to indefinitely postpone this amendment.

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

Representative LACROIX: Mr. Speaker, Men and Women of the House: One point I forgot to make and I think it is only fair to make it. Up until about a week ago, the majority of the Committee on Human Resources supported the position that I have on this amendment. Then just recently some deals have been cut and now they are supporting a different position. So, I would ask you to keep that in mind.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have some great concerns with dumping the WEET Program. I had a constituent call me three months ago and say we are going to lose our WEET Program, it is going to be gutted because of

legislation coming down the pike. I didn't know what it was or where it was until I got here and read the original bill. By reading it, you could read very little into it. Then I had questions -- they talked about. we are going to educate these people. We are talking about people in AFDC, these are the less fortunate, the people that are more difficult to train and it takes special training to get them out. They are not like the regular unemployed person who has had a record of working. Where is this education going to take place and how is it going to take place? I can't see it in this bill. We are going to have child care for all of these little youngsters, where, when, how? I can't see where this is going to be accomplished.

I really can't see where all these thousands of jobs are coming from. WEET has an excellent record, not only in Maine, but throughout the United States. If we lose WEET to privatization, we will be going from a proven program to an unknown.

In order for me to feel better about it, I would like to have someone explain to me why it is better to privatize WEET, a program that we all know has been very successful in Maine.

Representative Manning of Portland was granted permission to address the House a third time.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to talk about a deal that was struck. Ladies and gentlemen, it is reality, it is called a compromise. I don't think there is anybody in this House who wouldn't say that it is better to get an AFDC mother off AFDC. I think the reason why the bill was in is, first of all, we have a Commissioner of Labor who has many years of expertise in dealing with this particular subject. For the first time in many, many years or its history, is saying child care is really important. Therefore, there were a number of slots open in the budget, the money for the child care is in the budget.

So, we as members of the Democratic side, realized the only way the program was going to be a success was to compromise. I guess if you call that a deal struck, it is a deal struck. Hopefully, when we look down the road in two years, we will see a number of AFDC mothers, a number of those children, leading a better life, leading a more productive life then probably going back to welfare, going back to general assistance program, day in and day out.

There was a question about education and it was a question that we pondered and if you turn to Page five of your amendment, you will find out about the programs. They are going to be dealing with adult education. They are going to be dealing with the VTI's of the state. They are going to be dealing with the Displaced Homemakers of the state. They will be dealing with all the systems that we currently fund throughout the state, the adult education, displaced homemakers, and some of the JTPA offices currently have some courses that they put on and they will continue. Believe me, if we didn't think that they were going to be able to handle this, I don't think there would have been any compromise.

There was a lot of concern, for instance, on pregnant teens. We heard that there are roughly 700, I think. We want to definitely make sure that those pregnant teens get an education. It wasn't just getting their GED, we were really hoping that they would be able to continue in high school and graduate, maybe not with their graduating class but maybe a year later. That was something that we were hoping. So, this bill does address that. We feel that it will address that. I guess what I am saying is we have looked at many, many different things and

we think that a lot of the things that people have talked about tonight will be addressed by this compromise.

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

Representative DELLERT: Mr. Speaker, Men and Women of the House: I want to emphasize this partnership we have, it is very important with the Department of Human Services and the Department of Labor. The difference between the co-located and the contracted areas is that a recipient has only one case manager to assure that pre-training services provided through the JTPA in the contracted areas is consistent with the WEET service in co-located areas. Monthly, a management staff from DHS and the Department of Labor will convene to review cases and the recipient's contract. This review will focus on the general issues associated with the transition of the recipient into employment and training services and the consistency between co-located and contracted areas in providing services. This systematic case review provides added insurance for the ASPIRE clients future success in employment and training programs.

Furthermore, this process offers an excellent opportunity for the welfare and the employment and training programs to exchange ideas and philosophies. For the first six months and quarterly thereafter, the results of these reviews will be reviewed by the Commissioners of the Departments of Human Services and the Department of Labor and their management staff. So, we feel that this is a very good start for this program and we hope that you will support it and vote against the amendment.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I can't tell you how much I appreciate the fact that we have come together on our committee with a united approach to the issue of attempting to move people from one place of their social and economic situation to another. I cannot impress you enough that I don't think anybody on this committee wants to do anything but that which is in the best interest of people. I hope this risk that we all accept and are taking is going to work for the people. I hope that two years from now we can be proud of what we have done, all of us.

I hope you will support Representative Manning's motion. I hope that you will realize that we are not detracting from WEET's presence where it is in the state. I hope that you will realize we are adding to the WEET presence in some areas. I hope that you will realize that we are adding expertise. We are not necessarily adding specific kinds of people but we are adding expertise which we hope will help people as they move through the process. So, we all hope that this will be a success. We have put a lot of energy into it and we certainly hope you will agree with us and support Representative Manning's motion.

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House: First of all, I want to say to my seatmate that she is absolutely right on everything she said tonight. I will be voting against her though because that has been my position all along. From the beginning I had grave concerns about this program being administered by the Department of Human Services and I actually see it better managed in the Department of Labor.

However, I do have one thing that I would like to say on the Record and that is the underlying problem

that I see in this whole issue which is what is happening to the Committee on Human Resources and with the Department of Human Services and this issue has turned into a political football.

In my experience, though it hasn't been very long on that committee, was always one that I felt very grateful to be on that committee because we were dealing with the people and the issues that I thought had the greatest need in the state and oftentimes don't get the greatest amount of attention or support.

It does disturb me greatly to see what has happened to that committee in the last four weeks and that, as I said, has become extremely political and it has been very hard to sort the fact from the fiction on just what we are dealing with here. Once again, I complement my seatmate for raising this issue for you, speaking to you well and factually and truthfully and not politically.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Just a few quick comments. I can understand the feelings of the gentleman from Portland and the feelings of the people on the committee that they have come to a compromise to resolve with what has been a pretty knotty political problem. My major concern is that, in solving the political problem, we may be exacerbating the actual problem that is out there.

Nobody can call be a bleeding heart -- I have been here a while and most of my positions are pretty well known. But if we look at what we are dealing with here, we are dealing with some pretty fragile people. When we start talking about unwed mothers and pregnant teenagers and people who have never really been into the job market and don't know how to function in it and are totally intimidated by it and they are also intimidated by state bureaucracy and independent organizations where you are dealing with educated people who are going to show them and tell them what to do, it intimidates the people tremendously.

My major concern is that JTPA and the JTS people have not been trained and are not used to dealing with that kind of fragile person. To put it in a real simple kind of simile, it would be like taking the man who was in charge of racking the bowling balls and putting him in charge of crating eggs. That is the kind of potential problem that I see. If you want to privatize rather than starting with the privatization, running it for a while and checking it to see if it works, why not stay with the WEET and run a pilot program on the privatization to see if it will work? I think we have it backwards.

We could do this if we were talking about where we are going to store our sand or where we were going to stockpile our gravel but we are dealing with people and, if we make the wrong decision and if we make a mistake in that period in which we are testing, people are going to be hurt and there are going to be lives that are made more difficult than they already are and we have got no way to correct that once we have done it.

I would much rather go with the amendment, protect the people and if you want to run a pilot project, run a pilot project, come back and say look, the pilot project will work better but don't start the pilot project as the whole program.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I speak in two ways right

now, one from the heart and one from 30 years of experience in education. Every year in my 30 years of education, I have seen at least a half a dozen kids who become pregnant and turned out into the world. Their families have turned against them, even their own fellow students have turned against them. They are left with one thing, a check from the state and that is all.

In these 30 years, I have seen very, very few of them have the opportunity to go out into the business world and to earn a living. All they got was that one check month after month and that is all they looked for, that one check once a month.

Now we have something going, it is not WEET, it is not JTPA, it is ASPIRE. I wish you would understand that it is not either of these two things but one thing, ASPIRE. It is something that is going to give them hope, something that is going to give them a chance.

I speak again, as I said, I have watched it for 30 years and this is the first time I have seen -- well it has been done in the cities, I have to admit that and Peter has told me about the programs in Portland but I am talking about the small towns, the small cities and the small counties that don't have any programs at all. This is going to help them.

At this point Representative Michaud of East Millinocket was appointed to act as Speaker pro tem.

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

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from St. George, Representative Scarpino, talked about the reputation that he has in this House. I rise tonight to talk about mine. I think it preceded me here for many of you and I have worked very hard to maintain that reputation since I have been in this House. That is a reputation of someone who cares very deeply for the women of this state, particularly the poor women of this state. I rise today to say to you that there is no question that the Human Resources Committee has labored very long and very hard. While all of you were having your committee parties last week, we worked. The fact that you have seen several drafts should say to you that we have continued to work on this.

I, ladies and gentlemen of this House, would not sign on to what has now become a unanimous report if I did not believe that what I was doing was in the best interest of the women, the poor women, and particularly the poor teens of this state. I urge you to support the committee chair and indefinitely postpone this amendment so we can go on to adopt further language.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

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

Representative Scarpino's comments led me to this question -- let's assume we have an 18 year old mother with two children, maybe they are ages three and four, eligible for this program and we tell them, now you must go out and take this training and this job and so forth -- say about three or four months down the road or five or six months, this young lady

can't cut the mustard, she can't hold a job, there are just too many other problems -- what happens to this young lady at this point in time?

The SPEAKER PRO TEM: Representative Crowley of Stockton Springs has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: That is a good question. It is a question we pondered a great deal. I think, if you look on Page 7 and going on to Page 8, you will see some of the reasons why people can get off ASPIRE and will not be penalized.

The last thing that I would like to say is, we have been assured that there will be a lot done with the case manager and when a person just truly cannot make it, I am sure that that case manager is not going to force that person to continue. We have been given all kinds of assurances along with this and there will be another amendment coming that will deal with persons who just can't make it.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I admit to having come a long way on this bill. When I first saw it, I wanted to change the name of the acronym to facade because I thought it was an empty shell that the administration had presented to us. When I looked at the forced labor aspects of the bill, I wanted to change the name of the acronym to gulag.

We worked on the bill, this problem of WEET and JTPA came up, it was very sensitive to me because in my County of York, we had the predecessor of JTPA which was called CETA. We had a disastrous situation with that.

Yes, I will answer the lady from Oakland, we did cut a deal. These were some of the things that we fought to get into it. One was a decent medical program for the women that would have to go into this program. Another was a program of prenatal care for first-time mothers, that was part of the thing that we wanted. We wanted an evaluation procedure that was very tight and that would look at this program very carefully, that was another part of the deal we cut. The final part which has not been mentioned is we put a sunset provision on it so that if this program does not work the way we think it is going work, then we will have something to be able to do about it.

Again, I want to repeat what I said before, what finally brought me over to go along with this was not only the feeling I had that the Commissioner of Labor, Mr. Fitzsimmons, would run this program in a sensitive manner but it would also, if we went the other way, the Commissioner of Human Services would not run it in a sensitive fashion. In fact, he wouldn't run it at all the way that the people are talking about WEET and JTPA want it to run. So for that reason, I am willing to give this a try. We have sunsetted it, we have taken every precaution we think is necessary, we hope you will kill the amendment.

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

Representative HALE: Mr. Speaker, I would like to ask a question through the Chair to the committee chair.

If a recipient of AFDC should take advantage or will be taking advantage of this program, will their benefits be cut in any way, i.e. the food stamps? I will tell you why I asked the question. People that have taken advantage of an educational program get

grants, they try to utilize the grants, they start a course, the minute the grant comes through, their food stamps are cut, that grant is considered part of their gross income. Not only can they not eat, they cannot afford their rents. I see nothing in here that protects the recipient of this program from being in this position.

As far as evaluating their skills to try to place them, what if someone should test out to be very dexterous with their hands and they say, you would make a good welder (as an example). But, I as the person who is very dexterous, am scared to death of the arc, what would happen to me?

The SPEAKER PRO TEM: Representative Hale of Sanford has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Let it not be said that Human Resources does not have controversial bills.

If memory serves me right, somebody could still be in a job and still receive food stamps. Food stamps goes according to your wealth and some of these people could still be on food stamps and getting (for a better word at twenty minutes past nine at night) weaned off food stamps because as the program calls itself ASPIRE, as you gain experience and gain knowledge in your trade or profession, you will get a larger paycheck, so that person could conceivably still be on some type of food stamps.

If per chance that person does not have any background to fall back on, there is always General Assistance. The Governor has agreed to look at the General Assistance Bill that we passed here in the last couple of days that will allow more towns to get more money for General Assistance.

If memory serves me right, there were about 28 WEET people who fell out of the good graces of WEET last year and therefore lost some of their benefits. That is out of a total of about 3,000 people right now.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I think that is the answer that bothers me, "could still be on food stamps." I know many people that do work every day, every week, 52 weeks a year, they do qualify for food stamps but it is because of the size of their family. We are saying here a recipient with one child or two children, a single parent male or female, could take advantage of this and could still be on food stamps. But there is no assurance that they are going to be eating while they are learning. As I think in all cases, the first thing that anyone is going to worry about are the necessities of life and food stamps are a necessity, nine times out of ten, for anyone that has to take advantage of the program. I think that distresses me because so many of these people are out there that aren't eating or that they have to stop working because they go to work, as this program is prescribing and then they cannot exist, I don't mean live, I mean exist.

I shall be supporting the amendment. I have made a commitment. I do want the program but it still distresses me because there is nothing in this that they are going to have....and if you look at the medical assistance program -- oh, yes, this is extending benefits after I have been trained. I could possibly, I may qualify, I may be available, and it may this and it may that and those things disturb me but I guess it is a creep.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Brunswick, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: While a participant of ASPIRE is in training, she will continue to receive full benefits. One of the things that I am particularly attracted to this package by is, not only will participants continue to receive benefits during training, but they will receive transitional benefits of up to one year. This includes not only food stamps, it includes transportation assistance, it includes child care assistance, it includes respite care assistance, it includes a whole variety of very good transitional benefits that have not been available to people as they try to move from welfare into the labor market. We heard consistently that one of the biggest problems, while I certainly would not disagree with the Representative from Sanford that food stamps is a problem, one of the biggest problems is medical benefits. It is one of the things that we continued to argue we felt was absolutely essential, that good transitional medical benefits be available. That isn't all that is available, for up to 12 months after one gets into the labor market, there are other assistances available.

Again, I urge you to support the committee on this.

Representative Lacroix of Oakland was granted permission to address the House a third time.

Representative LACRIOX: Mr. Speaker, Men and Women of the House: I would like to bring this back on track. I would like to bring it back to the amendment which is presently on the floor. The amendment would have the WEET program taking care of ASPIRE. Let me tell you why I want WEET to be doing it. WEET has a proven track record of helping AFDC mothers and this is the people that are going to be affected by this program ASPIRE. WEET is trained. Just for those of you who don't know what WEET means, it means Welfare Employment Education and Training. The WEET specialists are trained in needs assessment, social skills development, supportive services such as day care, transportation, remedial training and education, pre-vocational training, on the job training and field training, vocational training and educational referrals, job development and placement, all of the things that ASPIRE wants to do. So, I would urge you to accept the amendment and defeat the pending motion.

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

Representative DELLERT: Mr. Speaker, Men and Women of the House: This is a wonderful program and the job training group and WEET are going to be equally trained. It is very important to remember that the job training people are out there all over the state and we can start within 90 days of this program. If you go to just the WEET program, it will take many months to get something like that going. Let's get this program going now.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: I have worked most of my adult life working with welfare recipients, AFDC people, General Assistance people, those on SSI. The last couple of years, I have worked closely with the WEET program and since its inception, I have the highest regard for the orientation, the professionalism, the confidence of these workers. Their track record in helping welfare recipients move off the welfare rolls and their case management skills have paid off for AFDC residents in our area.

I am also worried about another thing -- I don't

know if a lot of you have been noticing in the paper recently the growing argument nationally about privatization, I think that we are going to be talking about this issue more in the next couple of years, it is going to reach the top of the national agenda. Our post office is being threatened, the public school system is being threatened, state and local jobs are being taken by privatization. I think that we have to worry about that.

Overall, I can support it and I came to this rather reluctantly and with a lot of thought and with a lot of reading on the issue. I certainly respect the Human Resources Committee. I went down to a couple of their committee hearings and I was incredibly impressed by not only the detail they had to deal with but the confidence and the information and the homework they did to deal with it. So, in no way is my supporting this amendment critical of this committee. As a matter of fact, one of the encouraging things is that ASPIRE even though at this point I must say that I am lukewarm, moving towards hopeful, that ASPIRE does have some very progressive sections that not only can I support but that we fought for for the last ten years. It has child care, transportation, prenatal care, on and on and these are very, very progressive and I certainly thank those members both Republicans and Democrats who fought over this issue and put some very human content into this legislation.

At the same time, I, like my good friend Representative Crowley, want to see those jobs. I argued this in private with John Fitzsimmons who I have known over the years in Portland that, unless we get good paying jobs, these people will be like many of our working poor in Portland at the end of the month in a General Assistance line. The cost of living, especially with apartments, has gone so high that a job at five dollars an hour does not support a family. So, if we want to make sure, and we are going to monitor it -- and I was very pleased my good friend Representative Rolde said that there is an evaluation component in it so we can monitor it and also a sunset provision which I think is very healthy. But, at the same time, I worry because during the model cities days wherever we fought to get people these entry level positions, the day after model cities ended, all those positions ended. So, the question is, if we do have a recession and if it is a hard recession and these people are the last to be hired and at the lowest end of the rung, what is their protection because, after those 12 months, they have given up their medical benefits and you have encouraged them to think again that they can ASPIRE and the recession hits and all of a sudden they drop like flies? So, I hope that we are going monitor this situation. I hope that the jobs are going to provide a decent standard of living and not drop these people into the line of welfare at the end of the month. I do support this amendment.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Manning of Portland that House Amendment "A" (H-774) to Committee Amendment "C" (H-770) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 282

YEA - Aliberti, Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Boutilier, Bragg, Carroll, Carter, Chonko, Clark, M.; Coles, Cote, Curran, Davis, Dellert, Diamond, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Jackson, Jacques, Jalbert, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Manning, Marsano, Matthews, K.; Mayo, McGowan, McPherson, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nicholson, Paradis, E.; Parent, Pines, Pouliot, Racine, Reed, Ridley, Rolde, Salsbury, Seavey, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Taylor, Telow, Thistle, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Allen, Anthony, Baker, Bost, Cashman, Clark, H.; Conley, Crowley, Daggett, Dexter, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Macomber, Mahany, Martin, H.; McHenry, McSweeney, Melendy, Mills, Mitchell, Moholland, Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, P.; Paul, Priest, Rand, Richard, Rotondi, Ruhlman, Rydell, Scarpino, Smith, Stevens, P.; Tammaro, Tardy, Tracy, Vose, Walker, Warren.

ABSENT - Brown, Callahan, Glidden, Hillock, Kimball, Michaud, Paradis, J.; Perry, Reeves, Rice, Sheltra.

Yes, 83; No, 57; Absent, 11; Paired, 0; Excused, 0.

83 having voted in the affirmative and 57 in the negative with 11 being absent, the motion to indefinitely postpone House Amendment "A" to Committee Amendment "C" did prevail.

Representative Holt of Bath offered House Amendment "B" (H-779) to Committee Amendment "C" (H-770) and moved its adoption.

House Amendment "B" (H-779) to Committee Amendment "C" (H-770) was read by the Clerk.

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

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: This amendment deletes the provision of the bill which authorizes the Department of Human Services to seek a federal waiver to require mandatory participation in ASPIRE for recipients with children from ages three to six.

First, I would like to say that I appreciate all the hard work the Human Resources Committee has done in this session, particularly I have special reason to know how diligent they are as do many of us.

I want to remind us all that the first five years of our lives set the pattern for the rest of our lives. Many world renowned psychiatrists, child psychiatrists and growth and development specialists, say that children need the security of the parent figure almost constantly for the first five years. I believe it is wrong to force young children away from the parent figure or the parent away from the children without compelling cause. Now, many people they must leave their children whether they wish to or not. In this consumer society, some people really prefer to work away from the home, it better fits their personality and their feelings about family and freedom. But some people would do without everything except the very basic necessities in order to be with their children. If a parent wants to be caring for and love the child, he or she or the substitute parent with whom the child is growing up is doing some of the very most important work there is to be done. Of course, along with our dedicated educators

of the next generation, this is prime work. We do need to provide excellent day care, I know, for those who need and want it but forcing a parent to go to work or enter training, when she would rather be taking care of her own small child, is wrong. Good certified caretakers cannot make it right.

We are here to work toward a society in which aspirations for a good and wholesome life comes naturally to people because there is real hope of it even if, as we progress, there is little present experience of it for some of us. So, this aspect of ASPIRE that I wish to delete is punitive. I believe it is punitive in several ways. Here we are in a society in which some of us get very rich selling everything including soap through the worship of sexuality. We titillate with commercials using sex and then we punish when it often results in too many little people who need too much of our hard earned profits. Behind this proposal lurks a thinly veiled class attitude about who is fit to bring up children. Healthy child rearing is everyone's concern or should be. Creating a peaceful, healthful world for the next generation is the natural business of life and multi-billion dollar budgets for schools and day care will not make this business succeed if we fail at nurturing in the early years. Forcing another line of work on people who want to care for their own offspring is an elitist step to totalitarian government, that thing we profess to abhor.

Yes, offer the tools to make lives better but please don't let us take the tools and when we may pick them up. I urge support of this amendment.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: I move indefinite postponement of House Amendment "B" to Committee Amendment "C."

This was another piece of this legislation that was debated long and hard. I, myself, went a number of different ways back and forth whether or not I should support it or should not support it.

I sit next to a gentleman who probably spends as much time as anybody does with his children and regrets many a night that he is up here and he doesn't see his children. That is the Senator from Androscoggin, Senator Gauvreau. We have had long talks about this because the Senator has two children and both he and his wife work. As most middle-class families now are doing, both parents work.

I asked him, "How do you feel about this?" He had some reservations but he said, "You know, that is just the way things are nowadays and most parents are out and their children are in day care." One of the things that we thought we ought to try to do was put in what we call "respite care."

I got a call from a former AFDC recipient, a woman I went to high school with and is a few years younger than I am -- was pregnant, I think, either in high school or right out of high school and who now has a nice job and deals in day care. She told me that it is very difficult as a single parent to have any type of time away from the child, not that she didn't want to be with the children but when is that person going to go, for instance, and buy Christmas gifts and things like that? So the committee decided to put "respite care" into the bill which would be one of the transitional services that would allow parents to get away but yet be with their children as much as they possibly could.

The other thing that we talked about was, this is a voluntary procedure and we heard that in WEET currently, there were a number of people who volunteered to go into WEET. Many more people

volunteered to go into WEET than are registered to have to go into WEET. We said, if it is that good a program and we add the continuation of day care, we add this "respite care" and we add these other transitional services, we have a good case management system, then most likely, a good percentage of the people who go into the ASPIRE program will be on a volunteer basis. Those are parents who volunteer to go into that program, not forced to go into the program. I will tell you right here and now that there will be language presented later on that will tell those people who have to go into the program and who will be volunteering in the program. We decided that first-come should be volunteers and after that, if we have run out of volunteers in different areas of the state, then persons who have to register will go into that.

This amendment eliminates everything in Section 2. It also eliminates the teenage parents. We talked about teenage parents and I, quite frankly, don't have the expertise that Representative Clark has, she has been dealing with this issue for a number of years. She came up with this language along with others and I think one of the things that we wanted to try to do is get them the services that the teenagers needed to have early on. If they are pregnant, get them into some type of health case management so they would be as welcomed in their hometown or in their own home as we would hope they would be, unlike some of the people that Representative Farnum talked about during his school years of teaching where they were forced out of the community. So, if you eliminate that, I think that will hurt the teenage parents.

We also put some current exceptions in there, we put children with special needs in there. These are children whose parents, for one reason or another, would have a tough time putting them into a day care. Those particular children and the mother would be exempted from this.

On one hand I understand what Representative Holt is talking about, although I have never been married, have never fathered any children. I have quite a few friends who have had children and I understand what it means when the mother or the father have to go off to work. It was a choice that the committee made and I guess it was, if you give them just a little nudge with a lot of help and a lot of services then maybe we will help them for the rest of their lives and that is the mother, and hopefully, we will be helping the children also. That is the only way we are going to break this cycle of poverty. It is not only helping the mother but helping the children as well.

I would hope that you would go along with the indefinite postponement.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I want to make two points in reference to the amendment. One, I do hope that you will vote to indefinitely postpone this amendment. I don't ask that lightly. One reason is for the recipient or the possible recipient and one reason is for the child. In regards to the recipient, and I would preface my remarks by saying the reason I am going to say that the language in this bill is strong enough to deal with the problem that Representative Holt has mentioned is also the reason I voted against the other amendment and that is the following language: "A person is not required to participate in this program under the following situations: physical or mental illness, if they had to go into a job that would be below minimum wage, sexual

harassment, physical or mental inability to perform required job tests." I might add that that would hopefully take up the circumstance when someone might be required or ask to be required to be trained as a welder and physically could not handle that type of job. To continue on, "inability to work required hours or to meet the piecework standards, lack of transportation to and from the work or training center, inability to arrange for necessary child care or care of an ill or disabled family member." Participation that would require the recipient to relocate outside of the recipient's immediate geographic area -- if they are asked to do that, they don't have to participate in this program and they don't lose their other benefits for refusing to participate based on some of this criteria or any reason found to be good cause by the Department of Human Services and other evidence which is reasonable and appropriate.

In that case, if all those circumstances are not involved for this particular participant, to me it is very important, we are not just talking about jobs, we are talking about training, we are talking about life skills and a mother, many of which are teenage mothers who have children, are not only responsible for themselves to be educated to get that high school degree or GED or train for a job, but they are also responsible to their child.

We, as a state, should not look kindly upon individuals who have the ability, who have the resources available to them, for other unknown reasons choose not to begin the process of being an effective and regular member of society in the form of working, if possible, or participating in their child's well-being. I am not saying that every individual is in this category, there are many who will not be. I am not saying that there are people out there today who have children who are not working and could not work and I am not saying that they are substandard people. I would agree with the good Representative, Representative Holt, I have many of those individuals in my district. I do not treat them as second-class citizens. But there are individuals who could and should participate in training, in continuing their education in getting what we would hope would be a minimum education of a high school degree or a GED, not just the responsibility of society on their behalf but on their child's behalf. In the case of a teenager, it is even more so.

I think this program works in that regard, I hope it will work effectively and, if it does not, it is sunsetted and we can deal with it at that time. I believe the other language in this bill and the other parts of this bill that create a foundation for a working program are very good and very stringent. I have to say publicly and on the Record that I am pleased with my committee chairs' performance on this, both of them came a long way and brought the committee a long way to getting to the position of coming out with the unanimous report.

I did not vote lightly on the unanimous report but I felt that everybody had some give and take. To be honest, I think (speaking for myself and maybe some other members on the committee in my party) we got a lot of language in this bill that makes it very effective, I believe, to the goals and objectives that we had. I believe members of the other party on the committee felt the same for some of the language they got. I don't think everybody feels 100 percent happy with the language or the bill as a whole but I think we all feel happy that we were able, as a group, to come together and say, let's give it a shot, we have given it everything we can, we have

worked with it as much as possible to make it as effective as possible and I would urge you not to dismantle this process that has taken a lot of time and a lot of energy on the part of the committee and other people outside of the committee to get to this point.

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House: You have been very patient and you have listened to a lot of arguments tonight and a lot of information about this bill. One of the things in committee that we discussed about this, and I objected to strongly, was this big issue, the mandation of participation in the program at the age of three or older for children. We haven't talked too much about the kids, we have talked about the mothers, we have talked about the program, we have talked about a lot of things but I would like to talk about those kids for a moment and remind you that, yes, we have equality of opportunity in this country and this state. We have equality under the law and these children, in every sense of the word, are equal to a certain degree when they are born. Once they are born, they are not equal in any sense of the word. They are not equal in their physical development, they are not equal in their intellectual development and the key thing here with this ASPIRE program and this provision of the law is that they are certainly not equal in their emotional development.

What we are saying here is that, at the age of three, at the age of 36 months, that is it, the time has come that if you don't meet those exclusions, you must be separated from your mother. That, as Representative Manning says, is much more than a little nudge. That could be a disaster.

My objection to this provision is, if this program ASPIRE is such a wonderful program and if it offers so much opportunity and so many incentives, then it should have participation beyond our ability to serve, beyond the ability to meet the capacity. There should be no need to mandate it.

One of the things that we heard when this issue was first brought to the committee, long before it ever became a political issue, the one concern that I heard over and over again was, whatever happens, try and make sure you don't hurt people. I assume they were talking about the welfare AFDC mothers, that they weren't hurt, that their life wasn't given one more deadend street to go down. Remember the little guys here, girls and boys, age 3 -- we are saying, that's it, you are ready to be separated, we don't know anything else about you or anything else about your development, anything about your readiness but that is it, at age 3, the state has petitioned the federal government for this waiver and we have done it. That raises the big issue of -- why? What is the reason for it? It was never supported in committee, there were never any facts to support it and I submit to you, you will never see a reason to support it. The people who are going to be mandated to participate in this program, given everything that we have heard at how well this program is going to work and how well it is going to serve, they don't need this provision. I submit to you that, until we have a children's Bill of Rights in this state that gives the kind of respect and understanding to the development and the different developmental needs of children at different stages of their lives, we don't need laws like this.

I see that Representative Handy is in his seat now and I know his committee has been working on "The School Entrance Age" and has looked at this issue at

a different level, two years down the road, which is age (we don't mandate) 7 but right now the cutoff is October 15th for children to enter public schools and I know that committee wouldn't have asked for an extension if there were such an easy answer here. It is not easy, it is a very dangerous thing we are doing here and I realize that I am probably committing an act of heresy considering how hard my arm was twisted, I will recover from that, and I know how important this program is to the committee, to the people of this state, especially the Governor. But I know if the Governor is listening (we have heard a lot about compromise) he is a big guy and developmentally he will get over this if we pass this amendment but those little guys, (and I am not joking and I know a lot of people are laughing and I said it in humor) but this could be a disaster in those little guys' life with all the wonderful things that are built into the ASPIRE program and maybe we can accomplish in resurrecting some of these broken homes and difficult life situations. This could be the one thing that they don't ever recover from.

So, I ask you to support this amendment and help me out when I get spanked in the back of the hall.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I guess I am old enough to be able to qualify to be a mother. I don't know where to start with this one because I think I am in the same generation as Representative Holt and the fact that I don't expect many of my four children to stay at home with their kids when they are younger, certainly differs from my parenting skills. I don't know which is better, I don't know which is worse but let me say that I think we have totally dramatized the word "participation" and I am disappointed that the Representative from Casco has taken it to the extreme that he has taken it.

When a 14 year old, when a 17 year old, when a 20 year old woman has a child, particularly of the younger age, I think separating that woman for a few hours a day to finish her education may be the best participation that both she and her child can have during that year. We are talking about supportive measures to allow a person to do what they need to do. We are not talking about dragging this child away from the mother's arms. We are talking about helping a person achieve something that is important to them to help her be a better mother.

I am very disappointed with the way this conversation is going. We are hoping to give her support of child care to take good care of her child, to give her transportation to get to someplace that she needs to get to to help her with skills and perhaps one of those will be parenting.

I am very disappointed because I think we are dramatizing something that perhaps, in some cases, may not work but I certainly hope that it will work in others. I expect it too.

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

Representative OLIVER: Mr. Speaker, Men and Women of the House: This amendment corrects what I consider the worst element in this bill. I was listening to Representative Boutilier and he is a good friend of mine and we have a very progressive, friendly corner in this part of the House but I have to disagree that this amendment does not dismantle this bill, this humanizes the bill. In no way does this dismantle, and I think that was rather strong language and I think if you polled the members of the committee privately, not in the public arena, but privately, you would find some real concerns with

this part of the ASPIRE bill. Mandating participation for mothers with children three years old is wrong. I think using the word "nudge" is wrong even though my colleague from Portland, Representative Manning, used it. I think what we need to talk about are real opportunities and we have to talk what child experts talk about, bonding. We have to talk about the mother and the children who have special needs. We cannot compare these middle-class families that have the security of money, that have the security of education, that have the security of family and extended family, we are talking about very desperate people. If you have a good program and you are pretentious enough to call it ASPIRE, then believe in it and do not mandate.

Another point I wish to make is about the federal guidelines, you have to waive the federal guidelines. The federal guidelines were set at six because of national experts in child care, child psychologists who said that was the age. If you want to believe our local experts, you must go to the local Chamber of Commerce's that need entry level workers and listen to that expertise. I think those of you who are interested in this field and who have read in this field over the years and like myself, raised children, and are always trying to understand what is the best thing to do -- you know what the experts say, they say six, they don't say three. It is very important to know that you are waiving a federal guideline to get it down to three.

On the issue of day care -- this is an important issue in all towns particularly in the city and the area of that city that I represent. We have a lot of day care but try to find a slot in the city of Portland for a day care person, it doesn't exist. There are long waiting lines to get into the day care and let's talk about the quality of the day care -- are we going to warehouse these people that go into ASPIRE and crowd their children into substandard day cares meeting just the minimum requirements? I would want to know more, that these were going to be child development centers and that the slots are available. In my area, they are absolutely not available.

Representative Boutilier made a comment that they could and they should and I add to that, they will -- all the people that I know who are on welfare want to get off because it dehumanizing. No one wants to live at a subsistence level. We are talking about a very basic issue, the word ASPIRE, meaning not only the mother aspiring but the child having a chance at that bonding and nurturing that we know are so important. I wholeheartedly recommend this amendment to you tonight.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: Just one more very brief comment. I just wanted to respond to some of my good friend's comments from the progressive corner.

I already spoke about the issue of day care and we have two provisions in there dealing with day care, one with the standard use which is the same as the current WEET program and also the availability question. It has to be available to them for them to participate. Enough said on that.

I do want to touch on one other thing and that is the issue of the people that are in that and whether we mandate them. We have some very strong language in this bill having to do with who participates. It is in the section dealing with volunteering for this program. I just want to read it because I think it speaks for itself. I won't comment much beyond

that. "Volunteer participants given priority. No recipient may be required to register until all recipients who voluntarily participate have been served and sufficient resources have been reserved to serve the remaining anticipated voluntary participants. This policy may be implemented on a regional basis." We have it so that, not only will it be done on a regional basis but that these people will be volunteers. I am assuming and I strongly believe that most of the participants will be volunteers and that most of the slots will be taken up by volunteers. Sometimes there will be someone who will need that additional incentive to participate in the program and I think that is all well and good, if they go with all the other criteria. But those people who want to participate and have children three to five, and five to six, kids who are six and seven, either -- in the current program who volunteer are going to get served by this program and they are going to be served first. We are not going to go to mandating to people who might not want to participate first.

Again, I would urge you to defeat this amendment.

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

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: My very good friend from Camden, Representative Taylor, might have confused my position a little bit. What I was saying simply is, I do not believe that separation is inappropriate for a child, I am just saying that mandating it might be appropriate and certainly at the age of three is very arbitrary. If the case management system is going to be done so well in this program, I think the case manager can properly assess and properly advise that mother and child regardless of their age, whether she is 14 and the child is two or she is 33 and the child is three, on what she ought to be doing and what is the appropriate thing. So, again, it is the arbitrariness of the age of three that I object to.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: No one is going to be forced to go to school. I don't understand that. I must say that two of the people that have spoken tonight, Brad and Peter, both care. I don't understand why anyone would think they didn't care.

I would also like to pull in my 30 years again as an educator. In those 30 years, I have had a parent who was out of a job the day before Christmas and went back to that job the day after New Year's. I watched her child grow up. Her child went through college and now has an excellent job. I have watched other parents in these 30 years and most of those were out from six months to a year, that is all. Some stayed out three years. I can only think of two or three cases where the mother stayed out six years. They all cared, but they also wanted their children to get ahead so they went back to work.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of the people in this House have single parented a three to six year old, but I have. At the time that I did that, I chose to go to work. It wasn't an easy choice. I left my daughter in day care every morning. The stress was great, the stress was great on both of us. What helped me to overcome the barrier and the difficulties was that I wanted to do

what I was doing. I felt very, very strongly about it, but I wanted to have an independent situation for myself and my family.

I don't believe that my daughter's experience was a problem for her because I felt good about what I was doing. The families that we are discussing are single parent families, families dealing with a desperate situation of poverty, primarily women with little or no support system. Support is the key here. No one can argue that providing transportation, education and day care for families is a bad thing. But, what you have to understand is that good human service programs offer options to people. They offer options to people based on the fact that all people are people. Poor people are people first, they are people with needs, people with concerns, people with fears, people with abilities and people with skills. We need to do this in a positive way. The punitive nature of this particular section of the bill is one that I find very distasteful. I urge your support of this amendment.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: First of all Mr. Speaker, I ask for a roll call on the amendment.

In response to the previous remarks, it did strike me and there is a very valid point that the gentlelady made about the idea of being volunteer or mandated to do something. I would point out that in the previous debate the WEET Program was very loudly praised in this room. The WEET Program is a mandatory program. I just wanted to make that point to you.

I was very concerned about this lowering of the age, from six to three, when I first heard about it. I am still concerned about it but I think what allowed me to accept it was the provision that we said that if day care is not available, no one would be forced into it. The idea of making the program mandatory at six was because children would then be going to school. It was also pointed out to us that this apparently is being discussed in the Congress now and it may be a federal mandate very shortly. For those reasons, I am going to support my committee chairman and vote to indefinitely postpone the amendment.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: I will repeat again what Representative Rolde has just said, both the House and Senate welfare reform proposals in Congress today are going to be voted on lower the age to three. I understand the difference but there will be a case manager, which isn't presently happening. There will be a case manager working with each one of these women and when there is an issue or there is a problem that a child is immature at the age of three, that mother will not be forced into this program, she will remain on the program she is on. No sanctions or fines are included but there will be an attempt to lead her to whatever it is that she needs, emotional, educational or job training. This program is a good program. I hope we will vote to indefinitely

postpone this amendment.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I have many things I would like to say but there is one thing I really must ask. I am sure that you believe our Governor believes that women of childbearing age below the age of 20 have the same rights as the rest of us.

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

Representative HANDY: Mr. Speaker, Members of the House: This issue really hinges on what the special commission on school entrance age has been studying for the past several months. You know we have found, and the research will bear it out, that it really makes no difference as far as chronological age goes, the only reason we and other states have a date for children to enter school is simply for administrative purposes. My concern here with this provision of the report is that everyone is saying, don't worry, the child is going to have day care. Well, we cannot simply warehouse children.

Also in the research that we have had, it shows that welfare parents are more likely to have welfare children. Parents who are involved in crime are more likely to have children who are involved in crime. Teen parents will have children who are more likely to be teen parents. It is cyclical, you have to get to the root of the problem. You can't simply take the child in every case and say it is all right at age three, it depends on the child. Some children are ready to go to school and start kindergarten at age four, some aren't ready until age seven. What you do to a child at that young age is going to have an impact on that child for the rest of its life.

I am not satisfied to say that to accept the fact that these children will have day care, it has got to be quality day care and it simply can't be a babysitting service, it has to be early childhood development centers where children can learn. To simply take a child and put it in a situation as a means of babysitting is not the answer to the problem.

I hope you will support this amendment for the benefit of every child in this state.

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

Representative TAYLOR: Mr. Speaker, Men and Women of the House: You have heard the phrase "case manager" used this evening several times. I would like to give you one definition of a case manager that I understand exists with other case manager situations that I know and that is, if a person agrees to either schooling or another kind of educational opportunity or a training opportunity, that person will want to do it, you don't force somebody into an educational or training opportunity if they don't want to because it won't work. All of us know that.

The encouraging part is that the social service end of this or the case management end of it takes the person from one place to another and encourages them to do something. The whole purpose behind this kind of program is that it helps people make decisions. You can't force somebody to go back to high school, you are going to help them decide that is where they want to be.

Please give this kind of a concept the sense that we want the best for these people.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I think it is important to put into the Record a couple of very important points.

Section II. the Section we are dealing with, is a very important statement. It says that this waiver would require participants with children three years of age and older to register for the additional support for people in retraining and education programs. It does not say that it would actually require them to participate in all cases.

The language that was put in here, and in this particular section, I had a very special interest because of my work with children with special needs. I felt it was very important to put into statute a broad definition of children with special needs because of the importance that these children in the very early years of life receive the appropriate diagnosis and referral for services and that they have the advantage of being able to have their parents help them, be with them, guide them, take them, work with them, to help to overcome these special needs. Therefore, you see that section that defines the children with special needs.

It is my understanding, and I wish to make this clear for the Record, that the intention with respect to this program is that it would always be volunteers first. children of all ages, volunteers first with space reserved for additionally expected volunteers. Then it would be those women who have older children gradually working down to women who have younger children. If, indeed, they were to come down to children who were between the ages between three to six. then they would have to take into consideration all of the exemptions that are provided and will be provided if we were to pass this bill.

I think it is important that we give the opportunity for people who may need to talk to someone in order to know whether they want to volunteer. in order to know whether they have a child with special needs who might need a referral to another program, who might need some help in getting the services for that special need, for that developmental delay.

I will tell you that in our population of children three to six, we have at least 10 percent in that population who are children with special needs. We are not doing as good a job as we should in being sure that every one of them is receiving the additional services that would help mitigate that special need prior to the child becoming eligible for school.

I thought long and hard about this section and I am not entirely happy with everything in it but I think on the whole it gives us a chance to offer some opportunities that might not otherwise be offered to both the mothers and the children.

I think we ought to look closest at this section and probably first at this section. I don't think we should wait for the sunset date. I think we should probably look at it after the first six months of operation and I would ask the Human Resources Committee to do that. Then I would ask us to take another look, another rethinking of this after that first six months. I think it will offer a few opportunities and a chance for some discussion that might not otherwise be offered.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Manning of Portland, that House

Amendment "B" (H-779) to Committee Amendment "C" (H-770) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 283

YEA - Aliberti, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Carter, Chonko, Clark, H.; Clark, M.; Cote, Curran, Davis, Dellert, Diamond, Dore, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Holloway, Jackson, Jalbert, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McPherson, McSweeney, Michaud, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Parent, Paul, Pines, Pouliot, Priest, Racine, Reed, Richard, Ridley, Rolde, Ruhlin, Rydell, Salsbury, Seavey, Sheltra, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tardy, Taylor, Telow, Thistle, Tupper, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Allen, Baker, Carroll, Cashman, Coles, Conley, Crowley, Daggett, Duffy, Erwin, P.; Gould, R. A.; Gurney, Hale, Handy, Hognlund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Mahany, McHenry, Melendy, Mills, Mitchell, O'Gara, Oliver, Paradis, P.; Rand, Rotondi, Scarpino, Simpson, Smith, Stevens, P.; Tamaro, Tracy, Vose, Warren.

ABSENT - Brown, Callahan, Dexter, Hillock, Kimball, Paradis, J.; Perry, Reeves, Rice.

Yes, 101; No, 41; Absent, 9; Paired, 0; Excused, 0.

101 having voted in the affirmative and 41 in the negative with 9 being absent, the motion did prevail.

Representative Manning of Portland offered House Amendment "C" (H-780) to Committee Amendment "C" (H-770) and moved its adoption.

House Amendment "C" (H-780) to Committee Amendment "C" (H-770) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This is the amendment we finally hammered out about two or three hours ago and we talked about it during the last two and a half hours of debate and I hope you will all vote for it.

Subsequently, House Amendment "C" (H-780) to Committee Amendment "C" (H-770) was adopted.

Committee Amendment "C" (H-770) as amended by House Amendment "C" (H-780) thereto was adopted.

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

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

SENATE PAPER

Non-Concurrent Matter

An Act to Authorize a Bond Issue to Provide Funds to Create an Adaptive Equipment Loan Program for Disabled Maine Citizens (BOND ISSUE) (H.P. 1686) (L.D. 2315) (C. "A" H-760) which failed of passage to be enacted in the House on April 20, 1988.

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

Representative Carter of Winslow moved that the House recede and concur.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote

of the House being necessary, a total was taken. 96 voted in favor of same and 43 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges (H.P. 1799) (L.D. 2463) (Conf. Comm. "A" H-762) (Emergency) (Roll Call ordered) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I rise tonight to tell you that over the past 24 hours, I have done everything possible to try to have a program that would be funded as I would like to have it funded. As I told you last evening, the funding mechanism of two cent gas and five cent diesel did not meet with my approval. I also told you last evening that from day one, I supported the highway program, I support the highway program tonight. But, I must tell you that in my years of being here that when we have an issue of this magnitude that does so much for the people of the State of Maine and we come down to this hour, when we have tried earlier this evening to get the necessary votes and the necessary votes were not there, that in my opinion, we have one more opportunity and maybe to some of you, it will be a surprise that I am going to take the position at this hour to support the funding package. The problem that I have had is the differential in the fuel diesel tax.

For the Record, I am going to read a section from the Conference Committee Report that deals with the highway cost allocation. As I read it, it says, "On or before January 1, 1989, the Department of Transportation shall report to the Governor and the Legislature the results of the highway cost allocation study being conducted in 1988, and if necessary, in order to maintain equity among various classes of motor vehicles, the Governor shall recommend legislation to modify the provisions of the Maine Revised Statutes, Title 36, as they apply to special fuel."

I must tell you that earlier this evening, I met with the Governor and I have been assured, I repeat, I have been assured and this is why I can support this L.D. tonight, that when the results of the highway cost allocation reveal that the differential for diesel fuel should be adjusted downward, the Governor is committed to recommend to the 114th Legislature that the diesel tax would be reduced. I have that commitment.

To my friends out there in the trucking business if the highway cost allocation does what I think it is going to do, that next year they will get their adjustments that they deserve.

I cannot stand here tonight and let a program go down that does so much for so many people.

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

Representative BAKER: Mr. Speaker, Men and Women of the House: Well, here goes my parting shot. In the years I have been here, I often found myself voting for things that I didn't like because someone always said we have to have, it's necessary, and as a result, I would go along and vote for some of these things. The problem is that the changes that I would have liked to have seen happen never came to pass.

I have stated this in caucus and some of my party

members have heard this before so it might sound like a broken record, but I will say it again -- the gas tax raises a disproportionate amount of money from poor people. Pure and simple.

There is a way that we could deal with that and still have a gas tax. We could follow the suggestion by the National Railway Passengers Association which is recommended on the federal level, a gas tax. They would like to see that (by the way) used to help finance the railroads so we could have passenger rail service, and have recommended that we could provide a low income tax credit. Now, why can't we come up with something like that? Number one.

Number two. Where I come from we have concerns about public transportation and the funding of public transportation and yet the Constitution forbids us to spend any money out of the gas tax on public transportation.

I have come to the conclusion that we have got to start thinking about making changes in the way we do things in adopting some situations that now confronts us and that situation is simply this, we cannot simply depend on the private automobile to provide transportation. I realize that in a state like this you are not going to have massive public transportation in the rural areas but if someone could come up with a package that would address that, I would vote for a gas tax, I would vote for one more penny.

I really feel it is time we thought of new things we have to do to address those needs. By doing that, we could have solved or at least helped the public transportation system and that low income credit that I am talking about and that would help a lot of people in rural areas. Yet, we can't do it.

That is why I am not going to vote for it because I have made up my mind at this point that, at this stage of the game, if I can't vote for what I believe in wholeheartedly, then I just won't vote for it.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I, too, had grave reservations when this plan came out, like the good gentleman from Corinth, Representative Strout. But, for someone who spent more than half of his life working for the Department of Transportation, I know that it isn't simple to say that you build a road and forget about it, the minute the roads are built, you have a problem immediately, it starts to deteriorate.

This is the final thing we can do. We can't just shove it under the carpet, we must do something, we can't let it go any further because every day that goes by is going to cost more and more.

I would ask that you support this bill.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the good gentleman from Portland, Representative Baker, touch upon a problem that I have been struggling with for the past several weeks and it is just the tip of the iceberg. What we have seen here is a classic example of what can go wrong when you deal with a dedicated account. In spite of everything that the Department of Transportation and the Committee of Transportation would like to do for the transportation system of the state, they cannot. They are in a straightjacket. I wouldn't want to be in their shoes because I would be in a terrible frustrated position.

We have heard a lot about economic development in this session. Let me touch briefly on economic development. To have economic development, you have got to have three basic elements, land, labor and

capital. Labor is not a problem in the State of Maine, capital is not a real big problem but land is. Land comes in the form of resources, natural resources. In Maine, other than forest, fisheries and wildlife, and agriculture, we have nothing else. If we hope to have any type of major economic activity, we have to import the raw material, manufacture them at high energy costs and transport them back to the markets which are down south because we always forget to look north to our neighbors in Canada.

The key, ladies and gentlemen, is transportation. When I say transportation, I don't just mean highways or the gas tax. When the road reaches the edge of the ocean, it doesn't stop there, it does in Maine. When the road reaches the edge of the railroad, it doesn't stop there but it does in Maine. When the road reaches the edge of the airport, it doesn't stop there but it does in Maine. The Transportation Department concentrates only on the highway system because of the way the system is structured and it is wrong. We have to face the facts sooner or later because if we don't, we will end up gridlocked in a very short period of time. We must do everything we can to preserve our rail system, our air system and our sea system.

Now, let me give you an example of what has taken place in my community. With high tech, we have a firm that breeds superchicks. The chicks are transported in a special truck to Logan Airport and shipped to China in three days time. Why should they have to go to Logan? Very simple, we don't have an airport in the State of Maine that they can utilize. The Transportation Department should be concentrating on trying to develop their facility similar to Logan but they would have to be involved in politics on a national scale to achieve that because the politicians in Massachusetts don't want an airport in Maine to compete with them. We have two good airports in Maine but that is all they are, they are airports. There is no scheduled commercial airlines or any major activity that we can rely on commercially at these airports.

Other than what is taking place in Searsport which to me is the only positive thing that the department is really doing in trying to set policy and trying to act instead of react to the situation, it is the only one. I can understand why, it is very simple, they are boxed in, they can't spend the money other than for the highways. You look at the inscriptions in the Constitution and it is very clear, for highway purposes only. Now, how can they possibly deal with our transportation system under those conditions? Every time that they come to the legislature for funds from the General Fund, they have a problem. They aren't the only department but every department that operates on dedicated revenue faces the same problem, year after year after year.

It is time that we wake up and do what is right. I know it is not going to be easy, there is going to be a lot of resistance and those of you who are going to return here in the next session of the legislature -- and if I am fortunate enough to return, I will be calling on your help because I think the time has come for us to move to undedicate these dedicated funds and really put the Transportation Department to work the way they should be working if we hope to be economically viable and prevent the State of Maine from becoming gridlocked like Massachusetts is now.

Just take a look 20 or 40 years down the road, many of us won't be around but just picture in your mind what is going to happen, you won't be able to move in this state if we don't do something to change the system.

I would hope that you would think on this and when we come back here next time, join me and we will do something about it.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I would like to remind you of basically three different paraphrases that I can recall that happened over the course of the last year. The first little scenario I want to rhetorically comment about has to do with the so-called Mayo-Bailout Bill, the Thomaston Bill. He was talking about a bill last year which we had in the Taxation Committee which the Augusta Delegation was very involved in, which basically was refined to say something to the effect of "any new construction regarding correctional facilities in the State of Maine will be reimbursed by 50 percent." Certain members of this House and the gentleman that sits in Seat 22, who unfortunately is not here, did make a comment at that point that this was pork barrel legislation if I ever saw it in my life. Subsequently, the gentleman on the second floor said essentially the same thing.

This year we figured in committee, well, maybe that argument can be addressed and we refined it. We came out with the so-called Augusta Bailout Bill, which said any state facilities will be reimbursed. We thought it was a reasonable property tax relief measure. That bill, unfortunately, just bit the dust. The Appropriations Committee felt that they just couldn't cut the mustard too many more ways, so, that bit the dust.

I guess I am rhetorically asking you, is this not a piece of pork barrel legislation that we are now looking at?

The second thing I would like to point out has something to do with me personally, and many of you in this House know I am the so-called lobster license plate man and, as you recall, one of the things that was stated at the point of that discussion was, gee, we have to have a two dollar surcharge on our plates because metal is more expensive and we are going to have to have an extra dye and the total cost is going to be \$1.70 something or other so we will put on a two dollar surcharge. We sold it to the people. Some people didn't really like it but they accepted it, they figured these guys must know what they are talking about.

Now we are saying, gee, maybe that \$1.7 million could be used as part of this program. So, we are going to use the money anyway. We are not going to sunset it, we are not going to -- we just dupe the people or we are attempting to try to dupe the people. We told them at one point it was a one-shot deal. Now we are saying, wait a minute, we might need that money. So, we are not going to tell them, we will tell them next week after supposedly we pass this thing, we will tell them next week we really did need the money, you know. So, we did this.

We have our so-called pork barrel and we have the Nadeau Amendment and the license plate. The other thing I would like to mention is -- I am paraphrasing a little bit, but approximately two weeks, a few statements were made in this chamber. What was said essentially is, we are dealing with approximately a \$95 million supplemental budget, the largest budget this state has ever seen. It doesn't seem appropriate to ask the people of the State of Maine for any tax, whatever it may be at this point. I happen to agree with that position. I happen to think that maybe we should have done more with property tax but I would like to consider myself semi-reasonable, semi-realistic and I knew that you

can only do so much with numbers. So, I accepted that argument.

Joe six-pack does not really care if two or three cents is going to highways, if two or three cents is going to property tax relief. He or she is basically saying, if it looks like a tax, if it smells like a tax, yea, it is probably a tax and I don't like it. He doesn't care how legitimate an argument can be made by anybody, he just remembers two basic things, the Chief Executive of this state has said for the last two years that he wasn't going to do it. Then certain arguments were made, certain qualifications were made and then certain people decided — personally I am not arguing the point that maybe the needs are there. But, the fact of the matter is certain people said, no way, I am not going to do this, I am not going to pass any tax of any magnitude. Now we are qualifying that.

I am saying I don't think the people of Maine are going to stand for that. I don't care how you qualify that, I don't care how you dress it up. I guess, with those three points, I would close at this point and just ask you to consider those and think, who is being consistent around her?

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I promise you that I will not be as lengthy as I was last night. I am only going to get up because I have one problem that I failed to mention last night. I want to make sure that the members of this body are aware of it. You probably realize by now that my main objection to the bill has been the fact that we are tapping the revenues from the Maine Turnpike Authority. I have not been able to accept that philosophy and I believe that we have got to put the brakes on. If we allow an additional \$4 million to be taken from the Maine Turnpike Authority, what is to prevent the current administration from taking another additional two or three or four million down the road?

Last night, I mentioned that back in 1981, when I was lobbied that there was a provision in the bill that stipulated that access roads would be a corridor of at least within ten miles of the Maine Turnpike. I indicated at that time that the original bill was recalled from the Governor's desk, was indefinitely postponed in the Senate and then all of the provisions contained therein reappeared in the Highway Allocation Act. I mentioned at that time that the Biddeford Spur was supposed to have been funded with that money. I guess I left a sort of erroneous impression on some members because I was told that the spur is currently being funded and being constructed. I want to make sure that I am being quoted accurately and properly because the Biddeford Spur is being constructed but none of that \$4.7 million was specifically earmarked for that project.

The other factor that I failed to mention last night was that when we had a caucus and we were presented a fact sheet from the Conference Committee agreement on L.D. 2463, the reference pertaining to the Maine Turnpike Authority stated that an additional contribution, if available from the Maine Turnpike Authority for highways and bridges and adjacent counties — at that time we were led to believe that if the funds were available, they would be provided. If they were not available, they would not be provided. But, if you look at the Committee of Conference Amendment "A," unless I am missing that portion, I cannot find the word "if available." Now, maybe someone might be able to point that out to me within the bill because the way I read it, there is

no choice in the matter. The Maine Turnpike Authority is required to provide \$8.7 million. Now, if I am misreading the Committee of Conference Amendment "A," I wish somebody would clarify that point.

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

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the bill says that there will be \$4.7 million used and then another \$4 million (up to \$4 million) is permissible for a total of \$8.7 million, if available.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't decide how I would vote on this bill until I sat through the debate last evening. During that debate, I heard the Committee of Conference Report attacked from this side and that side and the other side and everybody had their pet grievance with it. Most of you know that I was opposed to the original bill, I did not want to pass out a five cent gas tax to my constituents.

On the other hand, it was very clear to me as has been clear for some time that there is general agreement that a supplemental highway program and a program to fund the construction of extraordinary bridges is needed in this state. That has been the bottom line. The question is, how would we fund that and this is called, "An Act to Fund" those programs?

As I sat here and listened to this being debated and attacked from various sides, it became clear to me that although I don't love this idea, this is the best that we are going to get. This is the best that we are going to reach that will in fact fund this program in terms of being reasonably satisfactory to the vast number of people. For that reason and that reason alone, I have to say that this is the proposal that has to be supported. I do not like passing on a two cent gas tax which will more than likely increase to three cents. I do not like keeping the surcharge on the license plates that was originally passed for the lobsters but I have to face reality and the reality here in this body over the past two weeks is that this program will be funded and it will be funded by some mix of funding sources.

The Committee of Conference Report has come up with a proposal that is not wonderfully satisfactory to anybody but seems, on the whole, to be not too outrageous to most people. I feel that if we rejected this proposal, that when we come back another time, it would be something that would be even less palatable, it is for that reason that I am supporting this proposal.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I suppose if I wanted to join the rest of the people and start giving complaints, I could talk as long as they do about the faults of this proposal and of the parts that I don't like, there's a lot of them in there.

During my 14 years here in state government, I have never seen a perfect bill. At my age, that doesn't surprise me and it doesn't disappoint me and it doesn't scare me at all because all of our laws are man made and during all those years, I have never met a perfect man, never expect to meet one and I don't know that I would want to meet one.

We have survived good laws and we have survived laws that have produced catastrophic results and we will do it again. It won't be because of what you

and I do but it will probably be in spite of what you and I may do.

It seems to me that the issue here is being missed. We are supposed to be talking about a highway program and if we want a highway program, somebody has got to pay for it. We seem to be more concerned about the funding than we are about the program itself. We have had some of the best brains in this legislature working on this funding program, have done the best job that they can do and all we seem to be doing is tearing down the efforts of the people who are trying to get something accomplished. It seems that the program and the problems are simple, if we want a highway program, we have to face the problem of paying and if we don't want to pay for that program, we don't deserve the program.

I don't like all of these provisions myself. But, I do favor the highway program and I can swallow some of the parts that I don't like as a part of the price that I will pay for having that program. I hope that when you vote that you can do the same.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I just wanted to discuss very quickly a section on the Maine Turnpike Authority that is in the bill. Check on Page 8, the section where the increase goes up \$4 million to \$8.7 million, it said the Turnpike Authority will meet and consider the transferring of the money to the DOT and then it lists a, b, c, d, e, f, g, h, i, j, k, and l. And l, is financial condition of the Turnpike Authority, the financial impact of the maintenance, construction and reconstruction of access roads and the probable availability of turnpike revenues to make these payments is totally up to the Turnpike Authority to vote to release those funds and they do so only if they have enough money. I want to make sure people realize that because Representative Racine raised that point before. I want people to realize that it is only done so after they have done their maintenance, after they have paid off their bond payments for that year and it is only if they have excess money left over at that point and the money that they do have left over will be spent in the counties that the turnpike goes through.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I stand up here tonight after hearing all this talk. My good friend across the aisle, Representative Strout, I talked to him 15 minutes ago and he said he wasn't going to change his mind on this vote.

I just want to say one thing, ladies and gentlemen, 90 percent of this is going to be paid for by the trucking industry of the State of Maine. Two cents a gallon for all the cars. What about all the tourists with cars that are coming in here this year? You are going to let them travel for two cents and you are going to stick the trucking industry in the State of Maine for the five cent tax. I don't think it is fair for the local truckers to have to pay all the bill. I would like to see the roads taken care of but I don't see why it should be taken care of by 90 percent of the Maine trucking industry.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 284

YEA - Aliberti, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bott, Boutillier, Bragg, Carter, Cashman, Clark, M.; Cote, Crowley, Curran, Davis, Dellert, Dexter, Diamond, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Holloway, Jackson, Jalbert, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Marsano, Martin, H.; Matthews, K.; McGowan, McPherson, Melendy, Mills, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Parent, Paul, Pines, Pouliot, Priest, Reed, Richard, Ridley, Roide, Ruhlin, Salisbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Thistle, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Allen, Baker, Bost, Carroll, Chonko, Clark, H.; Coles, Conley, Daggett, Dore, Duffy, Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Manning, Mayo, McHenry, McSweeney, Michaud, Mitchell, Moholland, Nadeau, G. R.; Oliver, Paradis, P.; Racine, Rand, Rotondi, Rydell, Sheltra, Tracy.

ABSENT - Brown, Callahan, Hillock, Kimball, Paradis, J.; Perry, Reeves, Rice.

Yes, 101; No, 42; Absent, 8; Paired, 0; Excused, 0.

101 having voted in the affirmative and 42 in the negative with 8 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

SENATE PAPER

The following Joint Order: (S.P. 1006)

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

Came from the Senate, read and passed.

Was read.

The SPEAKER: The Chair will order a Division. The pending question before the House is passage. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

122 having voted in the affirmative and 11 in the negative, the Order was passed in concurrence.

On motion of Representative Macomber of South Portland, the House reconsidered its action whereby An Act to Authorize a General Fund Bond Issue in the Amount of \$33,600,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System (H.P. 1884) (L.D. 2576) (C. "A" H-763) failed passage to be enacted.

The SPEAKER: The pending question now is passage to be enacted.

Representative Diamond of Bangor 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 Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: The hour is late and I notice that a lot of the people are out in the hall so I want to make sure that they get back into their seats so if they are in the sound of my voice, please come in.

I think this is the hardest position one can be put in. The University of Maine is a bond issue that I cosponsored and, over the years, have been the strongest advocate for this program and remain that same way. We all know the needs of the University and I am sure that when they were told to cut their budget, they did it as they saw fit. As I told you yesterday, I would like to have added things for every single one of you in this House, whether it was \$155,000 for Machias, \$100,000 for the garage in Portland, you name it, and you would have me on that bond issue.

Things are tough, I had to change my vote tonight for a gas tax, even though I didn't want to. But I did because I wanted to help, I wanted to help get that program going in Maine. I don't want hostage bills and I want this hostage bill. I would like to vote, I would like to go home, we are all tired. I would like to see us vote right and let's be fair with all of the universities. Let's all be fair with one another.

At this point, Representative Diamond of Bangor was appointed to act as Speaker pro tem.

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

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I think the Representative from Ellsworth, Representative Foster, has made a good point. I guess I would like to give you a little history. I am, as you know, the sponsor of this legislation at the request of the Board of Trustees. The original request of the Board of Trustees began, as I remember, somewhere around \$60 million with many, many projects, all of them worthy. As a matter of fact, the needs of the university was somewhere around \$250 million. It was pared down to roughly \$60 million.

Then, as you may or may not know, it got pared down a second time to somewhere around \$40 million or \$45 million. Then it got pared down to the figure that was eventually presented. I was one of those that told the Board of Trustees that I knew the need and I would support the entire bond issue of \$60 million.

The only reason for the cuts are not the members of the Republican caucus, are not the members of the Democratic caucus, nor the Chief Executive of this state, nor the Board of Trustees, the reason for the cut was direct communication from the Minority Floor Leader of this body to the Board of Trustees, basically indicating that that was the bottom line with this fake conclusion as to what could be bonded and how much could be bonded and how much we should

go out to the voters with.

I indicated at that time that I would be willing to accept whatever the level was -- \$30 million, \$35 million, \$45 million or \$60 million for a number of reasons because I did not believe in the method that was being used, in terms of arriving at the final conclusion.

The one criticism that I have heard and if I think there is legitimacy as to whether or not there has been deviation from the recommendation of the Board of Trustees -- are we keeping faith with the system? Someone asked me that today and I sort of laughed because this priority, they say, has been changed. I have been here for 24 years and I do not ever remember a recommendation of the Board of Trustees being adopted by this body or the other body in its entirety. Adjustments have always been made. I know because I was part of that first adjustment in 1968 in the development of an auditorium at what is now the University of Maine in Fort Kent. Subsequent to that, a few years ago in the early '70's, the Aroostook Delegation succeeded in changing the method, the listing of priority, so a building could be constructed at the University of Maine in Presque Isle. Shortly thereafter, there was an adjustment made for a building at the University of Southern Maine on the Gorham campus (it was then known as POGO). Some of you were graduates at that time.

To say that we ought not to change the priority because this is what the trustees gave us, in my opinion, is really not telling it the way history has been. I was not a part of what took place in the Appropriations Committee, I was not there as a member, I did not know it was coming but I had no problems with it. I think the need is there and I think everyone agrees to that need, regardless of what campus we are talking about and the \$60 million and perhaps more is there. I don't think we disagree. There are some notes that eventually get to me as you know and I watch how they go from the rostrum and one of the notes said, we shouldn't be adding a building for a politician or a group of politicians. I hate to tell you this but there are 151 politicians in this room and I hate to tell you this that that appropriations budget is a political document for me, for every single member of the Appropriations Committee, for leadership, for the Governor and yes, even for the clam diggers of Brunswick. For someone to say, my gosh, we have become too political now, I think is providing a disservice.

I would hope, when tomorrow rolls around, that we give some thought to the history of the University of Maine system and the way in which the building programs have been put together and determine whether or not there is a need at Farmington that is not being met. If in fact there is, I have no problems adding that building there anymore than I would have going back to the original \$60 million that was the original request of the Board of Trustees of the University. What we are putting out to the voters, whether it is at \$33 or \$35 million, falls far short of the needs of the university of this state. We ought not to kid ourselves when we are willing to accept a half loaf or a quarter of a loaf. All we are doing is postponing the inevitable. Remember, we have used that theme before, tonight and this month.

My comments are not intended to insult anyone or to promote a position for or against and to lock people in. I am not asking and I am not suggesting. I am not making one of my barn-burning political speeches and I am sure you don't want to hear one at this time of the night or early morning. I do hope that when early morning comes and the sun rises on

the Capitol City that we have given some thought to where we ought to go.

If the Representative from Ellsworth, Representative Foster, wishes to offer an amendment which I will help her draft, to go back to the \$60 million, I will be there to help her. I will be there to help add a building at Portland, add a building at Presque Isle, add buildings at Orono, Farmington, Machias and even Fort Kent. The need is there.

So, I am not going to run away and I don't want anyone else to run away from the situation and I would ask that we deal with that issue tomorrow morning.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I would just like to comment here, not so much on the bill, but to the remark that was made by the gentleman from Eagle Lake, Representative Martin. When he made reference to Representative Murphy as the Minority Leader having made this decision single-handedly to arrive at the figure which is placed before us or was before us in the bill for the University of Maine system -- having shared in part of that, I can assure the gentleman from Eagle Lake and members of this House, that this was not a unilateral decision from the Minority Leader. I shared in it, members of this caucus shared in it and, on several occasions, we contributed to the process of determining politically what we believed to be an acceptable level of indebtedness for the people of this state to bear at this time for the university system. There was no doubt in our minds as to the extent of the need that existed out there but we asked and there was no direction on those dictatorial statements that was made. We were approached by the Trustees for our opinion. We merely stated that we believed it to be in excess of what would be perfectly acceptable on referendum and should the referendum be placed before the people and fail, that it would be extremely difficult for the university system to obtain the good graces of the people of the state in referendum for passage of an additional bill at some future date.

I just wanted to share that with you tonight, that Representative Murphy has not acted alone, he enjoys a great deal of respect in our caucus and that we shared in that decision making process to arrive at the number which was eventually placed in the bill.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for April 21, 1988.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Clark of Millinocket, Adjourned until Thursday, April 21, 1988, at 1:22 a.m.

The House met according to adjournment and was

called to order by the Speaker at 1:22 a.m.

(Off Record Remarks)

On motion of Representative Duffy of Bangor, recessed until ten o'clock in the morning.

(After Recess)

The House was called to order by the Speaker.

SENATE PAPER

Bill "An Act to Adjust the Rainy Day Fund Program" (Emergency) (S.P. 1007) (L.D. 2640)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

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

ORDERS OF THE DAY UNFINISHED BUSINESS

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

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

Bill "An Act to Amend the Motor Vehicle Laws and to Allocate Funds to the Division of Motor Vehicles" (Emergency) (H.P. 1930) (L.D. 2630)

TABLED - April 19, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

Representative Lisnik of Presque Isle offered House Amendment "B" (H-772) and moved its adoption.

House Amendment "B" (H-772) was read by the Clerk and adopted.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed as amended by House Amendment "B" (H-772) and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Amend the Motor Vehicle Laws and to Allocate Funds to the Division of Motor Vehicles" (Emergency) (H.P. 1930) (L.D. 2630) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended by House Amendment "B" (H-772).

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

By unanimous consent, was ordered sent forthwith to the Senate.

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

HOUSE REPORT - "Ought to Pass" as Amended by Committee Amendment "A" (H-638) - Committee on Transportation on Bill "An Act to Reallocate Funds from the Maine Turnpike Authority for Construction

and Maintenance of Secondary Roads" (H.P. 1574) (L.D. 2149)

TABLED - April 19, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Acceptance of the Committee Report.

Subsequently, the Bill and all its accompanying papers were indefinitely postponed. Sent up for concurrence.

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

JOINT ORDER - Relative to Recalling L.D. 2205 from the Governor's Desk to the Senate. (S.P. 1001)

- In House, Indefinitely Postponed on April 19, 1988.

- In Senate, Senate Insisted on Passage in non-concurrence.

TABLED - April 20, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Further Consideration.

The House voted to insist.

The Chair laid before the House the fourth matter of Unfinished Business:

An Act to Revise the Salaries of Certain County Officers (Emergency) (H.P. 1941) (L.D. 2639)

TABLED - April 20, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Lisnik of Presque Isle, under suspension of the rules, the House reconsidered its action whereby L.D. 2639 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-778) and moved its adoption.

House Amendment "B" (H-778) was read by the Clerk and adopted.

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

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

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

SENATE PAPER

Non-Concurrent Matter

An Act to Replace the Sales Tax with an Excise Tax on Jet Fuel Used by Turbine-Powered Aircraft Providing Commercial Air Service in Maine (H.P. 1470) (L.D. 1981) which was Passed to be Enacted in the House on March 24, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-496)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-496) as amended by Senate Amendment "A" (S-506) thereto in non-concurrence.

Representative Diamond of Bangor moved that the House recede and concur and 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 the motion of Representative Diamond of Bangor that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 285

YEA - Aliberti, Bickford, Bost, Boutillier, Brown, Carter, Cashman, Chonko, Conley, Cote, Dexter, Diamond, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Hale, Hickey, Holt, Jackson, Jacques, Jalbert, Joseph, LaPointe, Lebowitz, Lisnik, McGowan, McSweeney, Michaud, Nadeau, G. G.; Norton, Paradis, P.; Paul, Pouliot, Ridley, Salsbury, Sheltra, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Vose, Walker, The Speaker.

NAY - Allen, Anderson, Anthony, Armstrong, Baker, Begley, Bott, Bragg, Carroll, Clark, H.; Clark, M.; Coles, Crowley, Curran, Daggett, Davis, Dore, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gwadosky, Handy, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Hussey, Ketover, Kilkelly, Lawrence, Look, Lord, MacBride, Macomber, Manning, Marsano, Matthews, K.; Mayo, McHenry, McPherson, Melendy, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Oliver, Paradis, E.; Parent, Pines, Priest, Racine, Rand, Reed, Reeves, Richard, Rolde, Rotondi, Rydell, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Taylor, Telow, Tracy, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Bailey, Callahan, Dellert, Gurney, Hanley, Hoglund, Kimball, Lacroix, Mahany, Martin, H.; Mills, Moholland, Paradis, J.; Perry, Rice, Ruhlin, Warren.

Yes, 45; No, 89; Absent, 17; Paired, 0; Excused, 0.

45 having voted in the affirmative and 89 in the negative with 17 being absent, the motion to recede and concur did not prevail.

Representative Higgins of Scarborough moved that the House adhere.

Representative Diamond of Bangor moved that the House insist.

Representative Higgins of Scarborough requested a roll call vote.

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

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

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against the motion to insist this morning because I think the House ought to go on Record as simply voting to adhere. I think the procedure that has been used on this particular issue is one that is quite faulty and I hate to see the House take such action. I think the issue has been behind the scenes for a long time and I believe that if the people that are interested in obtaining this benefit ought to be able to bring in a piece of legislation and have us vote it up or down. I don't think it ought to be attached to a bill which is really not even germane to the issue of which the amendment we have in front of us is. So, I am going to vote against the motion to insist and hope that you might do the same so that we might take a final step toward killing the amendment.

The SPEAKER: The pending question before the House is the motion of Representative Diamond of Bangor that the House insist. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 286

YEA - Aliberti, Bickford, Bost, Bott, Boutilier, Brown, Carroll, Carter, Cashman, Chonko, Conley, Cote, Crowley, Dexter, Diamond, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gwadosky, Hale, Hickey, Holt, Jackson, Jacques, Jalbert, LaPointe, Lebowitz, Lisnik, MacBride, McGowan, McSweeney, Michaud, Nadeau, G. G.; Norton, Paradis, P.; Paul, Pouliot, Priest, Richard, Ridley, Rolde, Salsbury, Sheltra, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Vose, Walker, Zirnkilton, The Speaker.

NAY - Allen, Anderson, Anthony, Armstrong, Baker, Begley, Bragg, Clark, H.; Clark, M.; Coles, Curran, Daggett, Davis, Dore, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Handy, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Hussey, Joseph, Ketover, Kilkelly, Lawrence, Look, Lord, Macomber, Manning, Marsano, Matthews, K.; Mayo, McHenry, McPherson, Melendy, Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Oliver, Paradis, E.; Parent, Pines, Racine, Rand, Reed, Reeves, Rotondi, Rydell, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Taylor, Telow, Tracy, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey.

ABSENT - Bailey, Callahan, Dellert, Gurney, Hanley, Hoglund, Kimball, Lacroix, Mahany, Martin, H.; Mills, Moholland, Paradis, J.; Perry, Rice, Ruhlin, Warren.

Yes, 53; No, 81; Absent, 17; Paired, 0; Excused, 0.

53 having voted in the affirmative and 81 in the negative with 17 being absent, the motion to insist did not prevail.

Subsequently, the House voted to adhere.

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

ENACTOR
(FAILED PASSAGE)

Bond Issue

An Act to Establish an Enhanced 9-1-1 System (H.P. 1911) (L.D. 2608) (C. "A" H-761)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 80 voted in favor of same and 51 against, and accordingly the Bond Issue failed enactment.

ENACTOR

Emergency Measure
Later Today Assigned

An Act to Correct Additional Errors and Inconsistencies in the Laws of Maine (H.P. 1939) (L.D. 2638) (H. "A" H-755)

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

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

PASSED TO BE ENACTED

An Act To Promote the Prompt and Peaceful Settlement of Labor Disputes (S.P. 956) (L.D. 2531)

(H. "A" H-777)

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

Representative Willey of Hampden requested a roll call vote.

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

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

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

ROLL CALL NO. 287

YEA - Aliberti, Allen, Anthony, Baker, Bickford, Bost, Boutilier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gwadosky, Hale, Handy, Hichborn, Hickey, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Macomber, Manning, Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, P.; Paul, Pouliot, Priest, Racine, Rand, Richard, Rolde, Rotondi, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Walker, The Speaker.

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

ABSENT - Bailey, Callahan, Dellert, Gurney, Hanley, Hoglund, Kimball, Lacroix, Mahany, Martin, H.; Mills, Moholland, Paradis, J.; Perry, Reeves, Rice, Ruhlin, Warren.

Yes, 77; No, 56; Absent, 18; Paired, 0; Excused, 0.

77 having voted in the affirmative and 56 in the negative with 18 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Later Today Assigned

An Act to Establish the Additional Support for People in Retraining and Education Program (H.P. 1744) (L.D. 2390) (H. "C" H-780 to C. "C" H-770)

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

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

Representative Simpson of Casco moved that the House reconsider its action whereby An Act to Establish an Enhanced 9-1-1 System (H.P. 1911) (L.D. 2608) (C. "A" H-761) failed enactment.

Representative Paradis of Old Town 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 the motion of Representative Simpson of Casco that the House reconsider its action whereby L.D. 2608 failed enactment. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 288

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutillier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gwadosky, Hale, Handy, Hickey, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Macomber, Manning, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, P.; Paul, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Weymouth, Zirkilton, The Speaker.

NAY - Anderson, Armstrong, Begley, Bickford, Bott, Bragg, Brown, Curran, Davis, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Matthews, K.; Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Salisbury, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Tupper, Webster, M.; Wentworth, Whitcomb, Willey.

ABSENT - Bailey, Callahan, Dellert, Glidden, Gurney, Hanley, Høglund, Kimball, Lacroix, Mahany, Marsano, Martin, H.; Moholland, Paradis, J.; Perry, Rice, Ruhlín, Warren.

Yes, 83; No, 50; Absent, 18; Paired, 0; Excused, 0.

83 having voted in the affirmative and 50 in the negative with 18 being absent, the motion to reconsider did prevail.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: You caught me a little bit by surprise. I thought that this bill was well on its way and I am a little disappointed -- well frankly, I am very disappointed at the vote this morning because I feel this is a very important bill that we should have and a very important system we should have in the State of Maine.

What we are trying to do here and we have been working five years on this, as a matter of fact, the original bill was introduced by Representative Swazey. the father of Representative Swazey who is presently serving in this House with us.

This 9-1-1 system, the enhanced type of system is the type of system that when there is an emergency within the home, of any nature, a child or an adult or anybody can simply dial 9-1-1 and in doing so, it automatically plugs into a computer which tells the people who are manning it, exactly where that phone call is coming from. Whether or not that person at the other end of the phone is too excited to tell what the story is or what the problem is, it is important obviously but not so important because immediately it plugs into the computer for the

location of that particular call. Those well-trained in emergency action can go to that home and perhaps save the life of a child or an adult or save a life.

This is a bond issue of \$3.2 million which is the beginning of a three year to five year phasing-in of the 9-1-1 system. It is an excellent system.

I don't understand why you wouldn't want to have this throughout the entire State of Maine. This is a system that is going to be eventually through the entire country. Can you imagine a fire or some emergency that has to be taken care of and there are just two youngsters in the home and they are trying to figure out what the doctor's number is or what the police number is or whatever but they have been taught either in school or in the home that all they have to do is dial 9-1-1.

We have all heard of that system. We all know how easy it is to remember and, as I pointed out, it is the best thing that I can think of for those of you that have youngsters because they are the people that are more apt to forget that number and not even know the number that they should call. The one thing that you can teach them and once again, I am being trite, but you can teach them to dial 9-1-1 in the event of an emergency.

I can't say enough about the system. We have studied it, we studied it all last summer. There are many, many people who are interested, the volunteer fire departments, the police officers, those that are trained to save lives. This is in fact a lifesaving system. It may be a system that will save the life of your child or your grandchild or any relative. I certainly hope that you would pass this today.

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

Representative PARADIS: Mr. Speaker, Members of the House: First Mr. Speaker, I request a roll call on this bill.

I have worked on this bill as a member on the Utilities Committee for several years along with the learned Representative from Eastport, Representative Vose. I can assure you it is a most worthwhile endeavor that we are undertaking here. My objections lie in the method that has been determined to fund this bill. I do not believe that a bond issue is appropriate nor would this be the only bond issue because there is a greater price tag on this installation than what meets the eye here. The bond issue would then again continue beyond this point and we would be required to pay several times what it would cost us to place this installation in service.

I would urge that we defeat this motion which is before us and redirect the attention for funding into the General Fund or into the rate base which would be by far a much more appropriate place for funding this installation.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: If you vote against this measure today, it doesn't mean that 9-1-1 is dead or at least I don't believe that it does.

If you recall a few years ago in this House, we had a bill that involved universal telephone service and it was defeated on this floor but the Public Utilities Commission in their infinite wisdom said it was the clear intent of the legislature that we have universal telephone service and we got it, the ratepayers are paying for it. That, I believe, is exactly what would happen in this case. It simply depends on whether you want to fund it with a bond issue or go through the rate structure of the telephone companies.

It seems to me that this is an ongoing thing.

The figure that has been talked about is a total cost of some \$13 million which would necessitate several other bond issues in order to accomplish it over a short period of time, say five years. It is simply a matter of funding, whether you want to fund the thing through a bond issue or whether it should be paid by the ratepayers. It seems to me that it is better to pay it by telephone rates and I believe that is the way to go and I urge the defeat of this bill.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I see now the route that we are going in the debate this morning. I would like to point out to the people in the House that we have been directed and we have established a policy to keep residential rates as low as possible. There is going to be a raise in rates after the system is installed, a small raise in rates.

The reason for us to put this in the appropriation is that I am not interested in raising rates for the elderly or for those people who have not a lot of money and who have difficulty paying their phone bill anyway. I feel it is very appropriate for the State of Maine, through the bonding system and through the Appropriations Table (if so be -- but in this case, it's the bonding system) to pay for the equipment, the sophisticated equipment necessary to be installed to have this system in operation. Once that is done, there is no more cost to the state, it is a one-time deal, except as was pointed out and admittedly so.

The total cost over a five year period (that is the intention, three to five years) is \$13.2 million. As a matter of fact, the bond issue requested in the bill originally was \$13.2 million. The Appropriations Committee asked me to determine what is the lowest that they could go with in order to get us started in the first year. I was informed by the telephone company and by those that were investigating this that \$3.2 million was the figure that they had arrived at. I don't think that is an exorbitant figure to pay for the very, very possibility that we would be saving lives of children and lives of adults with the installation of this.

I realize that most of you people are not arguing the merits of 9-1-1 but more the appropriate way to pay. I hope that you will follow the policy that we have set down and pay this through a bond issue, keep the residential rates down so that these people can have the phone to dial 9-1-1.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 289

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hickey, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Look, Macomber,

Mahany, Manning, Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, P.; Paul, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Weymouth, The Speaker.

NAY - Anderson, Armstrong, Begley, Bickford, Bott, Bragg, Curran, Davis, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Harper, Hepburn, Hichborn, Higgins, Hillock, Holloway, Jackson, Lawrence, Lebowitz, Lord, MacBride, Marsano, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Salsbury, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Taylor, Tupper, Webster, M.; Wentworth, Whitcomb, Willey.

ABSENT - Bailey, Callahan, Dellert, Gurney, Hanley, Hoglund, Kimball, Lacroix, Martin, H.; Moholland, Paradis, J.; Perry, Rice, Ruhlman, Warren, Zirkilton.

Yes, 85; No, 50; Absent, 16; Paired, 0; Excused, 0.

85 having voted in the affirmative and 50 in the negative with 16 being absent, the Bond Issue failed of enactment.

Sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the fifth matter of Unfinished Business:

An Act to Authorize a General Fund Bond Issue in the Amount of \$33,600,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System (BOND ISSUE) (H.P. 1884) (L.D. 2576) (C. "A" H-763)

TABLED - April 20, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I appreciate the opportunity to give my views in terms of bonding as well as this particular bond in terms of comments that were made last evening. I know getting into the end of the session, there is a lot of heartburn around here and I know that maybe leadership from the other side of the aisle is feeling a little bit of heartburn in terms of issues that were raised at a caucus yesterday sensitizing that. I have got to let you know that the Republican caucus has sensitized me and other members of the caucus over the years about the fact that there is no bonding policy in this state. We didn't have one in the previous administration and we are slowly moving toward establishing one in this administration. I have got to be very up-front in terms of the 90 percent that was used in the 1970's, which I think everyone on both sides of the aisle will admit got us out of trouble, no longer applies. We have moved beyond those days of 90 percent.

The gentleman from Eagle Lake had given you a story or a scenario about what had happened in terms of my discussion with representatives of the University concerning this bond proposal and how it arrived at that point. Several months ago, I had been approached by the Chancellor and friends of the

University, representatives of the University, about a \$60 million bond package. There are people that come in through the door that ask for advice and they ask for support. My answer to them was at that point. I couldn't give them an answer because I didn't know whether any other extraordinary bonds were going to be coming out on to the ballot such as the land bond from the previous session. I did not know yet what bonds the Governor was going to propose and, at that point, I did not know what other bonds coming from members of the Legislature were in the hopper. As I began to search for those answers -- and I also wanted to know how much was being retired, is it in the \$20 million, \$30 million, \$40 million category? So, I began trying to get some answers to the questions which I felt as an individual member of this House looking toward what is our level of indebtedness, what will be the scope and the size of a package that would move out of here. And, as a University of Maine supporter, would we be able to move a bond from out of this legislature out to the Maine people and have it approved?

There were two concerns I had in terms of my individual discussions with the University. What has been the history in the last 20 years in terms of University of Maine bond proposals in terms of being successful with the Maine voters and the second question I asked myself in terms of people talking about a \$60 million proposal, what has been the previous high and what had happened to it? In looking over that 20 year period, I found that the University had proposed \$63,950,000 worth of bonds, \$28 million of which had been defeated by the Maine voters. In the 104th, \$7,540,000 -- defeated. That same legislature, \$14,985,000 -- defeated. In the 108th, \$5,965,000 -- defeated.

The largest successful bond issue in the last two decades, University of Maine bonds, the highest successful bond was \$16,500,000. I was being asked as an individual legislator to support \$60 million. My concern was that if a \$60 million bond proposal went out to the people and it was defeated that the University Trustees would not be able to return to this legislature for another two or three years because the legislature, if the people spoke against a bond, would not be turning around and sending a bond out immediately.

I think we all agree, both sides of the aisle, that the University of Maine System has been neglected. We had brought to us a package of wants and a package of needs. In terms of indicating, as I got more information in terms of the Governor's bonds that were coming before us, as bond issues were admitted through the Legislative Council or bonds that had emerged during the initial screening period, began to get a feel for how many bonds were before us. When the figure was settled on as the Governor's bond and it went to the Appropriations Committee, much like the Speaker of the House, I was asked to cosponsor that bill and I was very pleased because I am a University supporter. I had felt that in the history of this legislature there were people more identified with the University that deserved that type of recognition and had said no, even though I would support the proposal as it moved through.

I guess there is a greater issue here which is beginning to immerge during this legislative session. We have talked about a full-time legislature, that has been one of our worries. There is also another concern that is coming forward. We are developing a tendency to turn legislation into a vehicle to hang christmas tree ornaments -- that is what the Congress does because when legislation that moves through that is supposed to benefit all the

people of the United States, then individual senators and it happens most often in the U.S. Senate, begin putting on ornaments for their district, for their district.

This bond, the Trustees came in and made their case for the whole system. They had indicated that there were other priorities and other needs that needed to be addressed. From what I had heard, this was a unanimous report. The original bond that was offered, but that is not the bond that is before us today, I gladly will vote for that original proposal. I am a University of Maine System supporter and I will vote for that bond that was presented and, for one fleeting moment, appeared to have the unanimous support before the christmas tree ornament went on, that is not right. It is not right when it happens in the budget and it is not right when it happens in an errors and omissions bill. We have a committee process and we have bills that are presented and we have public hearings. If the future direction of this legislature is to begin hanging christmas tree ornaments on legislation that moves through here for the parochial narrow interest much like the U.S. Senate does, then we are looking at a real weakening of the integrity of the process and a weakening in terms of representing all the people of this state.

So, I find myself in a very difficult position but I am a supporter of the University of Maine System. I cannot vote for christmas tree ornaments.

The gentleman from Eagle Lake last night (and it seems like every time we get into the last 20 to 48 hours of a session) reminds us that everything is political here but there is a certain degree of integrity that must be maintained.

I can assure you as a Representative with that Christmas tree ornament off that bill, I will gladly turn my light on for the University of Maine System. I have got to warn you, ladies and gentlemen of the House, that if you allow that ornament to stay on and if you encourage the successful use of putting Christmas tree ornaments on legislation as they move through, we have severely damaged the integrity of the legislative process.

There are many members of this body who believe that every bond that is offered should be sent out to the voters. I respect that philosophy, that is your philosophy. My philosophy is, though we don't have a bonding policy, as a legislator I want to set targets of how much are we going to send out to the people because I want those bonds to pass. I know the good that they can do. I don't think I have ever seen a bad bond ever offered in this chamber but I have, according to my individual philosophy, a target that I shoot for in terms of what my philosophy is. I respect the other philosophy and I will not be critical of it. I think the thing that concerns me in terms of the comments made on the floor last night that my philosophy which differs doesn't get that same kind of respect.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I question the good gentleman from Kennebunk on his notions of Christmas tree ornaments hanging on legislation. My job as a legislator and I think our jobs as individual legislators are to bring the needs of people in the State of Maine to the legislative process and present them before our colleagues in our committees and then to have them voted on to see if they are accepted.

I don't know of any report in the Appropriations Committee that was a unanimous report on the University's original request. I don't ever remember

that vote being taken. Representative Murphy. There was a vote taken and that vote was taken on the motion of \$33.6 million and that committee report was accepted by this House. We as legislators have individual needs in our districts and we have individual needs throughout the state. Part of our job is to bring those needs before the legislature.

When I looked at the University of Maine bond issue request, I posed a question to the Chancellor and I said, "Chancellor, do you have a computer model that you use to prioritize these requests within the bond process?" The Chancellor said to me, "No, we don't. We have a working committee that gets together and works these things out." When I think of working committees I think of -- well, that is a political process, that is a process where people are involved and take different advocacy roles and propose different things to each other for individual needs in different areas of the state. I think through that process they have left out a big need within the State of Maine and that need is at the University of Maine at Farmington in particular.

I am not a legislator from the University of Maine at Farmington. I did go to school there and see it as one of the finest institutions within our school as the other campuses throughout the state are fine institutions.

My point that I made to the majority members of the Appropriations Committee was that the University of Maine at Farmington, with its capital needs, was left out, was left behind in this process. They had had an interim president in the past year and a half that had not made their needs vocal enough to the Board of Trustees. I thought that they should have an additional request because their buildings were 125 years old, the oldest buildings in the University System.

I fully believe that we, as legislators, have the prerogative to propose problems to fellow members of our respective committees. Should those problems meet the needs of the committee and they are voted out, then I think that we ought to consider how they came about. There are other members of our caucus, the Democratic caucus, who had other problems with different campuses around the state and they proposed those within the Majority Report. We didn't feel at the time that some of the other needs were that important. They were important but not important enough to bump up the bond request. I think that the members of our committee, the Majority Report members, the members of the report that was accepted in this body the other day, felt that this particular need at one particular campus in western Maine was a high priority and therefore they voted it out, no Christmas trees, there aren't any Christmas trees, just needs. A campus with buildings that are 125 years old and they are out there with all of the other five campuses except USM and UMO who are receiving 79 percent of the bond request and divvying up the rest.

I heard Representative Murphy say three times during his speech that he is a University of Maine supporter. I believe that he is because he has supported several things at the University in the past but today we have before us one choice. A choice of \$33.6 million. If you are a University supporter, you will be able to look up on that board and see the green lights and you will see the red lights. The green lights will be supporting the University of Maine System and the red lights will not be supporting the University of Maine System. That is where the rhetoric and the reality comes to an end.

I would say to you ladies and gentlemen of the

House, we have a tremendous opportunity here to support the University of Maine System and I would ask you to vote for the Majority Report that was adopted in this House the other night.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I have to respond to the Representative's remarks preceding me surrounding the issue, if you are green you are in favor of the University and if you are red, you are not. I know that sometimes perception is in the eye of the beholder and perhaps that is the way he would like to perceive the vote. I guess I would like to perceive it in a different manner. Those of us who want to support this bond issue are really talking about the integrity of the process, we are talking about the integrity of the University Board of Trustees in the way they bring issues forward.

We are all aware of the incidences that have gone on and the displeasure that many of us have had with the University over the past several months. There was an attempt to put some language in the budget to line-item some money for reclassification, instead the committee chose not to do that and decided that they would simply send a letter to the Board of Trustees and ask them if they would send us back a communication that indicated that they would handle it in that same way if we chose not to put the language in the budget. That is pretty strong action for the legislature to take.

Last year, we put some language in the budget (actually did) and told them how they were going to spend some additional money. I have never favored that. I have never favored getting involved in telling the University how we think (the legislature thinks) they should run the system. I don't like it. I didn't like it when this legislature several years ago voted that they "shall" put in a new campus in Lewiston. I didn't like having to send letters back and forth. I didn't like the idea of having to put language in the budget on reclassification and eventually we didn't.

This situation is much similar to that. We are saying that we know better than the Board of Trustees what their needs are. They have said they needed \$60 million and they have pared it down to \$31.8 million. I think the problem that the minority members had with this is, why add \$1.8 million for one campus and not add some additional money for others?

When we had the hearing, to my knowledge anyway, no one stepped forward and said we are supporting the \$31.8 million but, by the way, they really forgot something that is a disaster to the system if you don't do it. They came in and made a presentation and said this is the package, this is what we support as a system, President's were there, supporters, Trustees and they said, this is what we would like to have. I wasn't aware of any crying needs out there.

I know the Representative from Canaan would like you to believe that they were left out, they have been left behind, but no one said at the hearing that they had. They were happy. Farmington gets \$2.4 million out of this which is more than any other campus except for the University of Maine at the Orono campus and the Portland campus. I think that is pretty generous because there are two or three other campuses there that are getting considerably less than Farmington.

I don't want to get in the business of second-guessing the Board of Trustees and us making a determination on additional money at Farmington any

more than I wanted this legislature to get involved saying, you "shall" open a new campus in Lewiston. I don't think that is what we were elected to do. I think we were elected to review the policy of the Board of Trustees in the University System and to act on that and act on that only. If a group of people had come in or the Board of Trustees had come in and said, "We think we need this extra money, it is faulty, the package that we gave you isn't responsible. we made a mistake, there is a crying need at Farmington and we didn't address it," or if someone had said, "What is your first priority if we had more money to spend, what is the ultimate decision?" I would listen to that but I think we are really making a mistake.

I support the University, I have supported this bond issue and there were a lot of people in my caucus who didn't want to support it at all. I know there were some in the Democratic caucus who didn't because when we signed the jackets originally, there were two members of the Democratic party who signed out "Ought Not to Pass." When it came to the floor, it was a straight party division. I can appreciate that but I think that it is clear that there are a lot of people here who didn't want to support anything for the University -- in my caucus and in the Democratic caucus.

I feel strongly on this issue and if I was going to take a pound of flesh out of the University, it would have been out of the general appropriation budget because that is something that we could infuse back into them in six months or eight months or whenever the next legislature is seated. But the bond issue is a different situation. The planning that takes place, the architectural and design work, we are talking two or three years before these buildings are going to be built. I, in my particular case, felt it was time to say yes on the package, to get it on the road and if individual legislators wanted to take pot shots at the University they could do so in some other manner but to disrupt this long process of planning would be a mistake.

I am not going to vote for this today for those reasons. I hope that those who are supporting the University understand my position and if they don't so be it but I will be able to sleep tonight and go home and say, I did what I thought was right, if I win I win, if I lose I lose. I am not going to be part of the legislature getting involved in setting policy and making specific requests and determinations without input and without some resolution or involvement from the Board of Trustees.

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

Representative BICKFORD: Mr. Speaker, Ladies and Gentlemen of the House: I am a graduate of the University of Maine at Farmington. I do believe in education because education is the future for our children. I also believe we have to have integrity for the system.

I have a question I would like to pose through the Chair. I have been asked what this \$1.8 million would go for. It has come back that it would be a swimming pool. If someone could please answer that for me, I would appreciate it.

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

The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think that is indicative of the situation we are in. Perhaps the Representative from Canaan knows what the additional

money is for, if he does, he ought to say so, if he doesn't, I think that is clearly the reason why this is improperly before us. It is just an attempt to give the University some additional money for a yet to be determined project. I think that is where the reasoning and the logic of his particular side falls apart.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that I don't have the capital request right in front of me but the swimming pool was in the original request of the \$60 million but did not survive the cuts and this would not build a swimming pool at the University of Maine at Farmington.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: We have heard a lot today about politics, a lot about Christmas trees, a lot about the integrity of committee processes, we have heard a lot of the rhetoric we have heard on a lot of other issues during the past week, the past two weeks. A lot of it is ringing familiar.

When the gentleman from Kennebunk mentioned the fact that he sees many of the items contained within this bond proposal as a Christmas tree and expresses concern about that, I couldn't help but think of the asphalt Christmas tree that we just put through here last night. That package, which I supported and helped put through, was indeed a Christmas tree because it had something for everybody, at least virtually everybody in it.

Just because there is a package that is put together for a political accommodations does not necessarily mean a package is bad or wrong. The gentleman in the other corner knows that because he and I have worked on some issues that certainly meet the description he gave just a few minutes ago. When Christmas trees are put together through a legislative process, they are done through political means and it is through political channels and political decisions that packages are fabricated.

The bond issue dealing with the University of Maine is one that involves politics, no question about it, but the politics is not confined to this legislative body, it is not confined to the State House. The politics involves the Board of Trustees themselves, who were forced to make a political decision in order to accommodate the concerns of some in this body. That decision was not necessarily based on all the facts or on an equal balance of the pro's and con's of each individual item. It was put together to accommodate the needs and concerns expressed to those Trustees in order to get some package before the voters in November. They had to make a political decision. The Trustees had to decide what they could justify putting in that package and what had to be left out. We know that their needs are greater because they came to us originally with a \$60 million plan. They have demonstrated to themselves and to others that the projects contained within that \$60 million plan are needed and are necessary. But, they were forced to pare it back, not because they wanted to but because some forced them to do it.

The members of the Appropriations Committee, at least the majority of the Appropriations Committee, looked at that political decision made by the Trustees and they realized that it short-changed one area in particular. But, the need expressed by the trustees originally was not being met fairly. Because of that, they too made a political decision,

one that they feel best represents the best interests of the state, the best interests of the people of Maine, the best interests of the University system.

The Visiting Committee, which reported to the legislature, just a few years ago said that something had to be done for all campuses in the way of capital construction. What we were presented with earlier this year, through the \$60 million plan, is just a fraction of the needs expressed by the Visiting Committee. Political decisions have to be made all the time when it comes to the University, when it comes to social services, when it comes to highways. Sometimes Christmas trees are put together but in this instance we have documentation that the need exists to expand this program beyond the \$31 million suggested by the minority, from the Visiting Committee, from the Trustees and from the people who work at the University itself.

I think the Appropriations Committee has done the responsible thing by building back into that plan something that is fair and affordable. I think if we recognize the role of the Trustees in this and try to make political accommodations, then we will recognize that it was the responsibility of the Appropriations Committee to build in the equity necessary to put this issue before the voters.

If the gentleman from Scarborough is right and the gentleman from Kennebunk is right that this is some sort of pork barrel, the voters will let us know in November. I don't think we should take it upon ourselves to deny the voters the chance to vote on this issue when political decisions have been made all along the way. I think the most responsible thing for us to do is to give the voters that option and if they don't like it they will let us know.

(At Ease)

The House was called to order by the Speaker.

The SPEAKER: At the time of the Recess, the House was dealing with the fifth item of Unfinished Business, An Act to Authorize a General Fund Bond Issue in the Amount of \$33,600,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System (BOND ISSUE) (H.P. 1884) (L.D. 2576) (C. "A" H-763)

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I felt I had to rise in terms of the comments that were presented in terms of the other corner in terms of the Majority Leader. The word that was used was pork barrel by the Majority Leader. I had talked in terms of the original \$60 million, there was a need for each and every item. I had referred to one of those needs, not pork barrel, one of those needs being unilaterally placed on the bond that had been presented. Also, there was an accusation (I think it was an accusation or a charge) that the Commissioner of Transportation brought a road and bridge program to us that was pork barrel and the Majority Leader had made that comment, that it was a package of pork.

I am sorry that a transportation package that will take us through the next two decades has been referred to as pork. This building and this collection of buildings isn't politics, it is education, not a political document, it is education. Our overall riding concern here, based upon the record of bonds and almost a 50 percent

failure rate with the highest one being at \$16.5 million, the highest one to ever pass, should be putting something that passes the straight-faced educational test and not a political test because, if what emerges out of this legislature is a political compromise and not clear educational policy and integrity, it will come flying right back to us and those needs will remain a short-fall for another two, three, four years before we can return back to the people.

I resent very much the implication that any of us with this bill with the ornament on it are opposed to the University of Maine because when the Chancellor and the friends of the University came into my office, there are many people in this chamber and on that committee that the popular thing to do in the press was bash the University because of forestry, because of engineering, because of a policy they established on gay rights. It seemed to be the thing to gang up on the University and, at that time people were bashing the University and making public statements saying the University was going to get nothing out of this legislature, I was saying yes for a bond package.

I would encourage the members of this House to reject this proposal that is before us, let's get the ornament off and go back to the educational package rather than the political package.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I am sorry that the gentleman from Kennebunk seems to believe that the reference to the gas tax proposal and some of the other matters that were mentioned included an implication that they were pork barrel projects only. My point at that time was to make it clear to everyone that political decisions go into virtually everything that comes before this legislative body. In fact, political decisions are considered when the Board of Trustees meets to decide what to ask from this legislative body. So, that should not come as any surprise nor should it come to an affront to any member of this body.

The thing we have to keep in mind (if we have lost track of it as a result of our long break) is that we have an issue before us on what we hope will be the last day of the legislature, an issue that we need to deal with and need to deal with responsibly.

Members of leadership, including the Representative from Kennebunk, just met with the Governor to discuss this issue among others. He expressed concern over this issue. We expressed concern to him over this issue. The Governor made it clear that he wants a bond proposal out to the voters this November, one that deals with the University of Maine. He told us, in response to a question from the presiding officer of the other body, that if we did not adopt a bond proposal today, that he would call us back into Special Session to do it again.

We have asked him before if he can accept this proposal before you, this very proposal, and he has said yes.

I think, given his support and his interest in putting this matter before the voters in November, we should respect that. We should respect the fact that the voters will have final say on this matter and we should respect the fact that the Appropriations Committee, at least a majority of the membership of that committee, have put something together that they believe is balanced and that, in fact, includes the priorities as established by the Trustees themselves. If we are going to talk politics, let's talk about the entire political picture. If you look

at it from start to finish, you will realize this has been a political decision, will be a political decision and can be a political decision that has a positive outcome if we give it a chance.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I am slightly confused by the comments coming from the left-hand side of the chambers from Representative Murphy of Kennebunk. I think he has dragged a few red herrings across the floor. He speaks to us about the unknown -- he couldn't arrive at any decision because of unknown factors. He alluded to a full-time legislature. He refers to Christmas tree ornaments, legitimate needs, and that he can't set policy because of a target. I presume he was speaking of his own target.

You know we speak of Christmas tree ornaments and I would just like to call your attention for those of you who are not familiar with the process to what has taken place with the supplemental budget. It started out at \$85 million, it is now at \$98 million, and if you agree with the gentleman from Kennebunk, we have added quite a few more Christmas tree lights. As a matter of fact, we utilized every letter of the alphabet, we ran out, then started using double letters of the alphabet. If I understand the gentleman from Kennebunk, all of these items are actually Christmas tree ornaments.

I arrived at my decision on the bond issue based on need. I think those needs are just as legitimate in the University of Maine bond issue as the needs are in the supplemental budget. We went through a process and, if anyone tells you it is not political, he hasn't been around here very long, he is in for an education.

The budget that we reported out was unanimous. It took a lot of give and take, compromises, we bought items that some of us didn't like, but we bought them, it's part of the system. We had our run-in with the University Trustees.

I am also puzzled when I hear my good friend Representative Higgins telling us not to try and second-guess the Trustees. I am puzzled really because I think the two letters that we sent out to the Trustees were unanimous from the committee. I suspect the reason that we wrote letters to the Trustees indicating that we would be very displeased if the funds of \$2.7 million were utilized for anything else other than reclassification of the University employees, we would be very displeased. We also did the same thing when we added a million dollars for student tuition.

I suspect that some of us were not quite in full agreement although we were not trying to second-guess the Trustees, I think what we were really doing was saying we don't want to guess, we want to know for sure. Instead of creating confrontation with the land grant institution, we resolved our differences by utilizing a more formal way of communication in the form of a personal letter.

I would like to get back to the issue of the policy. You know sometimes I can understand when a person is against issuing a certain amount of bonds, I can understand that. I can add and I can subtract. I am sure that most of the members, I am sure all of the members on the Appropriations Committee, operate by a policy. Sometimes we are all accused of having that tax, tax, tax, spend, spend, spend syndrome, I don't think the committee is guilty of that. I have a personal policy that I have been following. As a matter of fact, it was put into place by the previous administration through an executive order and it is still in place, it is the

so-called seven percent rule. It has replaced the -- not replaced actually, the other rule has never been replaced, but it was one that some members of the legislature tried to abide by which was the old 90 percent rule, it was never formally adopted. The seven percent rule is an executive order and until that executive order is repealed or replaced, it is still in place. It is a very simple thing. The rule says that it will not exceed 7 percent of earned income to pay off bonds or interest on bonds.

If you follow that principle, we could have issued the \$78 million originally requested as bonds and we would still have been underneath the seven percent rule, according to Governor Brennan's executive order. According to the seven percent rule, we could have passed the \$78 million worth of bonds and that would have allowed us to tax the annual debt service by an additional \$10.3 million and the leeway for the seven percent rule is \$12.9 million but we did not issue all those bonds. The 9-1-1 bond is still in question and that was originally for \$13 million and that has been cut down to \$3.2 million.

There is plenty of leeway under the existing policy established by Governor Brennan to pass the bond that is before us. To say that it is a Christmas tree ornament, I think is way off the mark. Those were legitimate needs brought forward by the trustees and no matter what you call them, the need is there. If you are going to do what is right and within the system, then you will follow my light.

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

Representative PARADIS: Mr. Speaker, Members of the House: I believe that the Majority Leader, Representative Diamond, has taken a bit of license with some of the words that the Governor spoke to us just a short time ago in his office. I happened to be present and since that time, the Governor has had occasion to call me to remind me that on the subject of the bond issue that the package that was originally placed before us were his numbers -- that he had placed \$31.8 million in the bond issue for our consideration.

As I mentioned last night to you, this number was not just an arbitrary figure grasped out of the air, it had been determined as a result of the Board of Trustees and the Chancellor having worked it out to determine a reasonable point for termination of the project and, at the same time, to minimize the extent of the bond which would be placed before the public. You have heard considerable amount of evidence brought to you as to the number of bonds with the degree of failure and that the larger the size, the greater the risk for passage. I think that is what we had in mind when we considered this. I am certain that is what the Governor had in mind also that there had been a clear examination and a clear study had been made.

We have been criticized in the press and if you have already forgotten, let me remind you that just about all elements of the media following the last referendum, a number of referendum items which were placed before us in which this legislature was criticized for the number of bonds that the public had to deal with and with the size of the overall package notwithstanding the mechanical figures of 90 percent and seven percent and all of that. The public had their say as to how much of this indebtedness they wanted to impose upon themselves. The media let us know about it in no uncertain terms that they had had enough of it. I think that was my guidance that I was using when I was called on and asked my opinion of the degree of success and the

amount of the bond.

We have heard the number that \$6 million was brought to us by the Chancellor's Office. That is correct, that was the original starting point. In the Chancellor's briefing, he showed us needs and wants and desires and the wish list and all sorts of things that extended far out beyond that but the board had made a determination that probably \$60 million might be a nice starting place and would meet the current needs of the various campuses. We looked at it and said yes, that is probably very correct but we also made a determination that it was going to be a very political difficult situation in order to pass that.

You have heard it would be two or three years before we come back before the public to reconsider that. I would estimate it would be longer because if you will examine the Record, you will find that it has been an awfully long period of time since the University of Maine had a bond issue passed in its favor until this previous one of about \$9 million. I submit that you and I oppose passage of the bond issue which we have before us.

Mr. Speaker, I request a roll call.

Representative Diamond of Bangor was granted permission to address the House a third time.

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I was a little concerned when the Representative from Old Town got up and implied that I was mistaken in my interpretation of the Governor's conversation. I did not mean to mislead anybody on this floor so I called the Governor and asked him again to reiterate what he told us just minutes ago. He said that, while he did indeed present a bond issue involving the University for \$31 million, he does not oppose the issue before us and would not object to us passing it today. I think that he couldn't be any more emphatic in his statement and his position. The fact of the matter is we have a chance to pass a bond issue with the blessings of the Governor and has the blessings of the majority of the members of this House and hopefully of the other body as well, we ought to do it.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Stanley.

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

Representative McGowan, you are asking this of myself and the rest of your colleagues in this body to approve a \$1.8 million increase in the appropriation on this bond issue for the University of Maine at Farmington, that is on top of a \$2.4 million allocation that is already in the existing bond issue. The way I calculate it, it is a 75 percent increase in the allocation to the University of Maine at Farmington. What I would like to know is, how is that money going to be spent? The only information I have at this point which you gave to us on this floor was that it is not for a swimming pool. Would you be kind enough to enlighten this body? I really think we deserve to know why this University needs a 75 percent increase in their allocation of this bond issue and what is this money going to be spent for?

The SPEAKER: Representative Stanley of Cumberland has posed a question through the Chair to Representative McGowan of Canaan who may respond if he so desires.

The Chair recognizes that Representative.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I would say that as the

question goes out or as the legislation is before us, we do not have specific projects in front of us. We have an application to the University of Maine for capital needs so that is within the realm. If the needs were met, if this legislature decided to in fact support the University of Maine, then the needs that would be met on that particular campus would be the remodeling and rebuilding of a physical education facility where they do therapy for special education students and training for students with physical handicaps and disabilities. That is where that money will go at the University of Maine at Farmington.

Although we do not have within this vote today the ability to direct that money to any particular project within the University System, all we have here today, Representative Stanley, is a vote to support this bond issue for the University or not to support it.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I have supported this particular bond issue on every subsequent vote up until now. On this vote, I am going to be voting no and voting yes to maintain the integrity of the process. I did not arrive at my decision without a great deal of thought on my part and a great deal of concern. I have to be frank with you and admit to you that I hadn't determined to take the stand that I am taking until I heard the comments from the Representative from Bangor, Representative Diamond, when he had pointed out that the Governor had indicated in a meeting to him that should this issue fail, he would be introducing another bond issue. I have every feeling that that bond issue would pass but I am very concerned about the process and that is why I am standing here before you. As you all know, I have been a firm supporter of the University. I believe in it, it is the reason I am here. My support is the reason I have come here three times with the support of an overwhelming number of residents of Orono. But I am concerned that if this were to pass with this \$1.8 million tacked on to it, I think it would set a bad precedent for the future.

The other day the Representative from Eagle Lake spoke very eloquently about history and about the process and he is very persuasive and it is easy to see why he stands at the position that he stands at as Speaker of the House but one point that he failed to make was that we set up the Board of Trustees at the University of Maine to make educational decisions removed from the political process here in Augusta and there is a reason for that. The reason is, if it were left entirely up to us, decisions might not be based on the educational merits of a package but based more on the geographical regions that we come from and who happens to have the votes at any given period of time.

I am afraid that is what has happened here with this particular item. We have a bond package that was arrived at with consultation of the Board of Trustees on all the various campuses around the state. They set the priorities, they set the levels. They did it in a fair and equitable fashion in keeping with the charge that they had before them. I think it would be a very bad precedent if this legislature were to approve this with \$1.8 million tacked on to it, an end run of the process, because believe me ladies and gentlemen, in the future, if this works once, it will work again and again and again. I don't believe that is in the best interests of the state. I don't believe that the voters if they saw how this process were arrived at would look kindly upon it in November and I firmly

believe that if this motion does not fail, we will have a bond issue that is fair, that is in keeping with the long historic process that we have and that will be approved by this legislature and will be approved by the voters of the State of Maine.

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

Representative FOSS: Mr. Speaker, Men and Women of the House: In reference to the comments made by Representative Carter, I believe very strongly that we do nothing to enhance education in the State of Maine by cataloging our dissatisfactions with the Board of Trustees on the floor of this House. We have had many discussions about that in committee and have sought resolution in a measured, respectful way, respecting the authority of the Board of Trustees to make policy decisions at the University.

On the bond issue, the board did make a policy decision to submit a \$31.8 million package. Part of that package was \$2.4 million for the Farmington campus and as was mentioned before, the third largest portion of that bond package. That \$2.4 million was dedicated on a list provided by the University to two specific areas. \$1.5 million was allocated to health, physical education, recreational expansion and \$1.25 million to academic building renovations.

One further comment, we had three students who testified for us from the Farmington campus, who had taken vacation days to appear in support of the \$2.4 million in the bond package.

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

Representative BICKFORD: Mr. Speaker, Men and Women of the House: I, too, have been a supporter of this legislation because I believe in the future of my children. I believe in the future of your children and I believe in the future of the children of our constituents. I also think that as legislators and as parents that we set examples for our children. I tell you it is going to be real hard for me to go back home and show my children and your children and the children of our constituents that we support pork barrel legislation. I am a graduate of the University of Maine at Farmington, I spent many hours to be a volunteer, whether it be student government or the graduation committee and many other activities. It really disappoints me that I am going to have to cast my vote as red tonight but I do have the confidence that the Governor will come back with a piece of legislation that will be in the best interests of all the University of Maine system and it will equitable.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I think it is a little unfortunate that the Representative from Jay, Representative Bickford, has used the words "pork barrel" when referring to this bond issue. As most of the members of this legislature knows as Representative Murphy has pointed out, we don't have formalized or standardized bonding procedure that we utilize in this state. We have relied in the past on the opportunity for individual constituencies to provide bond issues for us, the Governor's Office has the opportunity to put together bond packages, bills go to various committees and traditionally they will end up in the Appropriations Committee. At some stage, decisions will be made, sometimes amendments are added, sometimes not, but the ultimate responsibility lies in each of us to make a decision of what we want to put out for bond and what we don't want to put out for bond. That's exactly where we

are today.

I want to comment on some of the concerns that were expressed earlier that may have led some members of this body to believe that funding policies during the last 8 to 10 years, specifically during the Brennan administration, have placed us in some sort of a disastrous state of bonded indebtedness because, in fact, the opposite is true. Maine's financial picture in terms of bonding right now couldn't be brighter.

I was pleased that Representative Carter mentioned the 7 percent rule because if you were to look at our debt service, you would see a surprising trend. In 1975, our debt service was 9.7, last year our debt service was 4.3, that speaks well for this state, it speaks well for this legislature because we have shown the ability that we have restraint and we can make decisions on what is appropriate and what is not. That is why Moody's give us the second highest rating they have, that is why we have the highest bond rating that Standard & Poor has to offer.

We really had a very pleasant time in the Governor's Office a few moments ago and I was a little bit surprised at the tone of Representative Murphy's comments because we had a very thoughtful discussion on this whole issue of bonding. I was surprised at the tone of his comments because I can only construe them as being an attempt to incite members to further entrench members to their perspective places. I think that is unfortunate. I respect the decision of those who would like to establish a carte blanche rate of some \$60 million of which they will not exceed because they feel that that will endanger our bond indebtedness but, as Representative Carter has already told you, we can far exceed that without any danger of hurting our bonded indebtedness. The basic fact is that that \$60 million mark (and I am not talking about the University of Maine proposal, I am talking about the amount of total bonds) really has no basis, in fact, it is just a guideline that some would like to use.

Representative Paradis has indicated that they felt an obligation to develop a bond package that they could support and that they felt the voters could support. There are others in this chamber who would argue that perhaps the voters know best, perhaps there is nothing wrong in sending out a package and letting them make the final decision, they always do. We are all worried about the future of the universities. It is a concern that unites us despite our differences in the scope of the problem and the ideal solution. As individual legislators from different areas of the state, we don't always necessarily have the same interests but we all have the same state and a strong University system.

I think the proposal before us is outstanding, I think it deserves your support and I would ask each of you within your own conscience to do the right thing and support this measure.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I want to say a couple of things relative to the University bond issue. Number one, the University came in initially and proposed a \$6 million bond issue, we all know that by now. As far as this pork barrel discussion is concerned, that was the package that the University Trustees presented to us. That was the hearing that we had in the Appropriations Committee. That is where this item came from, this is not something that the gentleman from Canaan, Representative McGowan, dreamed up. Therefore, relative to the policy aspect of this discussion, that is where we came from. Let's take

it from that perspective.

We are being asked today to support this bond issue and I think we have all said, everyone that has debated this so far, the items in that request were important, essential, and needed. Representative Diamond has communicated to us that the Governor thinks the same. I really think we ought to get off this pork barrel discussion and get right down to the issue. Earlier in the prediscussion, prior to the recess, Representative Higgins referred to an issue of some years ago regarding expanding University services in the Lewiston-Auburn area, an issue I have been involved with for quite some time. Let me point out that there is absolutely nothing in this bond issue that has anything to do with the Lewiston operation. It is a very similar situation in that a concern had been expressed to us and brought to this floor and through the committee process by a member of this legislature. That concern relates to the University of Maine at Farmington. The particular concern relates to a program that I think is extremely unique in the system and that is the training of special education personnel and teachers across this state. I think all of you are familiar with that in terms of the shortage and the difficulty there is in filling those slots in many of our school districts around the state. They serve a special purpose at that campus in that area and that is, I think, the one compelling argument I heard that caused me to vote for the addition to the bond issue that we are dealing with today. So, I think we have to bring this down to a discussion of facts and a discussion of what is important.

Representative Gwadosky has pointed out that the ultimate decision will be that of the voters and that is something that I am pretty comfortable with as well. The whole reason why this bond issue was pared down was because a lot of us, including me, that the \$60 million figure would never fly with the voters and I was concerned about that because I think the reconstruction of the University facilities across the state is very important. That system owns something in the order of \$500 million worth of real estate so when you are considering that amount of assets versus the amount of money we are talking about for a long-term rehabilitation and renovation program, I think it is very, very modest.

We have to look at it from that perspective and I think we have to look at this proposal as something that was proposed in the Appropriations Committee, received the majority vote, got to this floor and was accepted. That is not pork barrel, that is the process and we have to look at it in that light.

Ladies and gentlemen, I think what we are talking about here is taking the proposal that was agreed to by the University, the Governor, that ended up in the Appropriations Committee and what Representative McGowan is proposing to do and what the majority of Appropriations is proposing to do is raise that bond issue slightly to accommodate what I think has been demonstrated to be a need in the system. So, I think it really comes down to that, either you support the need or you don't and I suspect that, if it isn't supported, it will probably come back some day. Quite frankly, I can't tell you what impact that will have on that program at the University of Maine at Farmington but I suspect it won't probably do it any good and we really ought to be putting some emphasis in that area of the University's mission and curriculum.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: A couple of the preceding speakers

indicated to you that the ultimate judge here are the people of the State of Maine and that somehow let them decide, let them be the final judge as to whether this proposal is a wise one. I, for one, don't want to take that risk of sending out a flat proposal, I want to send the best proposal that we can send out of this body. I want to send a proposal from this body that has the overwhelming support of the members of both parties from all regions of the state because it only with that overwhelming support that it is going to pass in the State of Maine. I would submit to you that if it isn't even good enough to come out of here with overwhelming support, I don't want to take that kind of gamble with the voters of the State of Maine, I care about the University too much to do that.

I would urge you to oppose this so we can pass a reasonable proposal or get the support from both aisles and ultimately the support of the people of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: Sometime during the afternoon here I found out that the real issue seems to be rather elusive and it seems that we are taking unnecessary and adversarial positions. I don't know against whom we are adversary but the question seems to be "What is in this for me, what is in this for you, you are getting more than I am and if you are, I am not going to work with you."

I am a graduate of Farmington also and also from the University of Maine and the expenditure of any of the peoples dollars that may accrue to the University of Maine system must be approved by the people themselves and a disbursement and the use in which those dollars are placed will be approved by the Trustees. I think we should be very sure that we do not forget that you and I are not making the decision on the number of dollars that are going to be spent, we are merely giving the people an opportunity to decide for themselves. Regardless of what their decision is, I am not afraid of their decision and I am not afraid to go back home and tell my people "This is your opportunity to go out and tell us what you want." This is a peoples' issue and this is a peoples' choice and I see no reason why, as representing our people, that we can't rise above petty politics regardless of which side of the fence we are on, and reach a decision that will enable the people to speak for themselves. If there is anything here today, it is going to be our failure to reach an agreement so that the people can speak as they should in any real democracy.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I heard the most respected Minority Leader stand up here and I purposely made a note of his talking about moving bridges. He did that with the strikebreaker issue, he did that with the driver education issue -- where are those bridges that we are building? We built a bridge yesterday and we are asking you to build a bridge today, not one that is one-way but as you alluded, one that is two-ways.

I would like to also address what is being considered here today -- do you realize that this is the only program in the state that addresses the needs of the handicapped, the training of personnel in that very, very concerned area? It is the only program in the state and it wasn't too long ago that there were no programs in the state that addressed this same concern, no programs. They started it from

scratch and to keep up their reputation of quality education, they are asking us to go along with them and make this the quality program that they have had the reputation for throughout the whole country. Isn't that worthwhile supporting?

Maybe the process wasn't the way it should be but the need determined that we address this additional sum for this very, very vital program and I, too, had the opportunity to be what I am today only because Farmington Normal School gave me that opportunity. I am asking you to give that same opportunity to those other students that are waiting to get in this very, very needy program.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: There have been a number of questions asked and I will, in a minute, be asking another one. It seems to me that we have heard that the original quest from Farmington was for this very important facility to be built to address education of handicapped individuals. The series of questions I have to the proponents of this legislation are, number one, will this money be specifically spent for that project?

Two, who was consulted at Farmington about this expenditure of money? Was the President of the University asked about this? It was just replied in the most recent comment that Farmington came to us asking for this specific expenditure. I wonder if that was the case, if they came asking for \$1.8 million?

At this point, Representative Gwadodsky of Fairfield was appointed to act as Speaker pro tem.

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

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: Let me try to respond to some degree the questions that have been posed by some and recently by the Representative from Waldo, Representative Whitcomb.

The first question was, how was the money allocated and who determines that? It always has been, and this is no different, that all that is placed in the legislation is an amount of money to be bonded, the amount then goes for ratification pursuant to the Constitution to the voters of the state. The Board of Trustees determines the method in which the monies will be spent so that the actual breakdown of what actually happens after the people vote is determined by the Board of Trustees.

The second question posed by the same Representative was, who was contacted and what was the priority? The priority basically came to the Board of Trustees — as I said to you earlier this morning, somewhere around \$250 million from the various Presidents' of the campuses directly to the Board. Following that, the Board cut that figure down to about \$60 million and that was the original request to the legislature. I won't bore you as to what happened in getting to \$31.8 million because I think I did that at one o'clock this morning. The figure eventually got to the \$31.8 million specifically referring to the amount that was added for Farmington and that figure was in consultation with officials at Farmington. It was done in part,

as you heard previous persons speak on the floor, because Farmington had been with an interim President for close to two years and there was, in fact, an obvious attempt at that point for the University of Maine at Farmington to feel as if the needs had not been sufficiently put forth by that particular individual. So, as a result of that desire to move it up, also keeping in mind that accreditation is always an important issue especially in any program (as you have already heard from the Representative from LaGrange and the Representative from Lewiston) that that deals with this particular area of expertise and it is located at Farmington. It is in this particular building in which those things would occur. The need was demonstrated that it be included and a majority of the members of the committee then added it. As I told you this morning, I was not a party to that but it became clear to me when I saw the bill and I asked why and when I understood why, I then personally felt that I could support it even though it didn't originate with me. After all, not all good ideas originate with me. There are some that originate with some of you. You have heard the old story, "Everyone is right except you and I and sometimes I not so sure about you." The same thing can be said about this issue.

The original list, which I have in front of me, of \$60 million does include the amount and, in fact, when you look at it, the question I asked at the time was, "Was this building selectively drawn from (let's say) number 30 to number 2?" What I found out was, the building that was added by the Appropriations Committee Majority Report was, in fact, right next to the number of requests. As a matter of fact, the Chancellor told me this morning that when they did the cutting, they could not and had a very tough time deciding which one ought to come first because they were both rated as number one. What finally took place was that they finally decided that they would go with the academic building renovations but it was an extremely close call. That was the message that I got.

I felt comfortable with that and that is why I felt comfortable telling you what I did this morning. I happen to agree with the remarks that have been made, particularly by the Representative from LaGrange, that the issue has escaped us. We are no longer talking about the University of Maine, we are not really worried about the University of Maine, we are not worried about the buildings, we are not worried about the amount, we aren't even worried that the people care as to whether there will be ratification of the issue, we've now gotten to where some of us are not very good at it and others are very good at it, that is called petty politics. That is where we are, the bottom line. It is a question of who is going to win and who is going to lose. We have decided that we both have to play that game. That is really all it is and we ought to call it what it is, pure, simple, petty politics. Nothing more. It has nothing to do with priority, it has nothing to do with credibility, it has nothing to do with determining the priorities of which item will be funded and the process being violated. The process is violated every day by this body, specifically on the University. It has been violated on every bond issue that has come down the pike starting in 1968 when I first saw it occur on this floor. It was for me sweet revenge, I remember it well, because the majority party took out a building for the University of Maine at Fort Kent and I raised enough stink that they said, fine, we will appease you and they put out a special bond issue for only one project, the auditorium at Cyr Hall in Fort Kent. Then, of

course, was the Majority Report 8 to 2, that was the number of members on the Appropriations Committee, you can go back and check my memory and see if I am right, for a big University bond issue and guess what the voters did? They bought Fort Kent and turned down the big bond issue and I got what I wanted and the rest of the state got nothing. So, let's not kid ourselves, we have done that with other bond issues since with the University.

Maybe we ought to try it again this time, let's do a separate bill for Farmington and let them go out and sell a building for the handicapped of this state and for the people who meet the requirements that we have imposed in this legislature for the training of handicapped teachers and let's see who wins. I know who is going to win and it won't be the big bond issue, it will be the \$1.8 or the \$2 million project for the handicapped to serve their needs and the needs of those citizens of this state, so who are we really kidding this afternoon on, hopefully, our last day? Let's call it what it is, let's play our game and then let's all go home totally frustrated as we ought to be, totally displeased as we ought to be and maybe the voters will reward us appropriately in November. It seems to me that there ought to be enough sensible members of this body, regardless of leaders, if you haven't got any, change them and that includes me. You ought not to be led by me or anyone else to a position that is unjust.

I have met and all of us have met with the Governor and the Governor told me way back when, when I agreed to be the sponsor of his bill dealing with the University, that he could accept a figure higher than what we went with. That, I think, has been said and that is an accurate statement. When the bill came out dealing with Farmington, I asked the Governor whether or not if we placed that bill on his desk if he would sign it and he said to me, "I will certainly sign it and I will do what I can to see that it is enacted." I respect that and I respect the fact that, despite the Governor, we are now playing petty politics and that will not occur today. Everybody in this body ought to understand that it is not because of the needs of Farmington or the needs of the handicapped that we are turning against the amount of this bond issue.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I think this bill has hit me because I have a handicapped grandson who is going to kindergarten and he has a great teacher and because of it, he will be a success. For those children who cannot have a teacher who is well-trained, I don't know what will happen to them. I know what has happened Geoffrey and it is because of our colleges who are teaching people to teach him. Therefore, I have to vote for this bond issue because of him and every other child like him.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I will be very brief. I just wanted to respond to one of the remarks that the Speaker made. He said we are playing games -- I

would take issue with that -- perhaps there are five or ten people on each side that are playing games but the rest of us sitting here would like to vote on this and go home.

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 Caribou, Representative Matthews.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House: The University of Maine at Farmington is part of the University of Maine system. Sometimes in here when some of you debate, I wondered if you realized that.

Coming from Aroostook, I do know that many of our young people do attend the University of Maine colleges including Farmington. They don't all go to the University of Maine at Presque Isle. Each college does offer (and we forget this) different programs to fit the needs of kids from all over the state. This is part of the whole state, you know.

If this issue goes to referendum, the people of the state will look to us, don't forget that, they are depending on the people to make up their own minds, they only know what they read in the press and what you are saying here is what counts. In their voting decision, they are going to look to us. All we have heard is about the big bucks here, let's not concentrate wholly on money, let's think of the needs of our young people here in the state.

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 290

YEA - Aliberti, Allen, Anthony, Baker, Bost, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadnosky, Hale, Handy, Hichborn, Hickey, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Macomber, Mahany, Manning, Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Anderson, Armstrong, Begley, Bickford, Bott, Bragg, Brown, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Harper, Hepburn, Higgins, Hillock, Holloway, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, McPherson, Murphy, T.; Nicholson, Norton, Paradis, E.; Reed, Rotondi, Salsbury, Seavey, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Bailey, Callahan, Hanley, Hoglund, Kimball, Lacroix, Martin, H.; Moholland, Paradis, J.; Rice, Warren.

Yes, 85; No, 55; Absent, 11; Paired, 0;

Excused, 0.

85 having voted in the affirmative and 55 in the negative with 11 being absent, the Bond Issue failed of enactment.

Sent up for concurrence.

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

SENATE PAPER

Non-Concurrent Matter

RESOLVE, Concerning a Proposed Supreme Judicial Court Facility (Emergency) (H.P. 130) (L.D. 159) which was Finally Passed in the House on April 4, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-481) as amended by House Amendment "A" (H-485) thereto and Senate Amendment "A" (S-374)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-481) as amended by House Amendment "A" (H-485) thereto and Senate Amendments "A" (S-374) and "B" (S-528) in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Amend the Law Relating to Unitary Taxation of Corporations (H.P. 928) (L.D. 1244) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-710)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-710) as amended by Senate Amendment "A" (S-511) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Create a Commission to Examine Rent Increases and Other Issues Concerning Mobile Homes (H.P. 1510) (L.D. 2060) which was Passed to be Enacted in the House on April 15, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-668)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-668) as amended by Senate Amendment "A" (S-529) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Establish a Pilot Program for Transitional Services for Department of Mental Health and Mental Retardation Clients Between the Ages of 20 and 26 (S.P. 794) (L.D. 2091) which was Passed to be Enacted in the House on April 8, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-390)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-390) as amended by Senate Amendment "A" (S-500) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Reduce Special Education Costs to Local School Administrative Units (H.P. 1607) (L.D. 2198) which was Passed to be Enacted in the House on April 5, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-560)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-560) as amended by Senate Amendment "A" (S-512) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

RESOLVE, To Establish the Commission to Study the Status of Nursing Professions in Maine (Emergency) (S.P. 847) (L.D. 2203) which was Finally Passed in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-454)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-454) as amended by Senate Amendment "A" (S-534) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

An Act Relating to Coastal Search and Rescue Responsibilities and Creating the Study Commission on Coastal Search and Rescue (S.P. 855) (L.D. 2231) which was Passed to be Enacted in the House on April 4, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-367)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-367) as amended by Senate Amendment "A" (S-435) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project (S.P. 892) (L.D. 2304) which was Passed to be Enacted in the House on April 20, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-468)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-468) as amended by Senate Amendment "B" (S-513) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities (H.P. 1694) (L.D. 2327) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-691)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-691) as amended by Senate Amendment "A" (S-527) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Study the Necessity and Feasibility of Establishing a Health Information Recording System (Emergency) (H.P. 1719) (L.D. 2358) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-716)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-716) as amended by Senate Amendment "A" (S-536) thereto in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPER

Non-Concurrent Matter

An Act to Create the Railroad Preservation and Assistance Act and to Provide for Annual Track Inspections (H.P. 1747) (L.D. 2396) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-673)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-673) as amended by Senate Amendment "A" (S-526) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Enhance and Clarify the Role of the State Board of Education (H.P. 1756) (L.D. 2405) which was Passed to be Enacted in the House on April 4, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-550)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-550) as amended by Senate Amendment "A" (S-514) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Require the Study of the Laws Regulating Antitrust Activities of the Insurance Industry (Emergency) (S.P. 920) (L.D. 2411) which was Passed to be Enacted in the House on April 18, 1988.

(Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-463)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-463) as amended by Senate Amendment "A" (S-538) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 31 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Require a Study of the Maine Blueberry Commission (S.P. 921) (L.D. 2412) which was Passed to be Enacted in the House on April 11, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-405)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-405) as amended by Senate Amendment "A" (S-530) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Increase the Frequency of Restaurant Inspections (H.P. 1775) (L.D. 2428) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-689)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-689) as amended by Senate Amendment "A" (S-503) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Protect Lake Water from Phosphorous Pollution (H.P. 1784) (L.D. 2445) which was Passed to be Enacted in the House on April 8, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-580)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-580) as amended by Senate Amendment "A" (S-515) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 34 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

RESOLVE, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush (H.P. 1794) (L.D. 2458) which was Finally Passed in the House on March 18, 1988. (Having previously been passed to be Engrossed as amended by Senate Amendment "A" (S-338)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-338) as amended by Senate Amendment "A" (S-516) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 35 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Provide a Mechanism for Insurance for Foster Care and Respite Care (H.P. 1821) (L.D. 2496) which was Passed to be Enacted in the House on April 4, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-552)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-552) as amended by Senate Amendment "A" (S-525) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 36 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (Emergency) (H.P. 1866) (L.D. 2551) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-680)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-680) as amended by Senate Amendment "A" (S-517) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 37 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Expand the Property Tax Circuit Breaker Program (H.P. 1882) (L.D. 2574) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-652) as amended by House Amendment "A" (H-702) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-652) as amended by House Amendment "A" (H-702) and Senate Amendment "A" (S-502) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 38 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Create the Economic Corridor Action Grant Program (H.P. 1904) (L.D. 2601) which was Passed to be Enacted in the House on April 5, 1988. (Having previously been passed to be Engrossed as amended by Senate Amendments "A" (S-383) and "B" (S-385)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-383) as amended by Senate Amendment "A" (S-518) thereto and Senate Amendment "B" (S-385) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 39 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Establish the Maine Information Commission on Agent Orange and Radiation (Emergency) (H.P. 1914) (L.D. 2613) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by House Amendment "D" (H-690)

Came from the Senate, Passed to be Engrossed as amended by House Amendment "D" (H-690) as amended by Senate Amendment "A" (S-532) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 40 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Provide Additional Funding for Crisis Information and Suicide Prevention Services in Somerset County (H.P. 1506) (L.D. 2056) which was Passed to be Enacted in the House on April 15, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-659)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-507) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 41 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Study Alternative Dispute Resolution in the Superior Court (S.P. 861) (L.D. 2249) which was Passed to be Enacted in the House on March 16, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-324)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-508) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 42 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Enhance Outdoor Recreation Opportunities (S.P. 889) (L.D. 2301) which was Passed to be Enacted in the House on April 12, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-363) as amended by House Amendment "A" (H-621) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-363) as amended by Senate Amendment "A" (S-524) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 43 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws (H.P. 1731) (L.D. 2374) which was Passed to be Enacted in the House on April 14, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-597) as amended by House Amendment "A" (H-650) thereto)

Came from the Senate, Passed to be Engrossed as

amended by Committee Amendment "A" (H-597) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 45 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

RESOLVE, Creating the Commission on Marine Research (Emergency) (H.P. 1741) (L.D. 2387) which was Finally Passed in the House on April 11, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-617)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-537) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 45 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Provide Emergency Shelter Services to Homeless Youth (Emergency) (S.P. 760) (L.D. 2023) which was Passed to be Enacted in the House on April 11, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-409)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-409) and Senate Amendment "A" (S-501) in non-concurrence.

The House voted to recede and concur.

SENATE PAPER

Non-Concurrent Matter

An Act to Amend the Maine Tree Growth Tax Law (H.P. 1591) (L.D. 2177) which was Passed to be Enacted in the House on February 8, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-522) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 47 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Provide Funds for the Seed Potato Breeding Program (H.P. 1605) (L.D. 2196) which was Passed to be Enacted in the House on March 25, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-499) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 48 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Expand the Medicaid Dental Program to Include Adults (S.P. 945) (L.D. 2492) which was Passed to be Enacted in the House on March 16, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-505) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 49

was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Fund the Office of Child Welfare Services Ombudsman (Emergency) (H.P. 1861) (L.D. 2559) which was Passed to be Enacted in the House on April 15, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-504) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 50 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Provide for a State Trademark for Maine Products (H.P. 1880) (L.D. 2572) which was Passed to be Enacted in the House on March 29, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-523) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 51 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Appropriate Funds to Conduct a Marine Pollution Monitoring Program (H.P. 1728) (L.D. 2371) which was Passed to be Enacted in the House on March 22, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-520) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 52 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

RESOLVE, to Amend the Duties, Title and Reporting Date of the Special Commission to Study School-Entrance Age and Preschool Services (Emergency) (H.P. 1874) (L.D. 2566) which was Finally Passed in the House on April 5, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-568)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-568) and Senate Amendment "A" (S-531) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 53 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Encourage and Monitor the Use of New Potato Varieties (H.P. 1893) (L.D. 2586) which was Passed to be Enacted in the House on March 31, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-521) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 54 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants (S.P. 975) (L.D. 2589) which was Passed to be Enacted in the House on April 4, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-519) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 55 was taken up out of order by unanimous consent:

SENATE PAPER
Non-Concurrent Matter

An Act to Amend the Rehabilitation System under the Workers' Compensation Act (Emergency) (H.P. 1915) (L.D. 2614) which was Passed to be Enacted in the House on April 14, 1988. (Having previously been passed to be Engrossed as amended by Senate Amendment "A" (S-416) and House Amendments "A" (H-614) and "B" (H-657)

Came from the Senate, Passed to be Engrossed as amended by House Amendment "A" (H-614) and Senate Amendments "A" (S-416) and "B" (S-533) in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 56 were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

April 21, 1988

Hon. Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Pursuant to 1 M.R.S.A. Section 1002, I am submitting the name of Gregory G. Cyr, of Portage, for appointment to the Maine Commission on Governmental Ethics and Election Practices.

This appointment requires a two-thirds vote of the House of Representatives.

Sincerely,
s/John L. Martin
Speaker of the House

Was read and ordered placed on file.

In accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated, a two-thirds vote of those members present and voting is required. 125 voted in favor of same and 1 against, and accordingly the nominee was confirmed.

Sent up for concurrence.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
MAJORITY OFFICE
AUGUSTA, MAINE 04333

March 21, 1988

The Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333
Dear Speaker Martin:

Pursuant to 1 M.R.S.A. Section 1002, I am submitting the name of Paul W. Chaiken of Bangor for reappointment to the Maine Commission on Governmental

Ethics and Election Practices.

Mr. Chaiken has been a diligent and dedicated member of the commission during the two years he has served on the commission since I originally appointed him in 1986. I believe he will continue such an approach to his responsibilities should the House approve his reappointment.

Sincerely,
s/John N. Diamond
House Majority Leader

Was read and ordered placed on file.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Very briefly, I have never done this before in my previous service here but I have to oppose the nomination of Mr. Chaiken for reappointment to the Maine Commission on Governmental Ethics and Election Practices. I do so very reluctantly but as Chairman of the Judiciary Committee, I have seen quite a few attorneys in the state come before us and pledge in their judicial career never to be involved in politics and never to take any part actively or even remotely connected to politics and that has been the case under then Governor Brennan and has continued under Governor McKernan on each of his nominees.

It troubles me having read the in press in the last few years since Mr. Chaiken was appointed that he has not had that same standard to such a sensitive position. As you know, each member of leadership in this House and in the other body submit names to the Election Practices Commission, they rule on matters of our elections, our ethics in very sensitive matters. I believe with anybody that we have a right to expect, Democrats and Republicans, anyone on that Commission, to be above reproach, be holier than Caesar's wife, and I don't think that standard has been met with this gentleman.

To tell you the truth I have never met him, he is a dedicated member of the Commission, I checked into that, but that is not the issue, the issue to me is that there be no hint, no question, as to the person's capacity to rule on these matters and not to involve himself in the electoral process in this state. I would ask you my colleagues and I do that with great respect for my floor leader, whom I have never opposed on such a matter before or any other floor leader that I have served under, to vote against this nomination.

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

Representative DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Today is the day that I feel like a lame duck. I thought I was going to make it through the end of the session without letting my lame duck status interfere in any way but I have a feeling that today I am a marked man.

The nomination of Paul Chaiken from Bangor is a reappointment to the Commission on Governmental Ethics and Election Practices. I appointed him two years ago, he is a former Assistant District Attorney in Penobscot County, he is a very well respected attorney in the City of Bangor. I believe he is a member of the Board of the Overseers of the Bar, maybe it is the Maine Bar Association, he has also worked in business in Bangor and again, he has a very good reputation in our area. One of the reasons I originally appointed Paul Chaiken, although he is a registered Democrat, he has not had a very high profile in politics, he is not a person who considers himself a political animal by any means. I have never seen him at a Democratic caucus. He is a good lawyer, a very respected lawyer and a good

individual.

When I appointed him to that position, he said, "I will take it under the condition that you not expect me to play hardball politics because that is not my nature." I said, "Believe it or not, I am not looking for an appointee for the Commission to serve in that capacity. I am not looking for a hatchet person. I am looking for somebody who is going to do the job properly and do it fairly and, hopefully, do so in an appropriate manner."

I checked with the Commission on Governmental Ethics and both members of that board who have served with him and also the Executive Director said he has never missed a meeting in the two years that he has attended and that seems to be a record for members of that Commission because they don't necessarily take their responsibilities as seriously as some of us might like. He has been a straight shooter and, in fact, some of the complaints, if any, (I have heard one complaint and that came from the gentleman just a few minutes ago) came because they didn't feel he was as loyal a Democrat as he should be on that Commission.

I think the one thing I would like to leave of any kind of legacy in this sort of capacity that can be left is that I would like to leave somebody in place, utilizing that one appointment that I have under Maine law, that would do the people of Maine right. I don't care if he votes against Democrats sometimes on that Commission, I don't care if he votes against Republicans sometimes, I want him to be fair. I want him to be judicious in his approach and everyone who has dealt with the Commission on Governmental Ethics says that Paul Chaiken does that. I don't want to see any other extraneous political interest that others might have in his performance as a lawyer or performance in other capacities not related at all to the Commission interfere in any way with his reappointment because we have somebody who is Mr. Clean. People in Bangor know him as such, he has a great reputation and I think if any member of the greater Bangor Delegation wants to speak to this, I hope they do because I think they will all stand with me on this, both Democrats and Republicans alike. I ask support for his renomination.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I stand here as another lame duck only with a different perspective, I guess. I have enjoyed every minute of it so far. I have no reservations at all. I feel much better than I have for years.

I would like to say that I agree with everything that Representative Diamond has said about Paul Chaiken. I agree 100 percent. I can't imagine him being biased in any direction. I certainly hope that you will support his renomination.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I have had the pleasure of serving on the Board of Governors of the Bar Association for a couple of years with Paul Chaiken. I have known him for a number of years, I have no idea what his politics are, I just know that he is a bright, alert and charming individual. I assume that he would be reappointed by this House because he is exactly the kind of person that the retiring Majority Leader identifies him as and I wholeheartedly endorse his candidacy.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative

Stanley.

Representative STANLEY: Mr. Speaker, Ladies and Gentlemen of the House: This is lame duck day. I have known Paul Chaiken since he was 16 years old, his mother and father are two of my wife's and my best friends. His mother would never forgive me if I didn't get up here and recommend him to you highly and I do that without any reservations. Paul is a bright, industrious, quality person in every single way and I recommend him to you.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I have known Paul Chaiken ever since he was admitted to the bar and I have not known him to be anything other than a very honorable person. I would recommend that you vote for him.

In accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated, a two-thirds vote of those members present and voting is required. 102 voted in favor of same and 13 against, and accordingly the nominee was confirmed.

Sent up for concurrence.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
HOUSE MINORITY OFFICE
AUGUSTA, MAINE 04333

April 14, 1988

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

Pursuant to my authority under 1 MRSA, subsection 1002, I am today appointing David Benson of Southwest Harbor to the Commission on Governmental Ethics and Election Practices.

This appointment requires a two-thirds vote of the House of Representatives for concurrence.

Sincerely,
s/Thomas W. Murphy, Jr.
House Minority Leader

Was read and ordered placed on file.

In accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 111 voted in favor of same and none against, and accordingly the nominee was confirmed.

Sent up for concurrence.

The following items appearing on Supplement No. 57 were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON EDUCATION
April 20, 1988

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

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

Total number of bills received	37
Unanimous reports	33
Leave to Withdraw	5

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Ought to Pass	4
Ought Not to Pass	3
Ought to Pass as Amended	17
Ought to Pass in New Draft	4
Divided reports	4

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

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON HUMAN RESOURCES
 April 20, 1988

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

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

Total number of bills received	48
Unanimous reports	43
Leave to Withdraw	18
Ought to Pass	4
Ought Not to Pass	0
Ought to Pass as Amended	20
Ought to Pass in New Draft	1
Divided reports	5

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

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 COMMITTEE ON STATE AND LOCAL GOVERNMENT
 April 20, 1988

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

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

Total number of bills received	57
Unanimous reports	47
Leave to Withdraw	14
Ought to Pass	4
Ought Not to Pass	5
Ought to Pass as Amended	15
Ought to Pass in New Draft	7
Re-referred	2
Divided reports	10

1 Committee Bill pursuant to Joint Order (H.P. 1489)
 14 County Budgets
 Respectfully submitted,
 S/John L. Tuttle S/Donnell P. Carroll
 Senate Chair House Chair
 Was read and ordered placed on file.

The following item appearing on Supplement No. 58 was taken up out of order by unanimous consent:
SPECIAL SENTIMENT CALENDAR

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

George A. Palmer, of Phillips, respected by family, friends and colleagues; member of several fraternal organizations and a state representative during the 102nd Legislative Session; (HLS 1226) by Representative ARMSTRONG of Wilton. (Cosponsors: Senator WEBSTER of Franklin, Representative DEXTER of Kingfield)

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

Representative ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I was saddened yesterday morning to read in the paper that the Honorable George Palmer of Phillips, a former member of this body, I guess he served in the 102nd Legislature, had passed away.

I knew George for some period of time, he was an insurance agent in Phillips as I was in Wilton and, because he only represented one company, quite often he would ask me to broker business for him. Over the years, I got to know him fairly well and, in fact, when he decided to sell his agency, he came to me and asked me if I would be interested in buying it. I bought it and George worked for me for a few years.

George was a very gentle individual in every sense of the word and, although he never had any children, he leaves a legacy and it will not be because he served in this body or because he was a good insurance agent for the people in the Phillips area, it will be because of his affinity for children. The Phillips area offered limited facilities for children and George took this to heart and spent a good deal of his time working on programs for children. He started a chess club, math clubs -- his philosophy was that all kids are good as long as you keep them busy and doing something. So, I was saddened and I think the area lost a good man. George was from the other side of the aisle from where I am but I am sure he will be missed in the Phillips area.

Subsequently, was passed and sent up for concurrence.

The following item appearing on Supplement No. 59 was taken up out of order by unanimous consent:

SENATE PAPER
Non-Concurrent Matter

RESOLVE, to Establish the Special Commission on Boating (Emergency) (H.P. 1785) (L.D. 2446) which was Finally Passed in the House on April 11, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-618)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-618) and Senate Amendment "A" (S-539) in non-concurrence.

The House voted to recede and concur.

The Chair laid before the House the following matter: An Act to Correct Additional Errors and Inconsistencies in the Laws of Maine (H.P. 1939) (L.D. 2638) (H. "A" H-755) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Higgins of Scarborough, under suspension of the rules, the House reconsidered its action whereby L.D. 2638 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-784) and moved its adoption.
 House Amendment "B" (H-784) was read by the

Clerk.

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

Representative HIGGINS: Mr. Speaker, Men and Women of the House: Very briefly, this amendment hopefully will eliminate some of the controversy that erupted the other night over the issue of clam ordinances and I have just been informed by the Chair of the Marine Resources Committee that they do intend to reopen the issue next January and I welcome that approach.

Subsequently, House Amendment "B" (H-784) was adopted.

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

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

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 60 were taken up out of order by unanimous consent:

FINALLY PASSED
Emergency Measure

RESOLVE, Concerning a Proposed Supreme Judicial Court Facility (H.P. 130) (L.D. 159) (H. "A" H-485 to C. "A" H-481; S. "A" S-374 and S. "B" S-528)

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. 102 voted in favor of the same and 12 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Law Relating to Unitary Taxation of Corporations (H.P. 928) (L.D. 1244) (S. "A" S-511 to C. "A" H-710)

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

The following items appearing on Supplement No. 65 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Create the Railroad Preservation and Assistance Act and to Provide for Annual Track Inspections (H.P. 1747) (L.D. 2396) (S. "A" S-526 to C. "A" H-673)

An Act to Enhance and Clarify the Role of the State Board of Education (H.P. 1756) (L.D. 2405) (S. "A" S-514 to H. "A" H-550)

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

The following items appearing on Supplement No. 66 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Require the Study of the Laws Regulating Antitrust Activities of the Insurance Industry (S.P. 920) (L.D. 2411) (S. "A" S-538 to C. "A" S-463)

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. 104 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Require a Study of the Maine Blueberry Commission (S.P. 921) (L.D. 2412) (S. "A" S-530 to C. "A" S-405)

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

The following item appearing on Supplement No. 74 was taken up out of order by unanimous consent:

ENACTOR
Emergency Measure

An Act to Adjust the Rainy Day Fund Program (S.P. 1007) (L.D. 2640)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 82 was taken up out of order by unanimous consent:

SENATE PAPER
Non-Concurrent Matter

An Act to Make Health Care More Accessible to Low-Income Elderly and Disabled Individuals, Children and Pregnant Women (Emergency) (H.P. 1643) (L.D. 2242) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-722))

Came from the Senate, Passed to be Engrossed in non-concurrence.

On motion of Representative Carter of Winslow, the House voted to recede.

On further motion of the same Representative, Committee Amendment "A" (H-722) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-783) and moved its adoption.

House Amendment "B" (H-783) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" (H-783) in non-concurrence and sent up for concurrence.

The following item appearing on Supplement No. 85 was taken up out of order by unanimous consent:

SENATE PAPER
Non-Concurrent Matter

Bill "An Act to Freeze Further Increases in the Minimum Lobster Size" (H.P. 1881) (L.D. 2573) which was referred to the Committee on Marine Resources in the House on March 25, 1988.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 84 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Establish an Enhanced 9-1-1 System (BOND ISSUE) (H.P. 1911) (L.D. 2608) (C. "A" H-761) which Failed of Passage to be Enacted in the House on April 21, 1988.

Came from the Senate Passed to be Enacted in non-concurrence.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede and concur and I request a roll call.

I noticed that we are now at the final stages of this bond issue. I would sincerely appreciate you reconsidering your action on your last vote, those of you that voted against the enactment of this bond issue. I believe it is a very, very important issue to be given out to the voters of the State of Maine and their decision whether or not they want the enhanced 9-1-1 emergency system.

I would like to point out to you as I did before (and I won't be as lengthy) that if you have children or you have anybody that is injured in the home or an elderly person in the home, perhaps somebody that is a little senile and you have a series of numbers to call in the event of some emergency, if you tell your youngster who is two, three or four years old, if I happen to be out of the house and you are very ill, you want to call the doctor at 454-2641, don't forget that number. If there is a little fire going on or an accident, you must call 853-2796, please don't forget that number. Then, if you want to call somebody because you have something in your throat and you can't talk or anything like that, be sure to call 750-8400 and if you want a little music, call Pennsylvania 6-5000.

When you start thinking of all the numbers that you have to remember in these events, it is pretty obvious that once we go to one number 9-1-1, whether it is light, whether it is dark, you can always teach a youngster that one number to call in the event of an emergency. The enhanced 9-1-1 is a type of 9-1-1 that when you lift the phone and you dial, it automatically kicks into the computer and it says that there is an emergency phone call from the home of Harry Vose and his address is etcetera. Whether or not that person at the other end of the line can say anything or not, they are going to know something is happening at that home and someone is going to go and try to help.

Now I realize you are talking about bond issues and the amount of money that you are spending out in bond issues. We are talking a bond issue here of \$3.2 million and admittedly, later on down the road within a three to five year period, an additional \$10 million will be needed to install the entire system.

In the last debate, I heard Representative Hichborn make probably one of the best points that I have heard. It is not the money that you are spending out there. You are not deciding that you are going to spend the money. He said, send that out and let the people of the State of Maine decide whether they want to spend \$3.2 million to start off or to have an enhanced 9-1-1 emergency phone. We worked long and hard on this project. It could very easily save your life, your wife's life, your child's life, your grandmother's life, whatever.

I think it is worthwhile at this time not to

worry about that dollar amount. Forget that dollar amount, now and vote with your heart. Vote for a system that could very easily save, not only one life but a lot of lives. Anyone that has ever worked as a volunteer on a fire department or volunteer emergency attendant will know exactly what I am talking about and how gratifying it must be to have saved a person's life because that person called 9-1-1 and remembered to call that and was able to have you go over there to do that. It is important, it is taught in schools, it is taught in the home. Please vote for this, send it out, let the people decide whether or not they want to spend the money for this system.

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

Representative TELOW: Mr. Speaker, Ladies and Gentlemen of the House: I noticed the Speaker kind of smiled when I got up -- as you all know it is very seldom that I do rise. Being that this is the last day, I think I can break my vow of being silent during this session.

I will not explain about the 9-1-1 because of the fact that my good friend from Eastport has done a fantastic job. I do want to bring to your attention that where I live in Lewiston of the lives that have been saved by having 9-1-1 in Lewiston, the quick response of the ambulance to those homes whether it is the fire department, the police department, medical or whatever it is.

I also have in my district Greene and Wales. There I have had problems because of the fact that those people wanting to contact the State Police or the Sheriffs Department or somebody in a quick emergency where you have to look it up in the phone book, it takes time. The 9-1-1 will answer immediately.

You know what surprised me was the fact that in the phone books that we have out in the lounge there, as I looked through those on the first page, it was amazing to see the number of places that already have 9-1-1. Waterville had it, even my seatmate to the left of me here in Benton had it, but there was one that kind of surprised me and I am waiting for them to get up and kind of rebut me or say that I am wrong, was Augusta does not have 9-1-1 and that really surprised me.

Again, I wanted to state that he explained it very carefully. I am only up here stressing the point of emergency. You know something, we wait until somebody gets killed or we wait until it is too late, then we seem to act. That is why I say that the amount of money -- I know it is a bond, I know that, but I think you should give especially the people in the rural areas a chance.

In Lewiston, how do we pay for it? It is on our taxes because we have somebody that is on the CD that is located in the fire department that takes care of it.

Again I appeal to you, give this careful consideration and at the same time, I would appreciate your vote.

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

Representative PARADIS: Mr. Speaker, Members of the House: I know I opposed this measure this morning and I did so with a great deal of parole facing off against the gentleman from Eastport, Representative Vose. However, he and I did disagree on the method of funding this for long and several years down there in the committee and we did have much debate over this. I still would prefer either the rate base or the General Fund as the proposed method of funding this and bringing this service to our people.

There is no doubt in my mind, never has been, as to the need or the requirement. But, I would have to make the assumption that the committee after its long and careful deliberations over these years, these many years, must have arrived at this being the only possible solution that was available to them. I would have to assume that it is a good measure and that we would have to look at it again today.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support this bond issue. As you all know, we are a rural state. I represent a rural area and this can be extremely helpful to us. Let the people out there decide whether or not they want this bond issue.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker, Men and Women of the House: As you know, this bill is here because of my father who sat here, he put this bill in. It has been quite a while because I have been here three years and it was before that. I would just like to point out that it is a very good bill, I think we need it. This whole state needs it.

The Representative from Eastport, Representative Vose, told about how children could learn this, it is a very easy number to learn and I think that also goes for grownups. One thing that happened to my wife -- two months ago she was over visiting her mother and she had the kids with her, she knows the number for the ambulance in Bucksport, it is 469-3245 or 4532 or something like that -- I have drilled that into her head so she knows it quite well. Well, my youngest boy started choking on a piece of hard candy and my mother-in-law started trying to get it out and the boy started turning a little blue, he didn't look too good. She said to my wife, call the ambulance. She knows this number but her mind went blank. Here she is looking through the cupboards looking for a telephone book. We are lucky my mother-in-law got it out, she gave him a good whack and it came out but it was kind of scary there for a minute. I wasn't there but she told me it was. I hope you will pass this.

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

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

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

ROLL CALL NO. 291

YEA - Anderson, Anthony, Baker, Boutilier, Brown, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hitchborn, Hickey, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Lebowitz, Lisnik, Look, MacBride, Macomber, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, P.; Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reeves, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salisbury, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens,

P.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Wentworth, Weymouth, Willey, Zirnkilton, The Speaker.

NAY - Armstrong, Begley, Bickford, Bott, Bragg, Davis, Dellert, Dexter, Farren, Foss, Foster, Garland, Harper, Hepburn, Higgins, Holloway, Jackson, Lawrence, Lord, Murphy, T.; Parent, Reed, Sherburne, Small, Stanley, Stevens, A.; Stevenson, M.; Taylor, Tupper, Webster, M.; Whitcomb.

ABSENT - Aliberti, Allen, Bailey, Bost, Callahan, Hanley, Hillock, Hoglund, Jalbert, Kimball, Lacroix, Marsano, Norton, Paradis, J.; Rice, Seavey, Warren.

Yes, 103; No, 31; Absent, 17; Paired, 0; Excused, 0.

103 having voted in the affirmative and 31 in the negative with 17 being absent, the motion to recede and concur did prevail.

The following items appearing on Supplement No. 67 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Increase the Frequency of Restaurant Inspections (H.P. 1775) (L.D. 2428) (S. "A" S-503 to C. "A" H-689)

An Act to Protect Lake Water from Phosphorous Pollution (H.P. 1784) (L.D. 2445) (S. "A" S-515 to C. "A" H-580)

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

The following items appearing on Supplement No. 68 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Provide a Mechanism for Insurance for Foster Care and Respite Care (H.P. 1821) (L.D. 2496) (S. "A" S-525 to C. "A" H-552)

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

FINALLY PASSED

RESOLVE, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush (H.P. 1794) (L.D. 2458) (S. "A" S-516 to S. "A" S-338)

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

The following items appearing on Supplement No. 70 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish the Maine Information Commission on Agent Orange and Radiation (H.P. 1914) (L.D. 2613) (S. "A" S-532 to H. "D" H-690)

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

PASSED TO BE ENACTED

An Act to Create the Economic Corridor Action Grant Program (H.P. 1904) (L.D. 2601) (S. "A" S-518 to S. "A" S-383; S. "B" S-385)

Was reported by the Committee on Engrossed Bills

as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 63 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Relating to Coastal Search and Rescue Responsibilities and Creating the Study Commission on Coastal Search and Rescue (S.P. 855) (L.D. 2231) (S. "A" S-435 to C. "A" S-367)

An Act to Respond to Health Care Occupation Shortages in Maine through the Health Occupations Training Project (S.P. 892) (L.D. 2304) (S. "B" S-513 to C. "A" S-468)

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

The following items appearing on Supplement No. 64 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Study the Necessity and Feasibility of Establishing a Health Information Recording System (H.P. 1719) (L.D. 2358) (S. "A" S-536 to C. "A" H-716)

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

An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities (H.P. 1694) (L.D. 2327) (S. "A" S-527 to C. "A" H-691)

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

The following items appearing on Supplement No. 69 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (H.P. 1866) (L.D. 2551) (S. "A" S-517 to C. "A" H-680)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Expand the Property Tax Circuit Breaker Program (H.P. 1882) (L.D. 2574) (H. "A" H-702 and S. "A" S-502 to C. "A" H-652)

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

The following items appearing on Supplement No. 75 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Emergency Shelter Services to Homeless Youth (S.P. 760) (L.D. 2023) (C. "A" S-409 and S. "A" S-501)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Provide Funds for the Seed Potato Breeding Program (H.P. 1605) (L.D. 2196) (S. "A" S-499)

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

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

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 71 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Provide Additional Funding for Crisis Information and Suicide Prevention Services in Somerset County (H.P. 1506) (L.D. 2056) (S. "A" S-507)

An Act to Study Alternative Dispute Resolution in the Superior Court (S.P. 861) (L.D. 2249) (S. "A" S-508)

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

The following items appearing on Supplement No. 72 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Enhance Outdoor Recreation Opportunities (S.P. 889) (L.D. 2301) (S. "A" S-524 to C. "A" S-363)

An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws (H.P. 1731) (L.D. 2374) (C. "A" H-597)

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

The following items appearing on Supplement No. 73 were taken up out of order by unanimous consent:

FINALLY PASSED

Emergency Measure

RESOLVE, Creating the Commission on Marine Research (H.P. 1741) (L.D. 2387) (S. "A" S-537)

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

emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Maine Tree Growth Tax Law (H.P. 1591) (L.D. 2177) (S. "A" S-522)

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

The following items appearing on Supplement No. 76 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Fund the Office of Child Welfare Services Ombudsman (H.P. 1861) (L.D. 2559) (S. "A" S-504)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Expand the Medicaid Dental Program to Include Adults (S.P. 945) (L.D. 2492) (S. "A" S-505)

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

The following items appearing on Supplement No. 77 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Provide for a State Trademark for Maine Products (H.P. 1880) (L.D. 2572) (S. "A" S-523)

An Act to Appropriate Funds to Conduct a Marine Pollution Monitoring Program (H.P. 1728) (L.D. 2371) (S. "A" S-520)

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

The following items appearing on Supplement No. 78 were taken up out of order by unanimous consent:

FINALLY PASSED

Emergency Measure

RESOLVE, to Amend the Duties, Title and Reporting Date of the Special Commission to Study School-Entrance Age and Preschool Services (H.P. 1874) (L.D. 2566) (S. "A" S-531 to C. "A" H-568)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Encourage and Monitor the Use of New Potato Varieties (H.P. 1893) (L.D. 2586) (S. "A" S-521)

Was reported by the Committee on Engrossed Bills

as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 79 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Rehabilitation System under the Workers' Compensation Act (H.P. 1915) (L.D. 2614) (S. "A" S-416 and S. "B" S-533; H. "A" H-614)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants (S.P. 975) (L.D. 2589) (S. "A" S-519)

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

The following items appearing on Supplement No. 80 were taken up out of order by unanimous consent:

FINALLY PASSED

Emergency Measure

RESOLVE, to Establish the Special Commission on Boating (H.P. 1785) (L.D. 2446) (S. "A" S-539; C. "A" H-618)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

Representative Allen of Washington was granted unanimous consent to address the House.

Representative ALLEN: Mr. Speaker, on House Roll Call 291, L.D. 2608 An Act to Establish and Enhance the 9-1-1 System, I wish to be recorded as voting yea.

(Off Record Remarks)

The following item appearing on Supplement No. 89 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Authorize a General Fund Bond Issue in the Amount of \$31,800,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System (H.P. 1884) (L.D. 2576) (C. "A" H-763) which Failed of Passage to be Enacted in the House on April 21, 1988.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-763) as amended by Senate Amendment "A" (S-543) thereto in

non-concurrence.

The House voted to recede and concur.

By unanimous consent, was ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 61 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Create a Commission to Examine Rent Increases and Other Issues Concerning Mobile Homes (H.P. 1510) (L.D. 2060) (S. "A" S-529 to C. "A" H-668)

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. 101 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Establish a Pilot Program for Transitional Services for Department of Mental Health and Mental Retardation Clients Between the Ages of 20 and 26 (S.P. 794) (L.D. 2091) (S. "A" S-500 to C. "A" S-390)

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

The following items appearing on Supplement No. 62 were taken up out of order by unanimous consent:

FINALLY PASSED
Emergency Measure

RESOLVE, To Establish the Commission to Study the Status of Nursing Professions in Maine (S.P. 847) (L.D. 2203) (S. "A" S-534 to C. "A" S-454)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Reduce Special Education Costs to Local School Administrative Units (H.P. 1607) (L.D. 2198) (S. "A" S-512 to C. "A" H-560)

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

The following item appearing on Supplement No. 88 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES
Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on RESOLVE, to Ensure Payment of Attorney Fees Incurred by Maine State Police Trooper Michael T. Edes (Emergency) (H.P. 1816) (L.D. 2486) reporting "Leave to Withdraw"

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

The following item appearing on Supplement No. 90 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
April 21, 1988

The Honorable John L. Martin

Speaker of the House

113th Legislature

Dear Speaker Martin:

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

Total number of bills received	102
Unanimous reports	95
Leave to Withdraw	36
Ought to Pass	11
Ought Not to Pass	8
Ought to Pass as Amended	40
Ought to Pass in New Draft	0
Divided reports	4
Re-referred	3

Respectfully submitted,

S/Michael D. Pearson

S/Donald V. Carter

Senate Chair

House Chair

Was read and ordered placed on file.

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

The following item appearing on Supplement No. 86 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Require Full State Funding of any Legislative Mandate" (H.P. 877) (L.D. 1178) on which the Majority "Ought Not to Pass" Report of the Committee on Appropriations and Financial Affairs was read and accepted in the House on February 10, 1988.

Came from the Senate with the Minority "Ought to Pass" in New Draft Report of the Committee on Appropriations and Financial Affairs read and accepted and the New Draft passed to be engrossed as in non-concurrence.

On motion of Representative Carroll of Gray, the House voted to recede.

The same Representative offered House Amendment "A" (H-786) and moved its adoption.

House Amendment "A" (H-786) was read by the Clerk.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: This is my amendment to a bill that this House, a number of weeks ago, defeated. It is an issue that deals with state mandates, an issue that the State and Local Government Committee studied long and hard last Summer and last Fall and came out with some recommendations. Everybody in this House and in the other body knows that this legislature has to do something to deal with the issue of state mandates. This is the last chance we have. There is nothing left for state mandates to assist local communities or local school districts.

What my amendment will do to the bill is simply say that if we are going to have an education mandate that that legislation will provide in it the necessary funding for the two years. After that, as the original bill, it will go into the school finance law and continue that funding. It also states that

we will not enact that legislation unless the funding is there up-front.

I would hope the House would adopt this amendment.

Subsequently, House Amendment "A" (H-786) was adopted.

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

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

By unanimous consent, was ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 92 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Revise the Salaries of Certain County Officers (H.P. 1941) (L.D. 2639) (H. "B" H-778)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 91 was taken up out of order by unanimous consent:

ENACTOR

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$36,800,000 to Finance Construction and Capital Improvements on the Campuses of the University of Maine System (H.P. 1884) (L.D. 2576) (S. "A" S-543 to C. "A" H-763)

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

At this point, Representative Diamond of Bangor was appointed to act as Speaker pro tem.

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

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

Representative MARTIN: Mr. Speaker, and Members of the House: It is with, I think, a great deal of pleasure that I hope we have come to a successful conclusion to the University Bond Issue which we have been discussing for what seems to be two weeks, but what has really been less than 12 hours.

The amendment which has been placed on the bill in the other body basically follows the logic that the Appropriations Committee had started with the addition of the building in Farmington. Since early this morning, the Representative from Ellsworth, Representative Foster and I, have attempted to try to bring a different line and a different solution to this. This morning, after consultation with the Chancellor's Office, I received a list of what would be the next step. I presented that list to Representative McGowan this morning along with the Representative from Ellsworth, Representative Foster.

First, I would like to say that the amount will be \$36.8 million. What it does is add, in some instances, a building to a campus and in other instances additions to existing proposals to make

them what they were originally as a project, basically a whole building because in the course of cutting, there were instances where they had cut from the actual proposed building itself in order to fit the so-called \$31.8 million figure. Frankly, we did not think we would be able to get to that point today but after consultation with a great number of people, it has become clear that the next step can be finished.

I would like to relate to you what that is. First, starting with the University of Maine -- before I say this I should say, remember it will be a total only that goes to the people and that would be, as I said earlier, \$36.8 million. The allocation within that, as I said earlier today, would be within the authority of the Board of Trustees.

At the University of Maine, it will mean the same projects that were on the original list plus adding the half million that had been cut from the academic building renovations program at Orono and the addition of the Performing Arts Building at the Orono campus.

At USM, it will mean that the library will be made whole, that the \$1.2 million will be added to take care of the parking problem and the parking garage and the rest of it, as you may know, will be with fees, as I recall the discussions.

At the University of Maine at Farmington, there will be a slight adjustment there of \$300,000 on each building in order to make both buildings whole.

At the University of Maine at Fort Kent, there will be an addition of \$100,000, again that is to make the science wing whole.

At the University of Maine at Machias, it will complete the Performing Arts Center for \$150,000.

At the University of Maine at Presque Isle, it will add \$250,000 to the academic building renovations.

At the University of Maine in Augusta, it will add \$40,000 for the library addition which is already in the proposed bond issue of the original \$31.8 million. It will also provide the \$160,000 necessary to do the Student Center renovations.

As I said, it will mean that the University of Maine at Farmington will receive both of their priority items and that is the academic building renovations that we discussed earlier and the one that had been added by the Appropriations Committee, the health and physical education expansion program geared for the programs that we discussed earlier.

So what means is that the bond issue would be \$5 million more than the original request that I had presented on behalf of the Governor of \$31.8 million. I would add that the Governor is supportive of the \$36.8 and I think I can say on behalf of everyone, I hope that this helps to resolve the issue on the impasse that we had earlier. It seems to me that this is a step that does take us to the next level. As you well know, I was one of those who was willing to go for the full \$60 million.

I would urge this House to be supportive of the enactment of the bond issue so that the people of Maine will be given an opportunity to vote on this matter for what I hope will be a continued step in increasing the ability of the University to provide quality education to Maine students.

I am not sure that we think about it very much but since the birth of what was called the Super U, the University of Maine System, not that long ago, about 12 years ago, that the number of students have increased by 40 percent with very little addition to the basic brick and mortar that were there when the system was created. At the same time, we were one of the few states in the country in the last five or six

years where our enrollment did not go down, contrary to the national trend and the national projections. This is caused, interestingly enough, by a phenomenon where Maine is leading the nation, where middle-aged citizens, where young adults, are returning to school at a faster pace than the nation's average. It appears that it is going to continue and the projections of student enrollment in the University of Maine System is really unbelievable. I suspect if you would stop and look at the numbers now compared to 20 years ago in the total University system and where they will be 20 years from now, we will be asked to do more. This is a step in that direction and I would encourage everyone here to support the enactment of this bond issue this afternoon. I would like to thank the efforts of the Representative from Ellsworth, Representative Foster for her participation in bringing, I think, what was not a very pleasant situation to what I hope will be a fruitful end.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I, too, want to praise the Representative from Ellsworth, Representative Foster, in terms of her efforts which began at about two o'clock this morning and with about a two or three hour break for sleep, started again this morning at seven. I think we have before us a University bond proposal that is back on track. I rise as well to encourage you as the Speaker has to vote for this. There are two reasons for it.

We have gone back to an educational recommendation rather than a political recommendation. \$36.8 million, which is what the Trustees have laid, the Trustees made that recommendation based upon educational decisions and education policies.

The second reason is fairness. We were moving a bill through here by definition of fairness was fair for only one campus. It had reached the level that it would have under the \$60 million. What we have done is approach from an educational viewpoint rather than a political viewpoint using that measure of fairness. I am going to vote for it even though it is more.

There is a certain obligation that comes with this. During the earlier debate, it indicated that we have never been able to pass a University bond proposal of more than \$16.5 million. We are talking about \$20 million more here than has ever successfully been passed. So, with our vote here this evening, we take on a certain obligation, not only do we take it through the first referendum, which is this House and this legislature, but when it goes out to the Maine people there we're advocates for this bond proposal with the Maine people and will work toward its passage.

I request a roll call.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

Representative BICKFORD: Mr. Speaker, Men and Women of the House: I jumped up prematurely, we can laugh at it but there really was a method to my madness. I knew somebody was going to steal my thunder.

It really does give me a great feeling to be able to support the proposed bond package. Yes, we did have to go through the petty politics process but I can go home and tell my children and tell my constituents that by voting for the integrity of the process, looking at the bigger picture, that all the people in the State of Maine will benefit from this package. I do urge that everybody support this bond package.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: Very briefly, I think this is a very good proposal, I think it has the support of the vast majority of the members of both parties and of the Governor. I think it will do quite well out there in the Fall and I urge you all to support it. It really looks toward the future and addresses even greater needs than the previous proposal did. Again, I issue a challenge to you all to get out there and do what you can to support this because our future depends on it.

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

Representative WILLEY: Mr. Speaker, Men and Women of the House: Miracles do happen around here. Yesterday we spent hours debating whether or not we were going to have a bond issue for \$31 million or \$33 million. That went on for hours. We were talking about a Christmas tree with one decoration on it. A miracle of miracles in a very short period of time will resolve the difference between \$31 million and \$33 million by going to \$36 million. Not only that, we will wind up with a Christmas tree fully decorated for everybody. I think perhaps you should -- I don't want to influence votes but I do think that you should pass this thing because if we have another meeting of the minds, it is going to be \$60 million.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I want to especially thank Representative Foster and the Speaker and all others who participated in the early hours of this morning after 6:00 a.m. and the dialogue that developed to bring about this package. I think everyone of us here recognizes the value of the University system to this state and probably coming from a rural area, we who do live in the rural areas, appreciate this even more because without this system, there would not be as many young people or adults participating in advanced education. Because of that and what it is doing, I am so glad that we have, hopefully, come to a meeting of the minds and approve this package tonight.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: I do hope that you will support this compromise package. I believe that Representative Murphy, when he explained his position change on this bond issue, said that we have now a sound educational policy in front of us in regard to our universities and I do believe he is correct. I believe he is correct in the fact that we were made aware in the Appropriations Committee of a need in the State of Maine and since that time, when our committee worked, the rest of this body and the Minority Party had been made aware of some other needs.

To second Representative Willey's remarks about the Christmas tree, we used to have Snoopy's tree out here with one single bulb on it and now we have it

fully decorated. As the sun shines in here this evening and we are about to adjourn, I would like to read to Representative Murphy the ending lines from the Tuft of Flowers by Robert Frost where it says, "In dreaming as it were, held brotherly speech; with one whose thought I had not hoped to reach. Men work together, I had told him from the heart, whether they work together or apart."

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

Representative FOSTER: Mr. Speaker, Men and Women of the House: The first hurdle is over. Now we must sell this to the people of Maine, for the children of Maine.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 292

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Bickford, Bost, Bott, Boutilier, Bragg, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Conley, Cote, Crowley, Curran, Daggett, Davis, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Foss, Foster, Garland, Glidden, Greenlaw, Gurney, Gwadosky, Hale, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, 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. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Rand, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Salsbury, Scarpino, Sheltra, Sherburne, Simpson, Small, Smith, Stanley, Stevens, A.; Stevens, P.; Stevenson, M.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Whitcomb, Zirkilton.

NAY - Begley, Brown, Farren, Lord, Seavey, Willey.

ABSENT - Baker, Callahan, Coles, Dellert, Gould, R. A.; Hanley, Hillock, Hoggund, Kimball, Lacroix, Marsano, Paradis, J.; Racine, Reeves, Rice, Soucy, Weymouth, The Speaker.

Yes, 127; No, 6; Absent, 18; Paired, 0; Excused, 0.

127 having voted in the affirmative and 6 in the negative with 18 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Require Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded to Include Provisions for Covering Increases in Insurance Premiums (S.P. 176) (L.D. 491) which was Passed to be Enacted in the House on February 17, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-312)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Relating to Taxation of Trucks (H.P. 1284) (L.D. 1757) which was Passed to be Enacted in the House on February 10, 1988. (Having previously been passed to be Engrossed as amended by House Amendment "A" (H-440)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Clarify the Law Governing Prelitigation Screening Panels (Emergency) (S.P. 711) (L.D. 1941) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-395) as amended by House Amendment "A" (H-675) and Senate Amendment "A" (S-452) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Provide for Retail Inspection of Potatoes (H.P. 1447) (L.D. 1958) which was Passed to be Enacted in the House on March 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-477)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase Reimbursement Rates to Boarding Care Facilities (Emergency) (H.P. 1472) (L.D. 1983) which was Passed to be Enacted in the House on April 15, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-660)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Provide Elderly Mental Health Service Needs (Emergency) (S.P. 742) (L.D. 2001) which was Passed to be Enacted in the House on April 15, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-440)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Increase the Minimum Standards for Eligibility for the Elderly Low-Cost Drug Program and the Household Tax and Rent Refund Act (H.P. 1512) (L.D. 2062) which was Passed to be Enacted in the House on April 15, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-651)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Expand the Membership and Clarify the Role of the Commission on Intergovernmental Relations (S.P. 790) (L.D. 2078) which was Passed to be Enacted in the House on April 4, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-354)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act Concerning State Mandates to Local Governments (H.P. 1536) (L.D. 2090) which was Passed to be Enacted in the House on April 8, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-578) as amended by House Amendment "A" (H-613) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Provide Prevocational Services for Persons with Long-Term Mental Illness (Emergency) (H.P. 1548) (L.D. 2108) which was Passed to be Enacted in the House on April 15, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-663)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase Funding of Elderly Legal Services (H.P. 1552) (L.D. 2112) which was Passed to be Enacted in the House on April 8, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-581)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend the Principles of Reimbursement for Nonhealth Employees of Nursing Homes (S.P. 817) (L.D. 2137) which was Passed to be Enacted in the

House on April 8, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-391)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Relating to Special Education in Maine Schools (H.P. 1588) (L.D. 2172) which was Passed to be Enacted in the House on April 13, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-630) as amended by Senate Amendment "A" (S-428) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish the Maine Science and Technology Commission and to Authorize Funding for Centers for Innovation (Emergency) (H.P. 1602) (L.D. 2193) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-672)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Provide Greater Public Dissemination of Information Concerning Prohibition of Certain Land Usages (H.P. 1609) (L.D. 2200) which was Passed to be Enacted in the House on March 21, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-480)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Require Municipal Approval of Public Land Acquired by the State (H.P. 1640) (L.D. 2239) which was Passed to be Enacted in the House on April 15, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-648)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend Property Tax Exemptions (H.P. 1657) (L.D. 2267) which was Passed to be Enacted in the House on April 8, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-586)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Provide Volunteer Literacy Services for Maine Citizens (S.P. 876) (L.D. 2279) which was Passed to be Enacted in the House on March 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-330)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish the Maine Elderly Tax Assistance Program (S.P. 880) (L.D. 2283) which was Passed to be Enacted in the House on March 30, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-358)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Determine the Extent and Impact of Unemployed Persons No Longer Eligible for Unemployment Insurance Upon the State of Maine (Emergency) (H.P. 1674) (L.D. 2293) which was Passed to be Enacted in the House on March 28, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-511)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Establish an Occupational Health Program (H.P. 1676) (L.D. 2295) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-721)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws (Emergency) (S.P. 885) (L.D. 2297) which was Passed to be Enacted in the House on April 11, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-398) as amended by Senate Amendment "A" (S-408) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Requirement that Counties Contribute to the Support of the Superior Courts and the Supreme Judicial Court (H.P. 1677) (L.D. 2306) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-647) as amended by Senate Amendment "A" (S-459) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Create the Maine Choice Fund (H.P. 1695) (L.D. 2328) which was Passed to be Enacted in the House on February 29, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Create a Home-Based Treatment and Education Demonstration Program for Persons with Mental Illness and their Families (Emergency) (S.P. 898) (L.D. 2334) which was Passed to be Enacted in the House on April 14, 1988. (Having previously been passed to be Engrossed as amended by Senate Amendment "A" (S-442)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Enable Additional Agencies to Participate under the Finance Authority of Maine Loan Program (S.P. 909) (L.D. 2364) which was Passed to be Enacted in the House on April 8, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-400)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Create the Commission to Examine Issues Relating to Legal Expenses Incurred by State Employees in the Execution of their Official Duties and Related Disciplinary Issues (S.P. 914) (L.D. 2383) which was Passed to be Enacted in the House on April 15, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-430) as amended by House Amendment "A" (H-684) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Implement the Recommendations of the Special Commission to Study Teacher Training in the University of Maine System (H.P. 1739) (L.D. 2385) which was Passed to be Enacted in the House on April 4, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-539)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, Establishing the Advisory Committee on Education and Critical Issues for Student Decision

Making (H.P. 1776) (L.D. 2429) which was Finally Passed in the House on April 8, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-589)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Allow Greater Flexibility in Education, Financial Assistance, Training and Wages Relating to Health Care Facilities Experiencing Labor Shortages (H.P. 1780) (L.D. 2433) which was Passed to be Enacted in the House on April 19, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-728)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Establish the Commission to Study the Management of Water Resources in Maine (H.P. 1822) (L.D. 2497) which was Finally Passed in the House on April 5, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-574)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Exempt Law Enforcement Personnel from Having to Pay Ferry Tolls (H.P. 1823) (L.D. 2498) which was Passed to be Enacted in the House on April 11, 1988. (Having previously been passed to be Engrossed as amended by Senate Amendment "A" (S-415)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Ensure the Complete Payment of Health Insurance Premiums for Teachers over a Certain Age (H.P. 1852) (L.D. 2535) which was Passed to be Enacted in the House on March 22, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the Statutes Pertaining to the Emergency Treatment and Continuing Supervision of Chemically Dependent Persons (H.P. 1857) (L.D. 2542) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-718)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Continue State Benefits to Retired Teachers who have Joined a New Insurance Plan upon Retirement (H.P. 1862) (L.D. 2547) which was Passed to be Enacted in the House on March 25, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

RESOLVE, to Appropriate Funds to the AIDS Lodging House, Inc. (S.P. 965) (L.D. 2560) which was Finally Passed in the House on April 11, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-410)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Create a State Capitol Commission (S.P. 966) (L.D. 2563) which was Passed to be Enacted in the House on March 29, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act Concerning Law Enforcement Education and Training and Funding for Training (H.P. 1899) (L.D. 2594) which was Passed to be Enacted in the House on April 4, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Create a Demonstration Project to Provide for Ladders of Advancement in the Nursing Profession (Emergency) (H.P. 1906) (L.D. 2603) which was Passed to be Enacted in the House on April 4, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Concerning the Regulation of Welders (H.P. 1910) (L.D. 2607) which was Passed to be Enacted in the House on April 6, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Establish Greater Communication in the Rule-Making Process and to Provide Better Standards for the Adoption of Rules (H.P. 1912) (L.D. 2611)

which was Passed to be Enacted in the House on April 11, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, Creating the Commission to Study Private Ways and Private Roads (Emergency) (H.P. 1922) (L.D. 2622) which was Finally Passed in the House on April 12, 1988.

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 94 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People" (H.P. 1703) (L.D. 2340) which was Passed to be Enacted in the House on April 19, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-705) as amended by House Amendment "A" (H-730) and Senate Amendment "A" (S-467) thereto)

Came from the Senate, the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

The Chair laid before the House the following matter: An Act to Establish the Additional Support for People in Retraining and Education Program (H.P. 1744) (L.D. 2390) (H. "C" H-780 to C. "C" H-770) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The following item appearing on Supplement No. 97 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Correct Additional Errors and Inconsistencies in the Laws of Maine" (Emergency) (H.P. 1939) (L.D. 2638) which was Passed to be Engrossed as amended by House Amendments "A" (H-755) and "B" (H-784) in the House on April 21, 1988.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-497) in non-concurrence.

Representative Higgins of Scarborough moved that the House adhere.

Representative Mitchell of Freeport moved that the House recede.

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

Representative HIGGINS: Mr. Speaker, Men and Women of the House: I am not really familiar with why the gentleman has the motion before us to recede. I know that it is late and it is the last night and we have debated a lot of issues and I will try to be as brief as I can in trying to describe the difference between what will happen if you recede or recede and concur or insist versus adhere.

We are in a parliamentary situation now where there have been two amendments offered in this body, one of them by the Speaker dealing with the school

district problem. Another one that I offered earlier today dealt with the infamous issue of clams. I would like to try to explain to you if I could why I would like the House to adhere and not vote to recede or concur or insist or any other motion.

The reason I say that is because I feel the issue I have anyway (and I am sure the Speaker was interested in his particular issue) is that the issue that we dealt with the other night surrounding how non-resident clam licenses are issued. There was a great deal of controversy over that the other night, a controversy I might add, was really not expected by this particular legislator. In an attempt to reach an accommodation with some of the people, specifically the town of Brunswick, I offered an amendment here earlier this morning that exempted them from the earlier legislation that was enacted in the budget.

The amendment we have before us now was attached in the other body and that amendment basically eliminates the action that was taken on that budget bill and an issue which I feel is very important. I do apologize to the House that we got involved with this particular issue but it is an important one and I feel that it is worthy of debate.

The situation as it is now on the issue of clams and the non-resident licenses is that a municipality has the right to determine how those licenses are offered. Up until this year, every municipality at least as far as I am aware of, issued their licenses to those non-resident diggers on a first-come, first-serve basis. They have to offer at least 10 percent of their licenses to non-resident diggers and this is only in municipalities that have their own ordinance dealing with clams. There are a number of clam flats that are controlled by the state but those municipalities that have their own ordinances have the right to determine who can dig there but the state has a law saying that at least 10 percent of those licenses have to be offered to non-resident diggers.

What has happened this year for the first time only is that, on April 1st of this year, Brunswick held a lottery. There were 25 or 30 people there who put their names in for a license and there were only 8 allowed as I understand it. Now at first blush that appears to be very equitable and I can appreciate that but for those people who depend on digging clams for a living, it is not equitable. These people are willing to stand in line, sit in their cars overnight, anything to get that license because it is the only way they can make a living. I have several of these people who live in my district.

When you institute a lottery, their chances instead of being on their own initiative becomes purely luck and I don't think that is a proper way for someone to be able to make a living anymore than it would be fair for you to be elected to this body on chance, a lottery. If you want to be elected, you go door-to-door and work hard and you probably will be elected. It is the same way with clam diggers. They are willing to sit and wait to be first in line to get that license. You institute the lottery, you are really depriving them of the opportunity to make a living. There is no other profession or license that is offered on a lottery situation. It is just simply not fair to them.

I don't know exactly what happened since this morning because when I offered the amendment this morning, it was a friendly amendment, it was one that was acceptable to the people of Brunswick as far as I know and certainly to the Senator from the other end of the hall. Something happened this afternoon and I guess from what I understand, we have found out that

my fears were actually well-founded because what has happened is apparently one other town, at least, namely Freeport, has decided that they want to think about instituting a lottery and so the amendment that was attached in the other body earlier this evening guts the whole thing that was done earlier in the budget and the issue that I tried to address with an amendment. It completely exempts any of the legislation that was passed earlier. I think it is unfortunate.

I have talked with the Representative from Freeport who said that he has the intention of offering legislation later on this year in Special Session, Veto Day, or sometime the very first part of next year but that doesn't help the problem. What I am trying to do by giving Brunswick in the amendment that I offered, by grandfathering, is to put a moratorium on the whole deal and not allow any towns to institute this until we can adopt some legislation that is fair to those people who want to make a living.

Under a lottery system, it is totally feasible and very probable that resident diggers will actually get people from outside town to submit their names into the lottery and then actually not dig clams making more available for those people in that community. I can understand why they want to do that but my constituents don't. They have told me that if they can't get at least two of the three licenses that are offered (I think it is Freeport, Brunswick and Harpswell) they don't have a job. These people are hardworking individuals, they are not eligible for unemployment compensation, they have to suffer through the Red Tide, PSP, pollution and everything else along the coast. They simply want the opportunity to make a living and that is why I put the amendment in the budget bill. I realize that might not have been as proper as I would liked to have had it, but at that late date, I was told there were no vehicles around to amend.

Leadership was sending people to the Appropriations Committee with bills to put in the budget and other items. We have a list of 40 some odd items we considered to put into the budget that either didn't have a public hearing or was somehow related to the budget and some of them were not. I will be the first to confess that. This was not the only issue unrelated to the budget that was included in the budget so we have debated it at length here, didn't have a public hearing I grant you, but I hope that I have made the issue clear to you. It just doesn't seem fair for these people.

I am asking you simply to adhere to what we have done. By doing that, we will adopt the Speaker's amendment, we will be able to adopt my amendment, it will put a moratorium on until we have adequate time to study the issue. Any other motion that we make, parliamentarily, if we insist or recede and add another amendment and send it down there, is really going to kill what I consider to be a real jobs problem for the people of my district and others as well from along the coast. If they institute this program of a lottery along the coast everywhere or in many towns, there is going to be a lot more people out of work who truly want to dig clams. That may seem very incomprehensible to many of us but this is what they want to do for a living. It would be depriving them of that by doing anything else but to adhere.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I know exactly what Representative Higgins is talking about and I know

why he is defending his constituents so vigorously.

The next town north on the coast from Scarborough where you can dig any clams at all is the town of Freeport. The town of Freeport is about to face the same problems that Representative Higgins' town faces in that the amount of flats that we can dig in is declining because of pollution and because of new federal regulations. We have had to cut back on the number of licenses that we grant. It is a hardship but the reason we are cutting back is because of the growth that causes the pollution in southern Maine and because of some steps that the federal government has taken to protect our health. I don't know what we can do about those.

From my point of view, Senate Amendment "A" is an improvement over the House amendment that Representative Higgins offered earlier tonight and it extends the same accommodation that Representative Higgins made to the town of Brunswick, to the other towns along the coast.

Now I don't know if first-come, first-serve basis is the best way to give these licenses out or a lottery is. My first impression was that a lottery wasn't very fair, first-come, first-serve was. Then my town clerk said that people are camped out for two nights in front of the town clerk's office waiting out in the cold trying to get in. These licenses are important to people. Why can't they just come down and fill out an application for it, pay for it or whatever and select it? There aren't enough to go around and frankly, I think you could make good arguments for a lottery and I think you could make good arguments for a first-come, first-serve basis.

Since this issue has come up, I have discussed it with committee staff. I talked with Julie Jones our assistant twice today and, if there is a special session, I will put a bill in to deal with this issue and we will have a public hearing before the special session if the council lets the bill in and we will give everyone who is involved, towns up and down the coast and people who are interested in this issue who serve on shellfish commissions, people who dig clams for a living, to come in and present all sides of the case.

If we don't have a special session and if I am back, I will offer it at the very beginning of the next session and if I am not back anyone who is back can call me and I will give them a copy of the bill and all the papers and notes on it and they can put the bill in. There are a lot of substantive issues here that the Marine Resources Committee ought to deal with. I think that we can deal with them, we will go a good job.

I hope that the House will vote to recede and then if there are other amendments they can be put on the bill. That is the reason I made the motion to recede and not recede and concur.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: It is very unfortunate that the issue of clamming has come up at this late hour. It is not an easy issue to decide and I firmly feel and encourage you to follow the direction of Representative Mitchell and let the Marine Resources Committee address this issue. It is a fragile issue and like everything else, you can't please everybody.

I know what Representative Higgins is talking about when he says people stand in line, they do. But I feel that right now is the best answer to the situation. To try to resolve this at this late hour I think would be more disastrous than what some consider is going on at this time.

The SPEAKER: The Chair recognizes the

Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Just a few short things. First let's understand where this lottery thing came from. I was on the Committee of Marine Resources in the 111th and we did the study and came up with the clam law. The intent was very clear that for the out-of-town licenses, it was going to be first-come, first-serve. When the City of Brunswick came up with their lottery, here is how it happened -- the day before they were going to issue or accept applications for out-of-town licenses, a number of diggers appeared, went into the town office and stood in line. That evening they closed the building, told them they could not stay there, they had to go outside, said they were being kept on record as being there. They stayed in their vehicles outside of the building. When the building opened up in the morning, they came in and found four more people in line in front of them. The person who had said they were going to keep the record of the first diggers there didn't keep the record. What you had was two groups of clam diggers, both claiming to have been the first in line for a limited number of licenses and there were enough people there that whichever group got picked meant the other group wouldn't get any licenses. The City of Brunswick, out of desperation, held a lottery and that is how the lottery started.

I ask all of you people -- we won't argue about the ethicality of local clam ordinances -- how would you like to have your living, your job, dependent on a lottery? When you go home out of this place tonight, how would you like to go put your name in a bucket to see if you have a job the next day? That is what we are dealing with.

We all talk about it and I listened to my friend from Freeport, Mr. Mitchell say, let's hold off on this and then we will have the committee look at it next time or I will put a bill in. Well, you have seen (1) how successful bills on clam issues have been and (2) if we wait until the next special session, I will tell you that half of the towns with clam ordinances will have a lottery ordinance there. No matter what we pass, they will be grandfathered. It already exists in Brunswick and there is nothing we can do about that, leave it grandfathered. But, let's not create the situation in the other 42 towns with the ordinances until the legislature does have the time to look at it. That's all.

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

Representative WENTWORTH: Mr. Speaker, Members of the House: There is another question here that I am not clear on. I believe all towns that have clam ordinances are allowed them because they have a clam conservation program which the town pays for. That is why they are allowed to have home rules of their own under the clam conservation department because they support the program and the residents pay for it.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: In response to my good friend from Wells, Representative Wentworth, yes, the local towns do pay but you also have to realize that the local towns set the fee for the licenses, they have the ability and most of them do charge the people for the out-of-town licenses ten times the license fee that the town resident pays. So, if you are a resident and your license costs \$10, if you live in Brunswick, if you come from Scarborough, you are

paying \$100 for the exact same license.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The whole issue of out-of-town licenses or non-resident licenses are not as bleak as Representative Scarpino would lead you to believe. The issue of non-resident licenses was the cornerstone of the compromise that led to the two inch clam law about five or six years ago around here in which an agreement was reached and it is written into the law that ten percent of the licenses have to go to the non-residents. We capped the amount of license, the maximum amount that could be charged anyone is \$150, it cannot be more than ten times what they charge a resident.

You have got to remember, the local clam ordinances, as Representative Wentworth pointed out, do support the reseeding programs that many of our towns have. You have to remember also that clams are selling for a lot of money and you get \$85 a bushel so if the license is \$150, you can make that money back in three or four or five hours so it is not putting anyone out of business.

I hope the House will recede.

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

A vote of the House was taken.

Representative Mitchell of Freeport requested a roll call vote.

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

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

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

Representative CROWLEY: Mr. Speaker, Men and Women of the House: I hate to do this to you at this late hour but I think we are making a horrible mistake. The State of Maine Marine Resources has control over these towns and they work with them on their clam ordinances and they make the regulations. We try to do this in a way that the towns can protect their own resources. They can have conservation plans, they can rotate the flats. If we are going to change this thing, we should give these people in the 42 towns that have been protecting their limited resource, a chance to battle this thing out.

If you were the town clerk in Brunswick and you weighed about 125 pounds and you had about 50 people come in with muscles like Ed Dexter wanting to buy a clam license, it is a scary situation and they reacted to it. I think you should let the committee look at this next year and do the thing properly. This would be a horrible mistake to treat the 42 towns that have clam licenses, some of them for 40 years, to do that to them tonight would be a mistake.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I have to rebut the previous speaker a little bit. This bill has nothing to do whatsoever with conservation. The licenses are going to be issued anyway. Someone is going to get a license and someone is going to dig the clams.

The issue is fairness on whether or not the people who get the license really want the license. The problem with delaying it and waiting until next January to deal with it is, just as Representative Scarpino said, by that time a lot of the communities are going to have already instituted the lottery. It is not fair to people to have to depend on the luck of the draw on whether they get one of these very few, scarce, valuable commodities.

I would hope that you would stick with the previous vote and vote against the motion to recede so that eventually we could get to the motion to adhere.

It is a jobs issue, it is a position of fairness. If we wait until January, it will be too late to help these people out. All I want to do is create a moratorium, then we can look at it in January if it is a fair system, I am happy to work with it. A lottery is not the right way to go for these hard working individuals.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: The only reason we are irritating everybody tonight is because someone stuck a christmas tree ornament on the budget tree. The best solution is to take that Christmas tree ornament off that tree until next Christmas and I hope the rest of us will all clam up.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I will be very brief. I just want to inform people that it is my understanding that any town which did have its own lottery prior to the effective date of the Act would be able to continue with that lottery. It may very well not be just Brunswick. Since this particular section of the budget would affect home rule, it is my understanding that it would be 90 days before it took effect. I think people ought to know that before they take this vote.

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

Representative WARREN: Mr. Speaker, Men and Women of the House: It hasn't been very often in the last four years that I have said what I am about to say but I will say it anyway. I agree 100 percent with my colleague from Scarborough, Representative Higgins. Linwood, you are absolutely right on this issue, the lottery system for clam licenses is a cruel system, it should not be put into effect. I think he is absolutely right that if you press the red button tonight, all you will be doing is putting a moratorium on this until January. During that time, we can study the issue further, but I urge you to press the red button.

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

ROLL CALL NO. 293

YEA - Aliberti, Anthony, Bost, Boutilier, Carroll, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Gould, R. A.; Gwadosky, Hale, Handy, Hickey, Holloway, Holt, Hussey, Ketover, LaPointe, Look, Mahany, Manning, Mayo, McHenry, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, Oliver, Pouliot, Priest, Rand, Rolde, Rotondi, Ruhlin, Rydell, Simpson, Stevens, P.; Swazey, Tamaro, Thistle, Wentworth.

NAY - Allen, Anderson, Armstrong, Bailey, Begley,

Bickford, Bott, Bragg, Carter, Cashman, Curran, Daggett, Davis, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gurney, Harper, Hichborn, Higgins, Jackson, Jalbert, Joseph, Kilkelly, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Martin, H.; Matthews, K.; McGowan, McPherson, McSweeney, Murphy, E.; Murphy, T.; Nicholson, Norton, O'Gara, Paradis, E.; Parent, Paul, Pines, Reed, Richard, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Small, Smith, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Tardy, Taylor, Telow, Tracy, Tupper, Vose, Walker, Warren, Webster, M.

ABSENT - Baker, Brown, Callahan, Dellert, Hanley, Hepburn, Hillock, Hoglund, Jacques, Kimball, Lacroix, Marsano, Paradis, J.; Paradis, P.; Perry, Racine, Reeves, Rice, Ridley, Soucy, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

Yes, 51; No, 75; Absent, 25; Paired, 0; Excused, 0.

51 having voted in the affirmative and 75 in the negative with 25 being absent, the motion did not prevail.

Subsequently, the House voted to adhere.

The following item appearing on Supplement No. 93 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Require Full State Funding of any Legislative Mandate (H.P. 1623) (L.D. 2218) (H. "A" H-786)

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

Representative Carroll of Gray requested a roll call vote on enactment.

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

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

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

ROLL CALL NO. 294

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

ABSENT - Baker, Brown, Callahan, Dellert, Hanley, Hepburn, Hillock, Hoglund, Kimball, Lacroix, Marsano,

McPherson, Nadeau, G. G.; Paradis, J.; Paradis, P.; Perry, Racine, Reeves, Rice, Ridley, Soucy, Weymouth, Whitcomb, Willey, Zirkilton.

Yes, 126; No, 0; Absent, 25; Paired, 0; Excused, 0.

126 having voted in the affirmative and none in the negative with 25 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 95 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

RESOLVE, to Create a Day Care Demonstration Project as an Employment Incentive to Help Address the Nursing Shortage (Emergency) (S.P. 791) (L.D. 2079) which was Finally Passed in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-461) as amended by Senate Amendment "A" (S-465) thereto)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-546) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 99 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Resolution: (S.P. 1008)

JOINT RESOLUTION MEMORIALIZING
THE INTERSTATE COMMERCE COMMISSION AND
THE MEMBERS OF THE UNITED STATES CONGRESS
TO ENSURE AN ADEQUATE RAIL SERVICE
FOR MAINE AND NEW ENGLAND

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

WHEREAS, concern lingers over the level and quality of service provided by Guilford Transportation Industries in this State; and

WHEREAS, the deterioration of rail service is a real threat to the economic vitality of many industries in this State; and

WHEREAS, it is vitally necessary that steps be taken at the earliest possible time to ensure the stabilization and improvement of rail service throughout the region; and

WHEREAS, these necessary steps to ensure a reliable and efficient rail system throughout this region can only be taken by the Interstate Commerce Commission; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge the Members of the Interstate Commerce Commission and members of the United States Congress to do all within their respective powers to ensure the stabilization and improvement of rail service in Maine and the New England area and to consider implementation of directional service at the earliest possible time to provide the relief necessary for this essential service; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to each member of the Interstate Commerce Commission for the United States and to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States

and to each Member of Maine Congressional Delegation. Came from the Senate, read and adopted. Was read and adopted in concurrence.

The following item appearing on Supplement No. 101 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Increase the State Funding of Educational Costs (Emergency) (H.P. 272) (L.D. 355) which was Passed to be Enacted in the House on April 18, 1988. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-701)

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-492) as amended by Senate Amendment "B" (S-544) thereto in non-concurrence.

The House voted to recede and concur.

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

Representative Bost of Orono was granted unanimous consent to address the House.

Representative BOST: Mr. Speaker, in reference to House Roll Call 291, I wish to be recorded as present and voting in the affirmative.

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

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: Earlier today, we came to a successful resolving of our bond issue and there were a number of richly deserved accolades paid to a number of people in the House. I think we omitted one that should have been included in those accolades. Today, I heard perhaps the best (in my four terms here) heartfelt sincere speech where principle was set aside, party politics were set aside for principle, and that was delivered by none other than Representative Hichborn and I think he too deserves all our accolades for this afternoon.

(Off Record Remarks)

Representative Melendy of Rockland was granted unanimous consent to address the House.

Representative MELENDY: Mr. Speaker, Men and Women of the House: Last Sunday, one of the world's best-known, most well-respected artists and sculptors died in her Manhattan home, approximately 400 miles away from the small town she grew up in more than 80 years ago -- my town of Rockland.

At that time, she was known as Louise Berliawsky; a tall, rangy, single-minded girl, the second of four children born to two russian immigrants who came to the United States to start a new life. Her father, who had a background in the lumber business, was attracted by Maine's growing lumber industry and settled in Rockland.

It may surprise you to know that Louise was not very fond of the Rockland area during her early years. Although she spent all but the first few years of her childhood there, when in her early twenties, she married shipping heir Charles Nevelson

and eagerly moved to New York.

But Louise Berliawsky Nevelson, who grew from a little girl who sculpted small pieces of wood scavenged from her father's lumber yard to become the country's pioneering and premiere environmental sculptor, would never get the wood of Maine out of her blood.

She would persist and eventually find glorious commercial and critical acceptance of her efforts to combine wood with stone, metal and other environmental materials.

It took Mrs. Nevelson 30 years to sell her first piece of art and it was 60 years before her sculpture provided a steady income. During those years, her strong character and will, her resourcefulness, and her inborn love of art served her well in overcoming, not only early rejection of her work, but the prejudice she faced as a Russian immigrant.

To sustain herself during those early years, Mrs. Nevelson attempted piano playing, singing, dancing, painting and drawing. During one of her extended visits to Europe, she even took up acting as an extra in movies. But her real love was sculpture and she always returned to it.

Even as a young girl in Rockland, she knew she would be a sculptor. In her book, "Dawns and Dusks," she tells how a Rockland librarian asked her what she would be when she grew up. She answered, "I am going to be an artist. A sculptor. I don't want color to help me."

Her shadow-filled wall sculptures and multi-material works eventually became her trademark, as did her flamboyant personality and style of dress. She was never afraid to wear any imaginable combination of clothing and jewelry.

As she grew older, her affection for Rockland grew, and I will always remember the times when she would come back to Rockland to visit her brother, Nate, his wife, Lillian, and her sister, Anita. Her layers of unmatched clothing, her head constantly covered with a colorful kerchief, her wild jewelry, and her long, thick, black, mink-fur eyelashes that dramatized her face beyond belief always gave you the impression that she could be an imaginative bag lady. And then along would come this big black limousine and she would get in and be driven away.

Her first showing at the William A. Farnsworth Library and Art Museum in Rockland was to celebrate her 80th birthday. For that occasion, the prestigious Pace Gallery of New York preceded her visit in order to hang her show and satisfy her demanding specifications. She also created three works for the celebration, which were sold on the condition that the proceeds go to the Farnsworth Museum.

With the \$15,000 raised from the sale and donations from her brother, Nate, a Berliawsky-Nevelson Gallery will be developed to display Louise's and other contemporary American artists' works.

In keeping with her outspoken, pioneering character, Mrs. Nevelson was also a women's rights advocate. And while her individual efforts furthering the rights of women were, no doubt important, her position as a role model for women everywhere, I believe, will have a strong and lasting impact on our culture.

With that in mind, I would like to end by relating a conversation I was fortunate enough to have with Mrs. Nevelson during a tribute to her at the Farnsworth Museum in 1985. The tribute included a Joint Resolution of this Legislature honoring Mrs. Nevelson on her 85th birthday. After the presentation, she turned to me and said, "When you go

back to the legislature, I want you to thank all the boys for me." I smiled and replied, "I'd be happy to do that for you Louise. But do you mind if I also thank the women as well? You know our numbers are continuing to increase there." With a look of amusement at her obvious slip, she said, "Certainly, do thank them also." Perhaps better than anyone, Louise Berliawsky Nevelson knew the strides women had made in the Maine Legislature.

Mr. Speaker, I move that when we adjourn today, we do so in memory of Louise Berliawsky Nevelson.

The following item appearing on Supplement No. 105 was taken up out of order by unanimous consent:

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Improve Services for Maine's Elderly" (S.P. 943) (L.D. 2490) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Senators BUSTIN of Kennebec, BRANNIGAN of Cumberland, and BLACK of Cumberland - of the Senate.

Representatives CASHMAN of Old Town, RYDELL of Brunswick, and SEAVEY of Kennebunkport - of the House.

Came from the Senate with the Committee of Conference Report read and accepted.

Report was read and accepted in concurrence.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 83 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Make Health Care More Accessible to Low-Income Elderly and Disabled Individuals, Children and Pregnant Women (H.P. 1643) (L.D. 2242)

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

The following item appearing on Supplement No. 103 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Establish the Additional Support for People in Retraining and Education Program (H.P. 1744) (L.D. 2390) (H. "C" H-780 to C. "C" H-770) which was passed to be enacted in the House on April 21, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "C" (H-770) as amended by House Amendment "C" (H-780) and Senate Amendment "A" (S-542) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 96 was taken up out of order by unanimous consent:

FINALLY PASSED

Emergency Measure

RESOLVE, to Create a Day Care Demonstration

Project as an Employment Incentive to Help Address the Nursing Shortage (S.P. 791) (L.D. 2079) (S. "A" S-546)

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

The following item appearing on Supplement No. 100 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative DIAMOND of Bangor, the following Joint Order: (H.P. 1945)

ORDERED, the Senate concurring, that when the House and Senate adjourn, they do so until Wednesday, May 4, 1988, at 10 o'clock in the morning.

Was read and passed and sent up for concurrence.

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

The following item appearing on Supplement No. 102 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Increase the State Funding of Educational Costs (H.P. 272) (L.D. 355) (S. "B" S-544 to S. "A" S-492)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 87 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative DIAMOND of Bangor, the following Joint Resolution: (H.P. 1944) (Cosponsors: Senator CLARK of Cumberland, Representatives CASHMAN of Old Town and POULIOT of Lewiston)

JOINT RESOLUTION REQUESTING
THE HONORABLE JOHN R. MCKERNAN, JR.

GOVERNOR OF MAINE TO CALL A SPECIAL SESSION TO
PROVIDE FOR PROPERTY TAX RELIEF

WHEREAS, state revenues for fiscal year 1988 are running higher than anticipated; and

WHEREAS, there are strong indications that revenues will continue to exceed expectations through the end of the fiscal year; and

WHEREAS, property tax relief has been a foremost concern of the 113th Maine Legislature; and

WHEREAS, the "circuit breaker" tax relief program has provided \$4,000,000 since adopted by the Legislature in 1987; and

WHEREAS, the 1988 supplemental budget included and additional \$5,400,000 in property tax relief through the "circuit breaker" plan; and

WHEREAS, existing revenue estimates supplied by the McKernan Administration limit the Legislature's ability to provide additional property tax relief to the citizens of Maine; and

WHEREAS, it is the intent of the Legislature to expand this highly successful program to benefit a greater number of Maine residents; now, therefore, be it

RESOLVED: That We, the members of the 113th Maine Legislature now assembled in the Second Regular Session respectfully request that the Honorable John R. McKernan, Jr., Governor of Maine, recognize the need for property tax relief and that he be made aware of the Legislature's desire to use surplus revenues to provide additional tax relief to the people of Maine; and be it further

RESOLVED: That since the statutory adjournment provision of Maine law denies the Legislature the ability to apply surplus revenues to further property tax relief, that the members of the Maine Legislature respectfully request that the Honorable John R. McKernan, Jr. exercise his powers under the Constitution of Maine under Article V, Part First, Section 13 and call the Legislature into Special Session following the release of the final revenue figures for 1988, for the expressed purpose of using revenues from an unanticipated surplus to expend property tax relief efforts through the "circuit breaker" program or any other appropriate program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Governor McKernan as notice of this request.

Was read.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The Resolution before you attempts to sum up what has been a common goal of all of us for the past few months and that is to address to the greatest extent possible the need for property tax relief for the people of Maine. The Resolution calls on the Governor to call us back into a special session after the close of this fiscal year if we find ourselves with an unanticipated surplus. The purpose of calling us back in is to use that surplus to address property tax relief or some other form of tax relief depending on what this legislature and the Governor decides it wants.

We feel that revenues are going to be greater than anticipated. The trend so far has been that way. Unfortunately, because of the relative shortness of this legislative session, we will not know exactly what those revenues will be at the end of this fiscal year. For that reason, because of the limitations placed on us in our inability to deal with any surplus, we feel it is appropriate to be called back into special session to use that surplus for one purpose and that is tax relief.

We believe that the Resolution before us obviously is not binding, it is letting the Governor know how we feel about this and also asking him to respect our concerns, respect our common interests in providing property tax relief and to do so this year to use that money wisely for the people of Maine.

Mr. Speaker, I request a division.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: We all have the same goals, the same direction. We would like to see Maine state government going and I am glad to see that we are reaching a consensus here that if we do have additional revenues as we look into the future, we are omitting another option which is called spending. We are beginning to look at, if we do find ourselves with money on our hands, to find ways of

getting that back to the Maine people. I think many of us feel very strongly that the best tax is no tax.

I think as we go through and we begin thinking about what we have accomplished through this session in terms of whether it is monies going to local communities through the roads and bridge program, the circuit breaker, the 17.2 percent increase in the state's share of education, that we do have some real accomplishments. Whether you call that property tax relief or you call that investing in education or investing in roads, together we have done quite a bit.

We have also taken a very positive step forward in terms of Representative Judy Foss' bill in terms of mandates so that never again, if we mandate will we go along and pass that cost on to someone else. So, with this vote, I plan on voting yes because I think we all stand for reducing the tax burden on Maine's citizens.

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

Representative POULIOT: Mr. Speaker, Men and Women of the House: I urge your support for this Resolution. I don't believe there is an individual in this House today who believes that we have done enough for Maine's overburdened property taxpayers. I do believe there are those, however, who think they have tried and failed to provide sufficient property tax relief for the taxpayers. Unfortunately, the problem our taxpayers face is too serious to say, we will merely try to help them. Maybe some members of this body are willing to go back to their constituents and tell them, well, I tried, sorry, -- I am not. I want to be able to tell my constituents that we did everything we could, everything possible to help them and that we succeeded. We are at the point where we must do all we can to reduce the pressure of the regressive property tax on taxpayers. Let's face it ladies and gentlemen, we are about to leave here today having done too little in the way of property tax relief.

I believe, as I know many of you believe, that by the end of this fiscal year in June, there will be a significant amount of surplus revenue in our treasury. We are currently in the situation of collecting more revenues than anticipated. It would be nice if we had a crystal ball tonight that we could gaze into and find out where that unexpected surplus will be and what it will amount to.

Even though the honorable Speaker and House Clerk supply us with just about everything we could ever want for our jobs as Representatives, even they haven't been able to come up with a crystal ball. Even if we could predict the future surplus, we still lack the statutory ability to apply surplus revenues to property tax relief. We do have an alternative and it is embodied in this Resolution. Very simply, it calls on the Governor to bring the legislature back into session once the exact amount of unexpected surplus is known so that we can make the decision then that we can't make now. With the figures before us, we will be able to determine how to use the funds to provide additional property tax relief for Maine citizens.

The Governor has spoken forcefully and sincerely about his concerns for the burden of Maine property taxpayers. He has expressed his belief that something must be done about this serious problem. I hope he will put his words into action and support this Resolution and I hope the members of this body will also support the Resolution and send a message to the Governor and the people of Maine that we will not leave Augusta without responding to this serious problem.

The SPEAKER: The Chair recognizes the

Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I am a little surprised really that we didn't do more for property tax relief this session since I suspect that there is close to 151 people in this body that campaigned two years ago on property tax relief.

I think also that property tax relief is necessary, we are all in favor of it. But should a special session come, I think we should be aware that it means more than taking this surplus money, bringing it up to Augusta and regurgitating it back in a certain way back to the other pocket, if you will, back to the local level.

There are many things that are wrong with property tax in our state, among them are such things as assessing practices, which means if my neighbor sells his house for a certain amount of money and I have no intention of selling mine, yet mine is evaluated now in such a way because of that sale, things of that nature.

Also we are getting into a different kind of mandate. I was reading a story in the paper not too long ago about bureaucratic mandates such as the decision of the DEP saying that towns and cities now will not be able to take their snow and dump it in the rivers and oceans like they used to, they now have to find a dumping ground (if you will) so the snow can melt in some other place. That is a bureaucratic mandate, not legislative. It is those kinds of things that are really driving up property tax just as much.

Property tax relief is a great idea but I just wanted to bring those points to your attention.

The SPEAKER: The Chair will order a Division. The pending question before the House is adoption of Joint Resolution (H.P. 1944). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

107 having voted in the affirmative and one in the negative, the Joint Resolution was adopted and sent up for concurrence.

The following item appearing on Supplement No. 106 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Assist Homeowners and Businesses to Comply with the Overboard Discharge Law (Emergency) (S.P. 863) (L.D. 2251) which was Passed to be Enacted in the House on April 8, 1988.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-541) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 81 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative BEGLEY of Waldoboro, the following Joint Resolution: (H.P. 1943) (Cosponsor: Senator SEWALL of Lincoln)

JOINT RESOLUTION IN HONOR OF
THE BICENTENNIAL OF THE
TOWN OF NOBLEBORO

WHEREAS, "Territory is but the body of a nation for it is the people who inhabit its hills and valleys that are its soul, its spirit and its life;" and

WHEREAS, within that vast territory of the Province of Massachusetts centered in Lincoln County,

a settlement was formed in 1640 to become known as Nobleboro; and

WHEREAS, led by James Noble, the town's namesake, inhabitants located on the eastern shore of the beautiful Damariscotta Lake and improved the land; and

WHEREAS, this special place was accorded supreme importance in 1788 by its incorporation into a town which provided the structure for a better life and a proud, new hearthfire for civilization in the forest; now, therefore be it

RESOLVED: That We, the members of the 113th Legislature of the great and sovereign State of Maine now assembled in the Second Regular Session, take this occasion to recognize the 200th anniversary of the Town of Nobleboro and to offer its good citizens the best wishes and support of the Maine Legislature and the people of Maine as they look to the future; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the town officials to commemorate the bicentennial observance of this historic community.

Was read and adopted and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 104 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Establish the Additional Support for People in Retraining and Education Program (H.P. 1744) (L.D. 2390) (H. "C" H-780 and S. "A" S-542 to C. "A" H-770)

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

The following item appearing on Supplement No. 109 was taken up out of order by unanimous consent:

SENATE PAPER

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 21, 1988
Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it Passed to be Engrossed as Amended by Senate Amendment "A" (S-497) Bill "An Act to Correct Additional Errors and Inconsistencies in the Laws of Maine" (Emergency) (H.P. 1939) (L.D. 2638).

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

Was read and ordered placed on file.

The following item appearing on Supplement No. 107 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Assist Homeowners and Businesses to Comply with the Overboard Discharge Law (S.P. 863) (L.D. 2251) (S. "B" S-541)

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

The following item appearing on Supplement No. 108 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Amend the Motor Vehicle Laws and to Allocate Funds to the Division of Motor Vehicles (H.P. 1930) (L.D. 2630) (H. "B" H-772)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor John R. McKernan, Jr., to extend an invitation to make such communication as he may be pleased to make.

Representative SOUCY of Kittery
Representative WARREN of Scarborough
Representative PERRY of Mexico
Representative LACROIX of Oakland
Representative RACINE of Biddeford
Representative BROWN of Gorham
Representative REEVES of Pittston
Representative DIAMOND of Bangor
Representative KIMBALL of Buxton
Representative STANLEY of Cumberland
Representative CALLAHAN of Mechanic Falls
Representative RICE of Stonington
Representative DAVIS of Monmouth
Representative ZIRNKILTON of Mt. Desert
Representative HILLOCK of Gorham
Representative ARMSTRONG of Wilton
Representative TAYLOR of Camden
Representative WILLEY of Hampden
Representative BOTT of Orono
Representative HARPER of Lincoln

Subsequently, Representative Diamond of Bangor reported that the Committee had delivered the message with which it was charged.

At this point, Governor John R. McKernan entered the House amid prolong applause, the audience rising.

The Governor then addressed the House as follows:
Governor MCKERNAN: You didn't all have to stay. I am glad to see everyone in such good spirits.

I would just like to say a couple of things. I know the hour is late. A couple of months ago, we had Capitol for a Day in Ellsworth and a local radio show asked me for my top ten favorite songs -- well, the other day I was reading John Hale's comments in the Bangor Daily News and I realized that I had forgotten a truly great song by the Rolling Stones. The lyrics seemed especially appropriate here tonight, you will be pleased to know that I will refrain from singing them although with this group you would probably rather that I would at this point. The lines, I think, are important for all of us. The lines are, "You can't always get what you want, but if you try sometimes, you might find you get what you need."

Tonight I think, if we look back over the last four months, we can take pride in the fact that, while none of us have gotten exactly what he or she wanted, when all is said and done, the 113th

Legislature did what was needed for Maine. 100 days ago Maine did not have a comprehensive method to protect our environment against over-development and rapid growth, now we do.

100 days ago this state could not offer very many welfare recipients a viable chance at building an independent and rewarding life, now we can.

100 days ago, actually about 45 minutes ago, Maine didn't know how we would make up the federal shortfall on the highway funds, let alone embark on an ambitious improvement plan that would transport us into the next session, now we do.

I want to thank those of you who supported us for your willingness to tackle this critical issue in this election year. It wasn't easy and frankly, the method by which we had decided to fund our transportation costs, in my opinion, would make Rube Goldberg proud. But you know the key -- this is what we ought to keep in mind -- the key was really to fund a long-term \$700 million transportation program for Maine and that is what you have done.

Together, we have also achieved a lot of other important pieces of legislation, landmark environmental legislation on growth management, banning CFC's and the acquisition of Donnell Pond.

Working together, we have broken new ground on welfare reform and child care and we have continued the course that we embarked upon last year, a course that in the near future is going to mean that Maine will be leading the nation in comprehensive job training programs. We have continued the process of providing additional funds to local education in an effort to improve our schools and to relieve the burden of property taxes.

We have taken other steps to ease tax burdens by returning the federal windfall as well as by increasing the tax credit for low income/high property taxpayers. I should just point out how pleased I was to see your support for our continuing efforts in that regard in the months to come.

I promised Sawin Millett that I would be brief tonight so that he could get home to milk his cows, he hasn't had an opportunity to do that as much as he would have liked over the last four days.

Before I do close, I just want to wish all of you a pleasant summer and to thank you for your devotion to our state and the people that you represent. To those of you, the lame ducks who escorted me up here, I hope that that won't be the fate that will befall me after the next session of the legislature.

I want to say that I have enjoyed working with you. Some of you I have worked with a number of years, others just during the last two but that the state is better for your service and we do all appreciate the time and the effort that you have expended to do what is right for Maine.

In looking back at the tremendous accomplishments of this session, you should be proud of your achievements. I know how frustrating and exhausting the legislative process can be. We have seen that up close and personal the last three days. But in doing what needs to be done for the future of Maine and for our children, you have proved once again that the process works and that government can have both a profound and a beneficial impact on the people that it seeks to serve.

Do have a good summer and I look forward to seeing you all, perhaps, before November. Thank you very much. (Applause, the members rising)

On motion of Representative Diamond of Bangor,
Adjourned at until Wednesday, May 4, 1988, at ten o'clock in the morning pursuant to Joint Order (H.P. 1945) in memory of Louise Berliawsky Nevelson.

At this point, Governor McKernan retired from the Hall amid prolonged applause, the audience rising.