

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

March 25, 1988 to May 5, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
THIRD SPECIAL SESSION
2nd Legislative Day
Friday, September 16, 1988

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

Prayer by Father John Shorty, St. Mary's Catholic Church, Augusta.

The Journal of Thursday, September 15, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

RESOLVE, Creating a Commission to Establish the Valuation of State-Owned Properties (Emergency) (S.P. 1033) (L.D. 2697)

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

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

Under suspension of the rules and without reference to any Committee, the Resolve was read once and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of Millinocket" (Emergency) (S.P. 1018) (L.D. 2669)

Signed:

Senator: GOULD of Waldo
Representatives: LACROIX of Oakland
WENTWORTH of Wells
HUSSEY of Milo
CARROLL of Gray
LOOK of Jonesboro
STROUT of Windham
ANTHONY of South Portland
ROTONDI of Athens
BICKFORD of Jay

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

Signed:

Senator: TUTTLE of York
(Senator BALDACCI of Penobscot - of the Senate - Abstaining)

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on State and Local Government.

Reports were read and the House voted to recommit the Bill and all accompanying papers to the Committee on State and Local Government in concurrence.

ORDERS

On motion of Representative PARADIS of Old Town, the following Joint Resolution: (H.P. 1995) (Cosponsors: Senators DILLENBACK of Cumberland, PEARSON of Penobscot and Representative KETOVER of Portland)

JOINT RESOLUTION IN SUPPORT OF NATIONAL POW/MIA RECOGNITION WEEK.

WHEREAS, there is a need for greater public awareness of the existence of American military personnel and civilians who are still being held as prisoners or missing in Southeast Asia as a result of the Vietnam War; and

WHEREAS, American servicemen who are

Prisoners-of-War or Missing-in-Action served their country with distinction and deserve our deepest gratitude; and

WHEREAS, the families and friends of those who are still missing face the uncertainty of not knowing the fate of their loved ones; and

WHEREAS, although public awareness efforts have been effective in gaining greater support in this country and have helped to set the stage for high-level negotiations with the governments of Vietnam and Laos, there continues to exist the need for increased public awareness of the plight of Prisoners-of-War and Missing-in-Action personnel and for the fullest possible accounting for Americans still being held as prisoners and missing in Southeast Asia; and

WHEREAS, in response to these concerns the United States Congress has designated September 16, 1988 as National POW/MIA Recognition Day and September 11-16, 1988 as National POW/MIA Recognition Week to honor all former United States Prisoners-of-War and all Americans who are still missing and their families; and

WHEREAS, Maine has 18 service men who are still officially listed as POW-MIA's or otherwise unaccounted for; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature, now assembled in the Third Special Session, take this opportunity during National POW/MIA Recognition Week to show our support for, and to recognize the bravery of, Americans who are Prisoners-of-War or Missing-in-Action and their families; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to appropriate State veterans' organizations.

Was read.

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

Representative PARADIS: Mr. Speaker and Members of the House: Just a few words on this Resolution to emphasize its importance and its concern today. The Resolution complements similar action that has been taken by the United States Congress to designate this week in bringing attention to this subject so that our people would develop a stronger awareness of the concern of many of our families and friends of these individuals whose status is still unaccounted for and remains unknown.

Here in our state, we have 18 of our young men who are included in this national total of over 2,000 who are in this category as a result of the Vietnam experience here just recently passed. Their families and friends look to our leadership in the action and appropriate action to arrive at a solution to their personal loss. Although the Resolution and congressional action is directed toward Vietnam, we must renew our efforts towards North Korea for the recovery of our dead and establishing a counting of those who are missing in this estranged land.

Through the passage of time and the acceptance of a social level of 50 years, nearly a half century ago, over 8,000 of our American youth are still today beyond the reach of family and nation.

I ask you to join with me in passage of this measure so that by our action we hope to maintain public interest and awareness of the seriousness of this concern.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: It is my honor as a member of the 113th Legislature to cosponsor this

Resolution. Congress has declared this day, September 16, 1988, as recognition day for POW/MIA's and to recognize the week of September 11th through the 16th to honor all former United States Prisoners of War and all Americans who are still missing.

The unknown status of Prisoners of War and Missing In Action personnel is a continuing source of sorrow for their families. These veterans served their country with distinction and deserve our deepest gratitude.

We are constantly reminded of this horrid war with television and the movie such as "Platoon" and "The Killing Fields" but, this kind of government of Vietnam needs to be reminded of the continuing concerns of the American people with these missing veterans. That is why I believe a need for greater public awareness of the existence of the American military personnel and civilians who are still being held as prisoners or missing in Southeast Asia. That is why I am saying, we must never forget those 18 from Maine and those thousands of people missing from their loved one's across the United States. We must remember to never forget.

I hope you will pass this Resolution and keep this in mind until they are home.

Subsequently, the Resolution was adopted and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1991) (L.D. 2693) Bill "An Act to Clarify the Maine Jobs and Investment Tax Credit Law" (Emergency) Committee on Taxation reporting "Ought to Pass"

(H.P. 1977) (L.D. 2675) Bill "An Act to Provide for Pooling of Certain Over-Order Premiums Under the Maine Milk Pool" (Emergency) Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-810)

(H.P. 1984) (L.D. 2687) Bill "An Act to Ensure the Integrity of the Judicial Process under the Bail Law" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-809)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Modify the Radiation Protection Services Statute for Commercial Nuclear Power Facilities in the State (S.P. 1023) (L.D. 2679) (C. "A" S-553)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following

item appeared on the Consent Calendar for the First Day:

(H.P. 1990) (2690) Bill "An Act Relating to Horse Racing and Racing Facilities" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-811)

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.

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

SECOND READER

RESOLVE, Creating a Commission to Establish the Valuation of State-Owned Properties (Emergency) (S.P. 1033) (L.D. 2697)

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

Representative Diamond of Bangor offered House Amendment "A" (H-812) and moved its adoption.

House Amendment "A" (H-812) was read by the Clerk and adopted.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: We have addressed many concerns of urgency here at this session. If you take a look through the bill and the bill as it is amended now, we are talking about the expenditure in the amended bill of \$194,000. We are talking about the establishment of another commission which is about the last thing Maine state government needs. We have got a procedure in the bill that between now and the convening of the next legislature will create a further drain on legislative staff. This issue will be addressed in terms of reading the newspapers and getting a feel for what is happening on the local level. The issue will be addressed in the new legislature. There is no need for this bill at this point. It has not had a hearing. It is an expenditure of almost \$200,000 and there is even the basic question of, if it did have a hearing, which committee would it go to? The one it was originally supposed to be referred to that it never made it to -- that the committee has not looked at and discussed -- or would it be more properly before the Committee on Taxation?

We do have urgent matters that we have dealt with, we have accomplished a great deal in this special session, this can wait, it is something that the next legislature can undertake.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I am a little amused by my colleague's comments about the need for one or no more commissions on the part of state government. He expressed a concern that there are too many commissions as it is and that, all this will do is again, add to the expense of running state government and doing so in an unnecessary way.

In the last couple of years I have referred to the McKernan administration as running a government by commission because those of you who have paid any attention to what has gone on downstairs (and that includes everyone here) is well aware of the fact that commission after commission after commission after commission has been appointed by Governor McKernan in order to address some of the big concerns

facing state government.

I don't fault the Governor for approaching the issue the way he has, although the size of some of these commissions has been somewhat outrageous, 44 members here, 37 members there. The commission being called for here in this piece of legislation is a small one, seven members. I think given the nature of the issue that it is attempting to address, it makes sense to deal with the issue.

Those who have been around for the last four or five years understand that the concern of many communities, Augusta, Bangor, South Portland, Portland, Thomaston, Pownal and a number of communities, all has been expressed on the floor, a concern about the need to do something about tax exempt state-owned property. Coming into this special session, it looked as though we would be dealing with this issue once again. There was a small number, very vocal, very aggressive legislators looking out for the interests of their communities who wanted to come here and ask that some of the surplus money be set aside to deal with the problems of the economic burdens being placed on the property taxpayers of their communities because of the inordinate amount of state-owned property. These people were convinced that it was inappropriate or it might be an effort in futility on their part to try to deal with the issue at this special session.

Based on that, they decided that they would approach the issue in a different way, they would deal with the underlying question that has complicated this issue in the last five years and that is how much state property exists out there and how much is it worth.

During the debate we had when we first dealt with this issue under the Brennan administration, it was clear that the state really didn't have a very good handle on it. We didn't know how much property was out there and we didn't know the value and the demands that it was placing on the communities that were claiming to be aggrieved. Senator Bustin, Representative Mayo, Representative Daggett, Representative Hickey, Representative Carroll and Paradis of course, have all expressed time and time again a concern about getting this issue addressed. They, I think, saved this legislature time and money by proposing the bill now before us by giving us the ability to do an inventory of this land and to determine how much it is worth. Those advocates of this issue can come back next session and debate it on its merits. Those who oppose this payment in lieu of taxes, payment for tax exempt property, are going to be in a better position to argue their case as well next year because for the first time, we will have an accurate reading and gauge of what is out there.

I think the legislature would be wise to adopt this piece of legislation today, it is relatively inexpensive but it is going to clarify once and for all whether or not a need does exist out there and it will allow the next legislature to debate the issue on its merits and do so more accurately. I urge you to support the legislation before you.

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

Representative SEAVEY: Mr. Speaker, Men and Women of the House: This is not an emergency piece of legislation by any stretch of the imagination. It is really a re-election bill for the four Democratic sponsors on the bill.

I believe a \$200,000 appropriation requires a public hearing, whether it be before State Government or before the Taxation Committee.

As far as talking about all of the Commission's that the Governor has proposed and created, this is far from a Governor's Commission since all seven members of the Commission are members of the legislature. This proposed Commission has no public members -- for instance, perhaps community assessors from the towns that have state-owned property in them -- there is no one from the administration, whether it be the State Tax Assessor's Office or someone from the Bureau of Public Improvements so I think this bill should have been looked through by one of the committees, not an emergency, let it come before us in January.

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

Representative CARROLL: Mr. Speaker, Men and Women of the House: I would like to address this issue, not as an election year issue at all, but as an issue for those of you who have been here for awhile and saw me stand as a freshman legislator, trying to amend the budget process because it is unfair taxation on local communities. We talk about Augusta, we talk about Bangor, we talk about South Portland and we talk about Portland but, ladies and gentlemen of the House, let's talk about Thomaston and New Gloucester, Maine. New Gloucester, Maine is the third hardest hit community in the state because of this type of policy. We have tried for six continuous years to get this House and the other body to do something about this problem for municipalities. It never gets addressed, we send it to Taxation, it gets killed; it goes to Appropriations and it gets killed. The membership on this Commission is not defined -- seven individuals to be appointed by the President and by the Speaker -- it doesn't say whom they should be, it says "they will be appointed." I think it is about time we had some sound data to make a rational decision so that these municipalities can get their fair shake of state tax monies for the state property that they use.

I don't have shopping centers in New Gloucester, Maine, I don't have restaurants in New Gloucester, Maine nor does my friend from Thomaston. Those state institutions don't do anything for the local economy and don't tell me they create jobs because of the 700 jobs at Pineland Center in New Gloucester, 71 of them are held by people from Gray and New Gloucester and that is all.

I urge this House to support this bill so we can come back in January and get this resolved, once and for all.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Tupper.

Representative TUPPER: Mr. Speaker, Men and Women of the House: For 15 years I filled out municipal valuation returns. We listed every piece of state-owned property and municipal property and the valuation according to the ratio of the town or city. That was sent to the Bureau of Taxation, they do have that information and I think we should pull on what we do have. Most towns have maps and acreage and I think we could get a good handle on it without this big expense.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: Let me respond to the last point first if I may. The information that has been available to the Committee on Taxation and to this legislature from the various municipalities throughout the state is not done in a consistent, uniform manner and that is the major problem we have with this issue. Some municipalities include in their state exempt property the interstate highway system. Some don't make any

effort at all to include state property, some over value the state property and some under value state property.

This legislation is needed so the state can get its fiscal house in order so we can get a handle on how much property we own. We don't know how much property we own and, as an accountant, I find that very hard to believe, that this legislature would sit by and let that continue to happen.

I have been told, time and time again, that we have to wait, have to wait. We need to get this information started now so that in January, we can take action on this very important issue.

I read in the newspaper that the Executive is very sympathetic to this problem and is willing to sit down and talk about doing something about it in January so let's not pay lip service to this issue, let's not try to make it a political issue, let's try to do something about the problem. Let's get a handle on it so we can act responsibly when we come back in January.

I urge this House to support this measure. When the vote is taken Mr. Speaker, I would request the yeas and nays.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: Before we vote, I just wanted to bring out one other aspect of the Commission that hasn't been brought out and that is the valuation of that property. As other speakers before me have stated, the Bureau of Taxation perhaps knows the acreage that the State of Maine owns in every local municipality but it sure did not tell us every time we have asked in the last several years what the value of that property is.

This bill wasn't written by the Speaker's Office, it wasn't written by the President's Office, it was written by the Maine Municipal Association and was given to us at the beginning of the week for submission to the Legislative Council. This morning one speaker said that it was only a re-election gimmick by four Democratic sponsors and it is unusual in this chamber for partisan words like that to enter into a debate. I would like to suggest that this would be the first time that the Grand Old Party has taken a stand against finding out how much the State of Maine actually owns and its value. I would suppose that it might be an amount of insecurity on the second floor as to what this issue would mean to the electorate in this November's election. I would hope that they wouldn't be afraid of divulging to this next legislature that meets this winter what the exact value of the property is and how much the State of Maine has had a tax-free ride.

We talk about loopholes in the tax code and loophole after loophole that we would like to close as legislators but the biggest loophole that we never want to admit is the one that we enjoy, tax-free. My city provides fire and police protection, not only to this complex but the one across the river, we are investigating a rape that occurred just several days ago at AMHI and that should all be done by our state police and not capitol security. That is a burden on my property taxpayers where they receive no compensation from this state.

I would hope that there is not a partisan difference over this type of bill, only a philosophical one. I would hope that both parties can agree that this state owes an obligation to its taxpayers, especially its property taxpayers.

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

Representative JALBERT: Mr. Speaker, Men and

Women of the House: I, too, served as an assessor in Lisbon for many years. As the gentlelady from Orrington said, we already have the valuation on it but I think the question has come up on why we need this Commission. It will not be to just determine the valuation because that will be done by a re-valuation company and contracted out. What we need the Commission for is to determine what state property is used by the state. You can't go across the board and say pass legislation saying that every piece of state-owned property owned by the state shall be either exempt or taxed. What you need is a Commission to determine what part of the property that the State of Maine uses for state purposes and shall be exempt or shall be taxed.

The SPEAKER: The Chair recognizes the Representative from Mechanic Falls, Representative Callahan.

Representative CALLAHAN: Mr. Speaker, Men and Women of the House: I feel obligated to support this bill because the town of Poland, which is nowhere near as bad as New Gloucester, has several parcels of land that add up to hundreds of thousands of dollars. I have been asked several times to try to help the situation; therefore, I will be voting in favor of the bill.

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

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

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

ROLL CALL NO. 304

YEA - Aliberti, Allen, Anthony, Baker, Bost, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Diamond, Dore, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Lord, Macomber, Mahany, Manning, Marsano, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Tracy, Vose, Walker, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Bragg, Brown, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Harper, Hepburn, Higgins, Holloway, Jackson, Lawrence, Lebowitz, Look, MacBride, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Racine, Reed, Salsbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Boutilier, Duffy, Hanley, Hillock, Holt, Kimball, Nutting, Pines, Reeves, Rice, Thistle, Warren, Weymouth.

Yes, 85; No, 53; Absent, 13; Paired, 0; Excused, 0.

85 having voted in the affirmative and 53 in the negative with 13 being absent, the Resolve was passed to be engrossed as amended 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 to Gong)

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 Extend the Reporting Date of the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (Emergency) (S.P. 1032) (L.D. 2690) which was passed to be enacted in the House on September 16, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-554) in non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(S.P. 1026) (L.D. 2682) Bill "An Act to Expedite the Allocation of Solid Waste Management Assistance" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-555)

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

SENATE PAPERS

The following Joint Resolution: (S.P. 1034)

JOINT RESOLUTION REQUESTING

THE ATTORNEY GENERAL

TO STUDY THE TRADE PRACTICES OF
THE MOTOR FUEL SALES INDUSTRY

WHEREAS, the competitive nature of the sale of motor fuels is in danger due to certain trade practices; and

WHEREAS, a free and open competitive marketplace for the sale of motor fuels is in the best interests of the people of the State; and

WHEREAS, where the potential exists for harm to the competitive nature of this marketplace through the consolidation of competitors; and

WHEREAS, action may need to be taken by the Attorney General to preserve the competitive nature of the sale of motor fuels; now, therefore, be it

RESOLVED: That the Legislature urges the Attorney General to undertake a study of the potential harm to Maine consumers and to the competitive nature of the free-market economy due to the consolidation of competitors in the sale of motor fuel. This study should examine such consolidation and sales practices in light of the Maine Unfair Trade Practices Act and other applicable state and federal antitrust laws; and be it further

RESOLVED: That the Attorney General report his

findings and any necessary implementing legislation to the First Regular Session of the 114th Legislature; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Attorney General.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

September 16, 1988

The Honorable John L. Martin

Speaker of the House

113th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following. Upon the recommendation of the Joint Standing Committee on Education:

Board of Trustees, Maine Vocational Technical Institutes

Roy Hibyan of Yarmouth for appointment, replacing Steve Wright.

State Board of Education

Carol A. Wishcamper of Freeport for reappointment.

Richard C. Kennedy of Nobleboro for appointment, replacing Shirley Richard.

Sincerely,
S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide for Pooling of Certain Over-Order Premiums Under the Maine Milk Pool (H.P. 1977) (L.D. 2675) (C. "A" H-810)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Maine Jobs and Investment Tax Credit Law (H.P. 1991) (L.D. 2693)

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 6 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-813) on Bill "An Act to Provide Funds for Safe Collection and Disposition of Hazardous Household Pesticides" (Emergency) (H.P. 1966) (L.D. 2663)

Signed:

Senators: EMERSON of Penobscot
PEARSON of Penobscot
Representatives: HIGGINS of Scarborough
FOSTER of Ellsworth
CHONKO of Topsham
RIDLEY of Shapleigh
NADEAU of Lewiston
LISNIK of Presque Isle
CARTER of Winslow
McGOWAN of Canaan
DAVIS of Monmouth
FOSS of Yarmouth

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

Signed:

Senator: BERUBE of Androscoggin

Reports were read.

On motion of Representative Carter of Winslow, the House voted to accept the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-813) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-813) and sent up for concurrence.

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

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Amend the Maine Managed Care Insurance Plan Demonstration for Uninsured Individuals" (H.P. 1996) (L.D. 2698) (Presented by Representative RYDELL of Brunswick) (Cosponsor: Senator THERIAULT of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance)

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

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

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Authorize the Department of Mental Health and Mental Retardation to Reimburse Extraordinary Costs for Special Needs" (Emergency) (H.P. 1997) (L.D. 2699) (Presented by Representative HALE of Sanford) (Cosponsors: Senator TUTTLE of York, Representatives ROLDE of York and RIDLEY of Shapleigh) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(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, passed to be engrossed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Sewerage Facilities Construction General Fund Bond Issue for Individual Pollution Abatement Projects" (Emergency) (H.P. 1992) (L.D. 2694) 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 items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Expedite the Allocation of Solid Waste Management Assistance (S.P. 1026) (L.D. 2682) (C. "A" S-555)

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

Emergency Measure

RESOLVE, to Extend the Reporting Date of the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 1032) (L.D. 2690) (S. "A" S-554)

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1981) (L.D. 2684) Bill "An Act to Enhance Land Use Regulation" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-814)

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.

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

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 11 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. 1024) (L.D. 2680) 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 Year Ending June 30, 1989" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-556)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Ensure the Integrity of the Judicial Process under the Bail Law (H.P. 1984) (L.D. 2687) (C. "A" H-809)

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

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

SENATE PAPERS

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on RESOLVE, Concerning the Special Commission on Boating (Emergency) (S.P. 1019) (L.D. 2670)

Signed:

Senators: ERWIN of Oxford
USHER of Cumberland
BRAWN of Knox
Representatives: CLARK of Millinocket
DUFFY of Bangor
WEYMOUTH of West Gardiner
WALKER of Norway
GREENLAW of Standish
FARREN of Cherryfield
ROTONDI of Athens
JACQUES of Waterville

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

Signed:

Representatives: SMITH of Island Falls
BROWN of Gorham

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Resolve was passed to be engrossed.

Reports were read.

The House voted to accept the Majority "Ought to Pass" Report, the Resolve read once.

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

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

SENATE PAPERS

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Permit the State of Maine to Exercise the Right of Eminent Domain over Certain Lands Located within the Town of Lebanon" (S.P. 1014) (L.D. 2659)

Signed:

Senator: BALDACCI of Penobscot
Representatives: ROTONDI of Athens

BICKFORD of Jay
CARROLL of Gray
HUSSEY of Milo
WENTWORTH of Wells
LOOK of Jonesboro
LACROIX of Oakland
ANTHONY of South Portland
STROUT of Windham

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

Signed:

Senator: TUTTLE of York
Came from the Senate with the Bill and accompanying papers recommitted to the Committee on State and Local Government.

Reports were read.

Subsequently, the House voted that the Bill and accompanying papers be recommitted to the Committee on State and Local Government in concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Relating to Horse Racing and Racing Facilities" (H.P. 1990) (L.D. 2692) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-811) in the House on September 16, 1988.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-811) and Senate Amendment "A" (S-557) in non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(H.P. 1993) (L.D. 2695) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Original Constitutional Resolution Making the Language of the Constitution Gender-Neutral Committee on State and Local Government reporting "Ought to Pass"

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

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

SENATE PAPER

The following Joint Resolution: (S.P. 1035)
JOINT RESOLUTION MEMORIALIZING THE MEMBERS

OF THE UNITED STATES CONGRESS TO PASS LEGISLATION
FOR BETTER CHILD CARE SERVICES

We, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the United States Congress, as follows:

WHEREAS, State Government has provided almost 20 years of progressive leadership and commitment of resources to develop child care services in Maine; and

WHEREAS, the lack of good quality, accessible and affordable child care services is still a serious problem facing many thousands of children and families, and employers, all across Maine; and

WHEREAS, successful resolution of the child care crisis requires coordination and collaboration between all levels of government and the private sector; and

WHEREAS, the "Act for Better Child Care Services" is a comprehensive Federal Government proposal to assist states and local communities to make child care more affordable for low-income and moderate-income families, to increase the number of child care facilities and qualified providers available to all families, and to improve the range of options and quality of all child care services; now, therefore, be it

RESOLVED: That We, Your Memorialists, respectfully urge and petition the Members of the United States Congress to pass "AN ACT for Better Child Care Services," S. 1885 - H.R. 3660; and be it further

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

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

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Provide Funds for Safe Collection and Disposition of Obsolete Pesticides (H.P. 1966) (L.D. 2663) (C. "A" H-813)

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 one 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. 18 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Concerning State Contribution to Water Systems" (Emergency) (H.P. 1998) (L.D. 2701) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senators SEWALL of Lincoln, DOW of Kennebec and Representative LORD of Waterboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Reference of Bills had suggested the Committee on Utilities)

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

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

(Off Record Remarks)

(At Ease to the Gong)

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:

CONSENT CALENDAR
First Day

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

(S.P. 1028) (L.D. 2685) Bill "An Act to Establish the Board of Overseers of the Augusta and Bangor Mental Health Institutes" (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-558)

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Authorize the Department of Mental Health and Mental Retardation to Reimburse Extraordinary Costs for Special Needs" (Emergency) (H.P. 1997) (L.D. 2699) which was passed to be engrossed in the House on September 16, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-560) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Maine Managed Care Insurance Plan Demonstration for Uninsured Individuals" (H.P. 1996) (L.D. 2698) which was passed to be engrossed in the House on September 16, 1988.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-559) 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 PAPERS

The following Joint Order: (S.P. 1038)

ORDERED, the House concurring, that the following specified matters be held over to the next special session of the 113th Legislature:

COMMITTEE	BILL
State and Local Government	(S.P. 1014) (L.D. 2659)
	- AN ACT to Permit the State of Maine to Exercise the Right of Eminent Domain over Certain Lands Located

State and Local Government within the Town of Lebanon. (S.P. 1018) (L.D. 2669) - AN ACT to Authorize the Annexation of Land Adjacent to the Town of Millinocket.

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

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

PASSED TO BE ENACTED
Emergency Measure

An Act Relating to Horse Racing and Racing Facilities (H.P. 1990) (L.D. 2692) (C. "A" H-811 and S. "A" S-557)

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

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Again, I think you deserve this presentation in explanation of the bill because this industry-wide piece of legislation, while extremely important, had a flaw or two. One concern was rectified through a Senate Amendment changing one word from "shall" to "may" as far as asking the racing commission to legislate or promulgate rules for simulcasting.

The second major concern was a lack of communication in presenting the original ramifications of the legislation. This too has been addressed.

I sincerely hope we can put the uneasiness to rest. I have been honored as a spokesman and cosponsor as a member of the Agriculture Committee to report and solicit your support for this legislation.

Simulcasting is the area that needs explaining. Simulcasting is an electronically presented race program via closed circuit television from an originating source outside of the state and beamed to a licensed track in Maine as part of their existing race program (this would be live) for any given date and all the same formula that applies to the regular racing would apply to the simulcasted race and the revenues would be addressed in a similar manner that an ordinary race program would have. The same formula now in existence for commercial tracks, the fairs, the breeder's program, the agriculture stipends will also apply to these simulated races. Areas emphasized at the hearing that is worthy of mention at this time was that the intent was not to weaken the successful existing racing but to assure that the industry will continue to grow and flourish.

The racing commission has the full power to address this legislation positively and negatively. We are not including any areas that we feel ought to be addressed in a personal way or a way that vested interests would be served. What we are saying is, you as a commission have a right to promulgate simulcasting if you choose to do so. However, if you do this, you must be fully aware that there are all types of interested parties and these parties must be told when you schedule these hearings. They must be invited to these hearings as a concerned part of the racing community.

I ask you to allow the racing commission to accept this concept.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 6 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. 24 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Enhance Land Use Regulation (H.P. 1981) (L.D. 2684) (C. "A" H-814)

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. 109 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. 25 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1989 (S.P. 1024) (L.D. 2680) (C. "A" S-556)

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

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

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

SENATE PAPER

The following Joint Resolution: (S.P. 1036)
JOINT RESOLUTION IN RECOGNITION OF
DAVID S. SILSBY, REVISOR OF STATUTES

WHEREAS, we acknowledge that "Some men succeed by what they know, some by what they do, and a few by what they are" and we find in our midst a public servant who has fulfilled the measure of each of these; and

WHEREAS, for 23 years our trusted colleague, David Silsby, has written the language of the laws of this State and discharged his duties with objectivity, consistency and eloquence as Director of Legislative Research and as the Revisor of Statutes; and

WHEREAS, David Silsby's experience, courtesy and willingness calls and qualifies him to undertake a new direction of service to the State as Director of the State Capitol Commission; and

WHEREAS, in recalling Emerson's words, we remember "how casually and unobservedly we make our most valued acquaintances," now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature, now in Third Special Session assembled, do pause in our deliberations to join friends and colleagues in expressing our gratitude and admiration for David Shorey Silsby and to applaud the patience, diligence and decency of this gentle man; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to David S. Silsby with our warmest esteem and in acknowledgment and appreciation of his many past contributions to the Maine Legislature and to his continuing commitment to his beloved State of Maine.

Came from the Senate, read and adopted.

Was read.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: With this Resolution, we honor a true public servant. His contributions to this institution and this Legislature, first of all, have covered the area of words. He has had that amazing ability whether it is a Special Sentiment or Resolution in terms of capturing pride -- say such as Morse regularly beats Kennebunk in basketball -- of capturing that pride or that sorrow that we feel when we lose a valued community leader.

He also has presided during those 23 years over an office that when we are in session has an onslaught of amendments, new drafts and thousands of bills. Much like a forester, he has been responsible for maintaining the forest, the statute books, which he values most highly.

As individual members of this legislature, we tend to focus on our individual bill and sometimes we see that as a lofty pine, sometimes a scrubby bush is what it turns out to be, but no matter what idea or concept -- and I think every member of this body has gone into Dave Silsby's office and said, I would like to... and he very patiently listens, takes that idea and that concept and puts it in to the proper language. I think it is very difficult to find the words, whether it is a Resolution or here on the floor, to be able to thank that man of words and the contributions he has made to this legislature.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I don't think I could disagree a bit with what the gentleman from Kennebunk said on this issue, surprising at it may seem.

When it comes to our respect for Dave Silsby, I think we both share a tremendous amount of it. I know it is something that everyone in this chamber feels as well. Dave has been a truly outstanding public servant and he has worked tirelessly for this legislature because he respects it as an institution and cares so much about it. The Silsby family has a great tradition in Maine politics and in Maine government both in the partisan arena and in the nonpartisan arena. Dave has continued that legacy and has been an outstanding person.

He is moving on to a different responsibility now in state government but I think that his influence over the way we do our business and the way our laws are shaped will last forever. That is one of the good things about being in a job of law making and law drafting is that you are doing something that is tangible, that is something that is going to have some long lasting effect.

So, I congratulate Dave and join with Representative Murphy in congratulating him on an outstanding job in the position he has held for so many years. I also, on behalf of the Democrats, wish him luck in his new challenges as well.

Subsequently the Resolution was adopted in concurrence.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

FINALLY PASSED
Emergency Measure

RESOLVE, Concerning the Special Commission on Boating (S.P. 1019) (L.D. 2670)

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

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Establish the Maine Commission on Mental Health (S.P. 1028) (L.D. 2685) (C. "A" S-558)

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

FINALLY PASSED
Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Original Constitutional Resolution Making the Language of the Constitution Gender-Neutral (H.P. 1993) (L.D. 2695)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 101 voted in favor of same and 4 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Amend the Maine Managed Care Insurance Plan Demonstration for Uninsured Individuals (H.P. 1996) (L.D. 2698) (S. "A" S-559)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize the Department of Mental Health and Mental Retardation to Reimburse Extraordinary Costs for Special Needs (H.P. 1997) (L.D. 2699) (S. "A" S-560)

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.

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning State Contribution to Water Systems (H.P. 1998) (L.D. 2701)

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. 107 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.

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

SENATE PAPER

RESOLVE, to Direct the Department of Administration to Develop a Cost-Estimate Plan of State-Owned Real Property (S.P. 1037) (L.D. 2700)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-561).

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

Under suspension of the rules and without reference to any committee, the House voted to recede and concur.

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, to Direct the Department of Administration to Develop a Cost-Estimate Plan of State-Owned Real Property (S.P. 1037) (L.D. 2700) (S. "A" S-561)

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

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I rise to urge members of the House to vote for this Resolve. After our debate this morning, we found that BPI was already doing that inventory and had some of the larger counties completed already so that mission that was laid out for that Commission in that bill, that had been initiated already. We hope that the administration will have that done by the end of the year and that it will be place for the Taxation Committee and the

State and Local Government Committee when they begin the hearing process on the bills that have come forward.

The valuations have also been collected by the Bureau of Taxation. What the Resolve does is it acknowledges that the gathering of information is underway and it asks the administration, when you get done collecting it, could you also by March 31st, come up with a plan in terms of -- what would it cost to go through those properties and have accurate valuations so when the committees begin work on those bills by March 31st, not only will we have the inventory and a plan or an estimated cost, if the Legislature wants to address that in terms of moving forward with this problem, it can. The Resolve is a very a good Resolve and I would urge members of this House to vote for it.

This being an emergency measure, a two-thirds vote of the House being necessary, a total was taken. 107 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 34 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

September 16, 1988

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to inform you that the following legislators will not be in attendance during the Third Special Session of the 113th Maine Legislature:

Representative Susan J. Pines of Limestone, due to illness;

Representative Sally R. Rice of Stonington, due to a death in the family;

Representative Bradford E. Boutilier of Lewiston, due to the fact he is being married; and

Representative Maria Glen Holt of Bath, due to family commitments.

Sincerely,
S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following item appearing on Supplement No. 36 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

113th Maine Legislature

September 16, 1988

The Honorable John R. McKernan
Governor
State of Maine
State House

Augusta, Maine 04333
Dear Governor McKernan:

We are writing with regard to Legislative Document 2648, "AN ACT to Return Certain Positions within the Department of Environmental Protection to Classified Service under the Civil Service Law." We ask that you take action on this bill by either signing it into law or vetoing it.

It is our belief that the legislative process was initially circumvented. The amendment to the appropriations bill that prompted L.D. 2648 has caused a situation in the Department of Environmental Protection unique to all state departments. By politicizing these six division director positions, this amendment has subjected the D.E.P. to political pressures previously unheard of in Maine government. By holding the bill, you are allowing this situation to continue, tacitly sanctioning this maneuver.

Maine citizens would not condone amending the civil service law in this fashion. If you believe that the citizens of this state agree that the six division directors should not be classified under the civil service law, we urge you to veto our measure. If, however, you agree with the position of the Legislature, we urge you to sign the bill and return the positions to their rightful classified status.

We look forward to your response and are hopeful that you will agree with our position.

Sincerely,

S/Charles P. Pray	S/John L. Martin
Senate President	Speaker of the House
S/Nancy Randall Clark	S/John N. Diamond
Senate Majority Leader	House Majority Leader
S/Dennis L. Dutremble	S/Dan A. Gwadosky
Asst. Majority Leader	Asst. Majority Leader

Was read and ordered placed on file.

The following items appearing on Supplement No. 37 were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

September 16, 1988

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

Thank you for your letter regarding L.D. 2648 and your request that I act affirmatively on it. I certainly appreciate your views as to both the legislative history behind this bill as well as the precedent it would set if it becomes law.

I want to assure you that I will give every consideration to your stated concerns, as well as those views expressed by others interested in this issue, prior to taking any action on it.

Thank you again for your letter.

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

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

September 16, 1988

The Honorable John R. McKernan
Governor
State of Maine
State House
Augusta, Maine 04333
Dear Governor McKernan:

I appreciate your response to the Democratic Leadership letter regarding L.D. 2648. I am, however, a bit confused by the content of your correspondence.

Our letter requested that you act on the bill in question. Since the bill was enacted by the House and the Senate on May 17, 1988, I feel there has been an appropriate amount of time for this issue to be carefully considered.

Perhaps our question should be, are you going to act on this bill? Thank you in advance for your consideration of this request.

Sincerely,
S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following item appearing on Supplement No. 38 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

September 16, 1988

The Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, ME 04333
Dear John,

This letter is in response to your two letters this afternoon and evening regarding my intentions with respect to LD 2648. Considering the fact that we have had several discussions in preparation for this Special Session, including frequent discussions during the past two days, I wish you had brought this matter up much earlier so that we were not in a position of debating my intentions on a Friday evening.

Because of the lateness of your request, I am unable to return the bill to you with a formal message on such short notice. However, I can assure you that I do not intend for this bill to become law.

In regards to our conversation in my office earlier this evening, I see no need for the Legislature recessing because of this matter since I made a commitment last May to the Executive Director of the Maine State Employees Association that Commissioner Marriott would treat the affected employees as though they were still classified until the 114th Legislature had an opportunity to address the appropriateness of these positions remaining as policy influencing titles.

I assure you that I intend to uphold that agreement; therefore, I see no need to delay adjournment for the purpose of the Legislature coming back later to consider my veto of this bill.

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

P.S. I also want to assure you that I have no intentions of vetoing any of the bills passed, or now pending passage, during the past two days, subject to review of final language, of course. If any technical problems were discovered, I would call you back in Session for clarification.

Was read and ordered placed on file.

The following item appearing on Supplement No. 40 was taken up out of order by unanimous consent:

COMMUNICATIONS
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

September 16, 1988

The Honorable John R. McKernan, Jr.
Office of the Governor
State House Station 1
Augusta, Maine 04333
Dear Governor:

As the closing chapter in the debate over the fate of LD 2648, I wish to make note of the fact that this issue is hardly new; particularly since it has been the subject of editorial comment within the past few days. This bill has been on your desk for review and deliberation since May 17, 1988. With the Special Session scheduled so far in advance, it does not seem at all unreasonable that this important issue and your intentions be finally resolved this Legislature.

Without the necessity of a formal veto, the Legislature is now aware of your intent to utilize a pocket veto of the measure. I am also pleased that your commitment both to the Maine State Employees Association and to the Legislature will now be a matter of record.

However, I am concerned, in light of your assurances to MSEA, with the fact that one of the positions in question has been filled outside the method prescribed for classified positions in State service.

I am pleased that a final accord has been reached on LD 2648 and with your commitment regarding legislation enacted during this Special Session.

Sincerely,
S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following item appearing on Supplement No. 39 was taken up out of order by unanimous consent:

ORDERS

(4-1) On motion of Representative STEVENS of Bangor, the following Joint Resolution: (H.P. 1999) (Cosponsors: Representatives JOSEPH of Waterville, LEBOWITZ of Bangor, and PRIEST of Brunswick)

JOINT RESOLUTION RECOGNIZING
THE LEAGUE OF WOMEN VOTERS OF MAINE

WHEREAS, the League of Women Voters is a nationwide, nonpartisan organization working solely in the public interest; and

WHEREAS, the League encourages citizens to be active in the party of their choice; and

WHEREAS, the Maine chapter of the League has been instrumental in ensuring that the average Maine citizen is kept well-informed of the operation of Maine government; and

WHEREAS, the League has encouraged greater voter participation in the State, through such means as Voter Registration Day, so that Maine citizens may take responsibility for the quality of their lives in the communities in which they live and work; and

WHEREAS, the League of Women Voters of Maine deserves recognition for its outstanding contributions to the citizens of this State; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature now assembled in the Third Special Session, take this opportunity to show our appreciation for and recognition of the League of Women Voters of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the League of Women Voters of Maine.

Was read and adopted and sent up for concurrence.

The following item appearing on Supplement No. 35 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

RESOLVE, Creating a Commission to Establish the Valuation of State-Owned Properties (Emergency) (S.P. 1033) (L.D. 2697) which was passed to be engrossed as amended by House Amendment "A" (H-812) in the House on September 16, 1988.

Came from the Senate with the Resolve and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

The following item was taken up out of order by unanimous consent:

ORDERS

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

ORDERED, that Representative John M. Nutting of Leeds be excused September 16th for personal reasons. Was read and passed.

At this point, the Speaker appointed Representative GWADOSKY of Fairfield on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative GWADOSKY reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor John R. McKernan, Jr., and inform him that the House had transacted all business before it and was ready to adjourn without day.

Representative DIAMOND of Bangor
Representative VOSE of Eastport
Representative MURPHY of Kennebunk

Subsequently, the Committee reported that they had delivered the message with which they were charged.

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

Representative WENTWORTH: Mr. Speaker and Members of the House: I would just like to say "Good Luck" to everyone campaigning -- those who are not, come back often and I move that the House stand adjourned without day.

The SPEAKER: Representative Wentworth of Wells moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed at 10:02 p.m., Eastern Daylight Savings Time, September 16, 1988 and the Speaker declared the House adjourned without day.