

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Nineteenth Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 2, 1998 – May 12, 1999

ONE HUNDRED AND NINETEENTH LEGISLATURE  
FIRST REGULAR SESSION  
32nd Legislative Day  
Wednesday, March 31, 1999

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

Prayer by Pastor Dennis Gonczy, Evangelical Baptist Church, Bucksport.

National Anthem by Jan Berlin, South Freeport.

Pledge of Allegiance.

Doctor of the day, Richard Stephenson, M.D., Auburn.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 739)

**JOINT RESOLUTION MEMORIALIZING THE  
UNITED STATES DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT TO REVERSE ITS DECISION  
TO DENY SHELTER PLUS CARE PROGRAM FUNDS**

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Honorable Andrew Cuomo, Secretary of the Department of Housing and Urban Development, as follows:

WHEREAS, recent United States Department of Housing and Urban Development grant application awards appear to disregard the crucial housing needs of homeless people in rural states such as Maine; and

WHEREAS, overall scoring criteria on the department's continuum-of-care housing applications should better reflect the geographic diversity and financial capacity of the states; and

WHEREAS, the system for distributing important funding to the homeless population of the states should use block grants instead of competitive grants; and

WHEREAS, though we in the State of Maine do appreciate the recent decision of the Department of Housing and Urban Development to fund homeless projects in the city of Portland, Maine, we continue to be concerned about the lack of funding for our Shelter Plus Care Program, which serves Maine's neediest citizens by providing an important safety net throughout the State; now, therefore, be it

RESOLVED: That We, your Memorialists, encourage the United States Department of Housing and Urban Development to reverse its decision to deny the Shelter Plus Care Program funds to the State of Maine, and we urge the department to institute policy changes that will distribute funds through a block grant process; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Andrew Cuomo, Secretary of the United States Department of Housing and Urban Development and to each Member of the Maine Congressional Delegation.

Came from the Senate, **READ and ADOPTED.**

**READ and ADOPTED** in concurrence.

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Bill "An Act to Update the Statutes and Provide for the Basic Needs of the Maine Conservation Corps"

(S.P. 735) (L.D. 2085)

Bill "An Act to Preserve the State's Farm Economy and Heritage"

(S.P. 736) (L.D. 2086)

Bill "An Act to Clarify the Equine Activity Law"

(S.P. 749) (L.D. 2108)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

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Bill "An Act to Appropriate \$125,000 for the Fort Knox Visitor Center" (EMERGENCY)

(S.P. 744) (L.D. 2103)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,500,000 to Construct Water Pollution Control Facilities and Make Other Environmental Improvements"

(S.P. 748) (L.D. 2107)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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Bill "An Act to Improve the State Budgeting Process"

(S.P. 729) (L.D. 2079)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion of Representative TOWNSEND of Portland, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and the Committee on **TAXATION** in non-concurrence and sent for concurrence.

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Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$56,616,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports and State-owned Ferry Facilities; Development of Rail Corridors and Marine Infrastructure; and Replacement of Public Transportation Fleets Statewide"

(S.P. 740) (L.D. 2089)

Committee on **TRANSPORTATION** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** in concurrence.

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Bill "An Act to Improve the Maine Economy Through Small Businesses"

(S.P. 746) (L.D. 2105)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

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Bill "An Act to Provide Public School Choice"  
(S.P. 730) (L.D. 2080)

Bill "An Act Regarding Out-of-District Placement"  
(S.P. 733) (L.D. 2083)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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Bill "An Act Allowing Increased Flexibility of Swing Beds"  
(S.P. 728) (L.D. 2078)

Bill "An Act to Reduce the Cost of Prescription Drugs to Residents of the State"  
(S.P. 732) (L.D. 2082)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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Bill "An Act to Revise Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY)  
(S.P. 738) (L.D. 2088)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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Bill "An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases"  
(S.P. 741) (L.D. 2100)

Bill "An Act to Provide Equity for Unemployment Compensation"  
(S.P. 745) (L.D. 2104)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

**REFERRED** to the Committee on **LABOR** in concurrence.

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Bill "An Act to Reduce the Release of Mercury into the Environment from Consumer Products"  
(S.P. 734) (L.D. 2084)

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

**REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

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Bill "An Act to Establish the Public Resources and Information for Maine Foundation"  
(S.P. 737) (L.D. 2087)

Bill "An Act to Allow Nonprofit Corporations to Retain Small Levels of Profits Realized on State Contracts"

(S.P. 747) (L.D. 2106)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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Bill "An Act to Enhance the Maine State College Savings Program"  
(S.P. 742) (L.D. 2101)

Bill "An Act to Exempt from Use Tax Merchandise that is Donated to a Nonprofit Organization"  
(S.P. 743) (L.D. 2102)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** in concurrence.

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Bill "An Act to Make Commercial Vehicle Weight Limits Consistent with Federal Law"  
(S.P. 731) (L.D. 2081)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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#### COMMUNICATIONS

The Following Communication: (H.C. 109)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

March 30, 1999

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P. 339, LD 455, "An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices," which I am returning without my signature or approval.

While I am always anxious to remove unnecessary requirements imposed on Maine business, I am equally anxious to ensure that Maine consumers are provided with every reasonable opportunity to be well informed consumers. I sincerely believe that the supporters of LD 455 share these objectives as well. However, given the unique market fluctuations inherent in the petroleum industry, more emphasis on price disclosure is better than less.

I have read correspondence and listened to arguments on both sides of this issue over the last ten days. I am aware of and appreciate those in the gasoline retailing business who contend that there are certain costs and inconvenience associated with the requirement that prices be posted at the pump. I've not been persuaded that these costs and inconvenience warrant repeal of this consumer awareness policy.

Gasoline is a product on which virtually every citizen in Maine relies in one way or another. We should all appreciate the effort required by those who sell gasoline to keep those who buy gasoline well informed. We should also continue the policy of full price disclosure. Therefore, I am vetoing LD 455 and respectfully urge you to sustain my veto.  
Sincerely,

S/Angus S. King, Jr.  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill "An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices" (H.P. 339) (L.D. 455)

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise as chairman of the committee to stand behind the legislation. It was a unanimous committee report. We believe it is not a consumer issue. We will let the vote take place and deal with it as it happens. We do stand as a committee in support of the legislation. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. I will be brief. I will ask you to vote with the Governor and sustain the veto.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. We have debated this bill a few times. As the primary sponsor of the bill, I just wanted to go over a few points of what this bill does. Back about 15 years ago cash and credit were different prices for gasoline. Because of that confusion, a law was passed to require the cash price of gasoline to be posted on the signs on top of the pump mechanism. Also, the price of the gasoline is mandated to be on the pump mechanism itself. I can think of no other industry where we mandate two price tags on a product. This law was put in because cash and credit were different prices and there was confusion to the customers over what the cash price was. Now that cash and credit is the same price, the need for these signs is no longer there. These signs are an added burden to Maine businesses. On top of all the paperwork they need to file, all the frivolous tasks that need to be done, this is one small symbol we can send to Maine businesses to say we are trying to cut some of the red tape from around your neck. Often times I have people say for every new law we put on the books, we should take two off. This is one of them I am trying to take off. If you are worried about the consumers, I had that question in my mind before I put this bill in. The price is still going to be on the big sign on the side of the road. It is not mandated, but we don't mandate that we put up any signs. We don't mandate that they say they are an Exxon station or a Amico Station. They do that because it is good business. Every gas station in the state has a sign on the side of the road. Besides that, the price is still going to be on the pump mechanism itself so there is ample opportunity for the consumers to know the price of gasoline. If a store puts a different price on the big sign on the side of the road then what they are charging, there is already fraud laws against false advertising. I urge you override the Governor's veto and stand with the unanimous committee report and support repealing this unnecessary law. Thank you.

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

Representative **MARVIN**: Mr. Speaker, Ladies and Gentlemen of the House. As has been stated, this was advertised clearly in the paper, the committee listened very carefully to the people who came to testify. Those of us who serve on Business and Economic Development really feel like we worked this bill clearly. We understood the issue. I just

think that it is really ridiculous that we have spent the amount of time that we have on this unanimous committee report. It is an unnecessary business regulation and it is time for this body to get behind the unanimous report and send that message back to the Chief Executive. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I hope that you will sustain this veto. It was a bad bill then and it is a bad bill now. It will be a better bill if we take care of it the way it is supposed to be. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I lobbied the Governor's Office very hard on this. I represent people who cannot take a day off from work to come up to Augusta. The people I represent have to work very hard for a living. I really think that we should support this veto. Thank you.

The SPEAKER: The pending question before the House is shall this bill become law notwithstanding the objections of the Governor? All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 50**

YEA - Andrews, Bagley, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Collins, Daigle, Davis, Desmond, Dugay, Duncan, Etnier, Foster, Gagne, Gillis, Glynn, Goodwin, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McDonough, McKenney, Mendros, Murphy T, Nass, Nutting, O'Brien, O'Neal, Peavey, Pinkham, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanwood, Stedman, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Mr. Speaker.

NAY - Ahearne, Baker, Belanger, Berry RL, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Davidson, Dudley, Dunlap, Duplessie, Fisher, Frechette, Fuller, Gagnon, Gerry, Gooley, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, Mayo, McGlocklin, McNeil, Mitchell, Murphy E, Muse, Norbert, Perkins, Perry, Pieh, Povich, Powers, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Townsend, Tracy, True, Tuttle, Twomey, Volenik, Watson, Wheeler GJ, Williams.

ABSENT - Bolduc, Bouffard, Brennan, Green, McKee, O'Neil, Plowman, Quint, Saxl JW.

Yes, 70; No, 71; Absent, 9; Excused, 0.

70 having voted in the affirmative and 71 voted in the negative, with 9 being absent, and accordingly the Veto was Sustained.

The Following Communication: (S.C. 154)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 30, 1999  
Honorable G. Steven Rowe  
Speaker of the House  
2 State House Station

Augusta, Maine 04333

Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry, the nomination of Robert W. Spear of Nobleboro for appointment as the Commissioner of the Department of Agriculture.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Enforce the Laws Governing Family Medical Leave"

(H.P. 1488) (L.D. 2126)

Presented by Representative SAXL of Portland.

Cosponsored by Senator PINGREE of Knox.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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Bill "An Act to Amend the Laws Governing the Licensure of Dental Hygienists"

(H.P. 1490) (L.D. 2128)

Presented by Representative LOVETT of Scarborough.

Cosponsored by Senator PARADIS of Aroostook and Representatives: FULLER of Manchester, KNEELAND of Easton, O'NEAL of Limestone, SHIAH of Bowdoinham, SNOWE-MELLO of Poland, TRIPP of Topsham, Senators: BENNETT of Oxford, MICHAUD of Penobscot.

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative O'NEAL of Limestone, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

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**STATE AND LOCAL GOVERNMENT**

Bill "An Act to Allow the Direct Submission to Voters of Municipal Charter Revisions"

(H.P. 1489) (L.D. 2127)

Presented by Representative TUTTLE of Sanford.

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**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative POVICH for the **Criminal Law Advisory Commission** pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act to Bring Certain Criminal Code

Provisions Addressing Fines Into Conformity with Recently Amended Criminal Code Provisions Addressing Restitution"

(H.P. 1491) (L.D. 2129)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**ORDERS**

On motion of Representative DAIGLE of Arundel, the following Joint Resolution: (H.P. 1492) (Cosponsored by Senator LIBBY of York and Representatives: CLARK of Millinocket, COWGER of Hallowell, DUPLESSIE of Westbrook, ETNIER of Harpswell, JOY of Crystal, MARTIN of Eagle Lake, TOBIN of Windham, Senator: NUTTING of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REMOVE THE REQUIREMENT FOR 2%-BY-WEIGHT OXYGENATE IN GASOLINE**

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the members of the Congress of the United States, as follows:

WHEREAS, the Federal Government under the Clean Air Act requires the use of an oxygenate for gasoline at a minimum of 2% of content by weight; and

WHEREAS, the State has serious concerns about the presence of methyl tertiary-butyl ether or MTBE, an oxygenate in reformulated gasoline, in groundwater; and

WHEREAS, the prescriptive requirements in the Clean Air Act for oxygenate content limit our State's ability to address our groundwater contamination issues; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the United States Congress remove the requirement in the Clean Air Act for 2%-by-weight oxygenate in reformulated gasoline so that additional alternate fuel mixtures may be available for use in Maine; and be it further

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

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 20)

**ORDERED**, that Representative Michael J. McAlevy of Waterboro be excused March 30th for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative David L. Tobin of Windham be excused March 24th and March 25th for personal reasons.

**READ and PASSED.**

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**REPORTS OF COMMITTEE**

**Change of Committee**

Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Licensing Fees of Tobacco Products Manufacturers"

(S.P. 412) (L.D. 1201)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Refer** to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **MARINE RESOURCES** on Bill "An Act to Provide State Funding for the Wells National Estuarine Research Reserve"

(S.P. 68) (L.D. 171)

Signed:  
Senators:

MICHAUD of Penobscot  
CATHCART of Penobscot  
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland  
STEVENS of Orono  
BERRY of Livermore  
MAILHOT of Lewiston  
POWERS of Rockport  
KNEELAND of Easton  
WINSOR of Norway  
TESSIER of Fairfield

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

Signed:  
Representatives:

BRUNO of Raymond  
NASS of Acton

Came from the Senate with the Majority Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **MARINE RESOURCES**.

**READ.**

On motion of Representative TOWNSEND of Portland, the Majority **REFER** to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **MARINE RESOURCES** Report was **ACCEPTED**.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This is not a controversial issue, I don't believe. We learned in the course of studying this bill that the Wells National Estuarine Research Reserve had somehow escaped the loop of the entire research and development initiative, which is going on in Maine. We came to believe that they are delivering top notch marine related research studying the very seed beds of our marine industries. They certainly

would appear to be deserving of funding. We thought that they ought to be included in the entire discussion revolving around research and development and marine resources, as opposed to being studied or funded separately and apart through our committee.

The **SPEAKER**: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. I just briefly want to note my objection was just to the re-referral. I agree with the house chair. This certainly deserves further consideration. Finally, the Wells Estuarine Reserve is certainly the jewel of the southern Maine coast. If any of you get a chance to visit there this summer, I would certainly urge you to do so. Thank you.

Subsequently, the Bill was **REFERRED** to the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** and the Committee on **MARINE RESOURCES** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-34)** on Bill "An Act to Permit Local Control and Funding of An Educational Building in Accordance With a Municipal Charter"

(S.P. 280) (L.D. 798)

Signed:  
Senators:

BERUBE of Androscoggin  
MURRAY of Penobscot  
SMALL of Sagadahoc

Representatives:

BRENNAN of Portland  
RICHARD of Madison  
DESMOND of Mapleton  
SKOGLUND of St. George  
WATSON of Farmingdale  
BAKER of Bangor  
STEDMAN of Hartland  
BELANGER of Caribou  
WESTON of Montville

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

Signed:  
Representative:

ANDREWS of York

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-34)**.

**READ.**

Representative RICHARD of Madison moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Make Uniform Hours for Agency Liquor Stores"

(S.P. 293) (L.D. 865)

Signed:

Senators:

DAGGETT of Kennebec  
 CAREY of Kennebec  
 FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon  
 MAYO of Bath  
 PERKINS of Penobscot  
 TUTTLE of Sanford  
 HEIDRICH of Oxford  
 McKENNEY of Cumberland  
 GAGNE of Buckfield  
 FISHER of Brewer

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

Signed:

Representative:

LABRECQUE of Gorham

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. I would like to explain why I am on the Ought to Pass and perhaps convince some of you to follow me in that area. Once upon a time there was a lot of liquor use. People became very concerned. The Temperance Organization became into being. We saw through their great efforts prohibition. We also witnessed with that, that was not the way to handle alcohol control. So, the rules changed. Here in Maine we are a controlled state. That means that there are many rules and regulations surrounding the sale and use of alcoholic beverages. Through the years we have picked away at some of these rules and regulations. There has been a relaxation of when you can purchase liquor.

In the 117<sup>th</sup> Legislature we changed the time when you could purchase liquor on Sunday to 9 a.m. in the morning from noon. Once upon a time the sale of liquor on Sunday was seen to be bad, but that rule relaxed. All this bill does is allow you to purchase liquor on Sunday starting at 9 a.m. in the morning, which makes it consistent with the rules pertaining to the sale of liquor for every other day of the week. What difference does two hours make?

I guess I would just close with an example. Many people got used to the fact that they couldn't buy liquor on Sunday so they stocked up on Saturday. People have now discovered that they can get liquor on Sunday, so they are forgetting to stock up on Saturday. You get up bright and early planning, for instance, a trip fishing. You stop by your local store to pick up your sandwiches and a case of beer and discover that it is 8:00 in the morning and you have an hour to wait. You go on your way. This is a business bill, as far as I am concerned. If we can sell liquor on Sunday, why not make it consistent with all the rest of the bills or all the rest of the laws? Thank you very much for your consideration.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. As you have heard, this bill removes the prohibition of selling liquor on Sunday mornings, making hours

of sale the same as for all days of the week. I guess where I come down in this issue is I don't think I need to remind this body that alcohol is the number one substance abuse problem in the state. It has been for a number of years. Presently, under Section 28-A, subsection 1, it says that a licensee may not sell liquor on Sunday between the hours of 6 a.m. and 9 a.m. I guess the committee felt that if that purchaser couldn't wait to purchase alcohol on Sunday between the hours of 6 a.m. and 9 a.m., I guess there may be a problem. It is for that reason that I would ask you to support the 12 to 1 Ought Not to Pass report. Mr. Speaker, I would request a roll call.

Representative TUTTLE of Sanford **REQUESTED** a roll call on his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 51**

YEA - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perry, Pieh, Pinkham, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Jones, Labrecque, Mack, McAlevey, Mendros, Perkins, Treadwell.

ABSENT - Belanger, Bolduc, Bouffard, Brennan, Martin, Plowman, Quint, Saxl JW.

Yes, 135; No, 7; Absent, 8; Excused, 0.

135 having voted in the affirmative and 7 voted in the negative, with 8 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-29)** on Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"

(S.P. 203) (L.D. 592)

Signed:

Senators:

PENDLETON of Cumberland  
 DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska  
 BAGLEY of Machias



McDONOUGH of Portland  
TWOMEY of Biddeford  
BUMPS of China  
JODREY of Bethel  
RICHARDSON of Greenville  
GERRY of Auburn

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

Signed:

Senator:

Representatives:

GOLDTHWAIT of Hancock

KASPRZAK of Newport

RINES of Wiscasset

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-29).**  
**READ.**

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Appropriate Funds for Acquisitions for the Maine State Library and for Library Resource Sharing" (EMERGENCY) (H.P. 374) (L.D. 499)

Signed:

Senators:

Representatives:

MICHAUD of Penobscot  
CATHCART of Penobscot

TOWNSEND of Portland  
STEVENS of Orono  
BERRY of Livermore  
MAILHOT of Lewiston  
POWERS of Rockport  
TESSIER of Fairfield

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

Signed:

Senator:

Representatives:

HARRIMAN of Cumberland

KNEELAND of Easton  
WINSOR of Norway  
BRUNO of Raymond  
NASS of Acton

**READ.**

Representative TOWNSEND of Portland moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I apologize first for my clumsiness. It occurs to me that today is the first day that we have had any divided reports from the Committee on Appropriations and

Financial Affairs. That is something of which I am rather proud. To date, I think we have four out of close to 100 bills. This does have to do with the Maine State Library. The heart of the issue is whether to increase the funds in its Book Acquisition Fund. The Maine State Library's Book Acquisition Fund has been stagnant for a decade with the exception of last year at a level of \$45,000. Those of us on the majority side found that to be an embarrassingly small amount of money. We felt that this state agency was worthy of adequate funding. The fact that its operating budget has been stagnant for so long stands in significant contrast to other state agencies which receive annual increases in their budget of 2 to 3 percent to account for inflation.

In that same decade, the price of books has risen sharply, so that with that stagnant fund, the Maine State Library is able to purchase about half of what it could purchase back in 1980. It has serious ramifications. I think the first speaks for itself. It is a library and it can't buy adequate books. Therefore, its collection is increasingly inadequate. It is particularly inadequate in the area that one might most expect to find the very topics that one might most expect to find in the Maine State Library, which is small publications having to do with state history or other local interests. It is a peculiarity of the publishing industry that books are available for a very short time. That is more and more true as competition builds. You have a very small window of opportunity in which to buy books. If you don't do it, they are gone forever. That is particularly true in those areas of special interest publications, history of local communities. We saw a book on the history of the Katahdin Iron Works, for instance.

Secondly, the Maine State Library serves as the area resource and referral center for all of central Maine. It provides backup support to libraries as far north as Jackman and as far west as Norway and Livermore and as far east as Rockland and also down to Lewiston and Auburn. That means that it provides books that the local libraries don't have. It fills special requests and special orders. The other two resource and referral centers are located in Bangor and in Portland. They each have book acquisition funds of over \$200,000 per year. A \$45,000 acquisition fund just doesn't begin to compare.

Thirdly, the Maine State Library is the back bone of the Interlibrary Loan Program in Maine. It is the only library for 300,000 Maine citizens who live in communities which don't have one. You can see that the impact on Mainers is important. I can't anticipate what the arguments are against buying books for the library would be. It is perhaps that this money is money that would otherwise go to general purpose aide to education, but I would argue that the two issues are related and that we ought not be educating children only to sort of make a statement that books are not valuable.

With that, I will end my speech and ask you to join me in voting for the Majority Ought to Pass Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. This argument is not about merit. It is about money. When you look at the white board downstairs in the Appropriations room, the number is zero. There are many programs out there that we want to fund. We passed a bill in here for \$18 million for child care, which we thought was an important priority, but \$275,000 for the next two years to purchase books has to come from somewhere. My wife is a former school librarian. She saw my vote on this and asked how can you do that. I explained. We have priorities. We have

general purpose aide. We have low-cost drugs for the elderly. We have home-based care for the elderly. The number is zero on the white board. This is a reality check, ladies and gentlemen. We can pass this bill and we can say we are going to buy more books for the library, but the reality is when it comes down to Appropriations and lays on the table with 100 other bills and there is no money, you will not fund this. So, why make anybody think that we are going to fund this and make everyone feel good.

I understand if you want to vote for this bill. I am looking at it from a pragmatic point of view that we cannot fund this. Lest you think that the Maine State Library doesn't have any money, we fund it to the tune of \$3.8 million a year. Just like we have to set priorities, they should also as a department. If I give you \$3.8 million and you say that purchasing books is not my top priority, that is not my fault. I think that \$3.8 million goes a long way every year. It is up to you as a manager of that department to set your own priorities. I will ask you to vote against the pending motion and be practical, pragmatic and understand the realities of where we are in the state budget.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I am the primary sponsor of this bill. If it looks familiar, that is because it is familiar. This bill was passed in the 118<sup>th</sup> Legislature. It was fully funded in the 118<sup>th</sup> Legislature because this body rightfully saw that there was a terrible inequity and indeed an embarrassment to the State of Maine by willfully under funding the books and acquisition budget for the Maine State Library. This is the library for all the people of the State of Maine. My good colleague from Sebago Lake region, Raymond, makes a point about this being a priority. We have to put priorities in our budget. I don't disagree with that. I absolutely agree with that, but if we can't make the library that serves all the children, senior citizens, families and the working people of the State of Maine, if we can't make that a priority, I don't think it speaks very highly of how we prioritize.

There is an education issue here. My good colleague from Portland, Representative Townsend, spoke about that. There is the issue of lifelong learning. My aunt in Eastport doing research through this valuable collection of historic documents that is housed in this library. The fact that many of these publications as they come out are only available for a very short period of time. Less than a year on some of them. They have limited printings. In fact, the Maine State Library's Acquisition Budget is so small, \$45,000 a year. I did distribute a handout to the members of this body. I ask you to look at that and particularly look at the comparison with similar state libraries on page 2. Similar libraries in states with similar populations. In fact, New Hampshire is the next lowest funded. They fund theirs at \$190,000 a year. Their books and acquisition budget. We are not comparing apples and oranges. This is a straight across the board comparison. Vermont funds theirs at \$314,000 a year. Those are comparable levels to the other regional libraries in the State of Maine.

Just so you understand, the State of Maine is divided into three area reference and resource centers for libraries. Bangor Public Library serves the northern and eastern part of the state. Their budget for books and acquisition is \$233,000 roughly a year. The Portland Public Library serves the southern and western part of the state. Their books and acquisition budget is \$342,000 a year. The Maine State Library serves the central Maine area, roughly 300,000 to 400,000 people, and they serve statewide to all the libraries. Their books and acquisition budget

is \$45,000 a year. I urge this body to support the Ought to Pass report. Do it for equity. Do it to remove this embarrassment on the State of Maine. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I am glad the word education has come into this debate. I am glad we are beginning, I don't want to use that word, crossroads again, but we are reaching a point where there is a reality check and we are not working with a gold Mastercard here. We are talking about books. At a meeting in Farmington, parents saying that their children with science textbooks could not take the books home because there were three students per textbook. At that same meeting with students, textbooks that should have been updated were nine to ten years old. When it comes to setting priorities and the library is very important to me, but when you have to make that decision between library books across the way and properly keeping our promise to 215,000 Maine school children, then I will vote with the Minority Report today. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I agree with my good friend from Kennebunk about the necessity for priorities. I think that priorities should serve a function. Priorities also should indicate some sort of investment for the future. The need for library books is so acute in so many of our state library systems that the books that are missing probably can never be acquired. When the library in Alexandria was destroyed it took almost 1,500 years to recreate that knowledge. Generations of scientists, scholars, playwrights and casual readers have lamented that loss. Everyday that we do not make progress in acquisitions, we are losing ground that we can never make up.

Some time about 44 years ago, when the Appropriations Committee was debating acquisitions for libraries, a very similar piece of legislation, the president of the University of Maine came down to speak in favor of that particular piece of legislation. The chair of the committee from the other body, whose name I will not mention at this time, looked at the president of the university, President Libby, in absolute disbelief and said, "I have been to your library. There are more books in that library than a man could read in a lifetime. Why do you need more?" The point really is that you are not going to go to the State Library and start at the front door and read your way to the back. You may be selecting very select data that could be inaccessible anywhere else. It is up to the State Library to acquire that data for the state's scholars and the state's researchers. We are not only talking about casual readers here. There are also many programs that deal with large print books for people who have visual disabilities. The library will mail those all over the state to our constituents who don't have access to a library or don't have access to that kind of material. These are the kind of things that the library acquires. It is vitally important to maintain the milestones of a vital culture in our libraries. I strongly urge you to vote with the Majority Ought to Pass Report on this legislation. Thank you very much.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I am delighted to have this opportunity to stand before you today and support the Majority Ought to Pass Report. As I do so, I think back just yesterday, the Joint

Resolution we had in this body memorializing my good friend and all of your good friend, Al Gamache and his passing and his passion for libraries and deliberate desire to dedicate every dollar that was left in his memory to the library in his community. Why did he do that? Al did that because the library was where he taught himself. It was part of his mission for lifelong learning. It was a part of the mission that touches each and every one of the people in this chamber, whether it is the children that deliver our notes to each other, whether it is the folks in our gallery. A library is an access and the great thing about a library is that each and every member of your community, rich, poor, highly educated, not educated at all, has access to the great depths of learning in that building. I want you to think about Al today when you cast your vote. I want you to vote for this Majority Ought to Pass Report.

I also want to address the second point that has been brought up in concern about priorities. I want to stand in this chamber and tell you today that I want to fully fund education. I want to plan to do that. I have a commitment to child care also. I want you to do that. What we are voting on here today is not the part II budget. What we are voting on here today is whether we want libraries to be considered as one of those priorities that we have in this chamber. We are not allocating a specific resource today. We are going to have a chance to do that later on this session when we cobble together a budget which is going to be full of compromises and full of some things that you like and some things that I hate and some things that I like and maybe that you won't like. Together we will work to make sure that we fund the priorities of this Legislature as a whole. I hope that when we do it that, we don't leave Maine libraries behind. Thank you.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. Two hundred and seventy-five thousand dollars is a reasonable amount to dedicate to the library of the State of Maine. There are much smaller libraries in Maine on campuses and municipalities throughout our state who spend tenfold what the State of Maine Library is able to spend. Libraries are very, very important to Maine citizens. I think we all know that. I think we all agree to that. They chronicle civilization in progress and as a people, we are beholden to treat libraries as basic important infrastructure, no less important than roads or hospitals or bridges. This is very, very important. This is only a fraction of the amount of money that we are dealing with down in the Appropriations Committee. I hope that you will accept the Majority Ought to Pass Report and support the State of Maine Library. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. This debate is really heartening to me. There is a bill coming along later to do with some of the words that I have heard here today. Lifelong learning and what we mean by education. Libraries are truly education. This is true education. It is open to everybody. As a home schooling parent and teacher for many years, the libraries have been a great resource for us. It has been tremendous. One of the kids would ask a question and we would call up the State Library and we would have a book or a packet of books in no time. It is completely open to everybody of all ages, the elderly people, the real young people, the home schoolers, the private schoolers. This is true education. Some people would call the alternative when we talk about priorities, government schooling, this is truly a public

institution, libraries. They are open and free to everybody. Some of us have thought about starting our own school. We did home schooling, but some of us actually have thought about starting a school and what we would implement or what we would want in the school. If I were to start a school and could only have two things, I would have a cafeteria and a library. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. I wanted to talk a little bit this morning about why I voted in the Minority Report. First of all, I have to say that I fully agree with most of the people who have talked about the importance of libraries and the importance of books. To the good Representative from Old Town, I want to say that he has made a wonderful argument about why we shouldn't have one central depository for books. We should have them scattered throughout the state. I fear that if we had one fire or a plundering in our library, that all those books would be gone. Seriously, what we have in Maine is a library system that is wonderful and unique. It is almost a seamless series of buildings that store books. You can go to any library in the State of Maine and order a book out of any other library. To me, it is extremely important that we recognize that we are a very, very small state and we are a very high taxed state and we are a very large geographic state, but we have a small population. We can't afford to duplicate efforts anywhere. I think to the credit of the Maine State Library and all the libraries in our state, they figured out a way to work very closely with one another. I think they have to continue that relationship. What I heard in the testimony, that is what they are doing.

In the context of my vote, I just want to remind you what Representative Bruno said earlier. There are over \$3 million appropriated to the operation of this library. It is very difficult to compare that operation with the operation of the Bangor Library, the Portland Library or many of the other small libraries throughout the state. I suspect that if the managers of that library really want to, they could devote more money towards buying books and periodicals.

It is important to me to say to all of the members of this body, that just yesterday, the Governor's part II budget proposal was placed on each one of desks. Remember the documents were placed there said that we had \$170 million of money left to spend in this biennium. The Governor has put in his request and guessed what he suggest we spend, \$171.1 million. In my committee alone, as of yesterday, we had bills from all of you and some of us that added up over the biennium to \$359 million. We are willowing through that list. I am also mindful that there is probably another \$200 or \$300 million out there in all the various policy committees that are coming through this body and will eventually end up in the battle for funding. It seems to me to be disingenuous to think that when I look at the process we are going through that I am going to vote for something that, frankly, I think is a great idea. I wish we could do it. I came convinced that as we get into the final days of this session, in my mind, this will not reach the priority of many of the other decisions that we are going to have to look at.

Seriously folks, if you have a favorite bill, you do yourself no favor to just simply pass every other bill here. You have to start setting priorities now. If we have \$300 million worth of request and \$10 million to spend, it is much more difficult for the committee to make reasonable and rational decisions. With that, I just urge you to think carefully before you vote and decide whether this is truly a priority to you in relationship to all your

other needs and desires and requests. If it is, vote for it. It will get fair consideration by our committee. It is a lot easier for us to understand the importance of every bill that we look at towards the end of session if we don't have 300 to weed through. With that, I thank the members for their attention.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. This morning I would like to share something that has occurred since the beginning of the school year last September. It came to my attention through a fifth grade teacher that I send many items that come across my desk that I think are of interest to him and to his students. He, in turn, shares this with other teachers in the school. One of the things that I learned about early on, they were in their government class without documents on the Maine Constitution. I realized that this is not any way to take care of the problem. I am not saying it to you folks meaning that. I was able to furnish some material that provided for the students and it was passed around through two or three grades. This is nothing new to me. This is something that I have worked with for a lot of years in school assignments. Here this morning we have the same approach to a bill that if you don't listen closely, you will miss because of the presentation by whomever, the real point. It is as simple a point as you could ever imagine. It is the need for textbooks for our students. I will say as I have traveled around the State of Maine going through the villages, one of the buildings that I always look at would be the local library. I wouldn't want anyone to think that I am only concerned about textbooks for students in our schools. However, I believe this morning that is the real center of what we are talking about. I would ask that you would join me as I have tried to do in all of my involvement with school matters, I plan to come down on the side of the child or the student. Thank you.

Representative TRACY of Rome **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I stand to ask your support for this bill. When the day is done there may not be any dollars available to fund this bill. We don't know that, however. The day isn't done. It may be that there will be some dollars available to fund bills that are sitting on the table. If that is the case, I believe this is one of the bills that should be sitting there ready to compete. I would ask for your support of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. It pains me to appear to be opposed to libraries. I would ask you to focus on exactly what this bill is all about. Personally, Joan and I have supported libraries for many years, both as school board members, and every year we make out a check to our local school library. We have donated new books. That is not what this is all about. This is about the total commitment that we are making to libraries in the State of Maine and the money available in total for all other state spending issues. It has been indicated this morning that we already have provided in the part I budget \$3.8 million for the State Library. That is a lot of money. Also, buried in the part I budget, is the Folger Library appropriation at the University of

Maine at somewhere between \$5 and \$6 million. That is a lot of money. The Law Library in the legislative budget gets a chunk of money. I am sorry, I don't have the exact number here. Next week we are going to have a public hearing on a bond issue to expand the Folger Library at the University of Maine. I also am sorry I don't have the exact amount of money. This Legislature is making a huge commitment to libraries in this state. I wish there were more. Personally, we contribute individually to our libraries back home. This is about priorities. We are already making a substantial commitment to our libraries in this state. We are asking through this effort that they better manage that money. I urge you to vote against the pending motion. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I hesitated to rise a second time on this, but this is a very important issue to central Maine and to the whole State of Maine. I appreciate the debate. I just have to focus on a couple of points. One, my good friend from Fairfield touched one, that is this notion that we won't have enough money to fund this anyway. This is exactly what the Chief Executive's Office told me last session. They said if I could bring this forth and get it through the process and get it funded with a wink and nod, then they would place this in their priority budget. That is because it is a priority. For some reason that did not occur. That is why I am bringing this back before this body one more time to let everyone, indeed, cast their vote in favor of increased educational opportunities for all the citizens of the State of Maine. It is kids. It is seniors. It is research people. It is everyone.

I have to address another point. This \$3.8 million budget issue of the State Library, well that is true. That is true. There is a \$3.8 million budget. Of that \$3.8 million, only \$2.3 million is actually general fund money. The other \$1.5 is federal funds that have very specific strings attached to them. They are not able to be used for books and acquisition budgets. That leaves us \$2.3 million that we are spending. That is all the personnel of the State Library. That is infrastructure costs. That is building and maintenance. That is the State Library. I would suggest that that is not really a legitimate argument. The budget has \$45,000 in it for books and acquisition. It has been at that level for 10 years. If these people had money lying around hidden in closets and little drawers everywhere, I am pretty sure they would have been able to come up with it to buy the life blood of what their library is, books. The simple fact is, there is not money lying around there. This is a lean operation. It is a very efficient operation.

As the good Representative from Norway said, we do have a very cooperative inter-local and comprehensive system for getting these books out to all the people of the State of Maine. I would urge you to support this Majority Report. Thank you.

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

Representative **COTE**: Mr. Speaker, Men and Women of the House. I rise today in support of this bill as well. As you know, we are going into the 21<sup>st</sup> Century. As you know, the books should be updated as we go on into a new century. Our children are our future. They go to the library to learn more. We go to libraries to learn more. I understand that it is expensive. You may think that \$45,000 is a lot of money, but to me it is not a lot of money when it comes to education and going into the 21<sup>st</sup> Century with the new technology that is out there today. Without the libraries around, how are we going to know

what is going on if we don't go to the libraries to learn and read. Without reading we aren't going to have nothing. We aren't going to know nothing. Our children go to the libraries to learn and to read. My son goes to the Lewiston Public Library all the time. I have to ask him how to do certain things or how to learn different things. I wouldn't know how to operate a computer if it wasn't for my son going to the library to learn how to use it and to learn in school and school libraries. It is pretty bad when I have to ask a 12 year old how to use a computer with the new technology that is coming up because we are sitting back on the old books. It is time to update our books and update the technology since we are going into the 21<sup>st</sup> Century. I urge all my colleagues to vote yes on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. My wife Gretchen is the librarian for the library in the Town of Brooklin. Her book buying budget is about \$8,000 a year. That is more than one-sixth of the budget for the Maine State Library. The population of Brooklin is only 800 people. That is \$10 per person annual book buying budget. The Maine State Library serves all of Maine. That is 1,241,382 persons as of 1995, thanks to the *World Almanac*. If the state libraries buying budget were proportional to the Brooklin Library, the total annual book buying budget would be \$10 per person or \$12,413,820 per year. I would like to pose a question to anyone who may answer. My question is this, is my wife's library book buying budget too large or is the Maine State Library's book buying budget too small? Thank you.

The SPEAKER: The Representative from Brooklin, Representative Volenik has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. To the good Representative from Brooklin, no, I suspect we shouldn't look at those in isolation. I think that your budget is fine. My budget in Norway is approximately the same. I just don't think we need to duplicate the effort. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richardson.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. This bill did not come before the Education and Cultural Affairs Committee because it is a money bill. It does not concern any policy. The Education and Cultural Affairs Committee does review the library budget. We do review all of the cultural affairs budgets. It was a unanimous opinion of the Education and Cultural Affairs Committee that the library budget should be increased. We felt that \$45,000 was an extremely small budget for the State of Maine Library. We had reviewed the business and economic development brochure which we received quite a bit earlier this year. One of the areas where it said that the State of Maine was very low was in cultural development, cultural affairs. We tried to take that seriously. We thought this was one place where we could take that seriously. We did not have this particular piece of legislation before us. We did vote an increase in the library budget for books. Once again, I would like to repeat, you have a very devoted staff in your Maine State Library. I think we should commend them, rather than speak of them in any other way. They do work very hard. I think they have put all of the money they feel that they can, \$45,000, is an extremely small amount when we saw the sheet that you have before you, the second page of your yellow document. We were stunned as we made

the comparisons between our State Library and the other libraries in the state. I would urge you to vote with the Majority Ought to Pass Report. I hope that there will be money so that we can increase the state budget for the State Library, so that they can have more than \$45,000 worth of new books in the next year. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I rise to support this bill for three reasons. I think that libraries, for the most part, are where dreams come true for most Mainers. I think about my wife who early on in her age, without a father at a young age and very little money, used to escape as a child in a library and spent a lot of time there. I think there is a direct correlation between her success today and the time that she spent in a library. I also think about my grandfather who was born and lived in Old Town, who spent many hours at the library for pleasure. When I look at this issue I think of another reason. To me, libraries are the seed corn of a young person's creativity. That same creativity will generate in the future, I think, ideas, research and business development. I stand and ask you to support this bill because for less than \$1 per person who uses the library, it is a great idea. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 52

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Brooks, Bryant, Bull, Carr, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Green, Hatch, Honey, Jabar, Jacobs, Kane, Kasprzak, Labrecque, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Muse, Norbert, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl MV, Shiah, Shields, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Chick, Clough, Collins, Daigle, Davis, Foster, Gillis, Gooley, Heidrich, Jodrey, Jones, Joy, Kneeland, Lindahl, Lovett, MacDougall, Mack, Marvin, Mendros, Murphy E, Murphy T, Nass, Nutting, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bouffard, Brennan, Cianchette, Dugay, Goodwin, Martin, Saxl JW.

Yes, 94; No, 49; Absent, 7; Excused, 0.

94 having voted in the affirmative and 49 voted in the negative, with 7 being absent, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Improve the Delivery of Services in Insurance"

(H.P. 246) (L.D. 350)

Signed:  
Senators:

LaFOUNTAIN of York  
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield  
NUTTING of Oakland  
SAXL of Bangor  
PERRY of Bangor  
GLYNN of South Portland  
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-98)** on same Bill.

Signed:  
Senator:

DOUGLASS of Androscoggin

Representatives:

RICHARDSON of Brunswick  
DUDLEY of Portland  
O'NEIL of Saco  
SULLIVAN of Biddeford

**READ.**

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Improve Insurance Company Practices Pertaining to Collision Appraisals"

(H.P. 425) (L.D. 567)

Signed:  
Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield  
RICHARDSON of Brunswick  
NUTTING of Oakland  
DUDLEY of Portland  
O'NEIL of Saco  
SULLIVAN of Biddeford  
PERRY of Bangor  
MAYO of Bath  
SAXL of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-99)** on same Bill.

Signed:  
Representative:

GLYNN of South Portland

**READ.**

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Ensure that Persons Issuing Bad Checks are Solely Responsible for Overdraft Charges"

(H.P. 657) (L.D. 913)

Signed:  
Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield  
RICHARDSON of Brunswick  
NUTTING of Oakland  
DUDLEY of Portland  
O'NEIL of Saco  
SAXL of Bangor  
SULLIVAN of Biddeford  
PERRY of Bangor  
MAYO of Bath

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

Signed:  
Representative:

GLYNN of South Portland

**READ.**

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-96)** on Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY)

(H.P. 20) (L.D. 30)

Signed:  
Senators:

KONTOS of Cumberland  
LONGLEY of Waldo  
MacKINNON of York

Representatives:

O'NEAL of Limestone  
TRIPP of Topsham

USHER of Westbrook  
 BOLDUC of Auburn  
 MARVIN of Cape Elizabeth  
 BOWLES of Sanford  
 CLOUGH of Scarborough

BENOIT of Franklin

Representatives:

THOMPSON of Naples  
 BULL of Freeport  
 LaVERDIERE of Wilton  
 JACOBS of Turner  
 MITCHELL of Vassalboro  
 NORBERT of Portland  
 MADORE of Augusta  
 SCHNEIDER of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-97)** on same Bill.

Signed:  
 Representatives:

MENDROS of Lewiston  
 SHOREY of Calais

**READ.**

Representative O'NEAL of Limestone moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and specially assigned for Monday, April 5, 1999.

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-100)** on same Bill.

Signed:  
 Representatives:

PLOWMAN of Hampden  
 WATERHOUSE of Bridgton

**READ.**

Representative THOMPSON of Naples moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today to speak to you about covenant marriage and tell you how I got involved in this and why I proposed this bill to the Judiciary Committee. Last spring I had the opportunity to go to Washington to a conference of family values. At this conference I met Representative Tony Perkins who presented this bill to the Louisiana Legislature. This type of marriage contract came into law in the State of Louisiana in 1997. Since then, 20 percent of the people of Louisiana chose to adopt the covenant marriage. Think about it, one out of five couples choose the covenant marriage as the basis of their marriage vows. At that time, I thought this could be a very good idea in a special way in helping crack many of our problems in our society. It certainly sets marriage up as being an institution that should not be taken lightly. It was then that I decided to introduce the bill to our Legislature.

You may ask what is a covenant marriage? A covenant marriage is one that would offer couples an alternative to existing marriage licenses. A covenant marriage license would require the couple to have some premarital counseling. Divorces would be granted without the counseling requirement on the grounds of spousal abuse or adultery. Please make note of this. It is not the purpose of this marriage to keep a marriage together if there is imminent danger of the life of an adult or child. Covenant marriage law has no premarital counseling requirements and allows no fault divorce. Under current marriage and divorce law, couples can move easily in and out of marriage contracts. No one is held accountable for behavior that leads to the break down of marriage.

I have written an amendment that hopefully will get to the floor on Monday, if you will, please pass this bill. It cuts out that part of the bill. I will explain later what else it does to change the bill itself. The covenant marriage bill does not aim to replace current marriage licenses. It does aim to present an option that is more consistent with a view of marriage held by a large percentage of men and women of various faiths in our state. If passed into law, already married couples would also be able to opt into a covenant marriage if they choose. That is the word, choice, to do so. Why do we need it you will ask? Isn't the way we get married good enough today? Don't people when they get married now believe that they are getting married under a

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Change the Name of the 'Department of Education' to the 'Department of Schooling'"

(H.P. 14) (L.D. 24)

Signed:  
 Senators:

BERUBE of Androscoggin  
 MURRAY of Penobscot  
 SMALL of Sagadahoc

Representatives:

RICHARD of Madison  
 WATSON of Farmingdale  
 DESMOND of Mapleton  
 BRENNAN of Portland  
 ANDREWS of York  
 BAKER of Bangor  
 BELANGER of Caribou

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

Signed:  
 Representatives:

WESTON of Montville  
 STEDMAN of Hartland  
 SKOGLUND of St. George

**READ.**

Representative RICHARD of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Initiate Covenant Marriage in the State"

(H.P. 169) (L.D. 231)

Signed:  
 Senators:

LONGLEY of Waldo  
 TREAT of Kennebec

covenant? We need it due to many reasons. There are indicators that the family is breaking down and that there are numerous children born out of wedlock. There are social consequences of the breakdown of the family.

This state already recognizes the consequences of young people growing up in single parent households. The Family Division of the Maine District Court, together with the Maine Department of Human Services, issued an RFP for the development of parent education programs for parents divorcing, separating or living apart. The purpose of this program is to educate divorcing or separating parents about the impact of the separation on the children. The impact of ongoing parental conflict upon children, methods to insure that the child accesses each parent in the safest manner possible. Doesn't it make sense to encourage this type of counseling before a family crisis reaches the point of separation or divorce. It is important to recognize that with the covenant marriage, you have the education component. This component I have also stricken out of the bill, which was meant to educate people, but it also adds a fiscal note, so I have amended that out of the bill.

To create and maintain a family as I described, particularly in the environment of post modern era, is no easy task. People who choose to live according to these God centered principles as many of us have, should at least be tolerated by the state. At best, it should be recognized and supported through policies that respect their firmly held beliefs and values. What we ask of you is to respect those commitments as binding agreements, just as you hold lenders and creditors accountable for commitments that they voluntarily make to each other. I ask you to support those, to make a promise to society that they will be responsible parents just as you hold drivers accountable to the promise to drive responsibly. I ask that you respect the choice that many couples want in today's environment of self-indulgence and irresponsibility. To have their marriage governed by principle that honor a higher moral authority and require a higher standard of commitment.

I am asking you to give this concept a chance and vote unanimously and then we can take it on to the amendment which will strike out the last portion of the bill. The last portion says that people cannot get out of their marriage for at least three years and they need to get counseling. The committee felt this was rather harsh. It did not get good support, so I wrote an amendment to get rid of that. Please, I urge you to think about this and vote for the covenant marriage. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. The intent of this bill is an honorable one. It is not really a solution to the problems which have been presented. What this bill would do is bring back into the divorce situation the need to prove a fault in order to get a divorce. By having our current divorce system, we have removed one of the most contested issues in a former divorce law. We used to require someone to be at fault to get a divorce. What will happen as a result of having fault as an aspect of divorce is that you will get extended litigation over the issue of whether or not someone has committed adultery or not, whether someone has abandoned the home for a continuous year or not. The courts will be faced with more contentious contested divorces. It would create a two tier marriage system. It would require the towns to change their marriage licensing procedures. This would be a mandate upon the towns and would require a two-thirds vote of this body. I ask you to join the committee in accepting the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Weston.

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. I first want to thank the Judiciary Committee for their work on this issue. This bill may not be the answer, but I would urge the body to continue asking the question of how our laws should deal with the cost and dollars and the lives of children that divorce brings. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I have one question and I guess I would address it to the sponsors of this bill. Would passage of this bill mandate that a spouse in an abusive situation have to stay with her husband or wife? I am concerned about that kind of situation.

The SPEAKER: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I didn't hear an answer to that question. I share the concerns of the proponents of this legislation. As the good chairman of the Judiciary Committee said so eloquently, I think we are all concerned about divorce and what happens to the children, but I am not going to vote for anything today that will in any way jeopardize children in an abusive situation at home or the spouse. We have heard about domestic violence. We had a tragic example just the other day. I have a lot of questions about this legislation. Again, the direction and the mission is a good one. I think divorce has become too easy in our country and the children are often the victims of that situation. However, there are certain circumstances that arise where we need to protect the spouse and the children. I am not going to vote for legislation today that will jeopardize their situation, the victims, anymore. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for standing up twice, but I would like to answer this question. Definitely you can get out of the marriage. Abuse is one of the areas that we do not want an unhealthy marriage and people that are being abused in any way to stay in the marriage. So, this bill definitely does not make it mandatory that you have to stay in the marriage because of any type of abuse. That would be appalling. I would never, ever introduce any type of legislation that would do that. I want to make that clear that in cases of adultery and cases of abuse and violence that, yes, you can have a divorce. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Majority Ought Not to Pass Report. I have some questions about this legislation. I would like to see the amendment, to see if there are any changes that can be made to make this legislation work. I think that is why we are here as a deliberative body, to look at things and compromise and compromise and come up with something that will work. Many people who are opposed to this legislation have said they agree with it in principle or in concept.



Let's look at the amendment and see if this is a bill we can agree with after it has been worked on a little. Thank you.

Representative FULLER of Manchester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. I would just share one or two things with you this morning as why I am a cosponsor on this bill. Much of what we address up here in policy areas has to do with the breakdown of marriages and the breakdown of families. This legislation is an attempt, particularly for young people, as they enter their late teens or early twenties or beyond, to kind of put a caution light in the intersection of life, if you will. It says slow down just a minute. Marriage is perhaps the most critical decision you are going to make in your life. I fear too often that the case turns out to be young people are on the fast track and don't think things through far enough. The next thing you know they are in a marriage situation with one or two kids and the financial pressures begin and they are not equipped to deal with those normal problems that come into all of our lives. I liked the idea that before you get into that relationship this is just legislation that attempts to say, talk to someone about it, get counseling, think it through and maybe it will prevent some marriages that perhaps shouldn't have been consummated in the first place.

In my own situation, I am proud to say, that I have been married for almost 26 years. I was really just a young boy at the time of 28 years of age. My wife's minister insisted that we sit down and talk before we performed the marriage. At that time I was probably just a practicing atheist, to be honest, and gave no concern about anything. All I knew is I thought the world of my wife, Pat. You need a little bit more than that to enter into a life relationship. I don't like sharing anything quite this personal, but I feel very strongly about this legislation and that what most of we do face in policy areas has to do with the fact that I think marriages often times get entered into without proper counseling and thought.

In the case of my wife and I, if I was looking at us and could somehow step out of that situation looking at my wife and I, there wasn't much chance there, due to me, not because of my wife. I was not ready for marriage. One of the key components and one of the steps that made that successful for Pat and I was that this minister talked about what marriage was. The commitment, the relationship with God, although I wasn't ready for anything like that at that point. The point was, I was supposed to be something in that marriage. I was to be a leader. It just made me stop and think that even though I was not able to necessarily understand and adopt all that was said that day, it wasn't lost on me. As the trials and the times of life proceeded and we have five sons, so obviously we have had a very successful marriage and have some that are grown, as a matter a fact. It was not easy. There are mountains and valleys in any relationship. I would just say that when some of those valleys came, I could go back to that counseling incident with my wife's minister and use that as the anchor to move forward.

I would just ask for your support of Representative Snowe-Mello's bill. Let's look fresh at the amendment on Monday and think about it through the weekend. This is merely an attempt, a

yellow sign in the middle of that intersection to slow down and think about it. Thank you ladies and gentlemen.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 53**

YEA - Bagley, Berry RL, Bolduc, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chizmar, Cianchette, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl MV, Schneider, Sherman, Shiah, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Baker, Belanger, Berry DP, Bowles, Bragdon, Buck, Campbell, Carr, Chick, Clark, Clough, Collins, Cross, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Heidrich, Jones, Joy, Kasprzak, Kneeland, MacDougall, Mack, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, O'Brien, Perkins, Pinkham, Plowman, Rosen, Savage C, Shields, Shorey, Sirois, Snowe-Mello, Stedman, Tobin J, Trahan, True, Tuttle, Waterhouse, Weston, Winsor.

ABSENT - Bouffard, Brennan, Martin, Saxl JW, Treadwell.

Yes, 93; No, 52; Absent, 5; Excused, 0.

93 having voted in the affirmative and 52 voted in the negative, with 5 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Extend the Waiting Period for Obtaining a Divorce"

(H.P. 737) (L.D. 1027)

Signed:

Senators:

LONGLEY of Waldo  
TREAT of Kennebec  
BENOIT of Franklin

Representatives:

THOMPSON of Naples  
BULL of Freeport  
MITCHELL of Vassalboro  
NORBERT of Portland  
JACOBS of Turner  
LaVERDIERE of Wilton  
MADORE of Augusta  
PLOWMAN of Hampden  
SCHNEIDER of Durham

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

Signed:

Representative:

WATERHOUSE of Bridgton

**READ.**

On motion of Representative THOMPSON of Naples, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

On motion of Representative DESMOND of Mapleton, the House **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. LD 1027 would change the current waiting period for obtaining a divorce from 60 days from summon and complaint, to six months, unless there has been proof of abuse. The law would not affect the most vulnerable, those that are in abusive situations for themselves for their children. Surely we all concede that a marriage involving physical and mental abuse calls for a speedy separation. However, for those couples who have just okay marriages and those where children are involved, a waiting period may make the difference between a broken family and one that could succeed. Even the best marriages go through bleak times.

Our nation has largely shifted from a culture of marriage to a culture of divorce. Once we were a nation in which a strong marriage was seen as the best route to achieving the American dream. "Till death us do part" has been replaced by "as long as I am happy." But, the promise of greater adult happiness has not been realized. Too many women are experiencing economic insecurity. Too many men are isolated and estranged from their children. Too many people are lonely and unconnected. Too many children are angry, sad and neglected.

Many experts argue that, because nothing can be done about it, we should simply accept the culture of divorce. Pre-nuptial agreements state the terms of any later divorce and marriage councilors often turn from the focus of saving a marriage to the goal of a good divorce.

No consistent, widespread effort has been undertaken to reverse this trend. Until such an effort is made, it is irresponsible to say that nothing can be done. To make it more difficult to marry would take away from individuals, even after getting a license, you can change your mind. There is no contract. Once there is a contract, however, it should be harder to get out. I feel it is giving time.

We must as a nation, reassess and change our cultural values. The values of marriage and marital permanence must be brought again to center stage. We must reverse the trend of family fragmentation and reinstitutionalize marriage. A preponderance of evidence suggests that a waiting period favors husbands, wives and children.

*Readers Digest* had a condensed piece from the book, *Life Without Father*, that I found troubling. It states that in just three decades, 1960 - 1990, the percentage of children living apart from their biological fathers roughly doubled to 36 percent. By the turn of the century nearly 50 percent of American children may be going to sleep without being able to say good night to their dads.

There was a time in the past when fatherlessness was far more common than it is today, but death was to blame, not divorce, desertion or out of wedlock births. Most of today's fatherless children have fathers who are perfectly capable of shouldering the responsibility of fatherhood. Who would ever have thought so many of them would choose to relinquish those responsibilities?

Research shows that the children of divorced and never married mothers are less successful by almost every measure than the children of widowed mothers. Children of one parent families are twice as likely to drop out of school. Two adults can support and spell each other in bringing up children. They can

offset each others deficiencies and build on each others strengths. Fathers tend to stress competition, challenges, initiative risk taking and independence. Mothers, as caretakers, stress emotional security and personal safety.

*Life Without Father* suggests that "We should consider a two tier system of divorce law: marriages without minor children would be relatively easy to dissolve, but marriage with children would be subject to stricter guidelines. Longer waiting periods for divorcing couples with children might be called for, combined with mandatory marriage counseling." Those who oppose the idea argue that divorce is a personal and private act, and that the state should not intrude as it did in the past, when divorce was not only harder to get, but stigmatized by society. This is a powerful argument. Who wants the state telling us another thing we cannot do? A lot of us think government is too intrusive already. But, the government is already involved when you marry. It makes you get a license and in this case, government wouldn't be denying a divorce, only making couples take longer to decide. Divorce is a personal and private affair, but not a solitary act. It is a step that carries implications for everyone. A waiting period is society's way of saying, "We take marriage and divorce seriously, both as a contract and as a covenant."

Nearly thirty years ago, many states started liberalizing divorce with no fault laws. This was followed by a big and steady increase in the number of divorces. Divorce is now a problem in America. Legislators in other states are not consulting on no-fault laws. No-fault was supposed to remake divorce kinder and gentler. It hasn't worked that way. Today divorces are no less contentious, but have become very common.

The purpose of making divorce more difficult gives weight to the original contract. It puts the law on the side of those who say, wait, think, reconsider. Something of inestimable value, a commitment to love and care for another human being is about to be lost. Is there really no way the marriage can be saved? If, in spite of the extra time, a couple then chooses to go ahead with divorce, it will be a decision worthy of respect.

It is rarely bad to take more time. We sometimes move too quickly on the simplest things and the most crucial things. Sometimes we ought to take more time to stop and look around and think. Determined to discourage divorce, legislators in several states have suggested a cooling off period and mandatory counseling. Will a waiting period always help? Probably not, but it wouldn't hurt. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. The members of the Judiciary Committee considered Representative Desmond's proposal quite seriously and applauded her for her efforts to do something in this area. However, the committee looked at the overall issues that arise at the time of divorce and felt like the current 60 day waiting period is a sufficient waiting period to obtain a divorce. Some of the reasons are that the time of a divorce is a very, very emotionally charged period for many people. As someone who formally was involved in representing people at times of divorce, my experience is that when people are at odds with each other and things aren't settled, they lead to bigger and bigger problems. They start out with fighting over small issues and if they are not resolved, the fights grow and they keep fighting until they decide to fight over everything. I feel we have made some advance. We have added a family division in the court so that people involved in a divorce situation can now get into court at an early time period to get a temporary order in place, child support

issues determined quickly so that those issues that are unresolved are dealt with in timely manner. Extending the period of time of waiting for a period of divorce is only going to extend the period of uncertainty for people. People that have made up their minds they are divorcing need to have the issues resolved. Often times they need them resolved by a judge and often times once the judge makes the decision people are willing to live with that even if they don't like all the terms of the decision. To leave them out there festering these issues is not, in my experience, beneficial to the process. I ask that you support the committees decision of Ought Not to Pass. Thank you.

Representative CAMPBELL of Holden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. As you can see, you have several bills before you trying to deal with the obvious social dilemma of the disintegration of the family unit. I don't think there is anybody on the planet Earth that doesn't recognize that this is a serious problem for our society. The United States has one of the highest divorce rates, if not the highest divorce rate in the industrialized country. We often look back in the past and the way the world was when we were younger and sometimes we see that world with rose colored glasses and we wonder, were things better back then? No, everything was better back in the good old days, but some things weren't. I think the waiting period of six months which we had in those days was a good thing. We often say that was then and this is now. It is a different world we live in and can we go back home? Do we want to? When you look around at the family unit and what is happening and all the things we do up here with legislation and we come up and say that things are different now. A lot of these children and schools don't have parents. A lot of them are on welfare because they don't have parents. That is because a large part of it is a result of divorce. Certainly this is not a cure all. I would say it is a contributing factor. If we want to throw up our hands and say the wheels of time turn and there is nothing we can do to correct the situation, I think we are making a big mistake.

Back when I was a young fella, I used to hear people talk, the grown ups, and say Mr. and Mrs. So and So aren't very happy in their marriage. I am not talking about abusive situations and if you listen to the people up here, a lot of times you get the impression that every single family or marriage that is having a little trouble is from domestic abuse. I reject that argument. Certainly we don't want to downplay that component, but I would like to think that the majority of the people don't abuse each other. It comes to a fact of whether they are having a happy live together. Then we get to the crux of it. The statement I heard back when I was a young fella was the fact that so and so was unhappy, but they are staying together because of the children. We reach now a days and this is now. How many of those cases where we run into people who are married and they are unhappy with their marriage for whatever reason. Is it too much to ask to have them wait a little longer period of time and maybe they might change their mind, because in the past I have also heard statements of people who went through the divorce process lament and say that I wish I

had waited a little longer or I wish I hadn't reacted on my anger. What a huge mistake I have made.

This is the Representative from Mapleton's attempt to address that issue in a small way. I think it is a very good attempt and I think we should support it. I will close my speech with a little nugget that I took out of a book the other night. I will quote it. "Because of the shattering emotional and developmental affects of divorce on children, it would be reasonable to introduce breaking mechanisms that require parents contemplating divorce to pause for reflection." That comment was from William Gaston and Elaine Camerack, Deputy Assistant of President Clinton for Domestic Policy and Senior Policy Advisor to Vice President Gore.

Ladies and gentlemen, this is a small breaking mechanism. There is a component in the Representative from Mapleton's bill that leaves in the protections for abusive situations. Please, ladies and gentlemen, think about this long and hard and maybe we can go back a little bit to those good old days when some things were good and make it better. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I don't rise to speak on a lot of issues, but only those that I think are very important. I think that this is very important. We live in a time of mass production, road rage and impatience and intolerance. Everybody is in a hurry to get the job done. I think that over a period of time divorce has become that way as well. I have been married for 35 years. I was married as a teenager. All of our times were not rosy and I am sure that most of us here have lived the same type of a situation. I think that anything that we can do that will perhaps keep families together we should try to do. I would urge you to vote to turn this down and try to go with the bill. I think it is good legislation and I think it is something that we, as a body can do, that will perhaps help families in the State of Maine. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative **BAKER**: Mr. Speaker, Men and Women of the House. As the veteran of a 38 year marriage, I want to say that I am astounded at the ease of which many people enter marriage and the ease of which they leave today. I have a call waiting to a constituent because her ex has not come through with child support. This is just one of many of these calls. As a teacher, I regularly work with students who come out of divorce. I know what it means for them to have lost their will, their motivation and their hope. I teach at risk students and high numbers of these students come out of these homes. I said the other day that I think that often decisions are made to end the marriage without thinking about the impact on the children. Until we put the children first, we will be paying for this problem. That does not mean women should accept abuse. That does not mean that men should accept abuse within marriages.

We have to think again about the places that we have come. I appreciate both those Representatives for bringing this matter to our attention. Every neglected child is a bill that comes due to society. We pay. As taxpayer, I think we grow increasingly weary of what it is costing us to pick up the pieces for individuals who don't take the responsibility for what it means to bring children into the world. We are paying today. We are robbing the GPA budget because many, many homes have not started right. We are robbing the GPA budget because we have to pay increasing costs for behavioral problems in our schools. I

think we need to think really hard about this issue. I am, for one, glad that it has come to the floor of the House. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 54**

YEA - Bagley, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Chizmar, Cianchette, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Glynn, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, Nutting, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richardson E, Richardson J, Rines, Samson, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shiah, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, Twomey, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Baker, Belanger, Berry DP, Bowles, Buck, Campbell, Carr, Chick, Clark, Clough, Collins, Cross, Davis, Desmond, Dugay, Gerry, Gillis, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, MacDougall, Mack, Matthews, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, O'Brien, O'Neal, Pinkham, Richard, Rosen, Sanborn, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Tobin J, Trahan, Treadwell, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bryant, Martin, Saxl JW.

Yes, 89; No, 58; Absent, 3; Excused, 0.

89 having voted in the affirmative and 58 voted in the negative, with 3 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-34)** - Minority (1) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Permit Local Control and Funding of An Educational Building in Accordance With a Municipal Charter"

(S.P. 280) (L.D. 798)

Which was **TABLED** by Representative RICHARD of Madison pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-34)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 5, 1999.

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HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Change the Name of the 'Department of Education' to the 'Department of Schooling'"

(H.P. 14) (L.D. 24)

Which was **TABLED** by Representative RICHARD of Madison pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. As you can see, I am on the Ought to Pass side of this bill. During the testimony the Department of Education stated exactly the reason why we should have this law. Their statement was, if this bill passes, it will limit what the department can do. This bill, if approved, will help the department concentrate on its primary responsibility, maintaining and improving our system of schools as the formal educational institutions Maine citizens provide. The department has become so distracted by the role it has accepted, which have been forced upon it, that schools are only one of its priorities. Social issues and health issues are among others that now compete for attention at the expense of formal education distract from what the departments primary responsibility is. I would suggest that we ought to get back to the system of schooling. All of our local systems are called schools or school departments. It would be nice if the whole state recognized that and called the department, the Department of Schooling. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. This is my bill and I appreciate you bidding with me for a couple of minutes here. I think it is perfectly timely that it came today after our discussion on the libraries. I heard words from a lot of my colleagues like libraries support the concept of lifelong learning. I would like to see the name changed in this institution to reflect the changing attitudes that we have. It is nothing new to change department names as attitudes and perceptions change. For example, we have changed the name of the Taxation Bureau to the Department of Revenue Services. Health and Human Services used to be Health and Human Welfare. Our attitudes change. We change the names. Names are important. The Fish and Game Department used to be Fish and Game. All we thought of was game and now it encompasses more wildlife. It is now called Fish and Wildlife.

Education is lifelong. More and more we hear the term lifelong learning. In the learning results legislation we talked about lifelong learning, cradle to grave. Now we have Start Me Right. It is very important. We are talking about how important it is for people to start their children right. We are talking about education for children from 0 to 5 now. What we are talking about is schooling. Education never ends. Education as some of you might admit and remember, you might have learned more or had more education between 7<sup>th</sup> and 8<sup>th</sup> grade during the summer than you did in the classroom. At least I did in some ways. Even Garth Brooks has a song. I just heard it this morning on the radio, talking about how this young fella got educated out in the midwest there as a teenager.

We have the Superintendent of Schools. We don't question that. We have school boards at home. We have school children and school teachers. It is really nothing new. It is a changing vernacular. I will tell you what triggered the thinking in this for me was one of my colleagues in this chamber said to me one day when I first met him and I consider him very knowledgeable, self-reliant and intelligent. He said to me, "Royce, I hope you know I haven't had much education." I quickly realized what he was talking about. I said, "I think you mean you haven't had much schooling." He grinned and nodded. I was right. By the way, there is no fiscal note on this, so you can't make the argument that we can't afford it. The

department said they could absorb it. It wouldn't cost all that much. I would help them make the sign. Thank you.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I hope you will join me in supporting the overwhelming majority Ought Not to Pass on this bill. If for no other reason other than there was absolutely no compelling evidence and no compelling testimony given at the public hearing to support this change. I think another point that needs to be brought forward is, I am very proud at times, in the State of Maine when we lead the country in something. In fact, we have a number of things that we can point to where, in fact, we do lead the country. We asked the Department of Education to find if there was any other state in the country that even had a name that was remotely close to this. They came back and told us in the search that they didn't, that there is no other state in the country that even has a name remotely close to the Department of Schooling. I don't want to lead the country in this particular area. I don't want to be the first state in the country that names its department, the Department of Schooling. I think it sends the wrong message to our teachers, students, families, school boards and educators across the country to change that name to the Department of Schooling. The Department of Education fits. The Department of Education works and there is no reason to change it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I was a cosponsor of this bill. I also was an educator for many, many years. I wore every hat that there was when I started in schools, the teachers were required to do many of the janitorial functions and things of that nature. I think that we have come a long way away from the mission that our schools are supposed to provide for us.

After attending a conference at the Civic Center where I heard what was proposed for the so-called Department of Education, I immediately realized that it is not a department of education, but a department of social engineering. I so stated that in my testimony in front of the Education Committee. Ladies and gentlemen, our school systems have been expanded to a point where they are supposed to correct every ailment and every ill of society. That was not the role of our schools and not the intent of them. The intent of our schools was to provide an education so that children could leave the schools and go into the world and work to correct those problems. There are moves afoot to put doctor's offices in every school. There are moves afoot to put psychiatrists in every school. There are moves afoot to put social workers in every school. Ladies and gentlemen, we do not need those changes. This is why every year we come down here and we hear that we don't have enough money to run our schools. They don't say that we don't have enough money to run the Department of Education. We don't have enough money to run our schools because the money that is provided for those schools is spread in so many different directions. I think this is a very important bill and I think it would send a very important message to the rest of the country who are moving in the same direction that Maine is to create departments of social engineering, as opposed to departments of schools.

Mr. Speaker, I request when the vote is taken, it is taken by the yeas and nays. Thank you.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I will be voting in support of the Majority Ought Not to Pass Report. However, I did wish to speak on this issue. I think those that are supporting this measure have brought forward a very important concept for this body to be speaking about and that is the focus of the State Department of Education. For that, I thank them very much. My remorse in not being able to support the bill, however, is centered around that I don't believe that this bill will make meaningful change within the Department of Education. You are going to be hearing a whole lot about school funding, at least from this State Representative from South Portland. South Portland is not treated fairly at all under the school funding formula, which should be a primary focus of the Department of Education. Under the current budget that we are operating under, South Portland will be losing somewhere in the vicinity of \$600,000 in state funding to education. The Department of Education, the Department of Schooling or the Department of Unfair School Funding, however you want to name this rose, has brought forward an idea or a compromise to fund an additional \$35 million in school subsidy for the schools in the State of Maine and under that compromise, South Portland stands to lose an additional \$100,000 in school funding bringing our loses up to nearly \$700,000 this year. I can tell you that you are going to hear a lot about this and so is the Department of Education because South Portland children do need to be a focus in education. For that, I do thank the sponsors of this measure in bringing focus and attention to the fact that the State Department of Education has forgotten their focus, which is the public school child. They do need to be reminded of that. However, I will be voting with the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Weston.

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. I believe Representative Perkins' bill ask that the name reflect the expectation of the department. In light of the process that Amtrak has just gone through to name their new high speed train, they hired a firm and paid a great deal of money for many to sit and dream up a name. I believe Representative Perkins is offering his name to us at quite a different cost. I believe that his rationale is one that should be looked at. By the way, I think the new name that Amtrak has given their train is Excella. They paid a great deal of money for that. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 55

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Carr, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, Kneeland, Labrecque,

LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy T, Muse, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Shiah, Shields, Sirois, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bowles, Buck, Cameron, Campbell, Clough, Collins, Davis, Foster, Heidrich, Jodrey, Jones, Joy, Kasprzak, MacDougall, Mack, Marvin, McAlevey, McKenney, Mendros, Murphy E, Nass, O'Brien, Perkins, Pinkham, Plowman, Richardson E, Rosen, Sherman, Shorey, Skoglund, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Cross, Dugay, Gillis, Goodwin, Martin, Saxl JW. Yes, 104; No, 40; Absent, 6; Excused, 0.

104 having voted in the affirmative and 40 voted in the negative, with 6 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

### CONSENT CALENDAR

#### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 285) (L.D. 803) Bill "An Act to Increase the Penalties for Violation of Lobster Conservation Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-33)**

(S.P. 361) (L.D. 1065) Bill "An Act to Increase Fines for Long-term Care Facilities that Fail to Provide Quality Care to Residents" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-31)**

(H.P. 57) (L.D. 71) Bill "An Act Regarding Commercial Beano Halls" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-126)**

(H.P. 90) (L.D. 103) Bill "An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-119)**

(H.P. 580) (L.D. 820) Bill "An Act to Allow a Car Dealer to Operate a Motorcycle for Purposes of Testing or Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-123)**

(H.P. 742) (L.D. 1032) Bill "An Act to Require Motor Vehicles to Stop for All Pedestrians in a Crosswalk" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-124)**

(H.P. 767) (L.D. 1090) Bill "An Act to Change the Tax Treatment of Truck Campers" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-120)**

(H.P. 871) (L.D. 1228) Bill "An Act to Increase Payments to Foster Parents" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-131)**

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

### CONSENT CALENDAR

#### Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 407) (L.D. 549) Bill "An Act to Fund Maine Agricultural Education Programs"

(H.P. 1028) (L.D. 1450) Bill "An Act to Amend Agency Disclosure within the Real Estate Brokerage Laws"

(H.P. 172) (L.D. 250) Resolve, to Name the State Office Building the Burton M. Cross Building (C. "A" H-117)

(H.P. 229) (L.D. 333) Bill "An Act to Amend the Charter of the Department of Electric Works Within the Town of Madison" (C. "A" H-114)

(H.P. 305) (L.D. 421) Bill "An Act to Amend the Membership of the State Board of Funeral Service" (C. "A" H-118)

(H.P. 321) (L.D. 437) Bill "An Act to Clarify the Law Regarding Executive Sessions of Public Bodies" (C. "A" H-104)

(H.P. 325) (L.D. 441) Bill "An Act to Exempt Election Officials and Workers from Serving on Juries One Month Prior to an Election" (C. "A" H-103)

(H.P. 373) (L.D. 498) Bill "An Act Relating to Transfer of Ownership of Dams" (EMERGENCY) (C. "A" H-106)

(H.P. 426) (L.D. 568) Bill "An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate" (C. "A" H-101)

(H.P. 469) (L.D. 632) Resolve, Regarding Legislative Review of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education (EMERGENCY) (C. "A" H-107)

(H.P. 474) (L.D. 681) Bill "An Act to Fund Public School Alliances" (C. "A" H-95)

(H.P. 487) (L.D. 694) Bill "An Act to Increase the Number of Elm Trees in the State" (C. "A" H-94)

(H.P. 509) (L.D. 716) Bill "An Act to Amend the Law Relating to School Construction and School Facilities" (C. "A" H-108)

(H.P. 516) (L.D. 723) Bill "An Act to Establish a Marine Recreation Fishing Conservation and Management Fund" (C. "A" H-116)

(H.P. 549) (L.D. 770) Bill "An Act to Make the Laws Governing State Ambient Air Quality for Ozone and Particulate Matter Consistent with Federal Requirements" (C. "A" H-105)

(H.P. 623) (L.D. 863) Bill "An Act to Amend the Pulling Event Laws" (C. "A" H-110)

(H.P. 722) (L.D. 1012) Bill "An Act to Increase Public Trust in Medical Care" (C. "A" H-93)

(H.P. 853) (L.D. 1210) Bill "An Act to Amend the Site Evaluator Licensing Laws" (C. "A" H-102)

(H.P. 882) (L.D. 1239) Bill "An Act to Clarify the Governance of Soil and Water Conservation Districts" (C. "A" H-111)

(H.P. 1004) (L.D. 1402) Bill "An Act to Create the Telemarketing Registration and Fraud Prevention Act" (C. "A" H-113)

(H.P. 1045) (L.D. 1467) Resolve, to Authorize the Director of the Bureau of Parks and Lands to Exchange Land between the State and Pownal Relating to Bradbury Mountain State Park (EMERGENCY) (C. "A" H-109)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

**BILLS IN THE SECOND READING  
House As Amended**

Bill "An Act to Expand the Number of Lights Firefighters May Use on Their Motor Vehicles"

(H.P. 38) (L.D. 52)  
(C. "A" H-84)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

**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 House Rule 502.

Bill "An Act Regarding Regulations and Compensation to Property Owners"

(H.P. 1481) (L.D. 2121)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - March 30, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - **REFERENCE**.

On motion of Representative AHEARNE of Madawaska, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements"

(H.P. 651) (L.D. 901)

TABLED - March 30, 1999 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-115)**

Representative DAIGLE of Arundel **PRESENTED House Amendment "A" (H-127) to Committee Amendment "A" (H-115)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. The bill affected by this proposed amendment, LD 901, was created in response to several problems in scallop dragging. It accomplishes these things. It changes the opening date of the harvest season from November 1<sup>st</sup> to December 1<sup>st</sup> and it also increases the ring size on scallop dragging equipment. Scallop drags are large metal equipment which scrapes the bottom of the ocean floor tearing up everything and allowing that which is smaller than the ring size to pass through. That which is not, is retained. When the dragger hauls it up on board, he hopes there are some scallops within. Because the stocks of scallops appear to be declining sharply, these changes have the effect we hope of reducing this trend.

I acknowledge the worthy objectives of this bill and I support its passage. I agree that these changes will have a

positive affect on scallop stocks. I submitted this amendment, however, to present a undesirable concurrent affect on the practice of sport diving for scallops. There are many ways in which our citizens connect with the outdoors. Some people like to hunt and fish and others enjoy paddling a canoe or simply taking a walk in the woods, but for 1,300 or so Maine citizens, we engage in a sport of diving, non-commercially, for scallops. Let me explain what that consists of. For \$8 a year we have a license that allows us to rise up early in the morning, launch our boats, put on our wet suits and into the cold water of the Atlantic. Once we swim down to the bottom, we try to find a few scallops and pick them up by hand. We use small recreational boats. We have only inexpensive wet suits that barely keep us warm for short periods. Under the law, we are limited to one gallon of shucked scallops per day. That is enough to feed a few meals to ourselves and friends. It must be for personal consumption only. You cannot sell your catch.

Obviously I have been saying we, because I am a sport diver and I have enjoyed this connection with nature for the last 10 years or so. I dearly hope to continue, but without this amendment, this annual adventure becomes impractical. Sport diving is essentially a November activity. As I mentioned earlier, we use small recreational boats. These boats must be winterized by December. We don't have expensive dry suits used by commercial divers so we can't handle the coldest water. A December start date for all scallop harvesting, including this non-commercial diving activity, has the effect of stopping the activity. I would compare it to being allowed to ice fish in July. That just wouldn't be very helpful would it.

This amendment would return the ability of the sport diver to set out to sea in November. I can understand why this body may be reluctant to tinker with a worked product of the Marine Resources Committee and I can assure you that I do not propose this action lightly. However, what we are faced with here is a natural resource threatened by excessive commercial harvesting. I think it is an important policy statement for this Legislature to affirm that these natural resources belong to all of us and in the sporting pursuit of our citizens, even if we are only talking about a few of them, should not be the first casualty in a conflict over commercial activity. I ask you to join with me in supporting this amendment and as a further incentive to my argument, let me offer you the following. If the ability of Maine citizens to sport dive in November is continued, I promise you that this fall I will personally go out in the Atlantic in my boat. I will attach a heavy lead filled weight belt around my waist and I will jump overboard. Thank you.

Representative ETNIER of Harpswell moved that **House Amendment "A" (H-127) to Committee Amendment "A" (H-115) be INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I have moved Indefinite Postponement of the honorable Representative from Arundel's amendment because of the following reasons. One, the Representative properly brought forward his concerns to the public hearing and he did a very eloquent job of doing so, as did two other recreational divers who had concerns. Of the three who spoke, two were in agreement with Representative Daigle's position and one, however, another recreational diver was in opposition saying that the December 1 opening as proposed in the bill was not a problem for him as a recreational diver. The good Representative from Arundel also properly came to the work

sessions and again raised the issues that he is raising today before the entire committee and the committee did deliberate on this at length. We gave it our careful consideration and unanimously rejected the Representative's request that we move the scallop fishing season a month ahead or allow it to stay a month ahead of the commercial fishing season. It has been given careful consideration by the committee and unanimously the committee was in opposition.

This bill, as he has said, moves the scallop fishing season for everyone from its current November 1 opening to a December 1 opening for everyone, for commercial draggers, as you have heard, but also for commercial divers of whom there are several hundred and also for recreational divers. We felt as a committee that this was absolutely the fairest most equitable way to go. This makes it definitely more difficult for everybody involved, the draggers and the divers combined. It is extremely work, scallop dragging, as I am sure the diving is as well. It is going to be a lot more difficult to do it a month later. The committee felt that this was the desire of the scallop fishing industry. We were supportive of the concerns raised and I don't wish to debate the opening at length, but that was the consensus we sensed from scallop fishing industry. They desired this to be moved back a month. It will, in fact, fairly increase the effort that is required by everybody. We felt that was the only way to go to allow the recreational divers to go a month ahead of both the commercial scallop divers and the commercial scallop draggers. We felt it was inherently unfair.

I greatly enjoyed Representative Daigle's flyer on this issue. The yellow flyer which you received earlier today. Specifically the illustration that showed a Pacific Northwest Salmon troller and an alien with some sort of breathing apparatus, but I don't feel it fairly portrays the consideration given this issue by the committee. I urge you to support the Indefinite Postponement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative **HONEY**: Mr. Speaker, Men and Women of the House. I will be brief. First of all, I would like to give a little lesson as we have on elvers and a lot of other things when we are speaking. Scallops are bivalve that live on the floor of the ocean. The product that we all get when we go to a restaurant is the abductor muscle, the muscle that holds the two shells of this bivalve together. The rest of the product is not consumed. Representative Etnier reminded the people of the House here it was a unanimous committee report. My good friend from Arundel, Representative Daigle, worked hard for his amendment, but I agree with the rest of the committee that we should not be starting one season before the others. Those of us who live on the coast will have many phone calls and raps on our door, how come you are letting someone who is just in this for the sport in before we have an opportunity to fish the resource. It is a public resource just like deer or moose or anything else. Years ago this Legislature created the sport fishing license for scalloping and it has worked pretty good over the past. I don't think they should have an advantage over the people that live and do this for a living during the wintertime. I will remind Representative Daigle and others that there are dry suits. Not only the rich people have dry suits. People that commercially dive use them for scalloping. I have seen where I live on the coast a lot of people use dry suits even in the summertime because of the cold water temperatures. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. I will just speak briefly on this matter. I understand it is quite the Herculean task to take on a unanimous committee report and ask it to be amended. It is a serious matter. I do not take this lightly. I know there was very little representation for the interest I am expressing to you know at the hearing. I explained that to the fact that the bill of titles involved did not reference diving in their titles. They often reference dragging in their titles. I think timing also had something to do with it. Let me get down to the point that the previous speakers have spoken to of fairness. I appreciate it. That is exactly the issue. You were talking about the sportsmen's access to a natural resource being compared to the fairness of a commercial access to it.

I believe the debate has occurred in these halls before under this roof and between these walls, some 60 years ago there was a tremendous debate over the taking of a natural resource. At the time it wasn't scallops. It was deer. It was caribou. It was moose. It was a practice very similar to what is happening today where somebody was making a living by taking this resource as a crop and selling it out of state for a profit. That was not wrong back then. It was a way people made a living. Something happened, the caribou were wiped out. The moose were almost wiped out. The deer were severely affected. When we finally reacted some 60 years ago within these walls to deal with this issue, one principle we held was that the person who would get that natural resource was the average citizen pursuing a sporting interest for personal consumption. Only after the sufficient capacity existed beyond those needs, when we allowed a commercial enterprise to come in and take that resource. That is the essential thing here. Moving the date back to December 1 has the effect of essentially cutting out that market.

I don't believe when you talk fairness you take the sporting right of every Maine citizen and compare it to a commercial activity. Although there are only 1,300 of us involved in this particular sporting pursuit, would you want that same principle applied to your hunting of deer, to your paddling that canoe if the use of that river had a conflicting commercial activity, to your walk in the woods or any other way in which you or any other citizen communes with nature? When that commercial activity is affected, we say you have to stop. That is the principle here and that is why I believe this amendment is important. Thank you.

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

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. Please forgive me for rising twice. I will be incredibly brief. I would also request that there be a roll call when the vote is taken. Just to clarify one issue, the title of the bill, LD 901, as you see, is, "An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements." That was quite clear in the public hearing notice on this. There was no mention of dragging in the title of the bill.

I ask you to please protect the resource first. That is what we tried to do in this committee. The reason we do that is because we want to protect the resource for both the sportsmen and also for those who need this fishery to support their families. Thank you.

Representative **ETNIER** of Harpswell **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "A" (H-127) to Committee Amendment "A" (H-115)**.



More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. Just quickly, I have done some diving for scallops. It seems like it is getting warmer every year and this was about 25 years ago when I was diving. It seems like now December 1 and more like November, but the point I would like to make is, in Alaska this was challenged, this very concept that Representative Daigle is talking about. The citizens, the common person, the person who is doing this for personal consumption, won out in court over the commercial people. As it stands in Alaska, subsistence use wins out every time. I am not sure how I will vote on this, I don't have a strong position. I just did want to add that.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Marine Resources Committee, we heard testimony from the sport divers, recreational divers and others. This is a means to conserve the resource and to make it as fair and manageable as possible. When Representative Daigle and others brought their concerns to the committee regarding the coldness of the water in December opposed to November, it was testified that there were only one or two degrees difference. I asked from the wardens that were present, the Marine Patrol Wardens, if there was a way that they could accommodate diving for these few recreational divers and they felt it wasn't because every commercial diver would go and buy an \$8 license and dive for another month and it would put a bigger strain on the resource. You really couldn't discern once a diver is down whether he is recreational or commercial or whatever. We felt the fair thing to do is to open the entire scallop season to December 1. It is a matter of conservation and certainly not to hurt the recreational diver. We took those points into consideration. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-127) to Committee Amendment "A" (H-115). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 56**

YEA - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cross, Davidson, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl MV, Sherman, Shiah, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Bruno, Buck, Carr, Clough, Cowger, Daigle, Davis, Dunlap, Foster, Gerry, Heidrich, Jones, Joy, Kasprzak, Labrecque, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, Mendros, Nass, O'Brien, Perkins, Plowman, Richardson E, Rosen, Savage C, Schneider, Shields,

Shorey, Snowe-Mello, Stedman, Tobin J, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Jodrey, Martin, Saxl JW.

Yes, 106; No, 41; Absent, 3; Excused, 0.

106 having voted in the affirmative and 41 voted in the negative, with 3 being absent, **House Amendment "A" (H-127) to Committee Amendment "A" (H-115) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-115) was ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-115)** and sent for concurrence.

**TABLED AND TODAY ASSIGNED**

The Chair laid before the House the following item which was **TABLED** and today assigned:

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-71)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Referendum for a People's Veto to Be Held at a Primary or General Election (H.P. 166) (L.D. 228)

TABLED - March 30, 1999 by Representative AHEARNE of Madawaska.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report and specially assigned for Monday, April 5, 1999.

**SENATE PAPERS**

The following Joint Order: (S.P. 751) ORDERED, the House concurring, that when the House stands Adjourned it does so until Monday, April 5, 1999 at 9 o'clock in the morning and when the Senate stands Adjourned it does so until Monday, April 5, 1999, at 10 o'clock in the morning.

Came from the Senate, **READ** and **PASSED**. **READ** and **PASSED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee who wishes to address the House on the record.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Having been absent during the recording of the vote to override the Chief Executive's veto of LD 455, I request that the record of today's proceeding reflect that had I been present at the time of the roll call vote, I would have voted nay.

LEGISLATIVE RECORD - HOUSE, March 31, 1999

On motion of Representative JACOBS of Turner, the House adjourned at 12:10 p.m., until 9:00 a.m., Monday, April 5, 1999 pursuant to the Joint Order (S.P. 751).