

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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FIRST CONFIRMATION SESSION

October 2, 1991

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SECOND SPECIAL SESSION

December 18, 1991 to January 7, 1992

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

Non-Concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993 and to Change Certain Provisions of Law" (EMERGENCY) (H.P. 1402) (L.D. 1985) which was passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "LL" (H-821); "NN" (H-824); "WW" (H-833); "BBB" (H-839); "CCC" (H-840); "III" (H-848) and House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) thereto in the House on December 19, 1991.

Came from the Senate passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "NN" (H-824); and "CCC" (H-840) and Senate Amendments "A" (S-479); "C" (S-481); "F" (S-484); "H" (S-486); "J" (S-488); "N" (S-492); "T" (S-499); "X" (S-504); and "Y" (S-505) in non-concurrence.

On motion of Representative Chonko of Topsham, the House voted to recede.

Senate Amendment "A" (S-479) was read by the Clerk and adopted.

Senate Amendment "C" (S-481) was read by the Clerk.

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

Representative CATHCART: Mr. Speaker, I offer House Amendment "A" (H-856) to Senate Amendment "C" (S-481) and move its adoption.

House Amendment "A" (H-856) to Senate Amendment "C" (S-481) was read by the Clerk.

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

Representative CATHCART: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" simply clarifies that the salary adjustment for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy applies only to those employees with salaries of more than \$50,000.

Subsequently, House Amendment "A" (H-856) to Senate Amendment "C" (S-481) was adopted.

Senate Amendment "C" (S-481) as amended by House Amendment "A" (H-856) thereto was adopted.

Senate Amendment "F" (S-484) was read by the Clerk and adopted.

Senate Amendment "H" (S-486) was read by the Clerk and adopted.

Senate Amendment "J" (S-488) was read by the Clerk and adopted.

Senate Amendment "N" (S-492) was read by the Clerk.

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

Representative LAWRENCE: Mr. Speaker, I present House Amendment "C" (H-857) to Senate Amendment "N" (S-492) and move its adoption.

House Amendment "C" (H-857) to Senate Amendment "N" (S-492) was read by the Clerk and adopted.

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

Representative MCHENRY: Mr. Speaker, I present House Amendment "B" (H-855) to Senate Amendment "N" (S-492) and move its adoption.

House Amendment "B" (H-855) to Senate Amendment "N" (S-492) was read by the Clerk in its entirety.

Representative Lawrence of Kittery requested a Division on adoption of House Amendment "B" (H-855) to Senate Amendment "N" (S-492).

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, may I pose a question to anyone who wishes to answer?

This Senate Amendment "N" states, "The amendment requires the commission to increase the price of spirits sold to the state in agency liquor stores." What is that amount and when does that take effect?

The SPEAKER: The Chair would state that we are on the amendment by Representative McHenry which we need to deal with first. We will get back to your question in a moment.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: Reluctantly, I am going to have to speak in opposition to this amendment to the amendment coming out of the Committee on Legal Affairs. This amendment, if I understand it correctly, would limit any person, corporation or individual from owning anymore than two agency licenses in the entire state. That is virtually going to restrict most of the people we would have bidding on these licenses from bidding on any of the new licenses offered because many of them are already licensees in the state.

I understand the intent of the person offering the amendment and to a certain extent I applaud it but I feel it is just too restrictive on those people already owning agency store licenses in the state and it will put too many restrictions on who can get the new agency licenses.

I urge you to vote against this amendment.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I presented this amendment for the simple reason that, when the federal government allowed the states to go into the liquor business again after prohibition, they said that you will maintain control. I want to maintain control. I don't want one or two corporations owning 200 or more stores throughout the State of Maine which is a possibility if we do not pass this amendment. Hannaford Brothers, Irving or Shaw's, whoever, I just don't want it. I don't think that these people should be forcing our Mom and Pop stores — we always say we are for small business, this is a way to protect our small businesses. This is a way to allow our small business to own some of these stores because they can outbid any small business, they have the money.

A few months ago in my hometown, I wondered why Irving bought out two businesses. That is what I had been told. I said it doesn't make any sense because Dead River tried to build a gas station on that strip of the town and they were not allowed to and they couldn't change it. Dead River even threatened court action but they couldn't build a gas station. So, I said, why in heaven's name is Irving buying two stores? They said he was going to build a grocery store. My Goodness, you can't make money with a grocery store, why? Then I came down here and I see this. I fully knew why. I also know that every

liquor store in the valley is on the hit list to be closed and Irving owns a grocery store in all those towns. Ladies and gentlemen, if you want Irving running, not only our gas stations but also our liquor business and the next thing may be our lottery business, fine. He runs New Brunswick, he owns New Brunswick. I don't need Irving running the State of Maine.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I really don't want an extended debate on it but I would very much like to see the amendment because the committee has been involved in this a lot. In many instances, we heard that there were something like nine applicants per agency store. We have heard figures into the five figures as an expression of interest in agency stores. It is a major asset for the state and I am worried that, if a limitation like this is not there on the short-term for the committee to come back and deal with it in January and its report by February 15th, that we will be in a position of beginning to slide into an environment with a disposition to these agency stores that may not be in the best interest of the state or the best interest of the control of the industry. It is a last minute environment coming toward us here. It is a little difficult to struggle with but I think the safer course, at this point in time, is to pass this amendment, provide that limitation, and revisit the issue in January and February.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to express my opposition to privatization of any of our liquor stores. I don't know where I have been but I am sure I haven't been out to lunch all of the time that we have been talking about privatization but it was my understanding that it was going to be a separate issue.

Now I would like to pose a question through the Chair to the Chairman of the Legal Affairs Committee.

If we pass this budget with the liquor stores included, does that mean that those stores are going to be closed and there will be no more discussion on it?

The SPEAKER: Representative Hale of Sanford has posed a question through the Chair to Representative Lawrence of Kittery who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: If the budget is passed without Senate Amendment "N" going on it, 35 liquor stores will be closed by May 1st. That is approximately half the liquor stores in the state and there is no process in the bill for any committee of the legislature to review it before the closing to discuss those 35 liquor store closings. I hope that answers the question.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: Evidently, the House has their hands tied by Senate Amendment "N." I don't know how the rest of you feel representing your areas with liquor stores, I only have one little tiny one, but I certainly don't intend to have it privatized. I certainly am not going to vote for anything that

prohibits us from acting as a legislative body to discuss privatization of the liquor stores, the lottery or anything else in the State of Maine.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I hope I can clarify what is going on here. The procedural point we are at now is that Senate Amendment "N" has been offered and we are discussing an amendment to that amendment. This amendment to that amendment changes what Senate Amendment "N" would do regarding who could purchase the new agency licenses. Senate Amendment "N" restricts it to two licenses per person or corporation. No one purchasing one of these new licenses for a closed liquor store can purchase more than two per state liquor store closed. The Amendment "B" being offered says that no person or corporation can own more than two licenses in the entire state, not just per liquor store closed. That is what we are debating right now.

I think the good Representative from Sanford, if she opposes doing anything without the legislature revisiting this issue, she really wants to vote for Senate Amendment "N" because Senate Amendment "N" contains that. The budget does not contain that but the vote that we are taking now is a change to Senate Amendment "N" which would restrict anyone from owning more than two agency licenses in the entire state and that is the vote we are voting on now. I am asking you to vote against that amendment so we can go ahead and vote on Senate Amendment "N" which has a restriction as well on too many licenses being owned by a corporation or a person.

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

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

How many agency stores in the State of Maine do we have now that holds more than one or two liquor licenses?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: To answer the question simply, I haven't got that information right here because I wasn't expecting this amendment to come forward and did not get that information today. I can tell you it is more than two. There are corporations or individuals out there who own more than two agency licenses.

To give you an idea of whether or not we feel these agency licenses are going to be bought up by all one corporation — in the five agency licenses that they have offered in Bangor, Waterville, Portland, South Portland and Lewiston, an average of nine people have applied for each license. Only two corporations have applied for all five licenses, Hannaford Brothers and LaVerdiere's. Shaw's did not. There are only really two big retail chains in this state, grocery stores, capable of doing that, Shaw's and Hannaford. Shaw's is not doing that. Hannaford has applied for all five licenses. I think the protections in Senate Amendment "N" are enough to stop any corporation from dominating the retail sale of the liquor industry in this state. I think that is the protection we need and not what is offered in

this House Amendment "B" to Senate Amendment "N."

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make clear that I am not for privatizing the liquor stores, but having no choice, I presented my amendment so that we have some control as to who is going to be buying these agency stores. I want the small business people to be able to purchase, to be able to bid on them, but if we allow the big guys, they will never be able to compete, never.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I apologize, I really didn't want to stand and speak on this issue but I guess I have to. The Legal Affairs Committee, which I serve on, worked three days dealing with this issue. It was not an easy issue. I stand here because I do support the small business person but the bottom line is we had to find \$800,000.

We listened to Representative Vigue's idea to submit a bid system and that is what Senate Amendment "N" does. It opens it up to all businesses, it does not prevent anybody from bidding.

The point is, we are trying to raise money to cover a hole that we have. It is a free enterprise system that we are opening up and anyone can bid. I feel that Senate Amendment "N" and House Amendment "C" is the right direction to take.

I hope that you will defeat House Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

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

Am I to understand that, if you don't want to privatize the liquor stores, the only option we have is to vote against the budget?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Let me see if I can, once again, clarify this. The budget has in it privatization of 35 liquor stores. If the budget passes as it is, 35 liquor stores would have been closed the way we passed it in the House. It comes from the Senate with an amendment recommended by the Committee on Legal Affairs to slow down that closing, to auction off the stores in order to make money to slow down that closing and close only up to 21 stores at this time, okay? If you don't want any stores closed, your option is to not do what either the Senate budget or the House budget has done and come up with your own proposal that saves \$870,000 and replace that in the budget and the Legal Affairs Committee looked at that. There are many people on the Legal Affairs Committee, myself included, who do not support privatization. The Committee felt, if it was going to be done, there is a way to do it where we can judge the effects of it as it is going on and make some crucial decisions for the safety of the people of the State of Maine.

What we are debating here now is a change to the Legal Affairs Committee plan and that change would put a restriction on the number of people who can buy these new agency licenses and it would limit it from

any person owning two in the entire state, that is what we are debating here now.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise tonight to support Representative McHenry's amendment. I feel very strongly if we are going to open it up to a big system, which I really think is the way to go, that we should let everybody have a chance. We all know that the big corporations can afford to bid high, they can afford to use it as a lost leader and the small businessman cannot afford to do that. Unless we restrict them to two licenses, we will have a monopoly in the State of Maine on liquor. I really believe that the small businessman here needs us to protect him a little bit. I believe in the two licenses for each business or each corporation or each name in this state. I think it will protect the small businessman.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I also support Representative McHenry's amendment. I know for a fact that Irving will pick up all the liquor stores in the St. John Valley. He has establishments almost every place now and he is in the process of buying land, if he hasn't bought it already, right outside of the Customs Station in Hamlin, which would effectively cut off three small stores that want licenses right now. So, I think that we have got to cut down.

The bidding process doesn't mean anything to Irving because as Representative McHenry said, Irving owns New Brunswick and is in the process of buying the State of Maine, so please support Representative McHenry.

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

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

Those who already own more than two or three liquor stores, would they be grandfathered? Would they be able to hang onto what they have?

The SPEAKER: The Representative from Biddeford, Representative Sheltra, has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Looking at the amendment, that would be a subject of litigation. I don't know whether they could still hang onto their licenses when they come up for renewal.

It is clear to me that anybody who owns two licenses, Shaw's, Hannaford, anybody else who owns two licenses in the state, would not be able to bid on the 62 agency licenses that will be issued in the state. So, they will be precluded from bidding on any of the new licenses.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Men and Women of the House: I am going to support Representative McHenry's amendment as well.

We will be trying something new here, we are put in that kind of box, it seems. It would seem to me we ought to start with stronger rather than weaker controls and with stronger rather than weaker support

for the small businesses.

I do think that the Legal Affairs Committee, given the situation that it had to deal with, has done a very good job but let's start with more control, let's help small businesses. Let's keep Irving under control in northern Maine and Hannaford Brothers under control everywhere. Let's support Representative McHenry here.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "B" (H-855) to Senate Amendment "N" (S-492). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 36 in the negative, House Amendment "B" (H-855) to Senate Amendment "N" (S-492) was adopted.

The SPEAKER: The pending question before the House is adoption of Senate Amendment "N" (S-492) as amended by House Amendment "B" (H-855) and "C" (H-857) thereto.

The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: The issue of the bidding process and who will or will not receive these licenses, it is my understanding at the present time that this state gives a license with no fee to the agency stores that are in place now. The state stores that are going to be closed down will be auctioned off. We have a segment of people that have an agency store that are buying them outright and others that are getting them for free. That is not fair. If we are talking about raising revenue, the prudent thing to do and the responsible thing to do is that everyone pay.

Based on the amendment that was passed, then only two people, a person or corporation, would be able to hold a license but everyone would pay if that is the process that the committee would like to take.

I am not in favor of privatization and nowhere in this bill under fiscal note do I see that it saves \$870,000 to fill a gap. I pose that question, where in this bill does it say \$870,000 for a fiscal note?

The SPEAKER: Representative Kerr of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: To answer the two questions from the good Representative from Old Orchard Beach, I will answer the second question first. The fiscal impact is right in the fiscal note and it reads that way because we are taking \$870,000 out of the budget by changing what the Appropriations Committee did. Then we are saving \$870,000 and that results in no negative impact. So, what we are taking out, we are replacing with the same savings. That is how we are saving \$870,000.

To answer the first question, if I understand it correctly, the question was, why aren't we selling off the agency licenses that are owned now, the 78 agency licenses? We do not want to visit that issue right now, we can still do it in the future. This was to deal with the immediate crisis of closing 35 liquor stores and getting nothing in return. That issue can be visited next session. We did not want to go beyond the scope of what the Appropriations Committee did. We did add a renewal fee in for those agencies stores so they will be paying \$300 to renew

their licenses each year. That way, we can at least begin to address the equity between these new agency stores and the existing agency stores.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: Just one more question if I may. If in fact it is going to be the policy for the state to sell these stores, if this policy does not work, nowhere do I see to retract or compensate these people that are purchasing these stores. Do you feel that maybe, if this fails, that the state would be able to back out and go back to the state running these stores?

The SPEAKER: Representative Kerr of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: To answer the question, anything is possible in the legislature and, if you notice in the bill, in Section K-9, on February 15th, it provides the Liquor Commission is to come to the Legal Affairs Committee, report on what is going on with these liquor licenses and its recommendations for changes. That will be well before the 21 stores recommended in our amendment go out for bid. That will be after the five stores that we closed last session went out for bid so we will have some experience with it and we can know what direction we are going in.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I would just like to speak briefly on this amendment because I have gotten several notes regarding it.

The Governor's budget, as presented, fully released the privatization of the state's liquor stores which I know is something of concern to many of the people here. When the Legal Affairs Committee was faced with what the budget did, we had to somehow fill the hole of money that was left if we didn't wish to privatize all of the stores.

This amendment in front of you simply slows down the privatization of all our liquor stores. It is a partial step. It will allow more outlets because, for all of those state stores that are being sold, there will be a possibility of three now. For the 25, (four of which are already going to happen in January) and the additional 21 more there can be now in stead of just 20 outlets, there can be 60 outlets. The availability will be greater if you vote for this. As far as I am concerned, it is a question of which is the worst and which one isn't quite as bad as the other one. In my opinion, Senate Amendment "N" is not quite as bad as the worst which was the budget as presented to us.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: My original question that I forgot to ask was, not only are we increasing the number of outlets, but we are also increasing the price of liquor in this bill. Can someone please tell me what the amount is or the percentage that the liquor prices will be going up?

The SPEAKER: Representative Kerr of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I feel like I am playing jeopardy here a little answering all the questions.

Senate Amendment "N" does not raise the price of liquor at all in this state. That was once discussed by the committee, it came out in a House Amendment, but it was opposed by the Governor's office so we took it out and added five additional stores to it.

In the Statement of Fact, there was left a sentence about that. That is an error by the Revisor's Office but there is no increase in liquor prices in Senate Amendment "N."

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

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

Do I understand that these stores will be sold by bid?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Yes.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, I would like to pose another question.

Would you tell me, Representative Lawrence, what do you expect to get as a bid on a liquor store that has empty shelves? I am not talking about just one store, but I am talking about those in my area.

The SPEAKER: Representative Martin of Van Buren has posed an additional question through the Chair to Representative Lawrence who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I guess to answer that question I would say, if what the Appropriations Committee recommended, we will get nothing for those stores. If Senate Amendment "N" is adopted, it will allow the Liquor Commission to put out for bid three agency licenses for each state store closed. The minimum bid for those agency licenses is one percent of the taxable retail sale in that liquor store that is being closed. So, if you have a store that sold \$300,000 worth of liquor last year, the minimum bid would be \$3,000. If it sold \$120,000 in liquor, the minimum bid would be \$1,200. That allows the state to recover some costs without just giving away a business. It allows it to recover something for that business that we built up over the years and allows us to slow down the number of liquor stores we are closing to allow us to figure out how to do it in a proper manner.

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

Representative SHELTRA: Mr. Speaker, I would like to pose a question.

My question is that I can understand larger concerns like Shop 'N Save and Shaw's and Irving operating on an 8 percent profit because they are going to use it as a lead to bring people into their

businesses. However, you take a small businessman that intends to make a living on being restricted to an eight percent profit, I have my reservations.

The SPEAKER: The pending question before the House is adoption of Senate Amendment "N" (S-492) as amended by House Amendment "B" (H-855) and "C" (H-857) thereto. Those in favor will vote yes; those opposed will vote no.

109 having voted in the affirmative and 3 in the negative, Senate Amendment "N" (S-492) as amended by House Amendments "B" (H-855) and "C" (H-857) thereto was adopted.

Senate Amendment "T" (S-499) was read by the Clerk and adopted.

Senate Amendment "X" (S-504) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: I hate to belabor this but I just want to let you know that as we move through this thing so fast and as we said yesterday, we should not adopt anything. If we didn't adopt something like this, we would have lost \$70,000.

Subsequently, Senate Amendment "X" (S-504) was adopted.

Senate Amendment "Y" (S-505) was read by the Clerk and adopted.

Subsequently, House Amendment "LL" (H-821) was indefinitely postponed in concurrence.

The SPEAKER: The Chair will order a vote. The pending motion before the House is indefinite postponement of House Amendment "UU" (H-831) in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative 81 in the negative, the motion did not prevail.

House Amendment "WW" (H-833) was indefinitely postponed in concurrence.

The SPEAKER: The pending question before the House is indefinite postponement of House Amendment "BBB" (H-839) in concurrence.

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

Representative ANTHONY: Mr. Speaker, I request a division and ask the members to join me in voting against indefinite postponement of House Amendment "BBB" (H-839).

The SPEAKER: The Chair will order a vote. The pending question before the House is indefinite postponement of House Amendment "BBB" (H-839) in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 75 in the negative, the motion to indefinitely postpone did not prevail.

House Amendment "III" (H-848) was indefinitely postponed in concurrence.

Representative Holt of Bath offered House Amendment "JJJ" (H-854) and moved its adoption.

House Amendment "JJJ" (H-854) was read by the Clerk in its entirety.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I know you must be somewhat confused about this amendment but I report to you a happy

occurrence, a Christmas gift in essence, from the Department of Defense and Veterans Services. I am happy to comply with the request to restore the positions that had to be deappropriated as we thought in order to allow the department to have this veteran's counselor. The department has assured us that there is money within operating expenses for this position and I couldn't be more pleased than to offer this amendment tonight.

I pray that you go along as you did yesterday with this veterans counselor. I want you to understand that this person will not just be finishing up the agent orange and atomic vet's work that needs to be finished as I explained to you but will be available to other veterans.

As the good House Chairman of the Veterans Committee supported us yesterday, I pray that he will not play grinch tonight. Support us tonight, the veterans deserve this counselor.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The charming lady from Bath said that you people must be confused. You must be confused because I am very confused at what she is trying to do and I am Chairman of the committee. I don't particularly care for her to put me on the spot here hoping that I will support this. The first time I heard about this was when I sat down here tonight. It is a good idea but for the lady to say that I am supporting — I supported it once I saw it.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "JJJ" (H-854). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 15 in the negative, House Amendment "JJJ" (H-854) was adopted.

The SPEAKER: The pending question before the House is passage to be engrossed as amended.

Representative Marsano of Belfast requested a roll call vote on passage to be engrossed.

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

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

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

ROLL CALL NO. 271

YEA - Adams, Aliberti, Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heesch, Heino, Hichborn, Hichens, Hogle, Holt, Hussey, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul,

Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Jacques, Kutasi, Lebowitz, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Michaud, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Simpson, Small, Stevens, A.; Stevenson, Whitcomb.

ABSENT - Boutilier, Donnelly, Hepburn, Libby, Vigue.

Yes, 101; No, 45; Absent, 5; Paired, 0; Excused, 0.

101 having voted in the affirmative, 45 in the negative, with 5 being absent, the Bill was passed to be engrossed as amended by House Amendments "C" (H-785); "V" (H-804); "W" (H-805); "Y" (H-807); "BB" (H-810); "NN" (H-824); "BBB" (H-839); "CCC" (H-840); "JJJ" (H-854); House Amendment "UU" (H-831) as amended by House Amendment "A" (H-849) thereto; Senate Amendments "A" (S-479); "F" (S-484); "H" (S-486); "J" (S-488); "T" (S-499); "X" (S-504); "Y" (S-505); Senate Amendment "C" (S-481) as amended by House Amendment "A" (H-856) thereto; and Senate Amendment "N" (S-492) as amended by House Amendments "B" (H-855) and "C" (H-857) thereto in non-concurrence and sent up for concurrence.

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

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

FINALLY PASSED

Resolve, Authorizing the Transfer of Corporate Rights from Great Northern Nekoosa Corporation to Great Northern Paper, Incorporated (S.P. 791) (L.D. 1989)

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

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

On motion of Representative Simonds of Cape Elizabeth,

Adjourned at 9:50 p.m. until Friday, December 20, 1991, at ten o'clock in the morning.