

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
38th Legislative Day
Wednesday, May 3, 1995

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

Prayer by Pastor Dan Bowers, Hope Baptist Church, Manchester.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 119)

Maine State Senate
State House Station 3
Augusta, Maine 04333

May 2, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it Passed to Be Engrossed, in non-concurrence Bill "An Act Relating to the Maine Health Program." (H.P. 271) (L.D. 373)

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Authorize Participation by the Public Advocate in a Regulatory Proceeding Concerning the Residual Market Mechanism for Workers' Compensation" (S.P. 532) (L.D. 1470)

Bill "An Act to Promote Efficiency by Health Insurers of Maine" (S.P. 537) (L.D. 1475)

Bill "An Act to Provide for the Creation of a Health Insurance Purchasing Cooperative" (S.P. 539) (L.D. 1477)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

Were referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act to Require That Physicians Providing Services from Another State to Patients Located in Maine Be Licensed by the State" (S.P. 534) (L.D. 1472)

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

Was referred to the Committee on **Business and Economic Development** in concurrence.

Bill "An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse" (S.P. 533) (L.D. 1471)

Came from the Senate, referred to the Committee on **Criminal Justice** and Ordered Printed.

Was referred to the Committee on **Criminal Justice** in concurrence.

Bill "An Act to Amend the Laws Relating to Education" (S.P. 542) (L.D. 1479)

Came from the Senate, referred to the Committee on **Education and Cultural Affairs** and Ordered Printed.

Was referred to the Committee on **Education and Cultural Affairs** in concurrence.

Bill "An Act to Limit the Liability of Property Owners in Cases of Nonnegligent Lead Poisoning" (S.P. 528) (L.D. 1445)

Bill "An Act to Reconcile Rights and Responsibilities with Respect to Sexual Orientation and Related Matters" (S.P. 531) (L.D. 1448)

Bill "An Act to Establish the Maine Judicial Compensation Commission" (S.P. 536) (L.D. 1474)

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

Were referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Establish the Employee Partnership Reward Act" (S.P. 538) (L.D. 1476)

Bill "An Act to Create a Special Accidental Death Benefit for the Surviving Family Members of Law Enforcement Officers Killed in the Line of Duty" (S.P. 541) (L.D. 1478)

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

Were referred to the Committee on **Labor** in concurrence.

Bill "An Act Promoting Bicycle Safety for Children and Adolescents" (S.P. 529) (L.D. 1446)

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

Was referred to the Committee on **Transportation** in concurrence.

Bill "An Act to Create the Hebron Village Water District" (EMERGENCY) (S.P. 530) (L.D. 1447)

Bill "An Act to Establish the State Telecommunications Network Coordination Commission" (S.P. 535) (L.D. 1473)

Came from the Senate, referred to the Committee on **Utilities and Energy** and Ordered Printed.

Were referred to the Committee on **Utilities and Energy** in concurrence.

Divided Report

Eight Members of the Committee on **Transportation** on Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165) report in Report "A" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (S-91)

Signed:

Senators:

STEVENS of Androscoggin

PARADIS of Aroostook

Representatives:

BOUFFARD of Lewiston

O'GARA of Westbrook

DRISCOLL of Calais

LINDAHL of Northport

CHARTRAND of Rockland

FARNUM of South Berwick

Two Members of the same Committee on same Bill report in Report "B" that the same "**Ought to Pass**" as amended by Committee Amendment "B" (S-92)

Signed:

Representatives: BAILEY of Township 27
HEINO of Boothbay

Three Members of the same Committee on same Bill report in Report "C" that the same **"Ought Not to Pass"**

Signed:
Senator: CASSIDY of Washington
Representatives: RICKER of Lewiston
STROUT of Corinth

Came from the Senate with Report "A" **"Ought to Pass"** as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-91).

Was read.

Representative O'GARA of Westbrook moved that the House accept Report "A" **"Ought to Pass"** as amended.

On further motion of the same Representative, tabled pending his motion to accept Report "A" **"Ought to Pass"** as amended and later today assigned.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Maine Legislature to 99 Members in the House and 33 Members in the Senate (H.P. 46) (L.D. 40) on which the Majority **"Ought Not to Pass"** Report of the Committee on **State and Local Government** was read and accepted in the House on April 26, 1995.

Came from the Senate with the Minority **"Ought to Pass"** as amended Report of the Committee on **State and Local Government** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-117) in non-concurrence.

On motion of Representative JACQUES of Waterville, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 113) (L.D. 148) on which the Minority **"Ought Not to Pass"** Report of the Committee on **State and Local Government** was read and accepted in the House on April 26, 1995.

Came from the Senate with the Majority **"Ought to Pass"** as amended Report of the Committee on **State and Local Government** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-69) in non-concurrence.

On motion of Representative JACQUES of Waterville, tabled pending further consideration and later today assigned.

COMMUNICATIONS

The following Communication: (S.P. 540)
117TH MAINE LEGISLATURE

April 27, 1995

Senator S. Peter Mills
Representative Sharon Treat
Chairpersons
Joint Standing Committee on Judiciary
117th Legislature
Augusta, Maine 04333

Dear Senator Mills and Representative Treat:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Susan W. Calkins of

Portland for appointment as Justice of the Maine Superior Court.

Pursuant to the Constitution, Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

Came from the Senate, read and referred to the Committee on **Judiciary**.

Was read and referred to the Committee on **Judiciary** in concurrence.

The following Communication: (H.C. 117)
THE COMMISSION TO STUDY POTATO QUALITY ISSUES
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
May 2, 1995

The Honorable Dan A. Gwadosky
The Honorable Jeffrey H. Butland
Maine Legislature
State House
Augusta, ME 04333

Dear Speaker Gwadosky and President Butland:

The Commission to Study Potato Quality Issues is pleased to submit its report to the Legislature pursuant to P.L. 1993, c. 699.

Sincerely,
S/Sen. Judy Paradis, Chair S/Robert J. Tardy, Chair
Was read and with accompanying report referred to the Committee on **Agriculture, Conservation and Forestry**.

The following Communication: (H.C. 118)
STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION BUILDING
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333-0016
May 2, 1995

The Honorable Jeffrey H. Butland
President of the Senate
The Honorable Dan A. Gwadosky
Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

The Maine Department of Transportation is pleased to present the State's biennial Transportation Improvement Program (TIP) for the 1996-97 period which reflects the beginning of a new direction in transportation planning and programming for the State of Maine, consistent with the Sensible Transportation Policy Act and with the goals of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). This TIP recognizes the diverse transportation needs of all segments of Maine's population along with an increased awareness of environmental concerns.

We have also categorized projects according to type of work. These categories include System Management, System Preservation, Safety, New Capacity, Transportation Enhancement, CMAQ (Air Quality), Demonstration, and Miscellaneous Projects.

To ease the transition from our traditional approach to this new TIP, we have also included lists of projects by transportation mode and by maintenance division and by Regional Transportation Advisory Committee. In addition, we have included a list of all municipal projects in alphabetical order.

Funding for the TIP includes the anticipated Federal funding level along with State-match monies for each transportation mode. Funding summaries specific to the individual modes can be found in the front of each mode's section.

I look forward to working with all of you during this exciting time in transportation history.

Sincerely,

S/John G. Melrose
Commissioner

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Criminal Justice

Bill "An Act Relating to Criminal Forfeitures" (H.P. 1058) (L.D. 1487) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representative: WHEELER of Bridgewater, Senator: BENOIT of Franklin) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Judiciary

Bill "An Act to Amend the Real Estate Laws Concerning Validation of Defects" (H.P. 1059) (L.D. 1488) (Presented by Representative WINGLASS of Auburn) (Cosponsored by Representatives: ADAMS of Portland, BOUFFARD of Lewiston, CHIZMAR of Lisbon, DAMREN of Belgrade, DESMOND of Mapleton, ETNIER of Harpswell, FITZPATRICK of Durham, GERRY of Auburn, GOOLEY of Farmington, GUERRETTE of Pittston, JOHNSON of South Portland, JOYNER of Hollis, LINDAHL of Northport, LOVETT of Scarborough, MARVIN of Cape Elizabeth, MITCHELL of Portland, O'GARA of Westbrook, PEAVEY of Woolwich, PINKHAM of Lamoine, POVICH of Ellsworth, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, SIMONEAU of Thomaston, STONE of Bangor, THOMPSON of Naples, VOLENIK of Sedgwick, WINSOR of Norway, Senators: LORD of York, PINGREE of Knox, STEVENS of Androscoggin)

Bill "An Act to Add Types of Pharmacies That Are Subject to Record Seizure" (H.P. 1057) (L.D. 1486) (Presented by Representative BUNKER of Kossuth Township) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Reference to the Committee on Judiciary suggested.

On motion of Representative TREAT of Gardiner, the Bill was referred to the Committee on Criminal Justice, ordered printed and sent up for concurrence.

Natural Resources

Bill "An Act to Clarify the Definition of Subdivision" (H.P. 1056) (L.D. 1485) (Presented by Representative GOULD of Greenville)

Transportation

Resolve, to Reopen Maine State Rest Areas to Only Commercial Tractor Trailer Use (H.P. 1055) (L.D. 1484) (Presented by Representative YACKOBITZ of Hermon) (Cosponsored by Representatives: DAGGETT of Augusta, LANE of Enfield, ROBICHAUD of Caribou, WHITCOMB of Waldo, Senator: CIANCHETTE of Somerset)

Reported Pursuant to Public Law

Representative KNEELAND for the Commission to Study Potato Quality Issues pursuant to Public Law 1993, chapter 699, section 8 asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Study Potato Quality Issues" (H.P. 1060) (L.D. 1489) be referred to the Joint Standing Committee on Agriculture, Conservation and Forestry for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Agriculture, Conservation and Forestry, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative KNEELAND for the Commission to Study Potato Quality Issues pursuant to Public Law 1993, chapter 699, section 8 asks leave to submit its findings and to report that the accompanying Bill "An Act to Prohibit Retirement Contributions by Employees of Agricultural Commodity Groups from Being Applied towards the Unfunded Liability of the Maine State Retirement System" (H.P. 1061) (L.D. 1490) be referred to the Joint Standing Committee on Labor for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Labor, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-169) on Bill "An Act to Authorize Community Service Work as a Sentencing Alternative" (H.P. 20) (L.D. 14)

Signed:

Senators:

BENOIT of Franklin
HALL of Piscataquis
O'DEA of Penobscot

Representatives:

CLARK of Millinocket
BUNKER of Kossuth Township
GOOLEY of Farmington
McALEVEY of Waterboro
THOMPSON of Naples
WATERHOUSE of Bridgton
WHEELER of Bridgewater
PEAVEY of Woolwich
JOHNSON of South Portland

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

Signed:

Representative: CLUKEY of Houlton

Was read.

On motion of Representative CLARK of Millinocket, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-169) was read by the Clerk and adopted.

The Bill was assigned for second reading Thursday, May 4, 1995.

Divided Report

Majority Report of the Committee on Criminal Justice reporting **"Ought Not to Pass"** on Bill "An Act to Increase the Penalty for Child Sexual Abuse Committed within 1,000 Feet of a School" (H.P. 123) (L.D. 171)

Signed:

Senators: BENOIT of Franklin
HALL of Piscataquis
O'DEA of Penobscot
Representatives: CLARK of Millinocket
BUNKER of Kossuth Township
CLUKEY of Houlton
GOOLEY of Farmington
JOHNSON of South Portland
PEAVEY of Woolwich
THOMPSON of Naples
WHEELER of Bridgewater

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-171) on same Bill.

Signed:

Representatives: McALEVEY of Waterboro
WATERHOUSE of Bridgton

Was read.

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

Representative WATERHOUSE: Thank you Mr. Speaker. As a matter of clarification, I want to go on the record. The Committee Report has me down as voting "Ought to Pass" and in reality I voted "Ought Not to Pass". Thank you.

On motion of Representative CLARK of Millinocket, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-172) on Bill "An Act to Clarify Professional Liability" (H.P. 231) (L.D. 311)

Signed:

Senators: MILLS of Somerset
PENDEXTER of Cumberland
FAIRCLOTH of Penobscot
Representatives: TREAT of Gardiner
RICHARDSON of Portland
LaFOUNTAIN of Biddeford
WATSON of Farmingdale
HARTNETT of Freeport
MADORE of Augusta
NASS of Acton
PLOWMAN of Hampden
LEMKE of Westbrook

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

Signed:

Representative: JONES of Bar Harbor

Was read.

On motion of Representative TREAT of Gardiner, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-172) was read by the Clerk and adopted.

The Bill was assigned for second reading Thursday, May 4, 1995.

Divided Report

Majority Report of the Committee on State and Local Government reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-176) on Bill "An Act to Ensure Courteous Treatment of the Public by State Employees" (H.P. 294) (L.D. 398)

Signed:

Senators: AMERO of Cumberland
CARPENTER of York
Representatives: GERRY of Auburn
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
LANE of Enfield
SAVAGE of Union
YACKOBITZ of Hermon

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

Signed:

Senator: LONGLEY of Waldo
Representatives: DAGGETT of Augusta
AHEARNE of Madawaska

Was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on State and Local Government reporting **"Ought Not to Pass"** on Resolve, That State Agencies Develop a Refund-for-Compliance Policy (H.P. 300) (L.D. 404)

Signed:

Senators: LONGLEY of Waldo
AMERO of Cumberland
CARPENTER of York
Representatives: DAGGETT of Augusta
AHEARNE of Madawaska
YACKOBITZ of Hermon

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-167) on same Resolve.

Signed:

Representatives: GERRY of Auburn
ROSEBUSH of East Millinocket
ROBICHAUD of Caribou
LANE of Enfield
SAVAGE of Union

Was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Criminal Justice reporting **"Ought Not to Pass"** on Bill "An Act to Protect Minors from Child Molestation" (H.P. 316) (L.D. 437)

Signed:
Senators:

BENOIT of Franklin
HALL of Piscataquis
O'DEA of Penobscot
Representatives:
CLARK of Millinocket
BUNKER of Kossuth Township
CLUKEY of Houlton
GOOLEY of Farmington
JOHNSON of South Portland
PEAVEY of Woolwich
THOMPSON of Naples
WATERHOUSE of Bridgton
WHEELER of Bridgewater

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
(H-168) on same Bill.

Signed:
Representative: McALEVEY of Waterboro
Was read.

On motion of Representative CLARK of Millinocket,
the Majority "Ought Not to Pass" Report was accepted
and sent up for concurrence.

Divided Report

Majority Report of the Committee on Criminal
Justice reporting "Ought to Pass" as amended by
Committee Amendment "A" (H-173) on Bill "An Act to
Increase Police Authority in Certain Cases of
Disorderly Conduct" (H.P. 357) (L.D. 477)

Signed:
Senators: BENOIT of Franklin
HALL of Piscataquis
Representatives: CLARK of Millinocket
BUNKER of Kossuth Township
CLUKEY of Houlton
GOOLEY of Farmington
McALEVEY of Waterboro
PEAVEY of Woolwich
WATERHOUSE of Bridgton
WHEELER of Bridgewater

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

Signed:
Senator: O'DEA of Penobscot
Representatives: JOHNSON of South Portland
THOMPSON of Naples

Was read.

On motion of Representative CLARK of Millinocket,
the Majority "Ought to Pass" as amended Report was
accepted.

The Bill was read once. Committee Amendment "A"
(H-173) was read by the Clerk and adopted.

The Bill was assigned for second reading Thursday,
May 4, 1995.

Divided Report

Majority Report of the Committee on Legal and
Veterans Affairs reporting "Ought Not to Pass" on
Bill "An Act to Create an Open Primary in the State"
(H.P. 444) (L.D. 610)

Signed:
Senators: FERGUSON of Oxford
STEVENSON of Androscoggin
MICHAUD of Penobscot
Representatives: NADEAU of Saco
TRUMAN of Biddeford
LABRECQUE of Gorham
FISHER of Brewer

TRUE of Fryeburg
CHIZMAR of Lisbon
MURPHY of Berwick
LEMONT of Kittery
GAMACHE of Lewiston

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
(H-178) on same Bill.

Signed:
Representative: BUCK of Yarmouth
Was read.

Representative NADEAU of Saco 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.

Divided Report

Majority Report of the Committee on Education and
Cultural Affairs reporting "Ought Not to Pass" on
Bill "An Act to Require the Provision of
Transportation to Private School Students" (H.P. 447)
(L.D. 613)

Signed:
Senators: SMALL of Sagadahoc
ESTY of Cumberland
ABROMSON of Cumberland
Representatives: MARTIN of Eagle Lake
AULT of Wayne
DESMOND of Mapleton
STEVENSON of Orono
CLOUTIER of South Portland
McELROY of Unity
BRENNAN of Portland

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment "A"
(H-179) on same Bill.

Signed:
Representatives: BARTH of Bethel
LIBBY of Buxton
WINN of Glenburn

Was read.

Representative MARTIN of Eagle Lake moved that the
House accept the Majority "Ought Not to Pass" Report.

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

Representative MARTIN: Thank you Mr. Speaker,
Members of the House: Let me begin by saying it was
the opinion of most members of the committee that all
children in Maine ought to be transported to school
at municipal or state expense.

The problem, quite frankly, is not one of whether
we believe in it, but it is what happens to the state
budget when it occurs. If you have an opportunity
you ought to look at the fiscal impact and that is
the chief reason as to why this committee could not
support the \$3,000,000 or \$4,000,000 dollars that
would be required.

I understand the reason for it. I understand the
principle that people feel strongly about supporting
it, but I would just remind you that I don't know
where the money would be coming from.

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

Representative MURPHY: Thank you Mr. Speaker,
Ladies and Gentlemen of the House: This piece of
legislation is one that I put in. I do feel very
strongly about it. I feel as though it is a fairness
issue. These parents are paying for something they

are not getting. They are paying local taxes, sales tax and income tax to the state. They are educating their kids the way they choose. When we need a decision of who can ride a school bus that the parents are paying for up to a superintendent you know what is going to happen.

Many towns in this state do it. I certainly don't want to stop them, because I applaud them for doing what is right. This is a law in other states. It is a state law. The state of New Hampshire did it for twenty years. They fought this battle. A member of the committee asked what about church and state. I don't have a problem with church and state. I think this is a fair thing to do. If the parents choose to send their kids to a private school within that community, I feel their tax dollars which are supporting school buses for every student in that town should have the right to ride that school bus.

I had a case in the town of South Berwick where a little girl and mother had to go to work. The bus stopped in front of the house to pick up other kids. The superintendent denied that child to ride that school bus to the private school in town. Because the mother had to work, they took her out of the private school and put her in the public school. Therefore, one day the superintendent said there is no room on the bus for this child, the next day when she went to public school there was room on the bus. Is that fair and equal? I don't think so.

I think they are taking the right of those parents away from them to educate their children in the model values they choose. I feel very strongly that this bill should pass. If the people who send their children to private schools and pay tuition ever put them into public schools in this state you would have to come up with more than \$4,000,000 dollars. I really question that fiscal note. I question a lot of fiscal notes that are put on around here. Fiscal notes in my opinion are put on the kill bills and that is exactly what they are doing. I question \$4,000,000 dollars.

If our parochial schools in this town closed down and they sent their kids to public schools, I understand it would be close to \$50,000,000 dollars. We would need to come up with \$50,000,000 dollars to educate these kids. There are schools and then there are Christian day schools beyond them that the parents are sending them to. There is home schooling beyond that. I don't know what we would do if we had to do this. To me this is just a fairness issue and I wish that you would vote against the "Ought Not to Pass" Report so we can go on to pass this and make it a fair issue in this state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Thank you Mr. Speaker, Men and Women of the House: I would like to agree with the Representative from Eagle Lake, Representative Martin that there is a significant price tag that goes along with this piece of legislation. I also would like to point out that this is something that should be discussed at the local level. I would urge you to vote for the Majority "Ought Not to Pass". Thank you.

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

Representative LOOK: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I too am very concerned about this issue. There are cases where in some of these smaller towns, because that is what I

represent are smaller towns, where the bus goes right by the door of the child and by the door of the private school and it seems to me that in cases such as that, that there should be some provision that the bus can stop and take that child or those children to the private school. If it was out of the way, I could see an added expense, but when it goes directly by the door of the school it certainly is not going to cost anymore to run that bus then it does without that child. Thank you.

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

Representative MARTIN: Thank you Mr. Speaker, Members of the House: I just want to make sure we understand that it is a local issue. If the bus goes by someone's house as outlined, that the local school board can make the decision to pick up that child. There is nothing that prevents it now. I understand the problem, but the solution to that problem is to elect a different school board. That is the answer to that problem.

Second, I just want to emphasize again that the total cost for the biennium is \$7,200,000 dollars. I am one of those who very often has requested in the past that in the hopes there would be money you would send it to the Appropriations Table. If anyone has that hope and that dream, I would suggest you vote with the Representative who wants the bill. If you understand it is not there, then I think we are really just putting something on the table for the sake of putting it there.

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

Representative BARTH: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would certainly agree with the good Representative from Eagle Lake even though I am on the opposite side of the report. He has just said what I was going to say. Currently, and we heard this in the committee, there are some communities where they do transport children to private schools with the regular public school buses. That is an option that is available to all schools and if any community has a problem with that then as Representative Martin said perhaps they ought to elect different members of the Board of Education. Thank you.

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

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: If I really thought it was a local issue, then it would be taken care of locally. What happens locally, and we all know it, the superintendent runs the schools and maybe that is well they should. They will not spend one dime on any other child that does not go to public school. That is money that they are not getting from the state for that child.

In the case in South Berwick, we went to the School Board and the School Board would not go against the superintendent because that was his recommendation. I agree maybe in some cases we should elect some other members of the School Board. I feel very strongly that this is a fairness issue. Every parent who pays taxes in this state has a right to have their child transported. The state pays ninety percent of transportation. The superintendent pays ten percent of it. That is all there is in local dollars. The rest comes from the state.

Every parent in this state who works and has children pays these taxes. This is a fairness issue. Fairness of taxation. We have heard this in this body many times. We have to be fair. These people choose to send their kids to private schools because they are not happy with the public schools and the moral values the public schools are teaching their kids. That is why they send them to the schools of their choice. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: I would like to applaud Representative Murphy for standing up for what she believes in. I know she is doing that and I think she is doing a good job. I also agree, to a certain extent, with Representative Murphy and I am on that side of the bill.

I would like to point out some of the arguments I am hearing. We have a lot of home schoolers in this state and we have required those home schools to be able to go to schools and use the athletic facilities and participate. For those of you who are making the argument that we can't do those sorts of things, no we do it all the time and here is a perfect example.

Vote your conscience on each of these individual issues because we do things like that regardless. There is no way we can logically or rationally go along and say this is the decision I am making based on consistency. This is not the way we have done it in the past. I think the home schooling issue is a good example of that. Thank you.

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

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Traditionally I have been on the wrong end and my kids have been on the wrong end of this kind of an issue. Namely my children all ended up in parochial school and I had to take care of the busing and the transportation.

I think we have to relook education and we have to consider that all kids deserve an education. If we really believe this, I think busing is a very minor issue and therefore deserves some consideration. The voucher system is starting to find a lot of appeal in this country. I think that we eventually will look at it. Maybe we are not ready at this time, but if we ever do I think the voucher system would take care of transportation and other problems that we have and give the people back the right to control their lives and their kids lives. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Thank you Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMERON: Thank you Mr. Speaker. I would appreciate it if someone could clear up for me this. I understand that there is a fiscal note on the issue. I am not completely clear how the expense is going to occur to the state. My question is, it is clear to me that the individual town has the ability to do the busing at this time. The town I live in has done it for as long as I can remember. What I am unclear about is, are the towns that are presently doing the busing getting state subsidies

and those that are not getting the subsidies? If that is the case, I think there is some unfair treatment there. I would like that cleared up, please.

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

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

Representative MARTIN: Mr. Speaker, Members of the House: Back in the 1950's, there was a major battle in this state over the question of transportation of parochial students which subsequently was brought to the Legislature. It was at that time that the Legislature changed the law which allowed the state to pay for the transportation of parochial and private schools as opposed to, if you want to call the Christian schools private which is normally what we have done in this state in the last number of years.

At the present time, in effect, the municipality has reimbursed for the transportation because it means no extra cost as they go by a route and pick up the child and they drop them off at the school. Transportation is reimbursed at 90% of the cost of transportation. This, of course, is interrelated as to what your state share happens to be. If you are in a high evaluation community, then you are getting 90% of 20%. If you are in a low evaluation, you are perhaps getting 90% of an 80% state reimbursement.

That is how it is interwoven. We have in effect picked up the cost. The cost of this legislation is increased because the state shall require that the state reimburse local districts for all children. At the present time, the local monies and the local decision is made locally as to whether or not they want to pick up the local share. Very often they do not and therefore the state dollars are not impacted. This bill requires that they must.

For example, if you live in a high valuation community like Berwick or some of the southern Maine communities where you may get only 20% state reimbursement. Then they would get only 90% of the 20% which is very little money. Therefore, that would be a substantial cost locally. In other areas, for example, like Washington County where there is traditionally a high cost for the state because of the low evaluations of the communities.

In those cases, there would be a substantial cost to the state. That is where and how you get to this dollar figure. As to whether or not a matter of equity, I think that is mute because it is a local decision. In effect, the municipalities could impact the state dollars now, if they would choose to do so. Again, I repeat, they have to pick up the difference. That has been the history of the reimbursement of transportation.

The Chair ordered a Division.

A vote of the House was taken. 95 voted in favor of the same and 28 against, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Criminal Justice reporting "Ought to Pass" as amended by

Committee Amendment "A" (H-170) on Bill "An Act to Provide Adequate Counseling for Minors Incarcerated for Sex Offenses" (H.P. 535) (L.D. 731)

Signed:

Senators:

BENOIT of Franklin

O'DEA of Penobscot

Representatives:

CLARK of Millinocket

BUNKER of Kossuth Township

GOOLEY of Farmington

JOHNSON of South Portland

McALEVEY of Waterboro

PEAVEY of Woolwich

THOMPSON of Naples

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

Signed:

Senator:

HALL of Piscataquis

Representatives:

CLUKEY of Houlton

WATERHOUSE of Bridgton

WHEELER of Bridgewater

Was read.

On motion of Representative CLARK of Millinocket, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-170) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, May 4, 1995.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit State Spending and Establish a Reserve Fund (H.P. 630) (L.D. 855)

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

SIMONEAU of Thomaston

AIKMAN of Poland

OTT of York

JOSEPH of Waterville

MORRISON of Bangor

TOWNSEND of Portland

POULIOT of Lewiston

KERR of Old Orchard Beach

DIPIETRO of South Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-177) on same RESOLUTION.

Signed:

Senators:

HANLEY of Oxford

BEGLEY of Lincoln

Representative:

DONNELLY of Presque Isle

Was read.

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

Representative KERR: Thank you Mr. Speaker, Men and Women of the House: The good Representative from Falmouth has presented us with a Resolution that proposes to amend the Constitution of the state of Maine to impose a limit on state spending.

I think everyone in here thinks it is a good idea, but due to the economic financial straits the state is in the bill has great substance in it, but I think the state must get its fiscal house in order before we can enact this type of legislation. It is just a bill before its time. Thank you.

Subsequently, on motion of Representative KERR of Old Orchard Beach, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-175) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto (H.P. 729) (L.D. 1003)

Signed:

Senators:

HANLEY of Oxford

BERUBE of Androscoggin

BEGLEY of Lincoln

Representatives:

SIMONEAU of Thomaston

DONNELLY of Presque Isle

AIKMAN of Poland

OTT of York

MORRISON of Bangor

KERR of Old Orchard Beach

DIPIETRO of South Portland

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

Signed:

Representatives:

JOSEPH of Waterville

TOWNSEND of Portland

POULIOT of Lewiston

Was read.

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

Representative KERR: Thank you Mr. Speaker, Men and Women of the House: The Resolution that is before you proposes an amendment to the Constitution of Maine to give the Governor of Maine a line-item veto over items in the appropriations or allocations sections of a bill. The Governor will be authorized to replace the item that has been vetoed with an amount that does not increase the appropriation or decrease the de-allocation.

The Governor would not be authorized to disapprove or modify any language allocated to the statutes or appearing in an unallocated section of the law. The bill prevents the Governor from proposing an increase in spending elsewhere in the appropriations or allocations of a section of a bill. It specifies that the Governor must exercise the line-item veto within one day after receiving for signature the enacted legislation.

Finally, it allows a line-item veto to be overridden by a simple majority vote. This issue has come up in the legislature in the past two terms that I have been here and it is strictly a policy issue. I urge you to support the pending motion on this issue.

Representative KERR of Old Orchard Beach moved that the House accept the Majority "Ought to Pass" as amended Report.

On motion of Representative JOSEPH of Waterville, tabled pending the motion of Representative KERR of Old Orchard Beach to accept the Majority "Ought to Pass" as amended Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 290) (L.D. 788) Bill "An Act to Amend the Purchasing Laws" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 846) (L.D. 1177) Bill "An Act to Enable the Department of Corrections to Share Information with Canadian Criminal Justice Agencies" Committee on Criminal Justice reporting "Ought to Pass"

(H.P. 988) (L.D. 1396) Bill "An Act to Abolish the Local Government Records Board and to Assign Its Functions to the Archives Advisory Board" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 405) (L.D. 540) Resolve, to Implement the Recommendations of the Healthy Start Task Force Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-185)

(H.P. 662) (L.D. 885) Resolve, to Create a Task Force to Review the State's Involuntary Commitment Law Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-187)

(H.P. 804) (L.D. 1121) Bill "An Act to Establish Standards for Preadmission Assessments for Long-term Care Services" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-186)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 4, 1995 under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 326) (L.D. 907) Bill "An Act to Extend the Time Period for a District Attorney to File a Petition in Order to Allow Time for Juveniles to Fulfill All Conditions of Informal Adjustment"

(S.P. 25) (L.D. 56) Bill "An Act to Protect Forest Management as a Viable Land Use" (C. "A" S-81)

(S.P. 102) (L.D. 242) Bill "An Act to Increase the Bonding Limits of the Maine Turnpike Authority" (C. "A" S-94)

(S.P. 195) (L.D. 504) Bill "An Act Investing the Joint Standing Committee of the Legislature Having Jurisdiction over Taxation Matters with Exclusive Authority to Review Legislation Relating to Tax Policy" (C. "A" S-79)

(S.P. 315) (L.D. 896) Resolve, to Revise the Reporting Date of the Home School Study Committee (C. "A" S-83)

(H.P. 654) (L.D. 877) Bill "An Act to Change the Department of Corrections' Lease Provisions to Conform with Statutes Regarding Leases of State Buildings by Other Departments"

(H.P. 687) (L.D. 938) Bill "An Act to Provide for the Timely Passage of the State Budget"

(H.P. 711) (L.D. 968) Bill "An Act to Protect the Integrity of the Maine Cellular Telecommunications Network"

(H.P. 847) (L.D. 1178) Bill "An Act Regarding Designation by the Commissioner of Transportation of a Deputy or Another Staff Member to Represent the Commissioner of Transportation at Maine Turnpike Authority Meetings"

(H.P. 297) (L.D. 401) Bill "An Act to Continue Protection Under a Protection From Abuse Order" (C. "A" H-174)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Change the Commissions Payable to the State from Off-track Betting" (EMERGENCY) (S.P. 240) (L.D. 637) (C. "A" S-95)

Bill "An Act to Repeal the Sunset Provision Regarding Drug Recognition Technicians and Amend the Definition of Drugs in the Operating-under-the-influence Statutes" (EMERGENCY) (S.P. 332) (L.D. 913) (C. "A" S-84)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence.

ENACTORS

Emergency Measure

An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995 (H.P. 1001) (L.D. 1412) (Governor's Bill) (S. "C" S-102)

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

The SPEAKER: The Chair recognized the Representative from China, Representative Chase.

Representative CHASE: Thank you Mr. Speaker, Colleagues of the House: During the last session whenever I addressed you in this body I would say, "Colleagues in the House, I will be brief". I can't promise that today. I also sit in a row of extremely uppity legislators who are keeping a list of cliches that are used in this body. I believe I will be brief is number six on the list of top ten.

I need to speak to you without using any cliches and that is going to be difficult. I have three points to make and the first is going to be cliché ridden. That has to do with what this job is all about. It sort of goes along with why we were sent here and whether the cliché is to cut taxes or to do the people's business. Whenever we talk about why we are here, we seem to use a lot of cliches.

I will try to and I will tell you a story about my personal crisis at the end of my first session. The crisis was about serving my constituents and whether I had done well and appropriately. What happened is people started calling me and asking me about my votes on various bills. If those bills weren't entertained by my committee and I didn't have a constituent interested and it wasn't a personal issue for me, I will tell you the truth, I forgot how I voted. Not only that, I forgot what the bill was about.

What saved me from this crisis was to be able to look at the document and remember what the topic was, after all we are given bills and they are read publicly to us. We have the time or we don't have the time, but we have the opportunity to find out what it was that we did in this body that affects the lives of our constituents and the lives of others in the state of Maine who do not live in our district.

One of the things that this bill before us, is a committee that will make recommendations and frankly we are signing onto something that we have no clue about. I have no clue about, let me not speak for you. I can't turn to something to get a clue. There is nothing in front of me that tells me what those cuts will be. I am really nervous about that. I don't know how to defend this vote to my constituents.

I don't know how to say, "Yes, I voted for the thing and it involves some cuts, but I don't know what they are. I don't know how it will effect you. I have done it anyway as your Representative." I can't get over that. No amendment I have seen gets me over that. Colleagues I have a problem and I can't support it for that reason.

My second reason has to do with what budgets are all about. I don't think there are as many cliches used on this topic as on the first topic. To me, budgets are two things. They are legal documents and anyone who has set through a town meeting knows what that is all about. They are also in this state, policy documents.

What we spend our money on in the state is a reflection of our policy. What we choose not to spend money on is a reflection of policy. How we choose to collect that money, whom we tax, how we tax them, how much we tax them, and how progressive or regressive our taxes are, how much of the taxes we send back to the people. It is all a matter of policy. I have a problem in my role of policy maker as well as my role representing people in my district. I have a problem signing onto something that will effect the budget that sets policy and again I don't know the details.

The third point is positive. I would like to give credit where credit is due. I think the Appropriations Committee had a hard job and they did a good job despite the fact that I can't support this. I also think that it is the role of the Chief Executive Officer of the State to be very familiar with the Executive Branch to make recommendations for cuts in his or hopefully some day her budget. I would like these recommendations to be in the next biennial budget. I think the way this should work is that the task force do its work, report back to the legislature and have the cuts in the budget.

It means we have a hole, colleagues, it means we will have a hole in the biennial budget, but I would rather fill that hole with cuts that we agree to, which will be a hard thing. I would rather do that and make the attempt to do that than to sign onto a document that fills a hole with a promise. That is all I have to say. I will not urge you to join me in opposing this supplemental budget. I want to make my feelings extremely clear and let you know why I cannot and will not support it. Thank you.

Representative LUTHER of Mexico requested a roll call on passage to be enacted.

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 members present and voting. All 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 Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Thank you Mr. Speaker, Members of the House: I agree with the Representative from China, Representative Chase. This bill with the provisions in it for the task force and the recommendations are a real pig in the poke.

I think we are just taking a leap into nowhere. I believe that we are even though it may be said to be constitutional, I think that we are, in fact, planning to abdicate our responsibilities. I believe that the Governor and the Appropriations Committee could put forth proposals for changes and cuts so that we can deal with them in the time we have available here this session. I think that to put it off is not an appropriate thing to do.

I look at the language in the amendment dealing with \$45,000,000 dollars worth of saving being achieved through productivity changes and better delivery of services. I can't believe that. If, in fact, this task force was going to look at not just the official budget items, but look at all the total expenditures, all tax expenditures and all tax exemptions that we look at, perhaps then I might believe that we can come up with that kind of money without major deformation of programs.

I think there are policy issues that we should be deciding. We should be deciding whether maintaining AFDC payments is more important than providing forest fire protection. I think that is the Governor's role and the Appropriation Committee's role to make those suggestions to us. Give them to us and let us deal with them on their merit. I urge defeat of this budget.

The SPEAKER: The Chair recognizes the Representative from Lagrange, Representative Hichborn.

Representative HICHBORN: Thank you Mr. Speaker, Ladies and Gentlemen of the House: We are here this morning, 151 of us, each totally incapable individually of solving the monumental problem that we have before us.

This is a problem that concerns and effects 1,250,000 people and for the past several years this problem has fed upon itself insidiously and inexorably and you and I together working have not been able to solve this problem, not because we didn't want to, and God knows we tried. We have tried hard.

We have lived with an unbalanced budget for years. Some people say we have had a budget that was balanced. In order to balance it we have stolen from the Maine State Retirement System to pay the bills and we are now obligated over the next thirty years to pay interest far in excess of the amount that we stole from the Retirement System. We ended each year with millions of dollars in unpaid bills that were knowingly and willfully withheld in order to balance the budget.

We pushed millions in payroll obligations to state workers into the next year and this delaying tactic exacerbated the problem with staggering millions of unpaid salaries into a succeeding year. We have not had a truly balanced budget in for some years. Anyone who thinks we have simply does not understand the true meaning of fiscal actuality.

If I earned \$30,000 dollars a year and I spent \$40,000 dollars a year on high living and think that I will pay that extra \$10,000 dollars next year then I do not have a personal budget that is balanced and neither does the state. When we ask how and why, we get into such a mess that faces us here today. We

know there are economic reasons that are part of the basic cost, but you and I are part of the problem too.

For four years I sat on the Appropriations Committee with many long, long days and many long, long nights. We struggled with the budgets that no one could love. The best budget that we could devise came before this body and you had Amendment "A", "B", "C", "D", right through to "Z". We would then start again with "AA", "BB", "CC" and we could not agree and we didn't succeed. No matter what we did. It took a lot of gimmicks to get what was called a balanced budget.

This year the Appropriations Committee had made a valiant effort, I think, to solve this problem. Every committee of jurisdiction was called in to help. No blame should go to this committee or to any of the other committees. They deserve our deepest appreciation for their efforts, futile though they were. The problem still remains. It seems to me there is a light at the end of the tunnel for we have a Governor who believes that we should pay our bills and pay them on time. The general public wants the state to pay its bills on time.

The Governor won his election by promising to live within the means available. He promised economy, downsizing expensive government with emphasis on providing for all the essential services, but eliminating waste and the duplication of services. With all the fiscal restraint necessary to truly balance the budget without any gimmicks or tricks. The Appropriations Committee faced with this dilemma by a vote, bipartisan, of twelve to one agreed on a compromise proposal and approved one that would authorize a task force to work on suggestions from a master plan to help the Governor achieve his goals.

We have been attacking this problem in the past on a piece meal basis, one item at a time. We have never succeeded because we weren't able to consolidate these different items into one nice master plan. We now have the opportunity to do that. This proposed task force is our opportunity for making it possible for every member of this legislature to participate and make suggestions to be incorporated into a master plan.

I am sure this task force will not only want, but will actually encourage ideas from every legislator who has an idea or suggestion. I realize these ideas may range from \$1,000 dollars here to maybe a \$1,000,000 dollars somewhere else. In total will be an effort that we hope will be successful and enable the Governor to fulfill the promise he made to the people of the state of Maine. We hope that will be a master plan. If there is a master plan, I can assure you that there will be some who won't like it. There will be some that I won't like, but I think for the good of the state of Maine we must bite the bullet.

We must get off that dime and move. About 1,250,000 people in the state of Maine want us to get out that dime. They are sick and tired of our childish bickering. They elected a Governor who said he would do what you and I want and what you want to do. You and I can help him do that. His approval rating at the present time, we are told is 82%. I wonder if you know what yours and mine would currently be.

This is a real opportunity, I think, for each of us to put aside divisive partisanship and to forget our personal biases and our personal fears and beefs to remember and think of some of the remarkable words of wisdom that we heard here yesterday morning. If we listened and if we heard and if we weren't talking

and if we weren't writing and if we weren't reading, if we heard those words and we pondered their meaning, we this morning should be better able to understand the difference between the politician and a statesman.

When we vote today let us vote and let the people know we heard the message they sent us last November and that at long last we have the intestinal fortitude to stand up and do something that we will no longer diddle on that dime. At long last there will be some real meaning to the slogan, Maine is, once again, on the move. Thank you.

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

Representative TREAT: Thank you Mr. Speaker, Men and Women of the House: I rise today to add my voice to those who have made the decision not to vote for this budget. I would like to tell you why.

It has been a difficult decision for me in many ways. I have come to the conclusion, despite the fact that there has been an attempt to amend the original version. It does not go far enough to change my concerns. My concerns are essentially related to what is the role of the legislature as a body and what is my role as a legislator to my constituents. This is something that was touched on by the Representative from China, Representative Chase.

I believe that this task force goes well beyond the line-item veto which we will be debating in the next few days. I imagine that debate will be a very contentious one that will involve many more people than the debate we are having here today. I think what we are doing here today is, in fact, more significant than the line-item veto, which picks out one or two items to veto, but does not give a broad authority to make policy decisions to the Executive Branch.

It also goes to my own personal feelings about what my job is as a representative and I think my job is to be making specific decisions and not to basically say that someone else should make the tough decisions and that I am going along with a process that essentially ensures that we are pretty much going to be rubber stamping the decisions that are coming out of that task force. I do feel a need to be accountable to my constituents and I do realize that it is easier to let someone else make those decisions and I have no illusions about the difficulty of getting 101 of us to agree on the same exact cuts.

I know that it is a very difficult process. I have been through it. I have been through two budget seasons and two previous sessions of this legislature. I know it is hard and sometimes you come out with decisions ultimately that are not very good decisions. That is our responsibility and I am able, at least, to go back to my constituents and defend what I did or say yes, some of it wasn't very smart, but this is why it happened the way it did. I am very uncomfortable with letting that decision making be done by a small group and essentially the Governor. That is essentially what my concerns are. I have thought about this.

I have worked on some amendments and some of what was in an amendment I was working on has made it into this. I think it is better. When you come right down to it, it is still a set up in a way that is not intended to give the authority to the Legislative Branch, but to the Executive Branch and that is

something I am uncomfortable with and I am not willing to go along with at this point. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Thank you Mr. Speaker, Members of the House: A few months ago we had an election, which the voice of the people was heard. They wanted change. They changed a lot of Representatives and they changed the Governor. Our Governor, Governor King, has made a promise to heed to the voice of the people. It is our obligation to help that Governor make that change. It is up to you. Thank you.

The SPEAKER: A roll call has been ordered. The pending question is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 58

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Bouffard, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Greenlaw, Hartnett, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rowe, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winn, Winsor, Yackobitz, The Speaker.

NAY - Adams, Ahearne, Benedikt, Berry, Brennan, Chartrand, Chase, Gerry, Gould, Green, Guerrette, Heesch, Jones, K.; Kilkelly, Luther, Madore, Meres, O'Gara, Samson, Shiah, Stevens, Treat, Tripp, Vollenik, Watson.

ABSENT - Buck, DiPietro, Rotondi, Truman.

Yes, 122; No, 25; Absent, 4; Excused, 0.

122 having voted in the affirmative and 25 voted in the negative, with 4 being absent, a two-thirds vote of all the members elected to the House being necessary, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy (H.P. 591) (L.D. 801)

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

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and specially assigned for Thursday, May 4, 1995.

The Chair laid before the House the following item which was tabled earlier in today's session:

Senate Divided Report - Committee on Transportation - (8) Members Report "A" "Ought to

Pass" as amended by Committee Amendment "A" (S-91) - (2) Members Report "B" "Ought to Pass" as amended by Committee Amendment "B" (S-92) - (3) Members Report "C" "Ought Not to Pass" on Bill "An Act to Require All Persons to Use Safety Belts in Motor Vehicles" (S.P. 77) (L.D. 165) which was tabled by Representative O'GARA of Westbrook pending his motion to accept Report "A" "Ought to Pass" as amended.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Thank you Mr. Speaker, Ladies and Gentlemen of the House: You will be told today that freedom is the issue. Make no mistake about it, members of the House, saving lives and increasing safety and reducing health care costs are the real issues.

Those who talk about adults making decisions regarding their safety could guarantee that not one other human being is impacted in any way whatsoever, including no grief over the loss of a loved one then maybe just maybe they might have an argument. We all know such a guarantee is impossible, just as I can't guarantee to you that everyone will wear their seat belt all the time or that there will never be another seat belt loss accident if this L.D. passes.

Seat belt laws have proven to be effective in reducing deaths and lessening the severity of injuries caused by vehicle crashes. Requiring the use of safety seat belts is the single most effective and least costly way to promote highway safety on Maine's highways. Requiring belt use legislatively as 48 other states already do is probably the only way to attain a significant increase in seat belt usage in a short period of time. You will hear about the benefits of using seat belts today and as I just said you will also hear from those who oppose mandating belt use and those who favor instead freedom of choice.

In the majority opinion the issue of highway safety and safety benefits which are afforded by belt use, far outweighs argument of passage of this L.D.. When you hear the argument that a safety belt is an infringement on personal rights ask yourself is the very small harm inflicted when one is forced to buckle a belt really important. Wonder as I do if they have sufficient insurance to take care of an \$100,000 dollar medical bill. Wonder as I do if they have sufficient assets to keep their children off welfare if they are killed or permanently injured in an accident. Ask yourself if their children would rather have a live parent who wore a seat belt than a dead or permanently injured one with all of their "personal" rights.

Due to our rural nature Maine typically has one of the highest mileage death rates in the nation or certainly in this region. This means that Maine citizens are exposed to many more high risk situations on their roadways. The increased use of safety belts would mitigate those risks and have a positive effect on the quality on life of all of Maine citizens. Whereas many fatalities and injuries involve ejection from the motor vehicle. We know and data indicates that safety belts are nearly 100% effective in preventing ejection and in protecting occupants from being thrown around inside the vehicle.

As you already know the citizens of Maine are very proud people. We cherish independence and make sure government doesn't exert too much control over our lives. We respect the long tradition of independent thinking which characterizes the values of the

citizens of Maine. A safety belt use law is not inconsistent with this tradition. Personal freedom becomes an issue when it begins to effect the lives of others or infringe on society as a whole. Safety belt usage falls into the category of insuring personal responsibility for the benefit of everyone.

Unbelted motorists endanger others by not being able to control their vehicles in a crash situation. They also impose excessive costs in an already overburdened health care system. This without question is one of the times when the interest of society in protecting human life and keeping down the cost of medical care must prevail over the individual's freedom to take excessive risks. Sometimes government and its leaders have to muster the courage to stand up and say no matter what kind of misplaced loyalty we have for our independence. Some laws need to be passed for our own good and for the good of society.

When all the benefits of wearing safety belts are brought to the attention of the citizens of Maine, I believe good judgment and common sense will be major factors leading to an increased usage and support of the safety belt law. Public health evaluations nation wide has shown that head injuries causing brain damage, spinal injury, injury severity, hospitalization, hospital bills, average length of stay, permanent disability, and death are higher and more frequent if unbelted.

Saving a life or preventing a serious injury ought to be incentive enough for anyone to use belts. A serious crippling injury or a fatal crash takes only seconds and that is all it takes to buckle up. More must be said about the many tragic, serious and crippling injuries that hospital emergency rooms are treating daily. The severity of these could have been significantly reduced if only the occupants were wearing seat belts. We are all at risk, children as well as adults, men and women in business and industry, professionals and blue collar workers, the poor and the wealthy, are not immune. None of us are immune.

We know that we will never be able to make our highways fatality free, however, this legislature will go a long way in improving the economic well being of Maine citizens. I would like to read briefly from the testimony of one belted survivor of an automobile accident in Hebron in 1990. "I was one of those people who believes in individual choice and that no one should mandate what I should do. I travel 20,000 to 30,000 miles in my car every year. I was either to busy to take the time to buckle up or to stubborn to be told that I should. On that faithful night my best friend pleaded with me to put on my seat belt while I waited for the car to warm up. I obliged her because she was my friend. Less than twenty minutes later I was being rushed by an ambulance to the hospital after losing control of my car. In that one crash my life and the lives of my family and friends changed forever. As a result I spent four weeks in an acute care hospital, but I am alive today and I owe my life to the fact that I buckled my seat belt that one time. My rehabilitation was expensive, but nowhere near as expensive as those survivors who did not wear their belt. I am reminded everyday of the importance of seat belts in my own life. It is difficult knowing that many of my friends are relegated to wheel chairs for the rest of their lives and will need life time therapy and treatment, much of which will be coming from public funding. I still

believe in the privilege of individual choice, but not when it leads such devastation in its wake and not when the taxpayers ultimately have to pay the costly price of my decision."

I would ask each of you to refer to the materials that were passed out to you yesterday by Representative Lindahl. It was a yellow sheet dated March 21. It is a study that was done at the Eastern Maine Medical Center over a period of three and a half years from 1991 to 1994. It is a study of real Maine people and the data simply cannot be shrugged off and ignored. I would speak to each of you who are on either one side or the other of the recent health care debate. These roll calls that are available to the public at large are public record of your position. I would say to you that which ever side you are on, your arguments regarding health care costs are an issue which is reason enough to vote to require the use of seat belts, whichever position you took.

How will you explain to your constituents that although you claim to be mindful of their hard earned money you voted against the bill that will save millions of dollars for them in taxes, not wasted in lower business costs, in lower insurance premiums, in federal dollars not lost to our highways? How will you explain to them that you thought the freedom to go unbelted is greater than the freedom we all lose when we have to pay for unnecessary injuries to people who weren't wearing seat belts?

Yesterday two former Governors challenged each of us to have the courage to do the right thing. To be leaders and display leadership. When you have a constituent who talks about personal freedom and their right not to wear a seat belt, do you have the courage to point out to them that they are helping to pay millions of dollars for unnecessary injuries to unbelted accident victims who are exercising that personal freedom. Did you tell them that mandatory seat belts help get government off their backs by getting it out of their pockets? A lot of you said that as you campaigned that was what you heard. Get government off our backs.

The biggest government intrusion of all is the money it takes out of our pockets. Mandatory seat belts help reduce injuries that are paid for by tax dollars thus helping to reduce the waste of tax payer dollars. Did you tell those constituents that if a seat belt prevents a moderately severe injury to just one Maine medicaid patient it will prevent the waste of more than \$13,000 dollars in taxpayer money? That is real freedom. Did you tell them that they are paying everyday with no voice and no choice in it for unnecessary injuries people suffer because they are not wearing seat belts. They have already lost freedom on this issue and the mandatory seat belt will get it back.

Do you have the courage to tell them that by voting for L.D. 165 you are protecting larger freedoms than that of seat belt use? If I were a member of the media, I would find it rather interesting to match the loud claims of fiscal responsibility, on the one hand, individual legislators vote on health care costs, on the other and their vote on this L.D. to see if in truth and in fact their actions match their claims. Thank you.

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

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: There is no one in here

that I respect more than the Representative from Westbrook, Representative O'Gara, but on this issue where we are kind of apart. Most of the things that the good Representative said could be said for an unending list, it seems to me, of things that people choose to do as adults that cost society money and some of which I passed around there.

Where do we stop in this thinking? If we were forced to drive larger cars, then there is no question that it would cost society less and accidents would be less severe. I would ask the people who use this argument to mandate the seat belts to know what is next on the list. If they don't have a list then, I would like to ask, why not, because certainly there is a lot of behavior changes that could impact our finances in the state.

I would ask people what they think the role of government is in a free society. Is it to be our mommy and daddy? Someone asked on television about a month ago what kind of message are we sending when all of a sudden when you become 19 you don't have to wear a seat belt anymore. I think we are sending the perfect message. Now you are an adult you have got to make your own choice.

We are told it will be a small inconvenience, in fact, there is one amendment that says you can't even be stopped unless you are stopped for something else and then the police will see that you don't have a belt. I would like to remind you that the state mandated that hunters wear orange clothing way back about 30 years ago. That was going to be a mild inconvenience and it was for the good of society.

Let me tell you how that has evolved as far as enforcement goes, now the state sets out decoy deer. You jump out of your car and you shoot at this decoy deer. If you don't grab two pieces of orange clothing out of your car, then you are nabbed for that reason. I would urge you to really think about that. It is probably going to go the same direction. It might be a mild inconvenience now, but what will it lead to down the road.

I would also ask to take a look at this yellow sheet that was handed around. I would challenge these people that put this out to tell me that these associations mandate seat belts for their own people. Read down the list, American Association of Retired Persons, do you have to wear a seat belt to belong to that outfit? They are proposing that all citizens have to wear a seat belt, ask that question. How about the Association of General Contractors? I am a contractor and I have never heard of this. Do you think that association mandates that their own people do? They want to reach out and force everybody to. If it is really a matter of safety, don't you think they would ask their own people to first.

How about the Maine Auto Dealers? How about the Maine Chiropractic Association? How about the Maine State Nurses? Do you think if you belong to that you have to wear a seat belt all the time. This came up in my committee, Fish and Wildlife. Fish and Wildlife Department is pushing that we wear orange hats in October now for bird hunting. I asked them, "Do wardens have to wear orange in October when they are out in the woods? Do biologists?" There response was "No". For thirty years hunters have had to wear orange for deer hunting, but wardens and biologist haven't. It is really a matter of safety or is it something else we are looking at here.

When we work on the budget with billions of dollars and we work on all these things and we think they are so important. In my opinion, this bill before you now is probably more important than that budget. The budgets come and go and over a few years there is no great impact. The impact gets smoothed out, but I am telling you, if you pass a bill like this, it never goes away. It is just one more whittling away at our choices as adults. It never goes away and it impacts millions and millions of people over the generations. Thank you.

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

Representative HEINO: Thank you Mr. Speaker, Ladies and Gentlemen of the House: This is a very emotional issue. Each of us could stand here this morning and tell war stories of why seat belts are good and how they have saved lives. Each of us could tell war stories about the fact that you know of a certain situation whereby a seat belt might have been very damaging, either one.

I doubt very much and my purpose of standing this morning is not to try to persuade you to vote one way or the other. I think 99% of us probably when we came to Augusta this morning and came to this establishment probably already knew what we were going to do, green or red button, on this issue. Probably with the amount of debate here today very few votes will be changed.

It has been mentioned this morning by the good Representative from Westbrook that if we were to have a mandatory seat belt law, we would save lives. You have a sheet on your desk this morning that says it would save 180 lives in the state of Maine in a year. Ladies and gentlemen of the House, if you are really interested in saving lives why don't you vote to do away with the consumption of tobacco and alcohol. Tobacco, the number one killer, if you really and truly are concerned about saving lives, but you won't do that, nor will I. It is so obvious why you won't do it and I won't do it that I won't go into that.

The research that came out of the Bangor area by Dr. Steel, I believe the gentlemen's name was. All good intentions, but there is a piece of the puzzle that is not in there. That is how often and what is the extent of injuries and cost to society for those who were wearing seat belts. Nothing was ever mentioned of that in any of the testimony that we heard at the Transportation Committee. Of course, it is obvious why we didn't hear it. It doesn't serve their purpose.

If we vote for mandatory seat belts, we are, in fact, going to give an opportunity for our constituents, another opportunity for our constituents, to be stopped and receive a citation and pay a fine. You talk about getting off the back and out of your pockets. You are getting another opportunity. I don't think it is necessary.

In Lincoln County a survey was done by a member of the other body about two months ago. Of 900 responses to the survey, it was almost to the letter, 50% of the people said, "Yes, I support this" and 50% said, "No, I don't support this". So, politically no matter how we vote today, I guess perhaps when we go home at least half of our constituents are going to say, "What in the devil were you thinking of when you pushed your button?"

At the current time, about 38% of Maine citizens wear a seat belt. They do it on a voluntary basis.

Are you willing to put a mandate out there to pick up another 20%. I'm not. I'm going to vote against this. We talk about head injuries. You talk about head injuries going to save a lot of money, seat belts. Well if you are really concerned about head injuries, let's wear a helmet. There are so many things that we could do to save lives and reduce medical costs in the state of Maine that are just not practical anymore than this is. We aren't going to do it. It just isn't practical. I would be very pleased if we would defeat this motion and allow the 38% or more who join as time goes on to wear their seat belt without a mandate, without the government telling us to do so. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Thank you Mr. Speaker, Colleagues in the House: I have been involved in the fire department in my town since I was 16 years old and in high school. I have been through a number of accidents and I have even been in a couple of accidents myself.

We know that seat belts save lives. Fire departments and emergency people are required now to annually be reviewed on blood born pathogens, that is for HIV and Hepatitis B. We now have to know the dangers of that. Every accident I have ever been to there is always someone there, the good Samaritan that may or may not be aware of what is going on. What is involved with their actions. They are holding their hand and encouraging them through their ordeal and may be holding their cervical spine so they don't incur further damage to themselves.

I think that people aren't buckling up, they don't take this into consideration when they don't buckle up and what you expose other people to, innocent people. I think to expect people to put their seat belts on, the seat belts are there, I think it is a reasonable, unlike some of the comments earlier. We are not asking someone to wear a helmet while they drive a car. The other Representative mentioned that these organizations don't require these people to wear seat belts.

If they are employees of an employer and they drive a car as part of their work OSHA requires that they wear a seat belt. I am going to say that this doesn't impair your freedom. You still have the freedom to have your gun rack in your window and listen to any radio station you want. You can drink coffee while you drive and you can smoke your cigarette. Thank you Mr. Speaker.

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

Representative STROUT: Thank you Mr. Speaker, Men and Women of the House: I was undecided if I would speak on this issue today, but I guess seems how I signed out the report that gives you the other story, I should get up and make some comments.

First off the previous speaker just told about being a member of the fire department since he was a young fella. I have been a member of the fire department for 30 years. I have been a member of the Ambulance Association for 17 years. As an ambulance driver, I am on call every Monday night. I take my turn.

You may wonder why a person who has been involved with those issues, why I would not sign out a mandatory seat belt law. Let me tell you there are two sides to every issue. I have been on calls where, yes, it would have made sense to have seat

belts, but I have also been on calls and just as recently as last fall where two young people were thrown from the vehicle and in my estimation, if they had been wearing seat belts they would not be here today.

Those are issues that the Representative from Boothbay brought up. There are always issues out there for both sides. The other thing people have said to me as the father of six children, why wouldn't you support the mandatory use of seat belts. The fact of the matter is, I have to tell you today and I have never told this body before, my children do use a seat belt. Their father does use his seat belt sometimes. He doesn't have to be told. My wife does sometimes. I have to tell you this too, my wife is a stronger opponent of mandatory seat belts than I am.

Thirty years ago this December my first wife of six weeks was killed in an automobile accident on Interstate 95 outside of Alton-Argyle, where when they built the interstate before they went to two lanes up in the Howland area, it went from two into one. She wasn't wearing a seat belt and neither was her best friend. It wouldn't have made any difference, because the gentlemen who hit those people was doing 85 miles per hour in an Oldsmobile and she was riding in a Plymouth Valiant. She was completely out of the road way. One hundred percent not to blame, but it would not have made any difference.

In 1973, the women who I am married to today had three of our children in an automobile in Bangor and came into an intersection where another vehicle failed to stop and hit my wife broad side. Here is the other side of the story. Those two children in the back seat had been in a seat belt, they would not have been here today. What happened on impact is that vehicle hit that car, went through the door and my children went to the other side. If they had been in a seat belt, there is no way they would have come out of it.

There are two sides to these issues and yes, I have to tell you, that as far as the use of seat belts, I don't have any concern with that. I have no problem with any member of this House using seat belts. I repeat there are times and over the last 23 years that I have commuted back and forth from Augusta to home and back, I have used my seat belts some nights. Why did I do it? Probably I was concerned that I might have left the road and maybe it could have been a benefit to me. I have no idea and I can't tell you today if it would have been a benefit or not, because I have been lucky. I have never had any accidents and I have never left the road.

I would tell you as a fireman and an ambulance personnel that there are pros and cons on the use of seat belts. Some people have said to me, you have to admit Don that it is better to have that seat belt than not. In 17 years I have seen both cases and I really don't want to make that judgment to tell you people that you use that seat belt it may be a negative effect. That is why I have always opposed mandatory use of seat belts.

This year I have taken a somewhat different approach. A month ago, I suggested and I would tell you this, that I even would agree today that the Representative from Boothbay has brought out to you that the surveys are showing that it is closer than it was 8 or 10 years ago. Why I say that is because

maybe this is one of those issues that we should send it out to the people. I had thought about that a month ago, but it didn't seem to have enough support in committee so I stayed my usual position and voted out "Ought Not to Pass".

I can tell you one other thing that this bill does differently that we have for under 19 year olds. At the present time, under 19, the officer has to have another reason to stop your vehicle. This bill is primary reason for stopping the vehicle. I will admit that if we are going to do anything, we ought to have the people of the state of Maine a chance. This is why I am voting no.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Thank you Mr. Speaker, Members of the House: I am not going to tell you of the two friends I lost thirty years ago in the accident, but the next day I put seat belts on in my car. I am not going to tell you about the two times I would have lost my own life if I had not had seat belts in my car. I am not going to go into explanation about the car I had to crawl into and push a woman through a broken window who was all cut up and had several broken bones, because she did not have her seat belt on.

I am going to tell you about my drive through Ohio. Every few miles through Ohio, I saw this one sign. It said, "Seat belts our law - your life". That made quite an impression on me. I am going to say today that one law right here, and all I am going to say, seat belt our law - your life. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: I would like to point out a few things about Maine people. Maine people are proud people. Maine people are independent people and we all take pride in that Yankee aspect. I think more than any other thing that we appreciate about this state of Maine is our attitude, our independence and our love of freedom. I truly believe that. I think that is why we all live here and I think that is why the people up in the gallery today are here, to see what we do, to see how we debate and what we care about.

This particular issue, although sometimes it may not seem like it, is an issue where there are two sides and they both care. It is an issue of quality of life. That is why I have come down on the side I have come down on. I don't believe in mandating seat belts. I think it is a quality of life issue. I tell you when you make a change that impacts the quality of life issue, I think it is our responsibility to really think long and hard about making that kind of a change and the impact that it represents.

We tell young people, you must wear seat belts if you are below the age of 19. When you reach that age we are going to hand you the responsibility to make a decision by yourself, because we respect your ability to make that decision. I am proud of that law. Maine people have told us, Stop the mandates. Stop telling us what to do. Look at car test for an example, the perfect example, stop infringing upon us. Take care of the problem at the source. The source is behavior. Lets educate the public. Lets help to educate them. Lets put resources into

educating the public. Lets work with insurance companies to develop incentives to wear seat belts.

Lets try all of our other options before we tell people you must act this way. We should not be telling people you must act this way whenever we can avoid it. I think in this case as the good Representative from Boothbay very eloquently said, I think this is one of those cases that we don't need to.

The accident rate in the state of Maine is an issue. We play the statistics game here and I think that is unfortunate. I have the accident rate in the state of Maine. I got it directly from the DOT and I want you to know that we don't have a real problem here as compared to other states and as compared to the nation. In fact, our accident rate has been so far below the national average that it is something to be proud of and what it tells me is Maine people are responsible on the roads. They take their responsibility seriously. I applaud Maine people for taking that responsibility on and making something of it.

At the very least if you have any doubt about this issue and as you know I went around and informally polled people. I tried not to do too much lobbying, obviously sometimes you do a little bit of lobbying on the way. I did a poll and I did find out like the good Representative from Boothbay said that most people have already made up their mind on this, but there were 7 or 8 that said, put me in as a question mark and to those 7 or 8, I would ask you please, at the very least, put it out to referendum. This is an issue where Maine people can decide on their own which way it should be then we can all live by that. Thank you.

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

Representative LOVETT: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I want to discuss with you today the importance of a safety belt. I do not call them seat belts. I call them safety belts. This is not an alcohol or a tobacco issue. It is a highway safety issue. I have been involved in highway safety for some 20 years now. I am a former co-chair of the Maine Highway Safety Commission. I have also had the privilege of serving Maine on many national safety councils.

I want to assure you people that safety belts really do work and in every study that I have read they indicate that lap and shoulder belts cut the risk of serious or often fatal injury between some 40 and 50 percent. In every accident there are two collisions. The first being when the vehicle hits an object. However, the injury or death occurs in the second collision. When your loved one collides with the interior of the vehicle or is thrown out of that vehicle. Ejection from that vehicle occurs when your loved one is unrestrained.

If a safety belt law was to be enacted in Maine this would immediately result in a 15% reduction in serious and fatal injuries on our major highways. This is not to mention the in town accidents. In my years on the Maine Highway Safety and being involved, I have had the opportunity to view many vehicles where fatalities have occurred. I hate to tell you if a seat belt had been used in many of those crashes, we would have had quite a few more friends among us today.

Also in some of the crashes that I have witnessed, I found that in that vehicle there was room to live. The only thing that prevented the life was the lack of a seat belt. This really has saddened me to think that shoulder straps and safety belts would have saved so many of our Maine citizens. I had a state police officer tell me one day that he had never unbuckled a dead person. Help keep your constituents and your loved ones and vote with me for a mandatory safety belt law. Thank you.

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

Representative THOMPSON: Thank you Mr. Speaker, Men and Women of the House: I am prompted to speak on this issue probably because I think I am the member of the House who has had the most recent automobile accident.

As I was driving home from session last night at about 8:30 p.m. I happened to hit a rather large deer on a back road in Poland. Without a doubt, I would have been slammed violently into the steering wheel of my car if I had not been wearing a seat belt. The issue was brought home to me in a rather dramatic fashion. I am planning to vote for this seat belt law. I want to address some of the matters that are brought up here. The good Representative from Penobscot has brought up the hunting issue and I think it has been proven that even though that is a very big infringement on people, it has worked. Our hunting fatalities have gone down. Isn't the purpose of this to save lives?

I find it ironic when we talk about personal freedoms, the same arguments were used last week to argue for other prohibitions on motor vehicle issues and yet we are trying to make this a personal freedom issue. There is a long standing history that the state has the right to control what happens in an automobile. We are constantly being told that the ability to drive a vehicle is not a right, it is a privilege. You don't have the right to operate a motor vehicle. Only if the state licenses you to do so under certain rules.

The vehicle itself has no right to be on the road, only if it is registered and inspected under certain rules. We impose all kinds of rules on them. We require seat belts to be in the vehicles at different levels we require air bags. We require at the state level that they have blinkers, brake lights and head lights. We require the drivers to submit to alcohol tests if they are stopped. We are told that is because we are told is a privilege to drive, not a right. This is no different.

This is an infringement, in a way, on the driver and the other occupants in the vehicle, but it is also something that the state has a well established history of controlling automobiles. We have debated several issues where we have toughened some of our laws in the area of automobiles. We have voted in each case to take away some more individual rights. I suggest to you that the passage of this law will save a lot more lives than those other laws that we have debated. I urge you to vote for the seat belt bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Thank you Mr. Speaker, Colleagues of the House: I am standing to address a few of the issues brought up by others.

First, I would like to address Representative Heino saying seat belts cause other injuries in motor

vehicle accidents and that was not figured into the equation. He is right. If someone has a broken collar bone because they had their seat belt on, are we going to charge that injury against seat belts or are we going to charge it for seat belts because that individual did not have a flailed chest or possibly die. I think that is a real issue.

Another issue is putting this out to referendum. I was sent here to make the difficult decisions and I was told if they don't like my decisions they won't send me back next time. I think that is a real issue. I am willing to make this tough decision and if I am wrong and people don't like it then they won't send me back. A bullet pole by channel 2 in Bangor come out with a 59% in favor of the mandatory seat belt, 40% were against it, 1% was unsure. Both daily papers in this state have endorsed the use of seat belts. Both weekly papers in my county have endorsed the use of seat belts.

I believe it was Representative Perkins who said, "what is the role of government?" I believe it is to wisely use tax payer money. When Dr. Steel was giving testimony in front of our committee he held up one medical bill from one medicaid patient who was involved in an accident that \$107,000 dollars of tax payer money that we paid for that was not covered by insurance. I don't believe that is wise use of taxpayer money. Somebody mentioned what are we going to stop next, use of fatty food, tobacco, or alcohol. I don't believe so. I think mandating the use of seat belts is a minimum infringement upon your personal liberties. These others would require a major infringement to get into your personal home.

Representative Strout said sometimes he does use a seat belt when he is traveling home from here late at night on a snowy night. He buckles up once in a while. Why does he? He knows he has the greatest chance of getting involved in an accident or injury. Would he buckle up if he was told tonight when he left here that he probably is going to be in an accident? I bet that he would. Most people feel that they will never be involved in an accident. However, statistics show that most people are at some point in their life.

Another issue that a lot of you probably aren't aware of. I was talking to the Deputy Chief of the State Police and he was not aware of this, but Maine adopted mandatory seat belts in 1987 for all commercial vehicles in excess of 10,000 pounds that are engaged in commerce. This legislature in 1987, again in 1989, I believe, in 1991, and most recently in 1993 adopted the Federal Motor Carrier Safety Regulations that is 49CFR, Part 30. It is in here. It is very simple. It says, "use of belts - a motor vehicle which has a seat belt assembly installed in the drivers shall not be driven unless the driver has properly restrained himself with the seat belt assembly." This legislature has adopted that.

That goes for all commercial vehicles in excess of 10,000 pounds or more or any vehicle which is engaged in commerce. The motor carrier safety man said vehicles used in the furtherance of commerce, that includes a half ton pickup if you are carrying blasting caps. They must wear their seat belts now. We have done this and apparently this was passed without much debate in this House. There was no recorded vote on it. I have asked for that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: We have heard both sides of this issue and I think both sides have thought deeply about this. I rise today and will vote against this bill because I do believe it is precisely a personal freedom issue.

I believe we are guaranteed constitutional rights that protect such freedoms and protect our personal right to choose. The old saying goes my personal freedom ends where your nose begins. That is true. Therefore, when you get to that point then someone makes the argument about the medical cost argument. I think the medical cost argument is an argument that are we willing to trade some of our personal freedoms for the overall savings that we will have in society in medical costs. I am not willing to make that trade.

I don't think that is a path that we ought to take Maine down. I would just argue that if we are willing to make that trade. If we are willing to sacrifice our personal freedoms for the savings in medical costs, which is a legitimate point, then we should start at the top. When I say start at the top, I mean we should start with precisely alcohol and tobacco and we should start with fatty foods and maybe other unsafe practices people engage in.

If we are going to trade our personal freedoms in this country because it will save some medical cost, let's start at the very top. Let's start at the very biggest medical costs. It is not a trade I am willing to make. It is not anything I want to regulate in your life. I hope you will not regulate it in mine. I urge you to vote against this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tyler.

Representative TYLER: Thank you Mr. Speaker, Men and Women of the House: Representative Libby mentioned early that he was taking a straw poll of what was going on. I was one of those question marks. My decision has been made. Representative Lovett got up earlier and said that a state trooper told her that he had never removed someone wearing a seat belt that was a fatal injury.

I belonged to the extrication team in the Town of Windham and have been in the first extrication teams in Cumberland County. We covered many towns including Standish, Gray and some others for a number of years. As I got thinking about what she was saying, I too, have never removed a body that was wearing a seat belt. That changed my mind and changed my issue. I will support this bill. I came here with a question mark, but I have now come down in favor. I will support this for the state of Maine. Thank you.

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

Representative BOUFFARD: Thank you Mr. Speaker, Men and Women of the House: When I came to this session, I was one who was fairly convinced that we should not have a mandatory seat belt law. I sat in the Transportation Committee and listened to the testimony and three facts came to me right clear.

Number one fact was that belted people medical costs were approximately \$10,000 dollars less than unbelted people. That was one statistic. The next statistic was from the doctors report that 40% of the

people who went through the emergency trauma unit at Bangor were either on medicaid or medicare. That was right at the top of the level that are our tax dollars are paying for this. For those that our tax dollars are not paying for, it would mean that the insurance premiums must be going up. The cost factor would definitely have a savings.

The third issue was that we are one of two states right now that does not have a seat belt law and the usage of seat belts in the state of Maine is right now 36%. The last legislature when you moved the seat belt law from 18 to 19 years old was still at 36%. Making an issue here of belting a lot more people didn't bring up any usage of the seat belt law. It is a known fact that states that do have the seat belt law and when they passed it their usage of seat belts jumped up to over 60%.

I have a feeling that some of the people that I have talked with anyway, because of the fact that they are law abiding citizens that if we do make it a law they will observe the law and the seat belt usage would go up and when the seat belt usage does go up then I can also thoroughly say to you that lives would be saved. There is no doubt about this in my mind. The doctors report that he gave shows that unbelted persons that died in the previous years amount to 67%, whereas, seat belted persons that died in an automobile accident amounted to 32%. That clearly stated to me that, if the use of seat belts is saving lives, I can not see how anyone in the body here, if we can save one persons life in the state of Maine by having this law, I don't understand how anybody could object to this.

Another issue that I want to talk about is a circular that came across the desk here. It was a letter to the editor, I guess, from somebody and it states in there that Big Brother Government is usurping the freedom by sticking their nose in our private lives and it is exactly the type of thing we voted against last November, but it looks as if government still has not gotten our message. I don't know what that has to do with the seat belt law, but after the November elections, I did not see anything in the Contract with America or any state of the 48 states that have a seat belt law that rush to the forefront and said that someone was usurping the freedom of this nation and we want that law repealed.

As a matter of fact, it was something that was brought up at the testimony that the state of Massachusetts did repeal the law once and wound up afterward bringing it back and it is also very successful in their state as well. Dirigo is the model of the state of Maine. Funny that usage of the seat belt, Dirigo, the state of Maine, is leading, but it is leading in the fact that they are not using it. We are the 50th ranked state in the nation in the usage of seat belt. I always thought that as Maine goes so goes the nation. This is one step that Maine is not going in step with the rest of the nation.

People have often said why is it Maine is always 15 years behind the times to any state in the nation. This issue is one of them. We are one step behind the 48 other states in the nation. I, for one, would prefer to see New Hampshire as the last state that does not have a seat belt law than Maine. I urge those of you aren't decided, statistics are showing and Representative O'Gara and Representative Lindahl have really explained all of these statistics money wise. The mere fact that

making a seat belt law mandatory would even save one life, one Mainer's life, is enough convincing for me to vote for the seat belt law and I urge you all to do the same. Thank you.

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

Representative PAUL: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I am a retired police officer of 26 years from Sanford. I could tell you some horror stories involving traffic accidents, but I won't go into that today. I will say this.

In my previous 8 years having served in this body I have seen one or more seat belt bills come before us and each time I have voted against the bill. My reasons for that, at the time, was a volume of mail I was receiving from my constituents and the phone calls that were made. These people told me they were not ready to start wearing seat belts. As of today, I have received one phone call asking me to vote against this bill and no mail. The voters have sent me here to represent them. Many times they have told me to vote my conscience and that is what I intend to do today by voting for this bill.

People tend to do many things that are hazardous to their health. They cross the street against walk lights. They ride standing in open pick up trucks. Walk or ride bicycles on the wrong side of the street and there are many more. I personally have two hazards. I have been smoking cigarettes for 45 years and I can't quit. I am addicted.

I don't wear my seat belt. I am willing to give it a try, maybe I will become addicted to that. Monday morning when I left Sanford with my wife backing out of the driveway, she is the kind of person that always wears her seat belt, she reminded me you don't have your seat belt fastened so I jokingly said, is this today. I fastened my seat belt to my surprise, because normally I don't wear one, when I pulled into the parking lot at the motel in Augusta I really did not realize that I had my seat belt on. Please follow me today and vote for Report "A", "Ought to Pass" on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Thank you Mr. Speaker, Men and Women of the House: I am rising in support of this bill. There are a few aspects of it I want to clarify that we didn't discuss to much today.

One, lets look at the great imposition on personal freedom that we would be inflicting on those of you who may choose not to wear seat belts if this law passes. If stopped and if found to not be wearing a seat belt the fine has been limited by amendment in committee to a maximum of \$50 dollars including repeat offenses. That is the most someone would pay even on repeated stops for that violation. I don't think that is to much to ask given the incontestable evidence that people who are in accidents not wearing seat belts do cost the rest of us by more money in our insurance bills and taxes for those whose health care costs are paid by the state.

We are not talking about locking people in jail if they don't wear a seat belt or stopping them from having the right to drive their vehicles. We are putting some encouragement to all the citizens of Maine to think one more time before they get into the car and turn the key about putting their seat belt on. In addition to that minimal fine which some will

pay there will be more education once this law is passed such as we see in states that now have seat belt laws.

We see a sign, as one of the other good Representatives mentioned, our law - your life or buckle up its the law. Just that sign will make a difference to some people who may have forgotten or who may not have made up their mind to put on their seat belt that day. Those signs will be more evident and there will be more education once this law is passed.

There were people who testified before us in committee who agreed that this bill might save money for taxpayers and health care payers, but that they felt why couldn't some of those who can still choose to not wear a seat belt pay an extra fee somehow or pay more in their insurance rates. This law will give them that opportunity. If stopped, you will pay a small fine and it will be minimal compared to the cost to the rest of society for many not wearing seat belts. I don't think it is to great an imposition considering the other safety requirements we have for operating motor vehicles and for owning motor vehicles. I encourage you to vote for this bill.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: It is obvious today from the debate on both sides of this issue that there is a lot of concern in this body. It hasn't been brought up today that for those that favor this bill there is also a Report "B" that would maintain the passive enforcement provision in the present law regarding 19 year olds and would include passive enforcement for this bill. It also puts into effect a reduction in insurance premiums. There is no question that the cost has been brought up.

The SPEAKER: Would the Representative please defer.

The Chair recognizes the Representative from Northport, Representative Lindahl and would inquire for what purposes the Representative rises?

Representative LINDAHL: Parliamentary inquiry. Is this proper to be debating this bill in front of us or the bill that he is proposing?

The SPEAKER: The Chair would respond to the request of the Representative from Northport, Representative Lindahl that, in fact, his point is well taken. The current motion before the House is acceptance of the Majority "Ought to Pass" Report as amended by Committee Amendment "A" and it would be inappropriate to entertain a discussion of the "Ought to Pass" Report as amended by Committee Amendment "B" at this time. The Representative is free to choose to discuss the reasons for his support or lack of support for the Majority "Ought to Pass" Report as amended by Committee Amendment "A", but the Chair would ask the gentleman to defer from comments regarding the merits of Committee Amendment "B".

The gentleman may proceed.

Representative BAILEY: Thank you Mr. Speaker. It would be appropriate for me to go into the benefits of Report "B" vs. Report "A". Is that correct.

The SPEAKER: The Chair would answer in the negative. The motion before us is the motion to accept the Majority "Ought to Pass" Report as amended by Committee Amendment "A" and the Chair would encourage the good Representative to confine his remarks to the acceptance or lack of acceptance of

the Majority Report as amended by Committee Amendment "A".

Representative BAILEY: If those reasons not to support Report "A", that would be appropriate then.

The SPEAKER: The Chair would respond to the Representative not knowing what the Representative may choose to say that it is difficult to guess at this time as to whether or not those remarks would be appropriate or inappropriate. However, the Chair may be in the assistance of many others who may help me make that decision.

The Representative may proceed.

Representative BAILEY: Thank you Mr. Speaker. It has been brought up here today that there is going to be great savings if this bill passes. I agree that there probably will be great savings. Some of the material that has been handed out today would imply that somewhere in the order of \$50,000,000 million dollars would be saved to the economy if this bill were to pass. I would like to say that there is a provision available if Report "A" doesn't pass where some of those savings could be passed on to the users.

The SPEAKER: Would the Representative please defer.

The Chair recognizes the Representative from Northport, Representative Lindahl and would inquire for what purpose the Representative rises?

Representative LINDAHL: The same purpose I rose for before, Mr. Speaker. I believe we are discussing an alternative and not the bill before us.

The SPEAKER: Once again the Chair would encourage the Representative from Township 27, Representative Bailey to confine his remarks to the acceptance of the Majority "Ought to Pass" Report as amended by Committee Amendment "A" and not to discuss the provisions dealing with the mandatory reduction in premiums to reflect the increased use of seat belts which is entailed in Committee Amendment "B".

Representative BAILEY: Thank you Mr. Speaker. The \$50,000,000 dollars in savings is largely going to be to the insurance companies. There is no provision in Report "A" for the insurers to receive any of that benefit. I just would like to let the body know these two things, that some of those savings could be given to the insurers and also that passive enforcement which was an issue before is available.

The SPEAKER: Would the Representative please defer. The Chair recognizes the Representative from Northport, Representative Lindahl and would inquire for what purpose does the Representative rise?

Representative LINDAHL: Mr. Speaker, same objection.

The SPEAKER: The Chair will note the objection.

The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: I know we are all hungry here and I will just take a second. I just wanted to respond to the good Representative Paul who said we were allowed to ride in the back of pick up trucks. Two years ago that bill came up before the Legislature and it was defeated. Perhaps that is the thing I was asking about before, is that the next thing on the list that we will go after, because there has to be some items in peoples minds in ways to save lives.

Someone said if we can save one life we can do this. There is no end to the ways we can save lives. That really isn't the point here. Someone

mentioned that helmets wouldn't be to much of an imposition. Ten years ago we wouldn't think about seat belt laws. Now it has come up as a possibility the way Maine goes and Maine is an independent state and I think that is one of the things that make us great by having a lot of choices.

The good Representative Thompson said that he changed his mind last night because he ran into a deer. I am not sure what side he is arguing on. He chose to wear the seat belt. Every couple years when this comes up the people parade out their posters down the halls and committee rooms. Posters of how important it is that we do this. Where is all the education in between time? Where is there even a notice with our driver's license that says how important this is? Is it really that important? If it is, why don't we educate before we mandate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Thank you Mr. Speaker, Members of the House: I have been sitting here for an hour or two hours listening to both sides of the debate. I am certainly glad to be here today so that I can support this safety belt L.D..

I can tell you a lot of war stories. I will tell you a short one. My brother and his family were driving and he did not have his seat belt on. It was a slippery, dark night. He went off the road and hit a tree. He went into the steering wheel, luckily his children were in the back of a station wagon and they did not really get hurt, just shook up. My brother, Dave, took the brunt of it in his face. He was laid up, out of work, for six months. Being out of work for six months with a small growing family is a hard thing to do. He also played trombone. You can see that being hit in the mouth and this is part of his livelihood, he was not able to work at that.

I think that I will vote in favor of this bill, not for the 50% who do not want it, but for my family and my friends who I want to protect. I feel that in doing that I am also protecting the 50% who do not want this seat belt law. You have to remember that when the cars come out with their air bags, one of the things that happen in cars is that if the air bag came out and you did not have a seat belt on it would throw you sideways. The driver would probably be hurt if he did not have a seat belt on.

On the other side of the coin, I am protecting myself because if that driver in the other car did not have his seat belt on and that air bag came out he would probably lose control of that car and then he is liable to hit me. As far as mandates are concerned, I mean, we live by mandates. We could reverse the situation and go and say OK we are not going to have anymore stop signs. We are not going to have anymore traffic lights. No more OUI. Think about what would happen in this state if we took those away. Once again I would support this bill and hope you would follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Thank you Mr. Speaker. I must respond to some of the things that were said. I would like to begin with an issue raised by the Representative from Buxton, what he talked about, in his opinion, and I hope a lot of people understand what he thinks this is all about. He said it is a quality of life issue. Quality of life. Motor vehicle crashes cause 50% of all traumatic brain

injuries nationwide. In Maine, an estimated 1,500 people are admitted to hospitals each year for treatment of brain injuries. About 300 will require long term rehabilitation services, the estimated cost will be about \$4,000,000 dollars.

What type of quality of life, not only for those who are suffering from brain damage, if not for the rest of their lives, for much of their lives. Not only is their quality of life impacted, but what about their family and everyone who is anyway associated with that person or those persons. What quality of life do they have? It has been said now, twice, by the same Representative and suggested by a couple others about if it isn't seat belts this year, next year it will be something else, fatty foods was mentioned as an example.

Laws that mandate personal behavior have to be enforceable. There has to be limited intrusion in areas already regulated and they have to have a potentially large impact compared to the small freedom they impinge. A seat belt law meets all of those criteria, all of them. It is limited. This is a law mandating seat belts, not what you can read or think. Driving is already a regulated area. You cannot drive drunk. You have to use headlights after dark. You have to have a license to drive. There are also several other things that were mentioned before.

Seat belts dramatically reduce injuries and deaths in car accidents. They are a limited infringement. Telling an adult they cannot eat fatty foods, on the other hand, or some of the other things that were mentioned meets none of those criteria, none of them. I would say to you, if any of you are in the mood for a slight bit of humor that the same people, myself included, are advocating for L.D. 165 will not be advocating for a law outlawing two eggs over easy.

Personal freedom has been mentioned again and I cautioned you that that would be the case when I began my comments earlier. A mandatory seat belt law limits personal freedom and is government intruding in our lives. That is true on both counts. I didn't deny it initially and I don't deny it now. Any law that tells you what to do is an infringement and it is an intrusion. So is the lack of seat belts. The resulting unnecessary injuries cost us all money. Thereby, infringing on all of our freedom and intruding on all of our financial lives.

The freedom to go unbelted and the unnecessary injuries that result increase all of our taxes, all of our business costs, and all of our medical insurance premiums. The comment was made about insurance in an attempt, and I certainly am grateful for the Representative from Northport for interjecting the objection to one of the earlier speakers on another bill.

Will mandatory seat belts cut my insurance bills? The reference was made and I will be careful not to make the same reference. In fact, in other states they have. In Maine it should be the same. Insurance premiums are set by the Maine Insurance Bureau after its staff reviews insurance costs since the last premiums were set. If as it has in other states, a mandatory seat belt reduces injuries and therefore lowers injury cost, lower premiums should result. This has happened in other states and I see no reason why it won't happen here.

In fact, in testimony to the Legislative Transportation Committee in March a staff member of the Insurance Bureau testified that claims experience

were taken into account when rates were and if injury claims decreased after seat belts were mandated rates would be adjusted accordingly. Ladies and gentlemen of the House, as I said before, I will tell you again, this is not an issue of personal freedom. It is an issue of saving lives and the data clearly shows and cannot be refuted that seat belts save lives.

Are there examples that were mentioned by our good colleagues on the Transportation Committee of deaths that resulted because of the seat belt? Have there been cases of people who have been trapped under water in a car because they were wearing their seat belt? I cannot deny that. The facts are there also. The fact remains that you are far less, overwhelmingly less, apt to be trapped in your vehicle because if you are wearing your seat belt you are not thrown around as the Representative from Scarborough pointed out. You do not impact. You are conscience. You are able to think reasonably rationally, if you can do so in such a situation.

You are far more likely to be able to get out of that vehicle. It is a matter of reducing dramatically the injuries that cost us all money around this state and in the state of Maine. It is a common sense issue. I must tell you that I did make a comment about the roll call votes on health care and I really find it interesting as I have it here in front of me and I look at it as one or two or more speakers have gotten up and it is an interesting position to see the no vote on the health care program and now a no vote on the seat belt. I don't understand it. It doesn't make any sense. It isn't consistent. I, for one, hope that somehow you will rethink what you have said and will join us in passing this L.D.. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Thank you Mr. Speaker. I will request a roll call. I came here, in part to protect the Bill of Rights. There have been no further incursions into the Fourth Amendment than in cars. You can have a warrantless search of a car, the entire car or packages in the car. What this Report "A" would do is make it a primary stop. It would articulable suspicion to stop a vehicle and search it. If the case warranted. I cannot accept Report "A" and it has nothing to do with my vote on the health care. It has nothing to do with any other of my votes. It has to do with the Fourth Amendment. No further invasions into the Fourth Amendment. There is an alternative. Thank you.

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

Representative LOOK: Thank you Mr. Speaker. May I pose a question through the Chair to anyone on the Transportation Committee?

The SPEAKER: The Representative may pose her question.

Representative LOOK: Will this legislation as proposed require seat belts in school buses?

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

The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Thank you Mr. Speaker. The answer is no.

Representative JONES of Bar Harbor requested a roll call on the motion to accept Report "A" **"Ought to Pass"**.

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 members present and voting. All 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 Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Thank you Mr. Speaker, Men and Women of the House: Very briefly I would just like to point out to the good Representative from Westbrook that at this hour, I believe, he should never talk about food, remember the eggs over easy.

I just want to talk about the consistency issue. That is the tough one. We have another debate coming up and you are all aware of it. We will be talking about a woman's right to choose. I have to tell you that I have had to swallow so hard to go along with a woman's right to choose, so hard. When it comes to consistency in decision making in this body you try to do the best you can with consistency, but sometimes you can and sometimes you can't. You have to go with on some of these issues a gut feeling that goes way, way down deep inside, inside your heart and soul. This is one of those issues.

It is just one of those issues that you decide based on your gut feeling, which way should I go? I respect both sides, but I say in this particular issue, which I do believe is quality of life, the side based on your gut feeling. How do you believe that the people of Maine would feel regarding this issue? Are they ready for it? I believe the answer is no and I hope you will follow my lead and vote no on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Thank you Mr. Speaker. I would just like to remind the ladies and gentlemen of the House that Report "A" does not take into consideration the savings to the insurance companies and it also does not take into consideration the passive enforcement that is already in place with the up to 19 year olds. I would urge you to oppose Report "A" so we can get on with Report "B".

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

Representative BOUFFARD: Thank you Mr. Speaker, Men and Women of the House: While debating this in the Transportation Committee with some of the committee members, a suggestion was made to me that what we should do is send this out to referendum to the people.

I was one that was completely against mandatory seat belt law when we started the session, but was more or less convinced by the three statistics. Therefore, after that suggestion was made to me, I did take the issue to some of my constituents. I didn't go and see 6,000 people and ask them their opinion. I did ask some of them and low and behold I would say to them, "Do you think the Legislature should pass a mandatory seat belt law or do you think it should be sent out to the people for referendum?" I was getting approximately a 50/50 vote until the

time that I would explain to them and educate my constituents, more or less, on those three statistics that happen to change my mind.

Low and behold, after I explained to them the fact that some of their tax dollars were being used for the extra health care costs for an unbelted person. The fact that we have not increased our seat belt usage in the last 4 or 5 years. It costs more for a unbelted person as opposed to an belted person. After I explained to them those three statistics, the voting changed. It changed approximately 70% to 30%.

If you go out to your constituents and explain to them what the law is really going to entail and what its going to do, plus the fact that we would not wind up being the last state in the Union to adopt it, I think you will find that voting for this seat belt law is a primary issue of the voters of the state of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Thank you Mr. Speaker, Members of the House: I am not here for gut feelings. I am here to save lives.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Thank you Mr. Speaker. Passive enforcement is not a provision now in the law. 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. 59

YEA - Adams, Barth, Benedikt, Berry, Bouffard, Brennan, Buck, Cameron, Carleton, Chartrand, Chase, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gieringer, Gooley, Green, Heesch, Johnson, Keane, Kontos, Lemaire, Lemke, Lindahl, Lovett, Martin, Marvin, Mayo, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Ott, Perkins, Plowman, Povich, Reed, G.; Reed, W.; Richardson, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Simoneau, Sirois, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Volenik, Watson, Whitcomb, Winglass, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Bigl, Birney, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Gamache, Gerry, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lumbra, Luther, Madore, Marshall, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Neal, Paul, Peavey, Pendleton, Pinkham, Poirier, Poulin, Rice, Ricker, Robichaud, Rosebush, Spear, Stedman, Strout, True, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Winsor, Yackobitz.

ABSENT - DiPietro, Pouliot, Rotondi, Shiah, Truman.
Yes, 70; No, 76; Absent, 5; Excused, 0.

70 having voted in the affirmative and 76 voted in the negative, with 5 being absent, Report "A" **"Ought to Pass"** was not accepted.

Representative STROUT of Corinth moved that the House accept Report "C" **"Ought Not to Pass"**.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Thank you Mr. Speaker. I know you will cut me off if I go in the wrong direction on this. Obviously I am urging the members of this House not to support the "Ought Not to Pass". I assumed the next move would be to move the Report that we tried to discuss earlier and was not allowed. That would have been a different story. I am trying to say this without stepping on the Speaker's toes. I must urge the members of this body not to support the "Ought Not to Pass" so that as reluctant as I am to say this, so that we would then have an opportunity to consider another motion that would be forthcoming immediately after the defeat of this motion. Thank you.

The SPEAKER: The pending question before the House is the motion to accept the "Ought Not to Pass" Report. The Chair will order a division. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Mr. Speaker, Men and Women of the House: Just remember that choice is the essence of democracy.

Representative JONES of Bar Harbor requested a roll call on the motion to accept Report "C" "Ought Not to Pass".

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 members present and voting. All 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.

ROLL CALL NO. 60

YEA - Ahearne, Aikman, Ault, Bigl, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Gamache, Gerry, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Look, Lumbr, Luther, Madore, Marshall, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Neal, Paul, Peavey, Pendleton, Pinkham, Poirier, Poulin, Rice, Ricker, Robichaud, Rosebush, Spear, Stedman, Stevens, Strout, True, Tufts, Underwood, Waterhouse, Wheeler, Winsor, Yackobitz.

NAY - Adams, Bailey, Barth, Benedikt, Berry, Birney, Bouffard, Brennan, Buck, Cameron, Carleton, Chartrand, Chase, Cloutier, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gieringer, Gooley, Gould, Green, Heeschen, Johnson, Jones, K.; Keane, Kontos, LaFountain, Lemaire, Lemke, Lindahl, Lovett, Martin, Marvin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Ott, Perkins, Plowman, Povich, Reed, G.; Reed, W.; Richardson, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Stone, Taylor, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Whitcomb, Winglass, Winn, The Speaker.

ABSENT - DiPietro, Pouliot, Rotondi, Truman.

Yes, 70; No, 77; Absent, 4; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, with 4 being absent, Report "C" "Ought Not to Pass" was not accepted.

Representative BAILEY of Township 27 moved that the House accept Report "B" "Ought to Pass" as amended.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Thank you Mr. Speaker. I would like to request a roll call. I would like to point out the essence of this as I understand it. This amendment is going to give us a seat belt law and I am hoping that you won't vote for the "Ought to Pass" and accept this report. I hope you will vote against it as we did in the very first vote here. It also, on top of that, requires burdensome regulation upon the insurance industry that I also don't agree with. If you feel the same way I do about that kind of regulation and those kinds of requirements, please follow my light. Thank you.

Representative LIBBY of Buxton requested a roll call on the motion to accept Report "B" "Ought to Pass" as amended.

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 members present and voting. All 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 Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Thank you Mr. Speaker, Men and Women of the House: I just wanted to explain this "B" Report a little in case anyone is not clear what this does. This would, in fact, have a seat belt law in place, but a number of people on the committee in hearing testimony that we would, indeed, have lower insurance rates requested, so to speak, to put up or shut up.

This amendment would require, I believe, a 5% education in insurance rates for the first year or two of the program once the law is put into effect. I think it is a good compromise in some ways because it would have a law requiring seat belt use in motor vehicles, but it would also mandate to some degree an education in insurance rates and it might make it more palatable for some of those who think it is an infringement on personal freedoms of themselves or their constituents. I would urge you to move passage of this report.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker. I would like to pose a question through the Chair. If I understand this amendment it mandates insurance regulation, wouldn't that properly belong before the Banking and Insurance Committee.

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

The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Thank you Mr. Speaker: There was nothing that said we refer it to the Banking and Insurance Committee, however, I will say that by imposing a mandate here to the insurance companies before the fact. You are actually taking away the responsibility of the Banking and Regulation Commission of State Government. You are obliging

them to do this. This is intrusion into the government facility that we have by mandating them that they reduce that cost up front. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Thank you Mr. Speaker, Ladies and Gentlemen of the House: Obviously I would have preferred the Majority Report, Report "A", but I really strongly urge you to support the motion pending before us on the House floor. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Committee Report "B". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 61

YEA - Adams, Bailey, Barth, Berry, Brennan, Cameron, Carleton, Chartrand, Chase, Cloutier, Cross, Daggett, Davidson, Desmond, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gieringer, Gooley, Green, Heesch, Heino, Hichborn, Johnson, Jones, K.; Keane, Kontos, Lemaire, Lindahl, Lovett, Martin, Marvin, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, Ott, Plowman, Povich, Reed, W.; Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Taylor, Thompson, Townsend, Treat, Tripp, Tyler, Vigue, Volenik, Watson, Winglass, Winn.

NAY - Ahearne, Aikman, Ault, Benedikt, Bigl, Birney, Bouffard, Buck, Bunker, Campbell, Chick, Chizmar, Clark, Clukey, Damren, Dexter, Donnelly, Dunn, Gamache, Gerry, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, LaFountain, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Look, Lumbra, Luther, Madore, Marshall, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Reed, G.; Rice, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, True, Tufts, Tuttle, Underwood, Waterhouse, Wheeler, Whitcomb, Winsor, Yackobitz.

ABSENT - DiPietro, Pouliot, Rotondi, Truman, The Speaker.

Yes, 66; No, 80; Absent, 5; Excused, 0.

66 having voted in the affirmative and 80 voted in the negative, with 5 being absent, Report "B" **"Ought to Pass"** as amended was not accepted.

Representative O'GARA of Westbrook moved that the House accept Report "A" **"Ought to Pass"** as amended.

The same Representative moved to table until later pending his motion to accept Report "A" **"Ought to Pass"** as amended.

Representative STROUT of Corinth requested a division on the motion to table.

A vote of the House was taken. 82 voted in favor of the same and 62 against, the motion to table until later did prevail.

On motion of Representative JACQUES of Waterville, the House recessed until 4:00 p.m.

(After Recess)

The House was called to Order by the Speaker.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (9) **"Ought Not to Pass"** - Minority (3) **"Ought to Pass"** as amended by Committee Amendment "A" (H-145) - Committee on Taxation on Bill "An Act to Return 1% of Sales Tax Revenue to the Communities in Which the Tax Was Collected" (H.P. 301) (L.D. 405)

TABLED - April 27, 1995 (Till Later Today) by Representative JACQUES of Augusta.

PENDING - Acceptance of either Report.

Representative DORE of Auburn moved that the House accept the Majority **"Ought Not to Pass"** Report.

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

Representative DORE: Thank you Mr. Speaker, Men and Women of the House: This is one of those terrible ideas that comes wrapped in a beautiful piece of paper. We would all like to go home and say I am returning more sales tax to our local community. That is what this piece of legislation proposes to do.

I want to tell you a couple of reasons why it is a terrible idea. Let me start by reading to you from current law. "Sharing the local government fund - Money credited to the local government fund shall be distributed on the basis of a formula which provides a varying amount per capita revenue sharing aide." Remember revenue sharing. Two communities based upon the comparative tax burden of each municipality. Those municipalities having a greater property tax burden would receive a larger per capita revenue sharing distribution. The portion of the local government fund to be distributed to each municipality shall be in proportion to the product of the population of the municipality multiplied by the property tax burden of the municipality."

In other words, if you have a higher value community because you already invest in your community and economic development, if say you are in Freeport and your real estate is worth more because you have done a lot of economic development in Freeport you are already getting a bigger chunk of the municipal revenue sharing pie then, say, if you were the town next door, which doesn't do as much economic development. If economic development creates a larger tax burden, you get a larger portion of revenue sharing. I want to make that perfectly clear.

In addition, later on another member of the committee is going to explain another pocket of money that you get, again, if you have greater infrastructure needs. I would just like to suggest that if you are in any community that doesn't have this great economic development or most of these stores this proposes to take money out of your schools and your community and distribute it to those communities that have done a better job of economic development. What is true about Freeport and it is also true about Auburn, the town I come from, is that the town next to Freeport cannot do the kind of economic development that Freeport has already done because Freeport has already done it.

I can assure you that Minot and Poland cannot put in the Minot and Poland Mall on a strip something like Center Street in Auburn, because we have already

done this in Auburn. If you award us with additional sales tax dollars in Auburn because we have made these economic developments, you will have to if you pass this piece of legislation, take that money away from Poland and Minot. I may be a beneficiary of this, if it were to pass, but I don't think it is a good tax policy because we already do, not one, but two things to return money to a local community that has had the wisdom to do economic development.

I would also like to say there is one other area in this piece of legislation that I am uncomfortable with. If you look at Committee Amendment "A" this start date of this supplemental pool, this would be the third supplemental pool, is July 1, 1997. I think any time you do anything in tax policy you should pay for what you are doing when you are doing it. The fiscal impact if you vote for this and it hurts your community won't be felt now. It will be felt later. If you want to hurt your towns, I suggest you hurt your towns now and then go run for reelection having done just that.

I happen to believe in all tax policy when you are reducing taxes, you ought to reduce it in the year that you are serving. When you are increasing taxes you ought to increase it in the year you are serving. You ought to pay for what you do. You ought to get the credit for what you do. You ought to get the blame for what you do. Never push that off into the next body. Thank you. I urge you to vote with the Majority "Ought Not to Pass".

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Thank you Mr. Speaker, Men and Women of the House: I rise because if I were to rise on any issue in two years here, it is this issue. The good Representative from Auburn, Representative Dore has tried to characterize this as a Freeport bill, as I knew she would.

I hope many of you have retained the hand outs I sent to your desks last week. There are many, many communities in the state that would benefit from this proposed piece of legislation. I included a top 20 list. Not because the benefits are limited to 20 communities in the state, but because it showed graphically these communities are scattered throughout the state.

Those of you who don't have it, I will remind you. It is Skowhegan, Brewer, Biddeford, Presque Isle, Sanford, Scarborough, Westbrook, Ellsworth, Kittery, Brunswick, Lewiston, Waterville, Freeport, Auburn, Augusta, South Portland, Portland and Bangor. Bangor, by the way, would be the number one community to benefit from this. Any community in the state of Maine which has an economic base, which has somewhere within its borders a cash register ringing up sales and charging a sales tax, that is many, many communities in the state, would benefit from this bill.

I want to briefly describe what the bill does, because I think there is a lot of confusion on this. It is not a local option tax. It is not increasing the sales tax. It gets confused with a lot of things. This bill was originally drafted by me would have had 1% of sales tax revenues automatically returned to communities that generate it. The fiscal note on that was enough to make your hair curl and I was a realist. It wasn't going to happen, probably not in this year, probably not in any budget year. What I felt was important though, was not so much that we get monies back to the towns now, but to the

state of Maine and this Legislature begin owning up to the fact that we say we want one thing, economic growth and development, and yet our policy seems to be of the design to foster just the opposite. I will get into why that happens.

An amendment I offered in the committee on L.D. 405, we would create a bench mark year. This year, 1995. Every community across the state we would mark how much you sent to the state of Maine in sales tax revenues. Beginning in fiscal year July 1, 1997, I believe, any growth that a community would send to the state, 1% goes back directly to that community. The local government fund will send the 5.1% or whatever other number we decide to send back to the communities on a revenue sharing redistribution formula.

Two things are accomplished by doing this. One of which is the fiscal impact on the current budget is 0. We are not asking for any dollars. The second thing that is accomplished and this is where I respectfully disagree with Representative Dore. We are not laying some smoking gun or loaded gun out there and committing future legislatures. What we are, in fact, doing is sound planning. We are saying this is a policy we want and we are setting it forth in the future so that before that day comes we can make the proper adjustments.

I have often said in the halls for those of you I have lobbied, the reason it is 1% in the future is you can't miss what you never had. This says that if we think there is going to be growth, we anticipate growth in what communities are sending to us, 1% of that growth will directly go back to the community.

Quickly, let's say a small community sends \$1,000 dollars in 1995 and collected sales tax revenues to the State Treasury. If in 1998 that \$1,000 dollars increases to \$1,100 dollars, a \$100 dollar increase, \$1 dollar will be sent automatically back to the community that generated it. At the current local government formula \$5.10 is redistributed throughout Maine on the local government fund distribution. We are up to \$6.10 now that the state is disposed of. The remaining \$93.90 of new growth stays right here. That is what you get to keep. Stuff you don't even have right now.

As far as the communities that border some of our larger retail centers, I am a student of geography. I studied urban geography and site locations, simple fact is this is where economic growth tends to take place. One only has to take a look at the mall development outside of Portland. The retail expansion is away from urban centers and to the surrounding countryside. Wal-Mart tends to go into them and things like that. As a matter of fact, it is often in economic locations where the Minots and Polands of the world probably sit at a greater advantage because of availability of land and cost of land to have economic expansion. We don't need to debate economic location here, but the simple fact is any community could benefit from this.

One of the things I want to tell you about and not to label this a Freeport bill, but it is what happened in the community I live in. It is a community where I hope you have all been and I hope you will come many more times. We welcome you and 3,000,000 to 4,000,000 visitors every year. Again, this is not a Freeport bill, but I am a Freeport Representative, I have to talk of my experience. We are the largest destination in the state of Maine. We certainly hope these people leave a lot of money

behind, not just for our own economy, the store owners and the employees, but for the state sales tax revenues.

Let me tell what is a very difficult process to host that many people. It is difficult process for South Portland to host all of the people who go to the Maine Mall. For Bangor to host all the people from that enormous area to the Bangor Mall, but somehow we do it. I was involved in local government during the middle of this boom. I guess my activity in politics was in part a response to it.

Between 1982 and 1992, we had economic growth. We had new properties being put on our tax roles and we gained about \$3,500,000 dollars in new property tax revenue from that development that you have probably stood and watched happen. During that same period of time, we lost about \$3,200,000 dollars in support to our schools. So you say Freeport, you made \$3,000 dollars on the growth. Lets talk about an intangible item. We lost our soul when we lost our downtown. The local stores, the soda fountain you would sit at, we gave that up.

We had to close our landfill early, because it got clogged with corrugated cardboard and styrofoam cups from McDonalds. We had to add fire apparatus and rescue units because lets face it you are bringing an population of 3,500,000 people to your community something is going to happen. Something is going to happen. Someone is going to get sick. Someone is going to collapse on the floor of L.L. Bean. I should have brought in our police report. About half of our police and rescue calls, if not more, are a response to people who own no property and pay no taxes to the town of Freeport, but we do the right thing. We protect their lives and property.

During that same period where we had this little game, we had to hire a town planner. We had to do traffic and engineering studies. We were trying to deal with the choke that was taking hold in our community. I dare say there are times when we could have pulled out the National Guard this summer and said, "We have a state of emergency." We literally had to put police cars on the Interstate to block the exits and say, "No one else can come to Freeport today". In case you don't know, it is a rainy day in August. Never, never come to Freeport on a rainy day in August. The people aren't on the beaches. They are in L.L. Bean.

All and all, I can tell you as someone who sat through those years that economic growth was a loss. It was a loss for the community. Not of just soul, but of its loss to its schools. We didn't have enough money. We had to raise prices. I guess what I am asking today, more than anything else is for those of you who do visit Freeport and look in the store windows and see the wonderful goods displayed. Just for one moment, today, look in the eyes of the people of Freeport, not just the store windows, look in the eyes of our elderly, who now find property tax bills that are greater than what they paid for their homes.

Look in the eyes of our middle class families who want to support good schools, because that is everything for their kids, but are finding it more and more difficult to support those school budgets, because of the impact on their property taxes. Look at some of our lower income residents and our native residents, people who have 300 years of family buried in that town can no longer afford to live in that town. They might have hoped they would take over

their parents house one day or a piece of land and it is out of the question.

This is not an exaggeration. I have looked in the eyes of these people. They have looked in the rear view mirror as they left Freeport and wondered why they had to leave generations of their family behind. It is all because prosperity isn't all it is cut out to be. Today, again, look into the eyes of these people, don't just look in the store windows and say, "Boy it must be great to have all that growth." I will tell you, if you were a small community thinking of entertaining growth and you asked me as someone who was in local government in the time we went through growth if it was worth it? I would tell you no. As I propose an amendment on L.D. 405 it starts. It just starts to make growth work for a community. Make it worth it to do it. Make it worth it to do the things we say we want communities to do. I thank you for all your patience. As I said, if I was likely to make any speech, it is certainly this one. Although I dare say, you will hear from me again. I would ask you to vote against the pending motion to support me and to support the people of Freeport and all the other communities in the state that have economic growth by later accepting the Minority "Ought to Pass" motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Thank you Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Auburn has mentioned a lot of points that are very worthy and you should take notice of.

I would like to add just a few more. The Representative from Freeport has mentioned a lot of towns on the list he sent out that would gain from this legislation. It is true that there are some towns here and cities that would gain from this legislation, but also you have to think about all those surrounding towns that are going to feel the effects of this. If a town is growing and brings in more business, it also puts a lot of strain on surrounding towns. They are the ones that are going to provide the housing, families and schooling. There are costs to other towns besides the cities that have these businesses that might move into.

Another pocket of money that was mentioned besides what Representative Dore mentioned was also that it is fair that all towns get back, as is law today, we have seen it the last few years, is the surplus at the end of the fiscal year and 1/2 of that surplus after the other things have been taken out have come back directly to the towns. This is another bit of relief to these towns. The more value you have the more you get and this is what happens in a lot of these cities.

The other point that we ought to remember is a lot of these cities are asking for business and we as a state have passed legislation known as the TIF Program. That is where towns and cities want these businesses bad enough that they are giving them tax breaks. We are giving them tax breaks now to come in because we want their business and their employment in that area.

Once again, there are a lot of problems with this bill and I would urge you very strongly to vote with the Majority "Ought Not to Pass" Report. Thank you.

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

Representative KEANE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: At the hearing Representative Hartnett talked and I got a humorous vision of a little old man in dark glasses, little beard with a monkey and an organ grinder standing on the streets of Freeport with a little tin cup. When someone goes over and lifts up its hat, low and behold, it is L.L. Bean himself.

While I had a humorous vision of Freeport, I didn't have such a humorous vision of Old Town whose business district is in disarray to say the least. We are losing most of our sales to the mall and shopping centers of Bangor and who wouldn't achieve much from this bill at all. In fact, 1% of 0 is probably 0.

Some information that was given to me that I think everyone should be aware of. That is Title 30A of the Tax Code, Paragraph 5683. It states "This section establishes a revenue sharing program that distributed surplus funds from the general fund during times of prosperity to municipalities experiencing inordinate amounts of growth. The revenue sharing funds are specifically dedicated to assisting these municipalities and meeting the unusually high costs associated with the Capitol construction and infrastructure necessary to accommodate growth and development."

There has been 3,100,000 dollars annually in the first two years of this legislation and I am sure Freeport got a considerable amount of this money too. They are being recompensed for the type of difficulty they are experiencing with their tremendous growth in that area. I would therefore urge you to vote "Ought Not to Pass" on this bill. Thank you.

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

Representative TUTTLE: Thank you Mr. Speaker, Men and Women of the House: I would ask this body to support Representative Hartnett in his efforts and to defeat the pending motion. I speak in a minority, as a member of the Taxation Committee. I think as Representative Hartnett has tried to express to you, I mean this issue has been before us before and I think it is an issue that if it is not dealt with today will be back before us.

As a community grows economically, it receives less and less funding from Augusta. That is an economic fact, less for schools, less for roads, less for police and less for police and fire protection. By passing L.D. 405 the Legislature can finally begin a policy of rewarding incentive to any Maine community which promises expansion of Maine's economy which does not only effect that community, but communities around the state. It is the way to help Maine communities meet the challenges that come with growth. Increased demands on public works, fire departments, new demands on environmental protection, sanitation and community planning.

Representative Hartnett has told you there is a double edged sword to development. There is a double edged sword to economic development. I would encourage you to support this bill. It is not a Freeport bill as some will argue. It returns 1% of future sales tax revenues to any Maine community which expands the economy on taxable sales. It is not a budget buster. It is designed to have no impact on the budget now under discussion. It begins in 1998 and even returns after that by 1% as measured by the amount of increase over the present levels.

Mr. Speaker, I would request a division and ask that you would vote against the pending motion.

Representative TUTTLE of Sanford requested a division on the motion to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Thank you Mr. Speaker. This I think is a bill for the haves and the have nots. The haves will get more and have nots like South Berwick whom the sales tax drove all of the businesses out of the place will get nothing. Thank you.

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

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would hope when the vote is taken you would vote "Ought Not to Pass".

If we have this kind of money to return back to the communities, I would much rather see our sales tax drop to 5%. It certainly would help a lot more of the communities and certainly the people of the state of Maine to have a lower sales tax. Especially when you are in competition with other states, Representative Farnum is exactly right. This bill will hurt the towns along the New Hampshire border and not do us any good. The town of Berwick will get back \$3,800 dollars. That is the amount of business we do in that town.

As you can see, we are a bedroom community. We have to educate our kids. We have to support these kids. It was surprising last night on the news that Freeport is hurting so bad from development and the City Council voted unanimously for a big expansion for L.L. Bean. That tells me that Freeport loves expansion and development. There were a number of people in there saying it would ruin their neighborhood, but that didn't seem to concern to many of them. They like that development and that is fine. I don't have a problem with that. I certainly don't want to tell them how to run their business.

I think this is a bad bill. It is a local option bill under a different disguise and I would hope we would vote "Ought Not to Pass". Thank you.

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

Representative BARTH: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I think if I had written this bill I would have come up with allowing all communities to keep 1% of the sales tax generated in their towns and then send the other 99% to the state. I have always said that government both on the federal level and on state level all across this country can be compared to a money laundering scheme.

They take our money through taxes and they launder it by extracting whatever bureaucratic expenses and then they might return some of it to our communities. I would say vote with the Majority.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Thank you Mr. Speaker, Men and Women of the House: I didn't plan to rise a second time on this bill, not. I do feel a couple of points have been made that I have to respond to.

Most recently the comments made by the good Representative from Berwick, Representative Murphy about the recent L.L. Bean expansion. Trust me you will all be glad we did that. That is a \$10,000,000 dollars investment in the Maine economy by one of the

stand out corporations of the Maine economy. A business which has worked with the town to remain in town. They own 300 acres out by the highway. I am sure DOT would connect an exit ramp for them. Just have the sign say L.L. Bean and everyone would get off.

They are staying in our downtown. Yes, there has been a lot of dislocation with some of the neighbors. We are working those problems out, because that is what we do in Freeport. We are trying to be a partner with business. I just think to say that some how allowing an expansion of L.L. Bean isn't a good thing for the state of Maine then lets throw all the lobsters back in the ocean because they must be bad too.

I would also like to respond to the good Representative from Old Town, Representative Keane who said there is nothing in this for his community. What is in this for your community is what you put into it. You take out what you put in. If you have economic growth and you are sending more sales tax, then you are going to get something out. Guess what, even if you don't put anything into economic growth and certain communities like mine, Bangor, Skowhegan, Farmington, and Presque Isle when certain communities do put something into economic growth the Old Town's will benefit.

They benefit now because of the little engines that could. The little engines across the state that despite the recession have kept their economies going, kept people employed, kept sending sales taxes so that you could bandage up this budget and we could keep sending money to schools. We could pay for hospitals. These communities are your engines that drive the economy of Maine. You can take the advice of the Majority and say don't change the oil. Don't give them an oil treatment. Don't check the air and the tires. Don't do anything. Guess what, it will run aground. People will be unemployed and you will be out even more money than you are now. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I feel compelled to speak on this issue because I, too, come from a very wealthy community. I would echo Representative Hartnett's statements concerning the people he grew up with fleeing the community. My town has been gentrified, regentrified and regentrified over and over and over during my lifetime.

I am not sure if his statistics are right. I think maybe more people visit Mt. Desert Island, but it is four towns. We are not included in that I guess. We have lots of tax exempt property in Bar Harbor. We have the Jackson Lab, one of the major cancer research institutes in the world. It is embarking on one of the major expansions in this world at the moment in super computers and scientific research. Last year they gave us \$5,000 dollars as sort of a gift. They will give us \$5,000 dollars for all that sewage you are helping us out with and the water.

We have the National Park which takes up a great deal of our property. I have seen so many of my friends leave. So many of my brilliant individuals that grew up on that island that are unable to come back. They are unable to come back to buy a house because an average house sells for \$140,000 dollars in my town.

I am going to support this bill and I am going to support it for the people of my town who have left. I am going to support it for the small towns as Representative Hartnett has said should be pouring money into expansion of their sales tax base. Can you imagine what our sales tax base is in two towns? \$125,000,000 dollars and we are only open for business three months a year. Of course, you are always welcome to come to Bar Harbor, but don't come on the 4th of July when we have the big flush, which 80,000 people flush the toilet at the same time.

I would urge support of this bill. Thank you.

Representative REED of Falmouth requested the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I congratulate Representative Hartnett on having introduced a bill which he believes is in the best interest of his community and others in this state and having spoken eloquently for it.

I want him and you to know that I take no great pleasure in rising to oppose his position. He has spoken at some length with convincing rhetoric about the top 20. I ask him for a moment to think about the bottom 437, ladies and gentlemen. Do you really think that this proposal as it would be enacted would be good for Bowdoinham, Bowerbank, Coplin Plantation, Casco, Corinth, Topsfield, Township 27, New Sharon, New Sweden, Greenville, Greene, Monmouth or Mapleton? I think that it would not.

What we have here, I suggest to you, is a classic example of a bill that is never considered, but frequently introduced and that is the law of unintended consequences. I think that if this bill were to be enacted we would move toward what we have heard many times here in this body and in the press. This is when we hear about the two Maines. We won't have two Maines with this one, my friends, we will have 20, 25 or even 30 depending upon where it breaks. This is not a very good idea, in my view. I think it puts in my mind and I ask you to put it in your mind an image of a medieval landscape with a little wall of cities with the toll keeper at each gate who says, "If you want to come in here, you will have to pay me a little toll." I must respectfully disagree with my colleague from Freeport. I think this is a local option tax in camouflage and I urge you to support the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Thank you Mr. Speaker. I rise to support Representative Hartnett's bill. Being a Selectmen from Topsham and thinking in terms of equalizing tax base. We always look at economic development as a tool. Any community can do that. This is, there is no doubt about it, an economic development bill. As far as I am concerned, this is a way to give something back to municipalities this year. We have struggled in the tax committee to look at various types of bills and exemptions. You are going to see a lot of them coming up onto the House floor and I doubt that we are going to see any relief to the municipalities. This is one bill, I feel, that would give at least some hope that we are doing something for our municipalities. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative HARTNETT: Thank you Mr. Speaker, Men and Women of the House: I just want to make sure that everyone knows this is not a local option tax. I followed that debate for to many years to have even thought about bringing such a bill before you. I think we have heard twice that somehow I have camouflaged the local option package. Rest assured the power of sales taxation will clearly rest only with state government, no one else.

This is an economic incentive program. That is what it is more than anything else. As far as all the small communities in Maine who may not gain an awful lot, I would just dare say they don't have to paint the cross walks we have to do. They don't have to have the fire hydrants we have to and the rescue personnel. I envy them in a lot of ways. They are not providing the municipal services we have to. Again, I urge you to vote against the pending motion and keep in mind one thing. As Representative Reed spoke so eloquently, not once did he call it black fly legislation.

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

Representative DORE: Thank you Mr. Speaker. I am trying to show some self restraint. This is the second and last time I will rise on this bill.

I want to remind you of a couple of things. We already reward communities that have more development. Both through our revenue sharing formula which does better for communities with more development and through our property tax relief fund which Representative Spear discussed with you and Representative Keane quoted you the law. We already do those two things. If you want to have good tax policy, the rule Representative Simoneau used to always admonish us in committee, keep it simple, stupid, the kiss rule.

A third thing to reward economic development in communities and I want you to understand where it will come from. It will come off the top of the General Fund. It will come out of your town. It will go to mine, but I am not going to vote that way because good tax policy says keep it simple. We already do two good things for communities that have development. This is a third thing. Sometimes a really good idea has already happened and it doesn't need to reappear. Thank you very much. I hope you will vote with the Majority nonpartisan Report.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hearing no objection the Representative may proceed.

Representative HARTNETT of Freeport requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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 members present and voting. All 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.

ROLL CALL NO. 62

YEA - Adams, Ahearne, Ault, Bailey, Barth, Berry, Bigl, Birney, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Desmond, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gould, Green, Greenlaw, Hatch, Heesch, Hichborn, Jacques, Joseph, Joy, Joyner, Keane, Kilkelly, Kneeland, Kontos, Labrecque, Layton, Libby JD; Lindahl, Look, Lovett, Luther, Madore, Martin, McElroy, Meres, Mitchell EH; Murphy, Nadeau, Nass, Nickerson, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Rosebush, Samson, Savage, Shiah, Simoneau, Spear, Stevens, Strout, Taylor, Thompson, Townsend, Treat, True, Tufts, Tyler, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb.

NAY - Benedikt, Buck, Carleton, Cloutier, Davidson, DiPietro, Gates, Gerry, Gieringer, Gooley, Guerrette, Hartnett, Heino, Johnson, Jones, K.; Jones, S.; Joyce, Kerr, LaFountain, Lane, Lemaire, Lemke, Libby JL; Lumbra, Marshall, Marvin, Mayo, McAlevey, Mitchell JE; Morrison, O'Gara, Plowman, Poirier, Richardson, Ricker, Robichaud, Rowe, Saxl, J.; Saxl, M.; Stedman, Tripp, Tuttle, Underwood, Winglass, Winn, Winsor, Yackobitz.

ABSENT - Aikman, Dexter, Lemont, Ott, Rotondi, Sirois, Stone, Truman, The Speaker.

Yes, 95; No, 47; Absent, 9; Excused, 0.

95 having voted in the affirmative and 47 voted in the negative, with 9 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-151) - Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (H-152) - Committee on Natural Resources on Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (EMERGENCY) (H.P. 324) (L.D. 445)

TABLED - April 27, 1995 (Till Later Today) by Representative POULIN of Oakland.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-151) Report.

Representative LIBBY of Buxton requested a division on the motion to accept the Majority "Ought to Pass" as amended Report.

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

Representative MURPHY: Thank you Mr. Speaker. What is the motion? The sun is here and I can't see.

The SPEAKER: The motion is to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-151) Report. There are two "Ought to Pass" Reports on this bill.

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I just want to make sure. I, for one, plan to vote against the Majority Report and in favor of the Minority Report.

I do this because it represents a government that is leaner, but not meaner. When I say this, what I actually mean is the Minority Report, even more so than the Majority Report, streamlines government by permitting the DEP to wave shore land zoning for

towns along the river, unlike the Majority Report it does so in a manner that does not threaten water quality.

Let me give you some brief background on the Saco River Corridor Commission. The Saco River Commission was formed over 20 years ago to protect over development along the Saco River. The novel idea of the commission is that it permitted regional oversight of development by giving each of the 22 towns along this river a vote on the commission which functions like a planning board. Oversight was not given to the state through the DEP which insured that the issues could be addressed by the very communities effected. Nor was oversight left to the individual communities which insured the issues effecting the region as a whole would be addressed on a regional basis, not piece meal through the zoning ordinance of individual towns.

The problem with the piece meal approach is that some towns, in certain situations, might not be aware of the effects of their actions on other towns along the river. Therefore, what the commission represents is a delicate balance between local and regional interest. The commission protects a valuable resource, the Saco River. The commission has also been successful in meeting its goals of clean water. For most of the lengths of the river it is classified as Class A or Class AA. This is unique among the large rivers in this state. It is clean enough that the river serves as a drinking water source for Biddeford, Saco, Old Orchard and part of Scarborough. In the summer it also serves the towns of Kennebunk, Kennebunkport and Wells. As time goes on towns as far away as York and Kittery have plans to use water from this river.

Why? Clean water is not unlimited in York County, in fact, most of the drinkable aquifer in York County are located in the Saco River Basin. What I am trying to say is that many people's water quality has been protected by the Corridor Commission and many more people in the future will come to depend on it. We should be careful before we move away from a formula that works. The Majority Report threatens this clean water and unfortunately, the good work of the commission is threatened by the Majority Report.

The reason is simple. The Majority Report reduces the territorial jurisdiction of the commission from 500 feet to 250 feet. This simple change means that development closer to the river will not be subject to regional oversight which has worked well in the past. This increases the chance that contaminants will work their way into the river. What any water district person will tell you is that this increases the risk of water born disease.

I don't want to have to tell this to our children. We should not mortgage our future. This issue is a classic case of whether we as a society are going to take preventive steps to keep our water clean and incur some modest costs up front or whether we are going to step back and cross our fingers hoping only to have to come up with the millions of dollars of preempt cost when the river inevitably becomes contaminated. It is not as if we even need to wait for a disaster to see higher costs. Right now the Biddeford and Saco Water Company which draws water from the river treats its water with chlorination.

However, for it to see any degradation in the water quality of the river, as is likely under the Majority Report, the company might be pushed over the

threshold of the Safe Drinking Water Act which would force the company to install a new treatment facility that would also run into the millions. I can only say that in this case an ounce of prevention is indeed worth a pound of cure. What I am trying to say by all of this is that clean water is important and the Majority Report threatens it. I therefore urge you to vote against the Majority Report and vote in favor of the Minority Report. I would like a roll. Thank you.

Representative MURPHY of Berwick requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

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

Representative LEMKE: Thank you Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion so that we can then go on to support the Minority Report.

On the Audit Committee, the late unlamented Audit Committee, we spent a lot of time on the Saco River. I felt like I was living on the Saco River. We spent nearly a year on this issue and frankly, I think we should have dealt with it in a week. I think if we do the right thing we can deal with it within 10 to 20 minutes here today.

The Saco River Corridor Commission as it works and as it had worked works efficiently. It works in a cost effective way and it maintains a state and national treasure. It does a lot of things and it does them cheaply and efficiently. I come from the Androscoggin Corridor, if you will, and I can assure you I know and my family know the price of cleaning up a river once it has been polluted. I will tell you, we are not talking about \$12,000 or \$18,000 dollars. We are talking about millions and millions of dollars.

I think on the grounds of good environmentalism, on the grounds of good business, in terms of cost savings, in terms of efficiency, we should keep the Saco River Corridor Commission. To do that, ladies and gentlemen, I am asking you to vote with me today to vote red on the pending motion. The good Representative from Saco, has reminded me that I shouldn't fool around with this issue, so very concisely I urge you to vote against the pending motion. Thank you.

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

Representative CARLETON: Thank you Mr. Speaker. I am rising today on this bill not as a matter of party leadership, but because this bill effects, at least in the summer time, the drinking water in my community.

As someone has said already, the Saco River provides primary drinking water for a number of communities. A number of years ago a line was put in from the Saco River that supplies drinking water to people in Wells and Ogunquit when there are a large number of people there in the summer. I have had a little bit of experience with rivers, brooks and sources of drinking water. It relates to my home town and the primary source of drinking water for Wells which is a brook called Branch Brook which forms the boundary between Kennebunk and Wells.

Back in another life when I was in a partnership with some folks that wanted to build some houses, we bought some land along the Branch Brook. It was a wonderful looking piece of land. In our innocence, we looked at the brook and we said isn't it nice to

have a brook running along our property. It turned out that there was a lot of concern about having structures happen along the side of a source of drinking water.

I got an education about just what can happen if some pollution gets into the aquifer or tributary of a source of drinking water. The results of that can be devastating. You cut off your drinking water. It costs millions of dollars to clean it up. It takes a long time to clean it up. Once you go through that process, I don't think anybody feels very comfortable about having anybody very near to be able to do anything which is very near a source of drinking water. There was an effort in my town to prohibit construction, much more than 500 feet away from the Branch Brook. My recollection was 1000 feet then there was a compromise of some sort and luckily there has been no pollution in Branch Brook.

I don't know very much about the Saco River Corridor, but I do know that the Majority Report reduces the set back that exists, which is 500 feet to 250 feet and that concerns me very much. I hope you will vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Marshall.

Representative MARSHALL: Thank you Mr. Speaker, Colleagues in the House: My apologies to Representative Lemke for stepping on his toes. However, I am rising in opposition to Representative Lemke and ask you to support the Committee Report and the amendment coming from committee.

This particular bill went round and round in our committee for a great deal of time. It almost got to the point where you scratched your head and said where are we know. We started with the amendment that you see before us now. It was amended I don't know how many times now back to where it really didn't do anything. It failed as a whole in the committee and we ended up back with what you see today. Here we are now with the original committee amendment. It got a majority support from the committee.

It has kind of been hinted at that this amendment and bill eliminate the Saco River Corridor. It does not. It doesn't eliminate it at all. In fact, it is a compromise bill where we have added back in the estuary which was not part of the Saco River Corridor as we stand now and reduces the 500 foot width of the corridor down to 250 feet. At 500 feet, if you own 86 feet of frontage on the Saco River you have lost control or lost the ability to do things on an acre of your property. That is one acre for every 86 feet that it runs along the river. If it goes through the middle of your property, you double that because you are losing it on both sides. Even at 250 feet you lose an acre for ever 172 feet that it goes along.

It has also been brought up that this gives delegation to the town in relation to DEP as far as the shore land zoning. It is true that if some of these changes on the Saco River Corridor happens that you will not have to adopt shore land zoning in your town. I would dare say that most of the towns already have anyway. That is all that happens. If you want to do something within that corridor, however wide it ends up to be, you will still need to get a permit from your town. You have to get a permit from the Saco River Corridor. You have to get a permit from DEP and probably from the Corp of Engineers as well, I'm really not sure. We haven't reduced any permits. We have just increased the

amount of property that has to get permits and it just makes it kind of a nuisance.

If you were to own property along one of these corridors, I think you would realize the impact on you. Presently you can put your sewer for your home 100 feet from your well. There is no problems with it. It is done all the time. For the most part, I don't know of any wells that are polluted because of this. It just seems peculiar that we have to have 250 feet set back from the river that the fish live in, but 100 feet is all right for us humans to drink the water. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of points that I would like to make. This is one of these issues, as far as I am concerned, where there are some really excellent valid points on both sides of the issue. Why would I vote with the majority?

First, is this going to eliminate clean water? If it were, I can tell you the answer would be very simple. I would not support it. Of course, this isn't going to eliminate clean water. Why did we then compromise and move this down to 250 feet and have shore land zoning as the standard. Quite clearly we did it to protect people's and individual rights. The right to use the property and still in the mean time, protect clean water.

How can this protect clean water? Do you realize that this is the same standard that every other shore land body in the state of Maine has, protecting it. For example, the water body that is used for drinking in the town of Dexter is governed by shore land zoning. They have absolutely no problem with their water.

I guess the way I would feel was if 100 feet is not sufficient to protect water then we should be zoning all of the water bodies in the state of Maine further back. I look at this even though there have been some excellent points made on the other side. Ones that sometimes I would have a hard time disagreeing under certain circumstances. I look upon this as a very good compromise. I hope you will support the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Thank you Mr. Speaker. I rise as a member of the Natural Resources Committee whose name does not appear on the Majority Report. It doesn't appear on that report because I feel more strongly that we need to protect our drinking water supplies.

It only makes sense to me that there would be more demand on the property on the Saco River. It is classified A and AA, which wasn't the case 20 years ago. There were some good people that testified that have devoted a good part of their life to protecting this water source and it has worked. It is proven.

The Majority Report would be unfair to those who over the years have been responsible for the clean up of the Saco River. Unfair to those who have lived through the strict standards to improve water quality. I think the aggregate system is a unique way to control growth along the river with consideration given to density and the impact of growth to protect the water quality. The 500 foot width is also sensible emergency management planning showing regard for the history of flooding along the river.

People don't flock to the Saco River to view camps and homes crowded along the river. They spend their tourism dollars to enjoy the natural environment that the state of Maine still offers. Shore land zoning is not a water shed protection measure. The way the corridor operates now people can still enjoy the river.

You can't swim in Lake Auburn, the water supply for Auburn. You can't swim in Moosehill Pond, the water supply for Livermore Falls and part of Jay. You can swim and live in the Saco River Corridor. I heard mention of a compromise. I guess I don't feel that Committee Amendment "A" is a compromise. If there was a compromise, there wouldn't be a Minority Report. I urge you to protect a valuable natural resource, water supply and estuary. I urge you to support the continuation of a proven resource protection strategy. I urge you not to support the Majority Report. Thank you.

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 members present and voting. All 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 Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Thank you Mr. Speaker. I feel as a member of the Natural Resources Committee, I too, ought to rise and add my voice to those who support the Minority Report and urge you to vote against the report which is currently before you.

The Saco River is a AA river and currently serves as the primary drinking water supply for Biddeford, Saco, Old Orchard Beach and part of Scarborough. In the summertime it is often a supply for Kennebunk, Kennebunkport and Wells. Given the current population, this is a very important source and ought to be preserved as it has been for the last 20 years by the 500 foot corridor. In Bangor, where I come from, in Fields Pond, we own the land that is around our drinking supply and allow no one near it. In a river corridor you obviously can't do that, but at least you can have a kind of protection of a 500 foot corridor would provide.

I urge you to vote no against the pending question. Thank you.

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

Representative LAFOUNTAIN: Thank you Mr. Speaker, Men and Women of the House: I rise today and urge you to vote no on the Majority "Ought to Pass" Report and to support the Minority Report.

A few facts about the Saco River Corridor Commission. Of all the petitions of variances that have come before the commission, only 4% have been denied. This is a track record far superior to most towns implementing their zoning codes. Second, under the Minority Report, which is Committee Amendment "B", the need to obtain a separate shore line zoning permit will disappear. Such stream lining certainly does not stand in the way of development.

I further would like to remind the members of the body of an event that took place yesterday. Less than 36 hours ago, we sat in this chamber and we honored the men and women who have served in this

House in previous years. First, we gave praise and acknowledgement to the service of the former Governor's of Maine. Second, we gave praise and acknowledgement to those who served as Speaker of the House and of Clerk. Finally, we honor and acknowledge those who have served in our capacity as legislators. We call this Welcome Back Day. As the good Representative from Berwick reminded us, the Saco River Corridor Commission has been in existence for 20 years and has done a fine job.

Lets not insult the members of this body who served here years ago and undo the good work that they have done. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Thank you Mr. Speaker, Men and Women of the House: I rise to speak against the pending motion. The Saco River Corridor is a model of land use planning. It was visionary for when it was passed which, I believe, was 1971. It does what municipalities can't do themselves and offers a comprehensive and regional solution to a very difficult problem.

The width of the corridor has been 500 feet for 20 years. There is no compelling reason to change it now. Thousands of canoes enjoy the Saco River every summer. It is a reason why many people come to Maine. Reducing the width of the corridor to 250 feet would just gut the Saco River Corridor, in my view. If you want to reduce the impact on people's land, then there is no reason to tinker with the Saco River Corridor. What you can do is on Monday testify before the Judiciary Committee that has two Takings Bills that will apply to the entire state of Maine.

There is no reason to undo the Saco River Corridor and cut the width in half and undo some great work that our predecessors have done. Thank you.

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

Representative MURPHY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: It was suggested here that the 500 feet is a set back. It is not a set back it only refers to the jurisdiction that the commission has on development. It has nothing to do with a set back.

I would just like to say that the Saco River Corridor is not a regional issue that benefits only southern Maine. I would like to say that safe drinking water is an issue that is most important to all of us. I realize I am also talking about a drinking water source that could impact one quarter or more of the states population. This body has done more for smaller interest groups and I don't even need to name them.

In summary, make no mistake about it, the debate here is about clean water. The Majority Report by reducing the jurisdiction of the Saco River Corridor Commission threatened this quality. I am not going to stand before you today and tell you the commission is without flaw. I have heard enough about certain problems to convince me that there may be a problem. The problems are in the nature of frequency of meetings or turn around time. They are not serious problems. They are problems because these are all volunteer people and maybe they don't meet quite as often, but they have suggested they would. The problem is not without an end result. Unfortunately, the way the Majority Report seeks the problem of the commission is to essentially gut it of effectiveness. I believe the problems are better

addressed to more specific remedies such as requiring a faster turn around time on permits. These remedies get to the real heart of the problem. Simply stated the Majority Report aims a magic bullet, but it aims at the wrong target. I think for now this body should do the wise thing and the right thing by rejecting the Majority Report and passing the Minority Report. I urge you to do that today. Thank you.

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

Representative GREENLAW: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I had the pleasure of building and owning a house in the Saco River Corridor Commission. They stole 500 feet of my front lawn. This is an opportunity to give the people back their land. I moved out of the district so this is not a personal thing with me. It is just a memory. If you check the record, I believe the state funds for the Saco River Corridor has been cut from \$35,000 down to about \$15,000 dollars. Someone lost interest in that committee about it. Fourteen of the towns in the commission haven't voted at the town meeting to pay their fare share. Maybe what we did 20 years ago is time to change. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Marshall.

Representative MARSHALL: Thank you Mr. Speaker, Ladies and Gentlemen of the House: It is an issue on the clean water thing. We've talked about the thousands of folks that use it to canoe. I'd like to compare that, maybe in your own minds, you can think about making a comparison to the contribution of water pollution between licensed and well built septic systems that most houses have today and the contribution of these thousands of canoeists consuming large quantities of their favorite fermented liquids. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Thank you Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Natural Resources Committee who's signed on to the Minority Report I just want to highlight a couple issues here.

One is reviewing the testimony before us in committee. There was overwhelming support for keeping the 500 foot corridor. There is only, I believe, one, I think maybe two, people at the most spoke to reduce the corridor. I think the corridor commission has been a model of land use planning and protection of a natural resource in this state that we can all be proud of. As someone who lives in the Androscoggin and Kennebec Valley watershed I'm certainly jealous of the people along Saco for the fine job they've done with the river there. Another point I wanted to stress is, and as we get more bills dealing with environmental issues, I want to talk about incremental changes, incremental degradation to our natural environment. If you look out there today, who's proposing a major hazardous waste site in Maine, nobody. Who's proposing a major nuclear dump? No one.

It's the incremental changes like this of reducing, this cutting back on this and the small changes that add up to reduce the quality of our environment. It's not the big gigantic bomb shells we used to see. It's these constant eroding efforts throughout Maine and the nation and that's another

reason I want you to vote no on this Majority Report and to vote for the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: The last time I spoke relative to the Saco River my good colleague to the left from down in southern Maine quoted a poem and I haven't had a chance to tell him how much I enjoyed that and it certainly had to do with water.

I am not speaking today about water, necessarily, but rather to perhaps straighten out some things relative to the reason that I favor the Majority "Ought to Pass" as amended. The Saco River Commission, as has been stated came into being twenty years ago and the person who brought this forth on the floor represented the district that I represent at this time. I have talked with him and he is still working to keep things clean in our area of the river. He feels strongly that when this was passed it was the idea of the legislature at that time, because it was a commission to do away with the Saco River Corridor Commission in ten years. Doing research in the library I found that when this first was organized at \$47,750 dollars was raised to support the Commission and it is now down to approximately \$12,000 to \$19,000 dollars and it has been stated there must be a reason for that.

I wonder how many of you have heard of the Saco River Recreational Council. This is an organization in the northern part of the river that was organized because we were continually being somewhat harassed by the media because of the number of canoes and boats that were coming down the Saco River and dirtying the Saco River causing and would cause problems with the water. I can tell that there certainly is it no way that we, those of us that live in the northern part of the river, want to cause a problem with water because it is essential for those in the south. By the same token, it is essential for us and those of us that live in the northern part of the river, because we do draw our river somewhat from the Saco but through artisan wells.

This council, which is an organization of a varied group, protects the Saco River from the state line, south to the dam on the Saco to the Town of Hiram and this is usually the area where the boats and the canoes disembark from the Saco River. These particular people asked me to ask questions at a meeting of the Natural Resources Committee which I did, when three members of the commission, including the lawyer representing them. When I asked them what exactly was the commission plans in case they did not pass a bill that came before us dealing with taxation of water of 1% from the water company back when it was first organized. I believe in around 1881, at that time these people said that was the only thing that they planned to do to help raise money to help protect the Saco River. In doing some research, someone reminded me that every once in awhile we do have an audit review and I believe a previous speaker spoke about that, low and behold, when I look this up, it indicated that they planned to tax each canoe and each boat that was put into the river in the northern section of the Saco. Now there must be some boats that are put in other places along the Saco and I want you to know that the council has already been doing that because the budget that we have is \$20,000 to \$30,000 dollars which we in the northern section

raised through various efforts to help control the Saco River and to control and hopefully keep the waters clean. I chaired the Comprehensive Planning Committee in our town and we, as most of you know, the section in there that has to do with wet lands is very valuable to the State and of course the State gave each town monies to make sure that the shoreline, lands around the rivers and around the lakes were protected. Now no one has mentioned the Arrowhead Estates which is about halfway down, I would say, the Saco River and I believe the Arrowhead Estates came when the commission was in control and the Arrowhead Commissions Estates in this area certainly caused a great deal of problems with the water supply in the Saco River.

I do not believe that it was the intention or is the intention of the Natural Resources Committee to cause a problem with the water supply. Nor do I believe that changing this as they have will cause that. I believe that all of us together making sure that things are continued to be accomplished along the entire Saco River that we can continue to provide clean water for those that use it along the Saco River Corridor and below. Undoubtedly, and I can see the concern of the people in the area in the southern part, and but I do feel that the towns themselves will certainly protect their interests and it is my intent today to support the Natural Resources Committee report, Majority Report. Thank you.

Mr. SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Thank you Mr. Speaker, I will be incredibly brief. Good Representative True in his opening remarks made mention of a poem. What we do here usually represents pros more than poetry, but I was reminded of a poem by Robert Frost which is called "The Gift Outright". It starts "We were the lands before the land was ours." Ladies and gentlemen of this House, do not vote to begin to undo the gift outright. I urge you please to vote against the pending motion.

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

ROLL CALL NO. 63

YEA - Aikman, Barth, Birney, Cross, Damren, Gooley, Gould, Greenlaw, Heino, Joy, Kilkelly, Kneeland, Layton, Lumbra, Marshall, McElroy, Morrison, Nass, Nickerson, Peavey, Perkins, Pinkham, Poulin, Spear, True, Underwood, Vigue, Waterhouse, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Ault, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Buck, Bunker, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Green, Guerrette, Hartnett, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joyce, Joyner, Keane, Kerr, Kontos, Labrecque, LaFountain, Lane, Lemaire, Lemke, Libby JD; Libby JL; Lindahl, Look, Lovett, Luther, Madore, Martin, Marvin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, O'Neal, Ott, Paul, Pendleton, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Stedman, Stevens, Strout, Thompson, Townsend, Treat, Tripp, Tufts, Tuttle, Tyler, Volenik, Watson, Wheeler, Winn, Yackobitz.

ABSENT - Campbell, Dexter, Donnelly, Lemont, Rotondi, Sirois, Stone, Taylor, Truman, The Speaker.

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

31 having voted in the affirmative and 110 voted in the negative, with 10 being absent, the Majority "Ought to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "B" (H-152) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, May 4, 1995.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

On motion of Representative PAUL of Sanford the House adjourned at 5:55 p.m., until 9:30 a.m., Thursday, May 4, 1995.